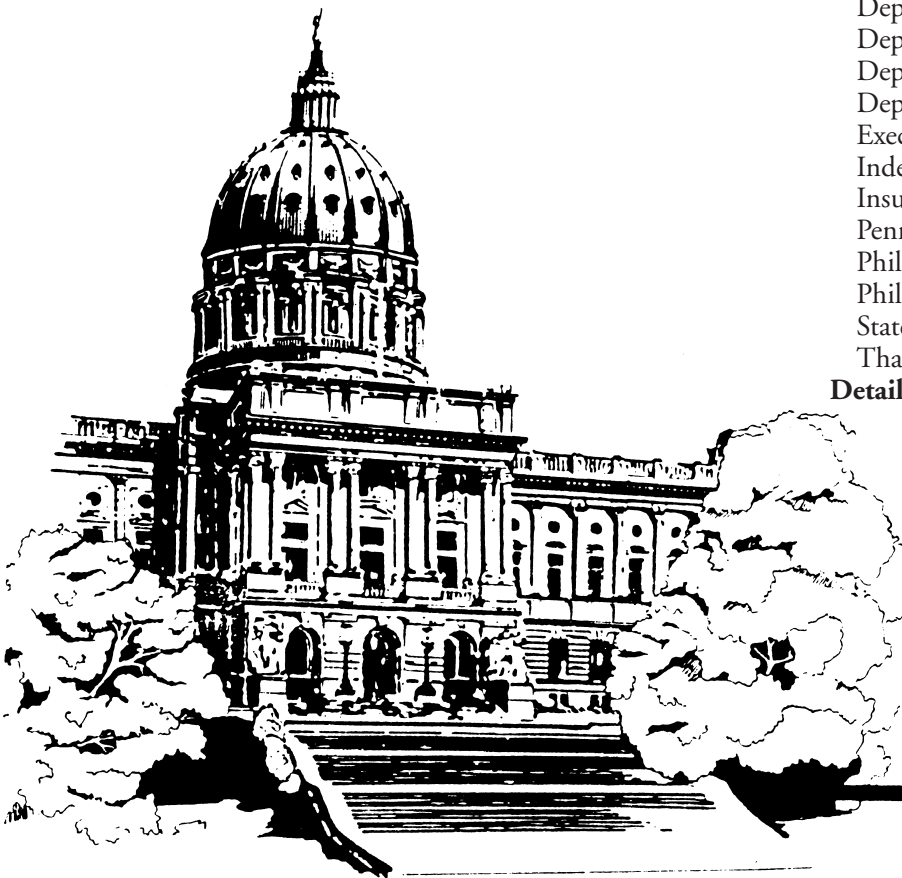


PENNSYLVANIA BULLETIN

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(Master Transmittal Sheet):**

No. 478, September 2014

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

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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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THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1915]

Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 139

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, November 7, 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*

DAVID L. LADOV,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1915. ACTIONS FOR CUSTODY OF MINOR CHILDREN

Rule 1915.3. Commencement of Action. Complaint. Order.

* * * * *

(e) A grandparent who is not in loco parentis to the child and is seeking physical and/or legal custody of a grandchild pursuant to 23 Pa.C.S. § 5323 must plead, in paragraph 9 of the complaint set forth at Rule 1915.15(a), facts establishing standing under § 5324(3). A grandparent or great-grandparent seeking partial physical custody or supervised physical custody must plead, in paragraph 9 of the complaint, facts establishing standing pursuant to 23 Pa.C.S. § 5325.

(f) An unemancipated minor parent may commence, maintain or defend an action for custody of the minor parent's child without the requirement of the appointment of a guardian for the minor parent.

Rule 1915.3-2. Criminal Record or Abuse History.

(a) *Criminal Record or Abuse History Verification.* [**The petitioner**] A party must file and serve with the complaint, [or] any petition for modification, **any counterclaim, any petition for contempt or any count for custody in a divorce complaint or counterclaim** a verification regarding any criminal record or abuse history of [**the petitioner**] **that party** and anyone living in [**the petitioner's**] **that party's** household. The verification shall be substantially in the form set forth in subdivision (c) below. The [**petitioner**] **party** must attach a blank verification form to a complaint, **counterclaim** or petition served upon the [**respondent**] **other party**. Although the [**respondent**] **party served** need not file a responsive pleading pursuant to Rule 1915.5, [**the respondent**] **he or she** must file with the court a verification regarding [**any criminal**] **his or her own criminal record** or abuse history [**of the respondent**] and **that of** anyone living in [**the respondent's**] **his or her** household on or before the initial in-person contact with the court (including, but not limited to, a conference with a conference officer or judge or conciliation, depending upon the procedure in the judicial district) but not later than 30 days after service of the complaint or petition [**upon the respondent**]. **A party's failure to file a Criminal Record or Abuse History Verification may result in sanctions against that party, including a denial of custodial time with the child.** Both parties shall file and serve updated verifications five days prior to trial.

* * * * *

Rule 1915.8. Physical and Mental Examination of Persons.

* * * * *

(b) Unless otherwise directed by the court, the expert shall deliver to the court, to the attorneys of record for the parties, to any unrepresented party, and to the guardian ad litem and/or counsel for the child, if any, copies of any reports arising from the evaluation setting out the findings, results of all tests made, diagnosis and conclusions. No reports shall be filed of record or considered evidence unless and until admitted by the court. Any report which is prepared at the request of a party, with or without a court order, and which a party intends to introduce at trial, must be delivered to the court and the other party at least thirty days before trial. If the report or any information from the evaluator is provided to the court, the evaluator shall be subject to cross-examination by all counsel and any unrepresented party without regard to who obtains or pays for the evaluation. **This subdivision does not apply to custody evaluations, which shall be delivered only to the attorneys of record for the parties, to any unrepresented party, and to the guardian ad litem and/or counsel for the child.**

* * * * *

Rule 1915.12. Civil Contempt for Disobedience of Custody Order. Petition. Form of Petition. Service. Order.

* * * * *

(c) The petition shall be in substantially the following form:

(Caption)

PETITION FOR CIVIL CONTEMPT FOR DISOBEDIENCE OF CUSTODY ORDER

The Petition of _____, respectfully represents:

1. That on _____, Judge _____ entered an Order awarding (Petitioner) (Respondent) (shared legal custody) (sole legal custody) (partial physical custody) (primary physical custody) (shared physical custody) (sole physical custody) (supervised physical custody) of the minor child(ren)

Name(s) of Child(ren))

A true and correct copy of the order is attached to this petition.

2. Respondent has willfully failed to abide by the order in that _____

3. Petitioner has attached the Criminal Record/Abuse History Verification form required pursuant to Pa.R.C.P. No. 1915.3-2.

WHEREFORE, Petitioner requests that Respondent be held in contempt of court.

(Attorney for Petitioner) (Petitioner)

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

Date Petitioner
* * * * *

Rule 1915.15. Form of Complaint. Caption. Order. Petition to Modify a Custody Order.

(a) The complaint in an action for custody shall be in substantially the following form:

(Caption)

COMPLAINT FOR CUSTODY

* * * * *

3. Plaintiff seeks (shared legal custody) (sole legal custody) (partial physical custody) (primary physical custody) (shared physical custody) (sole physical custody) (supervised physical custody) of the following child(ren):

* * * * *

[The mother] A parent of the child is _____, currently residing at _____.

[She] This parent is (married) (divorced) (single).

[The father] A parent of the child is _____, currently residing at _____.

[He] This parent is (married) (divorced) (single).

* * * * *

10. [I have] Plaintiff has attached the Criminal Record/Abuse History Verification form required pursuant to Pa.R.C.P. No. 1915.3-2.

* * * * *

(b) A petition to modify a custody order shall be in substantially the following form:

(Caption)

PETITION FOR MODIFICATION OF A CUSTODY ORDER

1. The petition of _____ respectfully represents that on _____, 20__ an Order of Court was entered for (shared legal custody) (sole legal custody) (partial physical custody) (primary physical custody) (shared physical custody) (sole physical custody) (supervised physical custody), a true and correct copy of which is attached.

2. This Order should be modified because: _____

3. Petitioner has attached the Criminal Record/Abuse History Verification form required pursuant to Pa.R.C.P. No. 1915.3-2.

WHEREFORE, Petitioner requests that the Court modify the existing Order because it will be in the best interest of the child(ren).

(Attorney for Petitioner) (Petitioner)

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

Date Petitioner
* * * * *

Rule 1915.17. Relocation. Notice and Counter-Affidavit.

(a) A party proposing to change the residence of a child which significantly impairs the ability of a non-relocating party to exercise custodial rights must notify every other person who has custodial rights to the child and provide a counter-affidavit by which a person may agree or object. The form of the notice and counter-affidavit are set forth in subdivisions (i) and (j) below. The notice shall be sent by certified mail, return receipt requested, addressee only or pursuant to Pa.R.C.P. No. 1930.4, no later than the sixtieth day before the date of the proposed change of residence or other time frame set forth in 23 Pa.C.S. § 5337(c)(2).

* * * * *

PUBLICATION REPORT

In early 2014, the Domestic Relations Procedural Rules Committee invited the family law bench and bar to comment on how the custody rules that became effective the previous year were working in practice. Approximately 10 comments were received and reviewed by the committee. Recommendation 139 includes suggestions the committee received in response to its outreach.

The issues raised in the responses were varied, and many were specific to the application of the rules and statute in different counties. The committee also could not address many concerns because they involved statutory provisions, particularly those governing criminal record/abuse history and relocation.

The proposal would require that the criminal record/abuse history verification form be filed with any complaint, counterclaim, modification or contempt petition or any custody count in a divorce complaint or counterclaim. It further provides for sanctions if a party fails to file the verification.

A legal assistance agency requested that the committee address the rights of a minor parent to seek custody of his or her child. They recounted cases in which the courts awarded custody of the child to a grandparent or the parent/child's guardian, because the parent was a minor. The committee adopted their recommended language allowing an unemancipated minor parent to commence, defend or maintain a custody action without the requirement of a guardian.

The committee also adopted a suggestion that custody evaluations in child custody cases not be provided to the court before trial to avoid the possibility of a court's adopting an evaluator's view without the benefit of the evaluator's testimony. This is consistent with the Pennsylvania Rules of Evidence. As to relocation, several comments suggested that the committee propose to refine the definition of "relocation," but the committee declined to do so as the definition is statutory. However, for consistency, the full statutory definition is used in this recommendation. That language defines "relocation" as a change in the child's residence "which significantly impairs the ability of a nonrelocating party to exercise custodial rights."

In light of the recent federal court decision striking down the commonwealth's ban on same-sex marriage, it was noted that the terms "mother" and "father" are included in the custody complaint form. This recommendation proposes to amend the form and replace those terms with "parent." Other minor proposed amendments are simply for clarity and consistency of language.

[Pa.B. Doc. No. 14-1894. Filed for public inspection September 12, 2014, 9:00 a.m.]

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Adult Probation Department Soberlink Monitoring Fees; No. AD-2014-263-CR

Order of Court

And Now, to-wit, this 11th day of August, 2014, the following Soberlink Fee Schedule is hereby adopted by the Fifth Judicial District of Pennsylvania. Further, the Adult Probation Department is hereby authorized to promulgate policies and procedures consistent with the following fee schedule for use of the Soberlink equipment for DUI Treatment Court participants sentenced to a period of Intermediate Punishment and other Intermediate Punishment cases deemed appropriate by the Court. Said increase is to be effective thirty days after publication in the *Pennsylvania Bulletin* and applied only to offenders sentenced or otherwise placed on the Soberlink monitoring device on or after the publication requirement has been satisfied.

By the Court

JEFFREY A. MANNING,
President Judge

Soberlink Fee Schedule

The Allegheny County Adult Probation Soberlink fee schedule is based upon a sliding scale according to an individual's verifiable gross income. Any offender ordered to Soberlink Monitoring by a Common Pleas Court Judge is subject to the fee schedule.

The following program fees shall be applicable to all individuals placed on Soberlink monitoring:

<i>Financial level</i>	<i>Gross Income</i>	<i>Per Diem</i>
Level 3	\$59,999 or Higher	\$15/day
Level 2	\$30,000 to \$59,998	\$10/day
Level 1	\$29,999 and under	\$5/day
Level 0	Supplemental Security Income (SSI) Social Security Disability (SSD) Social Security Retirement (SSR)	\$3.50/day

Probation officers are responsible for verifying gross income and assigning a financial level for those offenders placed on Soberlink Monitoring. Before installation, offenders are advised of the cost of being on Soberlink Monitoring and then sign the income verification form. For offenders ordered to Soberlink more than once, any previous balances from Soberlink cases must be paid in full or payment arrangements made with the Allegheny County Adult Probation Department. The offenders also sign a payment agreement that describes the cost of the program. Payments must be made in the form of check or money order only, payable to Allegheny County. Payments may be mailed to Allegheny County Adult Probation Department or given in person to the assigned probation officer. Probation officers are not permitted to accept cash payments.

[Pa.B. Doc. No. 14-1895. Filed for public inspection September 12, 2014, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Amendment of Local Rule of Civil Procedure CARB.R.C.P. 1915.3; Commencement of Action. Complaint. Order; No. 14-1892

Administrative Order No. 9-2014

And Now, this 26th day of August, 2014, it is hereby

Ordered and Decried that, effective October 1, 2014, the Carbon County Court of Common Pleas *Amends* Carbon County Rule of Civil Procedure CARB.R.C.P. 1915.3 governing Commencement of Action, Complaint, and Order in Custody Actions.

The Carbon County District Court Administrator is *Ordered and Directed* to

1. File one (1) certified copy of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) computer diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Civil Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Administrative Order in the Prothonotary's Office and the Domestic Relations Office.

By the Court

ROGER N. NANOVIC,
President Judge

Rule 1915.3. Commencement of Action. Complaint. Order.

The person to be designated in the notice to defend as the person from whom legal services can be obtained shall be the same as provided for in CARB.R.C.P. 1018.1.

A proposed order substantially in the same form as Form "A" following this rule shall be attached to the complaint or petition.

Any party to a custody action, who is incarcerated and cannot attend any scheduled proceeding and wishes to participate by electronic means, shall request permission from Court Administration seven (7) days before the scheduled event. Said party shall be responsible for making the arrangements with Court Administration and the Warden of said facility where the party is incarcerated.

"FORM A"

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW

_____	,	:	
Plaintiff		:	
		:	
vs.		:	NO.
		:	
_____	,	:	
Defendant		:	
		:	
_____	—	:	Counsel for Plaintiff
		:	
_____	—	:	Counsel for Defendant

ORDER OF COURT

AND NOW this ____ day of _____, 20____, it is hereby

ORDERED and DECREED as follows:

1. This Order of Court shall govern the custodial situation of the following children:

2. In accordance with the statutory laws of this Commonwealth, each party shall be provided all access to the medical, dental, religious and school records of the child(ren) involved. Absent an emergency situation, each party shall be informed in regard to the medical and dental needs of the child(ren) involved.

3. Jurisdiction of the child(ren) and this matter shall remain with the Court of Common Pleas of Carbon County, Pennsylvania, unless or until jurisdiction would change under the Uniform Child Custody Jurisdiction Act.

4. The welfare of the child(ren) shall be the primary consideration of the parties in any application of the terms of this Agreement. The parties shall exert every reasonable effort to foster a feeling of affection between the child(ren) of the other party. Neither party shall do anything to estrange the child(ren) from the other party, to injure the opinion of the child(ren) as to the other party, or to hamper the free and natural development of the child(ren)'s love and respect of the other party.

5. Primary physical custody of the child(ren) shall be as follows:

6. The Plaintiff/Defendant, Father/Mother, shall have partial physical custody/supervised physical custody in accordance with the following schedule:

- (a) During the week: _____
- (b) Weekends: _____ ;
- (c) Major Holidays: _____ ;
- (d) Minor Holidays: _____ ;
- (e) Mother's Day and Mother's Birthday shall be with the Mother;
- (f) Father's Day and Father's Birthday shall be with the Father.
- (g) Child(ren)'s Birthday(s): _____ ;
- (h) Vacation/Summers: _____ ;
- (i) Other times: _____ .

7. All other periods of partial physical custody/supervised physical custody shall be by mutual agreement of both parties after reasonable request, and such agreement shall not be unreasonable withheld.

8. The retrieving party shall provide transportation unless otherwise agreed to by the parties as follows: _____

9. Each party agrees to keep the other advised of their current residential address and telephone number. Each party shall be entitled to speak to the child(ren) by telephone at reasonable times and intervals when the child(ren) is/are in the custody of the other party.

10. Each party agrees to give to the other a general itinerary of all vacations they plan to take with the child(ren).

11. Each party shall endeavor to give at least twenty-four (24) hours prior notice to the other in the event that it will not be possible to exercise any of the rights herein identified.

No party may make a change in the residence of any child which significantly impairs the ability of the other party to exercise custodial rights without first complying with all of the applicable provisions of 23 Pa.C.S. § 5337 and Pa.R.C.P. No. 1915.17 regarding relocation.

The attached "Appendix to Order" is incorporated herein and shall be part of this Order.

BY THE COURT:

_____ J.

APPENDIX TO ORDER

Certain rules of conduct generally applicable to custody matters are set forth below and are binding on both parties, the breach of which could become the subject of

contempt proceedings before this Court, or could constitute grounds for amendment of our order. If these general rules conflict with the specific requirements of our order, the order shall prevail.

1.

Neither party will undertake nor permit in his or her presence the poisoning of the minor child's mind against the other party by conversation which explicitly or inferentially derides, ridicules, condemns, or in any manner derogates the other party.

2.

The parties shall not conduct arguments or heated conversations when they are together in the presence of their child(ren).

3.

Neither party will question the child(ren) as to the personal lives of the other parent except insofar as necessary to insure the personal safety of the child(ren). By this we mean that the child(ren) will not be used as a spy on the other party. It is harmful to a child to be put in the role of "spy".

4.

Neither party will make extravagant promises to the minor child(ren) for the purposes of ingratiating himself or herself to the minor child(ren) at the expense of the other party; further, any reasonable promise to the child(ren) should be made with the full expectation of carrying it out.

5.

The parties should at all times consider the child(ren)'s best interests, and act accordingly. It is in a child(ren)'s best interests to understand that he or she is trying desperately to cope with the fact of his parents' separation, and needs help in loving both parents, rather than interference of censure.

6.

The parties should remember that they cannot teach their child(ren) moral conduct by indulging in improper conduct themselves. Children are quick to recognize hypocrisy, and the parent who maintains a double standard will lose the respect of his or her child(ren).

7.

Any period of custody shall be subject to the following rules:

A. Arrangements will be worked out beforehand between the parties without forcing the child(ren) to make choices and run the risk of parental displeasure. However, the child(en) shall be consulted as to the child(ren) schedule.

B. Custodial rights should be exercised at reasonable hours and under circumstances reasonably acceptable to the other party and to the needs and desires of the minor child(ren).

C. If a party finds him or herself unable to keep an appointment, he or she should give immediate notice to the other party, so as to avoid subjecting the child(ren) to unnecessary apprehension and failure of expectations.

D. The party having custody of the child(ren) should prepare the child(ren) both physically and mentally for the custody with the other party and have the child(ren) available at the time and place mutually agreed upon.

E. If either party or the child(ren) has plans which conflict with a scheduled period of custody and wish to adjust such period, the parties should make arrangements for an adjustment acceptable to the schedules of everyone involved. Predetermined schedules are not written in stone, and both parties should be flexible for the sake of the child(ren).

F. If a party shows up for their partial physical custody/supervised physical custody under the influence of alcohol or drugs, the period of partial physical custody/supervised physical custody may be considered forfeited on those grounds alone.

8.

During the time that the child(ren) is/are living with a party, that party has the responsibility of imposing and enforcing the rules for day-to-day living. However, unless otherwise ordered, both parents should consult with one another on the major decisions affecting the child(ren)'s life, such as education, religious training, medical treatment, and so forth.

[Pa.B. Doc. No. 14-1896. Filed for public inspection September 12, 2014, 9:00 a.m.]

SNYDER COUNTY

Judicial Administration; CP-55-AD-3-2014; MC-34-2014 Full Court

Order

And Now, August 5th 2014, the 17th Judicial District Local Rule of Judicial Administration 17-1901 is adopted for use in Snyder County, Court of Common Pleas of the 17th Judicial District, Commonwealth of Pennsylvania, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The 17th Judicial District Court Administrator is Ordered and Directed to do the following:

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

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

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

4) Copies shall be kept continuously available for public inspection in the Office of the Snyder County Prothonotary.

By the Court

MICHAEL T. HUDOCK,
President Judge

RULES OF JUDICIAL ADMINISTRATION

Rule 17-1901. Prompt Disposition of Matters; Termination of Inactive Cases.

(a) The Prothonotary of Snyder and Union Counties shall prepare and forward to the Court on or before the third Monday of November each year, or on such other date as the Court by special order may direct, all civil matters in which no steps or proceedings have been taken for two (2) years or more prior thereto and shall give

notice thereof to counsel of record, and to the parties for whom no appearance has been entered, as provided by Pa.R.J.A. No. 1901(c). If no action is taken or no written objection is docketed in such a matter prior to the commencement of the general call, the Prothonotary shall strike the matter from the list and enter an order as of course dismissing the matter with prejudice for failure to prosecute, under the provisions of this rule. If no good cause for continuing a matter is shown at the general call, an order shall be entered forthwith by the court for dismissal.

(b) The Clerk of Courts shall prepare and forward to the Court on or before the third Monday of November each year, or on such other date as the Court by special order may direct criminal proceedings in which no steps or proceedings have been taken for two (2) years or more prior thereto and shall give notice thereof to the district attorney, any private prosecutor and the defendant, as provided by Pa.R.J.A. No. 1901(c). If no good cause for continuing a proceeding is shown at the general call, an order for dismissal shall be entered forthwith by the court.

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

[Pa.B. Doc. No. 14-1897. Filed for public inspection September 12, 2014, 9:00 a.m.]

SOMERSET COUNTY

Amended Rule of Court Som.R.J.A. 1070 and Som.O.C.R. 6.4.1; Changing Time Court Will Regularly Convene for Confirmation of Accounts and Statements of Proposed Distribution, and for Final Decrees on Petitions for Discharge of Fiduciaries from 9:30 a.m. to 9:00 a.m.; Administrative Order 1-2014; No. 53 Misc. 1990; No. 52 Misc. 1998

Order

And Now, this 26th day of August, 2014, the Court Amends Local Rules: Som.R.J.A. 1070 and Som.O.C.R. 6.4.1 to change time for court to convene as noted previously from 9:30 to 9:00 a.m. as follows:

Amended Rule of Court

Scheduling Procedure—
Orphans' Court

Som.R.J.A. 1070. Orphans' Court. Scheduling.

A. Account Confirmation And Discharge.

1. The court will regularly convene for confirmation of Accounts and Statements of Proposed Distribution, and for Final Decrees on Petitions for Discharge of Fiduciaries, at 9:00 a.m. on the second Monday of each second or even-numbered month. (February, April, June, August, October and December). If such regular session is continued or falls upon a holiday, presentation shall be made on the next court day.

(See, also, Som.O.C.R. 6.4.1.)

2. The Register of Wills/Clerk of Orphans' Court shall fix a filing deadline for each regular session and shall

give notice thereof at least two (2) weeks prior to the deadline. The time interval between the deadline and the session shall be sufficient to enable the Register/Clerk to make publication as provided by law and Rules of Court.

(See, also, Som.O.C.R. 6.4.1.)

3. The Register of Wills/Clerk of Orphans' Court shall schedule for the next regular session all matters filed before the deadline for that session and shall make the required publication. The notices shall contain a statement that all objections must be filed in writing before the time fixed for confirmation, or final decree of discharge, as the case may be.

4. (See, also, Som.O.C.R. 6.4.1.)

No. 53 Miscellaneous 1990

and:

Amended Rule of Court Somerset County Orphans' Court Rules

Som.O.C.R. 6.4.1. Accounts. Time For Filing.

(a) The court will regularly convene for confirmation of Accounts and Statements of Proposed Distribution, and for Final Decrees on Petitions for Discharge of Fiduciaries, at 9:00 a.m. on the second Monday of each second or even-numbered month. If such regular session is continued or falls upon a holiday, presentation shall be made on the next court day.

(See, also, Som.R.J.A. 1070)

(b) The Register of Wills/Clerk of Orphans' Court shall fix a filing deadline for each regular session and shall give notice thereof at least two (2) weeks prior to the deadline. The time interval between the deadline and the session shall be sufficient to enable the Register/Clerk to make publication as provided by law and Rules of Court.

(See, also, Som.R.J.A. 1070)

(c) The Register of Wills/Clerk of Orphans' Court shall schedule for the next regular session all matters filed before the deadline for that session and shall make the required publication. The notices shall contain a statement that all objections must be filed in writing before the time fixed for confirmation, or final decree of discharge, as the case may be.

(See, also, Som.R.J.A. 1070)

No. 52 Miscellaneous 1998

1. This amendment shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

2. The Court Administrator shall distribute two certified copies of this Order and a copy of the rule on computer diskette or CD-ROM or email to the Legislative Reference Bureau for publication with the *Pennsylvania Bulletin*.

3. The Court Administrator shall distribute one certified copy of this Order to the Administrative Office of Pennsylvania Courts.

By the Court

JOHN M. CASCIO,
President Judge

[Pa.B. Doc. No. 14-1898. Filed for public inspection September 12, 2014, 9:00 a.m.]

UNION COUNTY

Judicial Administration; CP-60-AD-5-2014; 14 527

Order

And Now, August 5th 2014, the 17th Judicial District Local Rule of Judicial Administration 17-1901 is adopted for use in Union County, Court of Common Pleas of the 17th Judicial District, Commonwealth of Pennsylvania, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The 17th Judicial District Court Administrator is Ordered and Directed to do the following:

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

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

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

4) Copies shall be kept continuously available for public inspection in the Office of the Union County Prothonotary.

By the Court

MICHAEL T. HUDOCK,
President Judge

RULES OF JUDICIAL ADMINISTRATION

Rule 17-1901. Prompt Disposition of Matters; Termination of Inactive Cases.

(a) The Prothonotary of Snyder and Union Counties shall prepare and forward to the Court on or before the third Monday of November each year, or on such other date as the Court by special order may direct, all civil matters in which no steps or proceedings have been taken for two (2) years or more prior thereto and shall give notice thereof to counsel of record, and to the parties for whom no appearance has been entered, as provided by Pa.R.J.A. No. 1901(c). If no action is taken or no written objection is docketed in such a matter prior to the commencement of the general call, the Prothonotary shall strike the matter from the list and enter an order as of course dismissing the matter with prejudice for failure to prosecute, under the provisions of this rule. If no good cause for continuing a matter is shown at the general call, an order shall be entered forthwith by the court for dismissal.

(b) The Clerk of Courts shall prepare and forward to the Court on or before the third Monday of November each year, or on such other date as the Court by special order may direct criminal proceedings in which no steps or proceedings have been taken for two (2) years or more prior thereto and shall give notice thereof to the district attorney, any private prosecutor and the defendant, as provided by Pa.R.J.A. No. 1901(c). If no good cause for continuing a proceeding is shown at the general call, an order for dismissal shall be entered forthwith by the court.

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

[Pa.B. Doc. No. 14-1899. Filed for public inspection September 12, 2014, 9:00 a.m.]

WESTMORELAND COUNTY

Publication of Social Security Numbers; No. 3 of 2014

Order

And Now this 28th day of August, 2014, *It Is Hereby Ordered* that the order dated August 21, 2014, *In Re: Publication of Social Security Numbers and Confidential Information*, is *Rescinded*.

From this date forward, the Westmoreland County Prothonotary, Register of Wills and Clerk of Courts will make a copy of any filing that contains a Social Security Number and redact the Social Security Number on the copy prior to scanning the copy for public view. The un-redacted original shall be filed in the official case file.

In the event a party requests the removal of a Social Security Number from an already scanned document, the appropriate Records' Office shall, without further Order of Court, remove the scanned document and replace it with a scanned redacted copy. The un-redacted original shall be filed in the official case file.

By the Court

RICHARD E. McCORMICK, Jr.,
President Judge

[Pa.B. Doc. No. 14-1900. Filed for public inspection September 12, 2014, 9:00 a.m.]

SUPREME COURT

Reaccreditation of the American Board of Certification as a Certifying Organization for Consumer Bankruptcy, Creditors' Rights and Business Bankruptcy; No. 129 Disciplinary Rules Doc.

Order

Per Curiam:

And Now, this 29th day of August, 2014, upon consideration of the recommendation of the Pennsylvania Bar Association Review and Certifying Board, the American Board of Certification is hereby reaccredited as a certifying organization in the areas of consumer bankruptcy, creditors' rights and business bankruptcy for a period of five years commencing November 30, 2014.

[Pa.B. Doc. No. 14-1901. Filed for public inspection September 12, 2014, 9:00 a.m.]

RULES AND REGULATIONS

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 59]

[L-2009-2107155]

Meter Location

The Pennsylvania Public Utility Commission (Commission), on May 22, 2014, adopted a final rulemaking order which amends § 59.18 (relating to meter, regulator and service line location) to be consistent with Federal regulations.

Executive Summary

The Commission is amending its existing regulations at 52 Pa. Code § 59.18 that are currently limited with respect to providing regulatory requirements for meters, regulators and service line locations. Specifying mandatory requirements for meter, regulator and service line locations is necessary to protect the safety of the public and, therefore, is in the public interest. The regulation provides a general rule that meters and regulators shall be located outside and aboveground, and that the utility shall provide written notice of a relocation. The regulation addresses where meters and regulators can be located and factors that must be considered in locating meter sets. Consideration is also given to inside meter locations that satisfy certain requirements. However, the utility will continue to retain discretion in applying this regulation. Gas utilities shall have 20 years from the effective date of this regulation to complete replacement of existing facilities in compliance with the requirements of the regulation or incorporate the requirements of the regulation in a distribution integrity management plan, whichever occurs first.

Public Meeting held
May 22, 2014

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

*Amendment to 52 Pa. Code § 59.18 Meter Location;
Doc. No. L-2009-2107155*

Final Rulemaking Order

By the Commission:

In accordance with Section 501 of the Public Utility Code, 66 Pa.C.S. § 501, the Commission formally commenced a rulemaking process to amend its existing regulations at 52 Pa. Code § 59.18 “Meter Location.” On July 28, 2011, the Commission issued a Proposed Rulemaking Order deleting the current provisions and proposing new language for the regulation. Specifically, this review was to address meter placement and location and general requirements for new service lines. Comments were filed by various interested parties, including the Independent Regulatory Review Commission. The Commission reviewed those comments and issued an Advanced Notice of Final Rulemaking Order on September 13, 2013. Comments were again filed by various interested parties. The Commission has reviewed those comments, as well as all comments filed to its Proposed Rulemaking Order, and issues this Final Rulemaking Order.

Background and Procedural History

On August 21, 2008, the Commission directed the Bureau of Transportation, Gas Safety Division, to institute an investigation into the issue of gas meter placement and relocation in the context of service disputes between gas distribution companies and their customers. Pursuant to the Commission’s directive, the Gas Safety Division reviewed existing regulations and tariff language on meter location. The Gas Safety Division concluded that the Commission’s existing regulation is vague, inadequate, and out-of-date with respect to the federal standards which the PUC has adopted.

The issue of gas meter placement and relocation in the context of service disputes between Natural Gas Distribution Companies (NGDCs) and their customers came before the Commission in two cases. *Mitchell v. Equitable Gas Company*, Docket No. C-20077457 (Opinion and Order entered January 22, 2009); *Lucas v. Columbia Gas Company of Pennsylvania, Inc.*, Docket No. C-20065830 (Order entered June 3, 2008). In both cases, the meter relocation occurred due to a discovery and repair of leaking service lines. Each case involved a customer complaint filed after the utility charged for relocating the meter.

Specifically, customers had objected to being charged for the relocation of meters from inside their residences to an exterior location, and sought reimbursement of associated costs. The gas line from the meter outlet valve is considered customer owned property. Therefore, when the meters were relocated outside, the customer line was lengthened. Normally, a homeowner would have to contract with an Operator Qualified plumber to extend the house line outside to the meter. In the instances where the customers objected to the relocation of the meters, the NGDC required the meter to be relocated due to safety concerns.

After reviewing these and other cases, the Commission approved a motion finding that its regulations and the tariff provisions of gas utilities vary significantly:

[I]t is evident that there is ambiguity with respect to meter placement and relocation . . . [and] it is critically important that our regulations and company tariffs provide clear direction on meter location issues to ensure safe and reliable service.

As much of Pennsylvania’s natural gas infrastructure is aging and a number of gas utilities are in the process of embarking on significant infrastructure replacement initiatives, it is an opportune time to assess the meter relocation policy to enable gas utilities to more efficiently address this issue in the context of these programs and to ensure safe and reliable service.¹

The Commission then directed the Gas Safety Division to undertake a review of the regulations and to prepare a report with any recommendations.

Before discussing the Gas Safety Division’s report, it is noteworthy that the Commission’s only regulation governing gas meter location reads:

52 Pa. Code § 59.18 Location of meters.

Meters shall be installed in either of the following locations:

¹ Gas Meter Location, Docket No. M-2008-2058386, Motion of Commissioner Kim Pizzigrilli (August 21, 2008).

1. Inside the building, preferably in a dry, well-ventilated place not subject to excessive heat, and as near as possible to the point of entrance of the pipe supplying service to the building.

2. Outside the building at a location selected by the utility. A meter cover or housing is required if, in the judgment of the utility, conditions require the physical protection for the meter installation.

The U.S. Department of Transportation (DOT) regulations, which the Commission has adopted² and enforces pursuant to an agreement with the Pipeline and Hazardous Material Safety Administration (PHMSA), include the following:

49 CFR § 192.353 Customer meters and regulators: Location.

(a) Each meter and service regulator, whether inside or outside a building, must be installed in a readily accessible location and be protected from corrosion and other damage, including, if installed outside a building, vehicular damage that may be anticipated. However, the upstream regulator in a series may be buried.

(b) Each service regulator installed within a building must be located as near as practical to the point of service line entrance.

(c) Each meter installed within a building must be located in a ventilated place and not less than 3 feet (914 millimeters) from any source of ignition or any source of heat which might damage the meter.

(d) Where feasible, the upstream regulator in a series must be located outside the building, unless it is located in a separate metering or regulating building.

49 CFR § 192.357 Customer meters and regulators: Installation.

(a) Each meter and each regulator must be installed so as to minimize anticipated stresses upon the connecting piping and the meter.

(b) When close all-thread nipples are used, the wall thickness remaining after the threads are cut must meet the minimum wall thickness requirements of this part.

(c) Connections made of lead or other easily damaged material may not be used in the installation of meters or regulators.

(d) Each regulator that might release gas in its operation must be vented to the outside atmosphere.

The Commission's Gas Safety Division, in conjunction with the Law Bureau, implemented an investigation regarding meter set (meter and regulator) location. The Gas Safety Division issued ten data requests to the ten largest gas utilities under PUC jurisdiction. The data requests included questions related to the number of inside/outside meter sets, inside regulators, tariff language, inside meter set leak calls, reportable incidents associated with inside meter sets, meter relocation charges, inside leak surveys, and local ordinances requiring certain meter locations. All ten gas utilities responded. The data revealed that the Pennsylvania natural gas industry has approximately 27% of all meter sets located inside of residential dwellings. This average has been consistent over the last five years.

² See Ratification and Adoption of Amendments to Part 192 of Title 49 of the *Code of Federal Regulations*, Docket No. M-00001347, Order entered March 16, 2000, 2000 Pa. PUC LEXIS 4; 52 Pa. Code § 59.33 Safety.

All the tariffs for the solicited utilities have tariff rules governing the location of meter sets. Each tariff states that the utility will make the ultimate siting determination. The basis for the utility decision for meter and regulator location is safety. The majority of the tariffs include language that allows for exceptions to outside siting. Allowance for inside meter and regulator sets are based upon historic area prohibitions and areas that have high amounts of vandalism.

The Commission is also concerned about the number of reportable incidents resulting, at least partially, from locating meters and regulators inside structures. The gas distribution utilities reported more than 4,000 leaks occurring on inside meter sets over a five year period. The number of reportable incidents³ (65) over the past forty years, however, is more alarming. While it appears from the data that the inside meter and regulators were not always the primary factor for accidents, locating meters and regulators inside certainly contributed to these incidents through a release of natural gas. State and federal gas safety regulations require gas utilities to perform leak surveys over service lines periodically; however, several of the utilities reported that they could not comply with the leak survey requirements when the meter and regulator are inside a building which prevents access. This is troubling because the state and federal regulations require leak surveys up to the meter. By not having access to the meter sets, the NGDCs cannot comply with the state and federal regulations and cannot detect inside leaks.

The state has experienced several gas explosions related to steel service lines being struck and pulled up from their stable position and subsequently pulling the service line from the inside meter set. Plastic service lines with inside meter sets do not pull away since the excavation equipment usually severs the line immediately after being struck. The combination of steel service line and inside meter set is a high risk factor for natural gas incidents.

The responding NGDCs also addressed the cost of moving meter sets from the inside to the outside. In most instances, if the customer requests a meter set relocation, the customer pays for the extension of the customer piping up to the outlet valve of the meter set. But the utilities have multiple exceptions as to who pays. Under federal regulations, Operator Qualified plumbers are the only plumbers who may perform work on service lines and meters. The Operator Qualified plumbers are certified and tested by the specific gas utility.

If a meter set is to be moved outside and the meter set was connected to a steel service line, the NGDC would replace the steel service line and move the meter set outside where practical. The cost of replacing the steel service line and moving the meter set outside is approximately \$4,000 per unit. The average cost of moving only a meter set from inside to outside is approximately \$500. UGI Utilities, Inc. (UGI) opined that most of the steel service lines with inside meter sets were connected to bare steel or unprotected steel mains which would also need to be replaced and would increase the cost.

Therefore, if an NGDC is replacing a natural gas main in accordance with its main replacement program, the NGDC should make all reasonable efforts to replace the bare or unprotected steel service lines in addition to relocating the meter set. In 2008, Columbia Gas of

³ A reportable incident exists where there was a release of gas and (1) greater than \$50,000 in damages; (2) death or injury; or (3) a significant event in the determination of the distribution utility.

Pennsylvania, Inc. (Columbia) requested limited waivers of the tariff rules relating to customer service line replacement.⁴ According to Columbia's existing tariff, certain customers are responsible for the installation, maintenance, and replacement of their service lines. We agreed it would be inequitable to require these customers to replace their service lines at the customers' expense when the replacement was required by Columbia's main replacement and upgrade project. Thus, it would be prudent and more cost effective for NGDCs to coordinate their meter set relocation program (including steel service line replacement when necessary) with their main replacement program.

There are several alternatives, however, to relocation and replacement of inside meter sets and steel service lines. One alternative is to retrofit existing service lines with Excess Flow Valves (EFV). An EFV is a device that reduces gas flow in the event that a pipe fails beyond the valve. EFVs are currently mandated for all new and replaced service lines by federal law. See 49 U.S.C. 60110, 49 CFR § 192.383. We have adopted the Federal regulation. See 52 Pa. Code § 59.33(b). The cost of retrofitting a steel service line with EFV is approximately \$1,500.

Another alternative to relocation and replacement is to relocate the inside regulator to the outside. The majority of NGDCs do not allow inside regulators; however, the companies that do allow them include UGI, PECO Energy Company (PECO), and Philadelphia Gas Works (PGW). The relocation of the inside regulator costs approximately \$450.

Finally, several utilities provide service in historic districts where municipal laws may require the meter set to be located inside structures.⁵ In some instances, the utilities may be able to locate the regulator outside; however, it was represented that there are instances when the utility must locate the entire meter set inside due to zoning ordinances. In addition, some utilities may locate meter sets inside due to vandalism concerns.

After review of the state and federal regulations pertaining to meter set location, gas distribution tariffs, and after meeting with the gas utilities and reviewing the data responses, Gas Safety concluded the following:

1. The Pennsylvania regulations at § 59.18 are silent as to reimbursement costs related to relocation of meters.
2. The Commission has adopted provisions of the *Code of Federal Regulations*, which address the safety issues related to meter set location and installation and thus are in conflict with the existing Pennsylvania regulations.
3. The collected data show that Pennsylvania has experienced 65 reportable incidents associated with inside meter sets and inside regulators over the last 40 years.
4. The gas distribution utilities have had more than 4,000 leaks related to inside meter sets over the last five years.
5. Several of the gas distribution utilities assert they cannot comply with the state and federal regulations pertaining to leakage surveys because they cannot get access to inside meter sets.
6. Inside meter sets with inside regulators are a major concern due to the possibility of high pressure gas flowing

into a structure if the inside meter or inside regulator is detached from the service line. Three gas distribution utilities have high numbers of inside meter sets with inside regulators that are at higher risk for failure because the inside meter and regulator are connected to a steel service line. Steel service lines are susceptible to pulling from excavation equipment. Pennsylvania has experienced several catastrophic explosions due to steel service lines pulling away from inside meter sets and inside regulators.

Ultimately, Gas Safety concluded that the Commission's existing regulation at 52 Pa. Code § 59.18 is vague, inadequate, and out-of-date with respect to the federal standards which the Commission has adopted.

Therefore, on July 28, 2011, the Commission adopted and entered a Proposed Rulemaking Order titled "Rulemaking Re Amendment to 52 Pa. Code § 59.18 Meter Location." As indicated previously, the Commission addressed meter placement and location and general requirements for new service lines. The Commission proposed deleting the current provisions and adding new language for the regulation. The Order was published in the *Pennsylvania Bulletin* on June 16, 2012. Comments were filed by approximately 44 interested parties, including the Independent Regulatory Review Commission (IRRC), and numerous letters were also filed by individual homeowners.

Comments to the Proposed Rulemaking Order

Essentially, the consensus of the utility industry's comments to the proposed regulations is that changes to existing provisions are unnecessary because the Commission's regulations are already consistent with Federal regulations and that the proposed rules are inconsistent with Federal regulations and impose new additional regulatory requirements. Furthermore, some of the utilities and the Energy Association of Pennsylvania (EAP) contend that the proposed regulation is based on the Gas Piping Technology Committee's (GPTC) Guide for Gas Transmission and Distribution Piping Systems (Guide or Guide Material) which is advisory in nature and not meant to be a regulation. Moreover, NGDCs are concerned about any removal of a utility's discretion in meter placement. It was suggested that relocation should be coordinated with the utility's established main replacement program and schedule, and that, specifically, utilities should not have to replace indoor regulators connected to steel service lines by 2020, as required in the proposed regulation. Utilities also seek clarification whether this regulation, if adopted, would apply to meter sets installed after the effective date of this proposed regulation since a number of new requirements are not requirements of meter sets today.

The general comments of historical commissions and boards, private citizens, preservation groups, civic associations, and government entities and officials is that meters and regulators should remain in the basements of properties within historic districts to preserve beauty and uniqueness of these areas. Also, moving meters outside will risk damage to the units caused by vehicles hitting meters and tampering, among other occurrences. Moreover, with the development of remote meter reading devices, some of these parties believe there is not a need to make meters visible in front of historic homes.

These parties also argue against limiting historic districts to those that are federally recognized. In other words, the definition of "Historic District" should specifically include local historic districts designated by municipi-

⁴ See Petition of Columbia Gas of Pennsylvania, Inc. for Limited Waivers of Certain Tariff Rules Related to Customer Service Line Replacement, Docket No. P-00072337 (May 19, 2008).

⁵ Such municipal laws may not be enforceable against public utilities due to the Commission's exclusive jurisdiction of utilities under the Public Utility Code. See *Duquesne Light Co. v. Monroeville Borough*, 449 Pa. 573, 581, 298 A.2d 252, 257 (1972).

palities, as well as others locally significant. These parties are also looking for a process for utilities to notify property owners about projects and allow the property owners to participate and make informed decisions about where the meter will be located. It was also recommended to the Commission to develop design guidelines for the appropriate location of meters and regulators. The Pennsylvania Historical and Museum Commission (PHMC) also disagreed with a statement in the Order, asserting that it was unable to identify any locally adopted historic property regulations that stipulate the location of gas meters.

The IRRC emphasized the point that the Commission established in Section 59.33 that the *Code of Federal Regulation* (CFR) and its subsequent amendments effectively supersede the Commission's regulations; and since the CFR addresses meter and regulator location, the proposed Section 59.18 raises the issue of "possible conflict with or duplication of Statutes or existing regulations." 71 P. S. § 745.5(b)(3)(i). IRRC continues its comments asking the Commission to explain how these mandates support the Commission's stated intent to make Pennsylvania's regulations consistent with federal regulations and reconcile with the Commission's statement that "the proposed amended language imposes no additional regulatory requirements upon natural gas distribution companies (NGDCs) that these utilities are not already subject to under the federal regulations."

IRRC further believes the proposed regulation includes only meter and regulator locations and does not address several of the other safety concerns identified by the Commission in its Order.

IRRC then notes that the Commission has not explained which state and federal provisions are inconsistent, or how the Commission's regulations could conflict. In order to clearly establish and support this rule-making's intent, IRRC recommends that the Commission review and revise its Preamble and responses in the Regulatory Analysis Form (RAF) prior to submitting a final regulation. IRRC questions the Commission's support for the regulation based on safety concerns stating that the Commission has not addressed excess flow valves as alternatives to relocating inside meter sets outside, or established a direct link between reportable incidents and leaks at inside meters.

IRRC recommends that the Commission withdraw this regulation. If the Commission does not withdraw the regulation, IRRC recommends that it conduct stakeholder meetings with gas utilities and commentators, including those with knowledge of ordinances regulating historic properties. IRRC also recommends that the Commission publish an advance notice of final rulemaking to allow the public and standing committees the opportunity to review any revisions that the Commission makes to the regulatory language before submittal of a final-form regulation.

Discussion of Comments to the Proposed Rulemaking Order

In response to IRRC's comments and concerns about the progress of the rulemaking, the Commission published an advance notice of final rulemaking to allow the public and standing committees the opportunity to review the revised regulatory language before submittal of a final form regulation. Advance Notice of Final Rulemaking Order, L-2009-2107155, Public Meeting held September 12, 2013, order entered September 13, 2013; 43 Pa.B. 5705 (September 28, 2013).

The Commission believed that Section 59.18 is currently limited with respect to providing regulatory re-

quirements for locating meters. The regulation merely provides that meters can be installed inside or outside the building with a few location requirements. Our Proposed Rulemaking Order (page 1) acknowledged that the existing regulation is inadequate. IRRC notes that the Commission in Section 59.33 adopts the pipeline safety laws including 49 CFR Parts 191—193, 195 and 199 that address meter and regulator location. We did not believe that our adoption of these minimum safety standards in Section 59.33(b) conflicts or duplicates the proposed regulation. Section 59.33(b) is clear that the Federal regulations are the minimum safety standards that apply to natural gas public utilities.

While the CFR might address similar provisions in terms of subject matter to the proposed regulations, the specific requirements are not the same. In fact, we agreed with the commentators that the proposed Section 59.18 is taken, largely, from the Guide Material and not the Federal regulations. The proposed regulation relies heavily on the Guide Material for structure and substance. That being said, we disagreed that the language is inflexible and leaves no room for utility discretion. We believed that any limitation of an NGDC's discretion through this regulation is in the public interest. We submitted that specifying mandatory requirements for meter, regulator, and service line locations is necessary to protect the safety of the public and, therefore, is in the public interest. However, the proposed regulation allowed the utility in many instances to deviate from the general rule or requirement if it is not "feasible and practical to do so." The utility will retain discretion in applying this regulation.

Our adoption of the CFR under Section 59.33(b) sets the minimum safety standards for all natural gas and hazardous liquid public utilities. Therefore, Section 59.33(b) does not prohibit the Commission from imposing additional regulatory safety requirements. Although there are additional requirements, we believed that the additional regulatory requirements are all in the public interest. In effect, the proposed regulation does impose additional regulatory requirements for utilities, whereas the Guide Material made them discretionary. Therefore, we agreed that statements to the contrary in the RAF were incorrect and we will make the appropriate corrections.

We further noted IRRC's comment that the proposed regulation includes only meter and regulator location and does not address several other safety concerns identified in the Preamble (Order). The issue of access to inside meters to conduct leak surveys up to the meter is raised by IRRC. We believed that reasonable access by the utility to its facilities should be addressed in the utility's tariff. We also addressed the safety issue with respect to steel service lines pulled from a stable position with the regulations that provide for the placement of the regulator outside the building. Finally, the use of excess flow valves is a safety device used in the industry and, at this point, we are not concerned by any lack of use within the industry to warrant regulatory oversight. However, in addition to noting that federal law already requires EFV installation on all new and replaced service lines, we proposed that excess flow valves must also be installed on all service lines when a meter is located inside.

The proposed regulations do amend existing regulations and we believe are consistent with the already adopted federal regulations. However, we did not intend to imply in response to RAF questions that we would not address other issues and safety concerns. Furthermore, it was not

our intent to imply that the provisions of the CFR are in conflict with existing PUC regulations. Rather than be inconsistent, we believed the proposed regulations supplement our current regulations which adopt the federal regulations.

Moreover, we did not intend to imply that NGDCs do not have access to meter sets, and that NGDCs cannot comply with state and federal regulations. Gas utilities always have the ability to gain access to their facilities by applying their tariff rules.

We also questioned the comments that assert homeowners will be adversely affected economically by the additional regulatory requirements. With respect to regulators being relocated outside buildings in historic districts, we believed that it is merely speculation to maintain that the relocated regulators would diminish the property value of the historic resource.

IRRC believes that the PUC should explain how the final regulation takes into consideration the impact of the location of meters and regulators on NGDCs, homeowners, communities, Pennsylvania's historic resources, and local preservation programs. As indicated previously, IRRC also recommended that the PUC publish an advance notice of final rulemaking to allow the public and standing committees the opportunity to review any revisions that the PUC makes to the regulatory language before submittal of a final-form regulation. IRRC recommended that the PUC review and revise its final rulemaking order and responses in the RAF prior to submitting a final regulation, in order to clearly establish and support the rulemaking's intent that it is in the public interest.

Attachment One to the Advance Notice of Final Rulemaking Order contained a more extensive summary of the Proposed Rulemaking Order comments from the utility industry, historical commissions and boards, private citizens, preservation groups, civic associations, and government entities and officials. In addition, the general comments of the IRRC to the Proposed Rulemaking Order are summarized and then addressed in a response section. Finally, the specific issues raised by the comments to the specific subsections, paragraphs and subparagraphs of Annex A of the Proposed Rulemaking Order are addressed, discussed, and resolved. In so doing, we have retained language, struck proposed language, and added new language.

As indicated previously, the Commission issued an Advance Notice of Final Rulemaking Order (ANOFRO) on September 13, 2013. Accordingly, the Order established an additional comment period that ended 30 days from the date of the publication in the *Pennsylvania Bulletin*, that date being September 28, 2013.

The Commission welcomed public comments on all revisions to the proposed regulations. We emphasized that parties should use this opportunity to focus on the revisions to the proposed rule, and not to revisit issues already raised in previously submitted comments. We were particularly interested in receiving comments on the costs that would be incurred, and any savings that might be realized by affected parties as the result of these proposed amendments.

General Comments to the Advance Notice of Final Rulemaking Order

The Energy Association of Pennsylvania (EAP) filed comments first noting that when the issue of meter placement developed, the Commission and the General Assembly were already engaged in policy discussions

regarding a more cost-effective and efficient way to fund the necessary replacement of aging utility infrastructure. EAP submits that the Commission recognized that gas utilities needed to initiate infrastructure replacement programs and supported legislation to implement a distribution system improvement charge (DSIC).⁶

EAP further believes that a utility main replacement program would create the economic and risk management efficiencies needed to consider relocation of inside meters or regulators as contemplated in the proposed amendments. EAP states that stand-alone regulatory mandates are not warranted based on the historical risk of failure associated with inside meters and regulators. According to EAP, the proposed meter location regulations will result in higher costs and the inefficient use of resources that otherwise might be dedicated to the replacement of aging infrastructure, and will not be in alignment with the risk analysis detailed in current natural gas distribution company (NGDC) federally required Distribution Integrity Management Plans (DIMP). EAP submits that under various provisions of federal regulations found at 49 C.F.R. Part 192 (which have been adopted in Pennsylvania at 52 Pa. Code § 59.33), natural gas utilities are required to file DIMP plans which identify, categorize, and rank risks associated with distribution facilities. EAP notes that all the large NGDCs have filed individual LTIIIPs under Act 11, all of which have been approved by the Commission. EAP maintains that all of these plans consider meter relocation in the context of larger efforts to replace aging infrastructure. Moreover, EAP comments that the proposed language at section 59.18(d)(1)(iv) which provides that "[i]nside meter locations shall be considered only when: . . . (iv) a utility determines that an outside meter location is neither feasible nor practical" is a cumbersome manner in which to provide the desired flexibility to the gas utility to determine meter location.⁷

EAP requests that the Commission strike the mandate to relocate all meters and regulators outside within 10 years of the effective date of the proposed amendments and draft new language which seeks to align meter relocation efforts with planned gas utility projects to replace aging infrastructure. According to EAP, the costs associated with the meter and regulator relocation mandate could delay replacement of aging pipeline infrastructure. Moreover, EAP contends that the costs would be considerably higher under the ANOFRO where meter relocation is a stand-alone project mandated to occur in a prescriptive timeframe and not coordinated with either a utility DIMP or LTIIIP. Finally, EAP seeks further clarification that costs incurred when customer-owned facilities are extended (or replaced) in the course of relocating a meter will be handled as utility expenses for the purposes of cost recovery.

EAP states that it has compiled estimates from its members assuming all inside meters and regulators would be relocated over the mandated ten year timeframe without necessarily attempting to identify either historic properties or those in areas with a "high risk of vandalism" as exempted under section 59.18(d)(1)(i) and (iii). EAP explains that meters are not currently tracked in that manner and that the cost estimate reflects the incremental cost of adhering to the amended regulation, recognizing that a certain number of meter relocations

⁶ Act 11 of 2012 signed into law on February 14, 2012. According to EAP, the Commission entered a Final Implementation Order on August 2, 2012 which included detailed discussion, inter alia, regarding the content and purpose of Long Term Infrastructure Improvement Plans (LTIIIP) required under Section 1352 (a) of Act 11.

⁷ EAP suggests further amending the phrase to read "feasible and reasonable" and to eliminate the use of the word "practical." EAP believes the phrase "feasible and practical" will actually limit utility discretion regarding meter location and give rise to unnecessary litigation regarding, inter alia, meter placement.

would occur over the next ten years under current main replacement programs. According to EAP, the fact remains that capital and resources will be diverted to complete work that has a lower risk priority based on gas utility DIMP programs.

In addition to its own recommendations, EAP supports the specific language changes to particular sections of the amended regulation as suggested by its member NGDCs. EAP also suggests, in line with the recommendations of the IRRC, that a stakeholder group to address continuing concerns regarding the new mandated timeframe for relocating all meter sets and the specific language of the proposed amendments to section 59.18 should be assembled.

UGI Distribution Companies' (UGI) comments first layout statistical information about its system. UGI has approximately 207,000 inside meters (approximately 1/3 of service locations), 48,600 of which are connected to steel service lines, and tend to be concentrated in older urban areas. As of December 31, 2012, UGI also reported having 196,696 excess flow valves installed on its service lines that tend to be located in areas where UGI has more recently initiated service or where it has more recently replaced gas mains.

UGI explains that it has implemented the policies of (a) installing contemporary plastic, as opposed to steel or other metal, service lines, (b) placing meters and regulators at outside locations, and (c) installing excess flow valves on new medium pressure service lines. According to UGI, excess flow valves recognize a drop in pressure resulting from an unrestricted flow of gas caused on a medium pressure service line and automatically cut off the flow of gas. UGI submits that under the applicable federal gas safety regulation at 49 C.F.R. § 192.383(b), excess flow valves are not installed on low pressure service lines that operate at a pressure less than 10 pounds per square inch gauge (psig) throughout the year because excess flow valves are generally unable to detect and shut off unrestricted gas flows on such low pressure service lines.

UGI believes that the most efficient means of replacing service lines and relocating meters and regulators is to perform such tasks (1) when streets and sidewalks are already being opened up to replace mains, (2) when there otherwise is a need to perform an excavation at a service location, such as an excavation to repair a leak, or (3) if the main replacement can be performed in conjunction with local street re-paving efforts or other infrastructure replacement projects that require excavation.

UGI contends that when service lines are replaced at the time of main replacement the costs of permitting fees and repaving costs can be shared, only one service line tie-in to the main has to be performed, only one excavation has to be performed, only one restoration project has to be performed, and work crews and equipment do not need to be dispatched multiple times. In addition, gas service disruptions to customers and gas service restoration activities only need to be performed one time, only one set of notices and community outreach plans needs to be implemented, and associated disruptions to the municipality and its citizens can be minimized.

UGI agrees that the costs of replacing a service line, relocating the associated meter, and installing an EFV on medium pressure service lines is approximately \$4,000 per service location, as indicated on page 6 of the ANOFRO. However, UGI believes this estimate reflects

replacements and relocations performed at the time of main replacement. UGI asserts that the best estimate of the incremental costs of performing these tasks not at the time of main replacement (non-coordinated) would be approximately \$5,400, or approximately \$1,400 more per service location.

With respect to the completion deadline, UGI estimates that it is already on schedule to replace approximately 58,000 service lines and relocate the same number of meters within the ten years compliance period proposed in the ANOFRO. UGI explains that if it had to relocate all meters within ten years in a non-coordinated fashion, it would have to perform approximately 149,000 accelerated relocations and associated service line replacements in a non-coordinated fashion at an incremental cost of \$1,400 per service location for a total incremental cost of approximately \$208.6 million, or approximately \$20.9 million per year. Finally, UGI submits that additional indirect costs will be imposed upon municipalities and residents.

UGI maintains that the ANOFRO would take one element of risk, which rates relatively low in UGI's DIMP analysis, and require a significant re-allocation of resources to address this lower risk issue in an inefficient manner. Moreover, UGI explains that since this rule-making was initiated, an acceleration of the goals of the ANOFRO has already been achieved by these other means.

National Fuel Gas Distribution Corporation (NFG) comments that the proposed final rule made various changes to the requirements for locating meters and service regulators and several of the changes provide needed clarity with respect to the appropriate location for meters and service regulators. However, NFG still believes that additional clarity is warranted and has made numerous recommendations with respect to specific provisions of the regulation.

Columbia Gas of Pennsylvania, Inc. (Columbia) also filed comments and acknowledged that the Commission is headed in the right direction but continues to have concern about the funds that utilities will need to divert from other potentially higher priority risks enumerated in their existing DIMP to accommodate the requirements of the new regulations. According to Columbia, the proposed requirement to move existing inside meter sets outdoors conflicts with existing DIMP priorities. Columbia asserts that its DIMP reflects its highest priority risks as third party damage on main and service lines first, then its first generation assets that will be mitigated as part of the Company's accelerated priority pipe replacement plan for mains and services (e.g. corrosion, and material defect).

Columbia submits that it has been engaged in an accelerated infrastructure replacement program since 2007 and at no time since the Company initiated that program has the risk associated with inside meter sets risen to a level that requires replacement ahead of the rate of relocation associated with main replacement. Columbia explains that it is actively addressing inside meter sets as part and parcel of its priority pipe replacement program, thus structurally creating new, integrated distributions systems (mains, services, and outside risers) entirely made up of new, plastic, or coated cathodically protected steel systems. According to Columbia, this will allow the Company, in an organized, efficient, cost effective way, using engineering and operating principles of today's standards, to address top risks such as corrosion and aging priority pipe, while also addressing inside

meter sets by moving those sets out as the Company replaces its aging main lines. Columbia submits that it will be forced to redirect resources away from higher priority risks and jeopardize Columbia's ability to meet its Commission approved forecasted LTIP, and notably, does not take into account that Act 11 was passed after these proposed regulations were initiated.

Columbia notes that its waiver of tariff rules is specifically related to, and is confined to, service lines required to be replaced as part of the Company's main replacement and upgrade project. Without a waiver, or other form of permission to replace customer-owned service lines, Columbia maintains that the cost burden will be on the customers to replace a service line in situations where older service lines are no longer able to hold a pressure test that is performed in conjunction with the relocation of a meter.

Columbia states that the proposed requirement to move existing meter sets outdoors will result in increased costs with minimal savings, and, therefore, at a minimum, the deadline to comply should be 20 years from the effective date of the regulation and not 10 years. Columbia submits that this will allow it to continue to address its top priority risks and also accommodate the Commission's concerns for inside meter sets.

In addition, Columbia argues like EAP, UGI, and PGW that the proposed requirement to install excess flow valves as an alternative to relocating inside meters conflicts with low pressure operating system areas. Columbia explains in more detail that excess flow valves are a cartridge-like valve that is fitted within the pipe that stops the flow of gas when a line ruptures or is damaged, such as when severed by an excavator, creating a very high flow rate. Columbia explains further that EFVs are triggered by a pressure differential that cannot be created with a low-pressure operating system like Columbia still has today in some areas. According to Columbia, when service lines are replaced or installed on a pressure system operating at less than 10 psig and it is planned to be updated to greater than 10 psig, EFVs can be installed before the update. However, Columbia submits that it is unlikely that EFVs will activate if outside of their functioning parameters thereby negating the purpose of installing an EFV to begin with. Moreover, under certain design parameters, such as a lengthy customer service line operating on a low pressure system, due to their functional characteristics, Columbia maintains that EFVs will reduce the pressure of flowing gas from the inlet side of the EFV to the outlet side. As a result, Columbia explains that the pressure drop caused by the mere presence of an EFV on a low pressure system may limit available pressure to serve a customer with greater than average demand resulting in unintended service interruptions during the higher flow needs of winter heating.

Peoples Natural Gas Company LLC and Peoples Twp LLC (Peoples) expressed concern that the newly proposed modifications, in certain parts, continue to limit the flexibility of the natural gas distribution companies to use their expertise in designing and placing meters sets, service lines and associated facilities. Further, Peoples is also concerned that the new requirement to replace all inside meters within ten (10) years, which was not present in the July 2011 Order, will unnecessarily increase costs and will be less efficient than if such meter replacements were done in conjunction with the system improvement plans already established by Peoples and approved by the Commission.

PGW submits that compliance with this rulemaking will require that approximately 332,000 meter sets be relocated from an inside location to an outside location at a cost of approximately \$826 million, and if PGW were required to spend \$826 million during a ten year period, the impact on the Company, its capital budgets and its customers would be overwhelming. PGW's relocation cost for 332,000 meters is \$670,000,000 and the renewal cost for 62,000 unprotected steel service lines is \$156,000,000. PGW maintains that the cost of relocation is unwarranted based on the substantially minimal risk in PGW's service territory.

In support, PGW explains that 99% of PGW's service lines are operated at a low pressure (i.e. 0.25 to 5 psig), and, therefore, the identified risk of delivering high or medium pressure gas which flows to the inside of a customer's building does not exist at virtually all of the customer locations in PGW's service territory.

Moreover, PGW contends that it has not experienced an incident in which an explosion occurred because a steel service line was struck and pulled from an inside meter set. Finally, PGW submits that its DIMP which was reviewed by the Commission's Gas Safety Division in December 2012 does not identify any risk associated with excavations in which a service line is pulled from an inside meter set. In addition to relocation costs, PGW contends that it will also experience substantial costs related to possible damage to existing buildings and structures, increased customer complaints and lawsuits, and potential liability associated with PGW's work on inside piping. PGW concludes that the regulations should be modified so that inside meter sets connected to certain service lines are excluded from the relocation requirement.

The PECO Energy Company (PECO or Company) comments generally that the Commission should not expand the scope of the rulemaking beyond meter sets attached to steel services. PECO believes that the ANOFRO significantly expanded the scope of the rulemaking where natural gas distribution companies now must relocate all indoor meter sets, regardless of the type of service line, within 10 years from the effective date of the regulations. PECO explains that such a change would require the relocation of an additional 50,000 meter sets that are attached to other types of service lines, such as plastic, within 10 years. PECO does not believe that the public interest is served by performing more than twice the remediation work that is already included in its approved LTIP over the same 10 year period when plastic services are involved.

PECO maintains that it would significantly change the focus of its LTIP by requiring the Company to accelerate lower safety risk work at the expense of higher safety risk work, which is not the safest, most effective, or efficient approach to meter relocation and, for these reasons, nor is it in the public interest. Finally, PECO asserts that it would almost double the cost of the project to ratepayers from \$60 million under the Commission's original order, to \$110 million dollars under the ANOFRO.

According to PECO, the LTIP was not designed to accommodate high and low priority remediation work simultaneously and doing so would not be in the public interest. PECO explains that high priority remediation work addresses risks of incidents that have a higher likelihood of occurring like cast iron main replacements because when they break a large amount of gas can be released and steel service lines because they have a high likelihood for leaking.

PECO explains that the relocation of indoor meter sets connected to plastic service lines is considered low risk because they have a low likelihood for leaking. The main concern PECO explains is if it is now required to perform high and low priority work simultaneously, high priority work will become delayed by low priority work. Therefore, if this happens, the more significant risks to life, injury, and damage (aged infrastructure consisting of cast iron mains) will not be eliminated within the next 10 years.

PECO states that it already has an effective process for notifying customers of maintenance work—PECO sends letters one week in advance of the work beginning. PECO believes that this provides more time to account for scheduling changes based on unexpected storm response or other emergent work. PECO believes the regulation will increase cost and customer frustration, which can be avoided by adopting notifications with a one week lead time.

The OCA submits that some proposed amendments to Section 59.18 require revision or clarification and requests that the Commission adopt these revisions to improve the regulation for the protection and promotion of public safety.

The City of Allentown (City) filed comments first asserting that natural gas distribution companies should be required to share the specific location of emergency shut-off valves, meters, and regulators with local emergency services, especially in instances where the service line to a property or customer is being upgraded or newly installed. In addition, the City maintains its previous position that the proposed Rule does not address the visual impacts to an historic resource when the equipment is installed outside on a primary façade. The City submits that the Rule does not require that alternatives be considered to avoid or minimize the impact of installing the meter and/or regulator outside on primary facades of historic resources. The City would require that the Rule be revised to discuss in a very specific manner how the utility companies are to work with the property owner to consider regulator placement options, and select one that minimizes the visual impact to the historic property and/or historic district. Moreover, the City argues that the new Rule should require public notification through a meeting or appropriate media outlets when projects impact the neighborhood as a whole. The City also would require natural gas distribution companies to notify property owners as well as the utility customer when they plan to move meter sets to the exterior of a property.

The Pennsylvania Historical and Museum Commission (PHMC) continues to be concerned, however, that the final rule does not provide any direction or guidance to the utilities for identifying and/or negotiating appropriate alternatives when the utility deems it necessary, practical, or less expensive to relocate a meter on the outside of a designated historic property. In the case of a historic district covered by a municipal ordinance, PHMC explains that gas companies will essentially have the choice of 1) submitting each meter relocation to the local Board of Historical Architectural Review or Historical Commission for their review, or 2) avoiding the review process altogether (since nearly all local ordinances are mute on the subject of installing utility equipment). According to PHMC, neither of these choices is in the best interest of the gas utilities, the municipalities, or the property owners.

PHMC recommends that the regulations direct gas companies to develop guidelines for relocating outside meters in locally designated historic districts, and these

guidelines should provide alternatives for typical historic building types (e.g. row houses, downtown commercial buildings, detached houses on narrow lots, etc.) PHMC still questions who is responsible for determining whether a building or a neighborhood meets one of the historic designation criteria; while many property owners are proud that their property or district is recognized as being significant, others are unaware of that status. PHMC strongly recommends that the Commission require gas utility companies to verify which properties or neighborhoods meet the regulation criteria when planning gas line improvement and meter relocation projects.

City of Allentown Mayor, Ed Pawlowski (Mayor), strongly supports the amendment to the regulation that permits inside meter locations for properties that have been designated as historic under the Pennsylvania Municipal Historic Districts Law, the Municipalities Planning Code, or a Municipal Home Rule Charter.

The Mayor also argues that the inside meter locations in historic districts should be the rule unless the utility can justify the placement should be varied for a particular location. Moreover, the Mayor favors the placement of gas meter sets indoors while the regulators, which are small and will be less intrusive on the aesthetics of historic structures, may remain outside.

Finally, the Mayor argues that property owners should be notified of installation projects and be given the opportunity to participate in public meetings with utility company representatives.

Discussion of the General Comments to the Advance Notice of Final Rulemaking Order

The consensus position of the gas utility companies is, first, that the proposed meter and regulator location regulation is not warranted based on the historical risk of failure associated with inside meters and regulators. The gas utilities specifically note that federal regulations require utilities to file DIMPs, audited by the Commission, which identify, categorize, and rank risks associated with distribution facilities.

The United States Department of Transportation's Pipeline and Hazardous Material Safety Administration (PHMSA) published the final rule establishing integrity management requirements for gas distribution pipeline systems on December 4, 2009. See 74 FR 63906. The effective date of the rule was February 12, 2010. Distribution system operators were given until August 2, 2011 to write and implement DIMP plans. See 49 C.F.R. § 192.1005.

The gas utilities expressed concern that the requirements of the new regulations to move existing inside meter sets outdoors will divert funds needed to address higher priority risks enumerated in existing DIMPs. In addition to the federal requirements, large NGDCs have filed individual Long Term Infrastructure Improvement Plans (LTIIPs) under Act 11, some of which have been approved by the Commission. We supported this legislation to implement a distribution system improvement charge (DSIC) based on our belief that gas utilities need to initiate infrastructure replacement programs. We further acknowledge these plans consider meter relocation in the context of replacing aging infrastructure. We further agree with the utility position that replacement and relocation of meter sets performed at the time of main replacement can be an efficient and cost effective way of upgrading existing service locations.

Clearly, these efficiencies for relocating meters and regulators would result when streets and sidewalks are

already excavated for main replacement. Under these circumstances, when a cost effective coordinated schedule for upgrading infrastructure is undertaken, the permitting and repaving costs can be shared, only one excavation and restoration project is scheduled, service is interrupted only once, and only one set of notices are required.

However, rather than completely leave compliance with the regulation to the time line imposed by a DIMP, we will set a time limit for gas utilities to complete replacement of existing facilities required by the regulation. We believe that a 10 year time frame is not realistic even if completed as part of a coordinated infrastructure plan. A number of the utilities expressed concern over the 10 year period. Given the remediation work and cost to be undertaken, we shall add paragraph (3) of subsection (g) to set the completion date of 20 years from the effective date of the regulation "or incorporate the requirements of the regulation in a Distribution Integrity Management Plan, whichever occurs first."

Columbia submits that the 20-year period will allow it to continue to address its top priority risks and also accommodate the Commission's concerns for inside meter sets. UGI estimations with respect to the relocation of inside meters over 10 years also support an increase in the time period for compliance with the regulation.

The 10 year time frame was not included in the July 28, 2011 Proposed Rulemaking Order. The time frame of the year 2020 for relocating steel service lines outside, that was included, is no longer relevant as we have modified the application of regulation requirement.

We do not agree with the alternative proposed by the gas utilities that meters may be located inside within a building if an excess flow valve is installed at the service line tap and the service line pressure is equal to or greater than 10 psig. EFVs do not stop the gas flow completely in the event of a service line break. Moreover, meters can also leak and utilities must access the meters to conduct a leak survey.

In addition, we recognize that excess flow valves may not be triggered by a pressure differential that cannot be created with a low-pressure operating system. As a result, meters may be located inside in low-pressure operating systems and regulators are not required. As discussed herein, we shall be adding a new subparagraph (d)(1)(i) that provides that an inside meter location shall be considered where the service line is a low pressure line. For service line pressure of 10 psig or greater, however, regulators are needed to reduce pressure. Therefore, we will retain the provision in the proposed rulemaking at paragraph (c)(2) that "[r]egulators shall be located outside when a meter is located inside." However, consistent with our understanding of where regulators are not required, we shall qualify this paragraph by adding the introductory clause "[e]xcept for low pressure systems with service line pressure less than 10 psig."

We further agree with the Mayor of the City of Allentown that regulators are less intrusive and may remain outside. Therefore, if an excavation involves a line hit that tears the line from the regulator, the gas leak will occur outside the building, rather than inside. This would represent a change to Annex A of the ANOFRO that we believe is warranted for safety reasons and aesthetics, and is now reflected in paragraph (d)(2) of the final rulemaking.

Moreover, since gas utilities will not be required to perform stand-alone projects not coordinated with either a utility DIMP or LTIP, we shall not make a distinction

in the regulation for the type of service construction, such as plastic service lines that need to be relocated. In other words, meter set relocation required by regulation is not dependent on the type of service line and we shall not make any exceptions. The replacement of service lines whether plastic or steel should depend on the priority of risk in its existing DIMP.

We also agree that gas utilities should share the specific location of emergency facilities with local emergency services. Although the argument could be made that reasonable service would require that the utility share this information, we do not believe that this requirement is a subject covered or addressed in this regulation.

We shall also decline to address visual impact alternatives that may avoid or minimize the impact of installing the meter and/or regulator outside. Although we would expect a gas utility or any utility to provide reasonable and adequate service when installing its equipment outside,⁸ we shall not attempt to set what may be subjective requirements that would avoid or minimize the impact to an historic resource. However, we do agree that property owners, as well as utility customers, should be notified of neighborhood projects, which we believe is covered under compliance with the notice requirement of paragraph (a)(2).

We further believe that the regulation sufficiently defines the restrictions under which inside meters shall be considered. If these circumstances do not exist, then the general rule of paragraph (1) of subsection (a) applies and the meter and regulator shall be located outside and above ground. Therefore, we do not agree that the rule does not provide guidance and direction. Subsection (a) lists general requirements for meter and regulator location. Specifically, for location guidance under paragraph (3) (paragraph 5 in the Final rulemaking), the utility shall consider potential damage by outside forces; under paragraph (4) (paragraph 6 in the Final rulemaking), the utility must consider a number of factors for accommodating access; and under paragraph (6) (paragraph 8 in the Final rulemaking), a list of prohibited locations is provided. Finally, under subsection (b), the regulation lists the locations where outside meter or service regulator locations can be located.

The recommendation has been made that the regulations should develop requirements for relocating meters and regulators outside in locally designated historic districts and provide alternatives for typical historic building types. As we just indicated, we do have a number of guidelines for relocating meters outside which would apply to outside meters in locally designated historic districts. We do believe, however, that the utility, in applying the regulation, has an obligation to know whether gas line improvements and meter location projects are located in historic areas. This is a burden that any property owner or contractor would probably have in undertaking exterior improvements in an historic district, since the local municipality may require prior approval before a building permit is issued.

The interested parties also made the following comments and recommendations specific to the regulatory provisions.

⁸ See e.g., *West Penn Power Company v. Pennsylvania Public Utility Commission*, 578 A.2d 75, appeal denied, 593 A.2d 429 (1990).

Comments and Discussion to Specific Regulatory Provisions of the Advance Notice of Final Rulemaking Order

Section 59.18(a) General requirements for meter and regulator location.

(1) Unless otherwise specified in this section, meters and regulators shall be located outside and aboveground. A utility shall provide written notice to a utility customer by first class mail or by personal delivery 30 days prior to relocating and subsequently installing a meter or regulator outside the customer's property.

(2) When it is necessary to install meters at multiple locations on a premises, a utility shall provide a tag or other means to indicate there are multiple meter locations.

EAP supports notice to the customer prior to relocation but requests elimination of the perceived requirement of notice thirty (30) days prior to relocating the meter set.

UGI believes deletion of the reference to steel service lines and the general statement in § 59.18(a)(1) that "meters and regulators shall be located outside" suggests that all meters and regulators must be located outside by the deadline specified in subsection (g) (10 years from effective date of regulation) even if served with plastic service lines or with steel service lines with an excess flow valve. UGI explains that if it only had to replace all inside meters served by steel service lines within ten years, as opposed to all inside meter sets, it estimates the incremental direct costs of performing non-coordinated service line replacements and meter relocations would be approximately \$44.5 million, or \$4.5 million per year, as opposed to \$208.6 million, or approximately \$20.9 million per year. UGI recommends that the Commission redraft the regulation to remove ambiguity and more clearly state in an affirmative manner what circumstances would require a meter and regulator relocation by an NGDC.

In addition, UGI notes that there are certain factors that may result in opportunities to accelerate installations of facilities before the expected installation date as well as unexpected delays. By establishing a rigid advance notice requirement, UGI states that crews might have to be demobilized, equipment idled and construction disruptions extended at considerable cost simply to comply with advance notice requirements.

UGI urges the Commission to either remove the notice requirement from its regulation, or alternatively to simply establish that reasonable advance notice to homeowners should be provided unless it is impossible or impractical to do so. According to National Fuel, providing prior written notice is not always feasible; for example, when work at a customer's premises is triggered by a gas leak or other time sensitive repair, the meter will routinely be moved outside as part of the larger repair and providing written notice is unnecessary because the utility and customer are already in communication regarding the larger repair. Therefore, National Fuel argues that subsection (a)(1) should contain an exception for situations when the meter and/or regulator is moved outside as part of an emergency repair being performed at the customer's premises.

In addition, National Fuel submits that the language on timing of the notice should be clarified to indicate that the requirement is at least thirty days advanced notice not exactly thirty days. Finally, National Fuel recommends that a sentence should be added to subsection (a)(1) that states that when feasible, the utility shall perform the relocation within the period of time set forth

in any written notice provided to the customer. Peoples generally agrees with the ANOFRO revisions, except stating that there are instances in which it is not possible to provide thirty (30) days advance notice prior to relocating and installing a new meter or regulator outside of a customer's building. Specifically, in instances of emergency or unanticipated work on site, it would be economical and efficient to relocate the meter during the repairs—in such instances, advance notice is not feasible.

Peoples suggests providing "at least" 30 days' advance notice, and the natural gas distribution company may send notice to the customer advising that the meter will be removed within a coming period of time—the exact date for which may shift due to various legitimate reasons, such as emergency work, weather conditions and crew availability. Finally, Peoples suggests that the term "property" at the conclusion of the sentence should be changed to "building" or "structure" to ensure that the regulation is specifically addressing meter and regulator locations outside of the building structure itself, and not off of the physical property (land) of the customer. Accordingly, Peoples suggests that the ANOFRO revisions be amended to reflect these changes that are provided on page 3 of its comments.

PECO notes that it does not allow for gas meters to be installed at multiple locations for safety reasons and recommends removing the proposed section.

The OCA submits that proposed Section 59.18(a)(1) should first be divided so that the general rule and customer notice provisions are set forth in separate subparts. The customer notice provision contained in proposed Section 59.18(a)(1) should be numbered as a separate subpart of Section 59.18(a) "General Requirements for Meter and Regulator Locations."

As to the first sentence of amended section 59.18(a)(1), the OCA asserts that the language "[u]nless otherwise specified in this section" does not accurately encompass that exceptions to the rule that meters and regulators be installed outside and aboveground may be the result of impossibility, a lack of feasibility, or the utility's determination that the location of the meter inside or in a specially designed cabinet with exterior access is in the public interest. The OCA recommends that the first part of proposed section 59.18(a)(1) be revised to read:

Unless otherwise [**specified**] allowed or required in this section, meters and regulators shall be located outside and aboveground.

The OCA also submits that the Commission should clarify and refine the customer notice provisions so that the utility provides the customer with appropriate notice and contact information. Additionally, the OCA contends that the Commission needs to revise proposed section 59.18 to assure that both customers and the property owner receive notice. The OCA recommends the following amendments to the customer notice language proposed by the Commission:

A utility shall provide written notice to a utility customer and **also, if different, the property owner** by first class mail or by personal delivery 30 days prior to relocating and subsequently installing a meter or regulator outside the customer's property. **The written notice shall inform the customer and property owner of the equipment that the utility proposes to relocate, the planned new location, and how to contact the utility to provide supplemental information that the utility may not have had available, such as the**

property's historic status. The written notice should also include contact information for the Commission's Bureau of Consumer Services.

Under paragraph (a)(1), if the customer is not the property owner, PGW recommends that the customer must be required to forward the written notice to the property owner. Accordingly, PGW recommends that the following sentence should be added at the end of this paragraph:

(1) A utility shall provide written notice to a utility customer by first class mail or by personal delivery 30 days prior to relocating and subsequently installing a meter or regulator outside the customer's property. If the customer is not the owner of the property, the customer must forward the written notice to the owner of the property.

Under this section, Society Hill Civic Association (Society Hill) comments that the 30-day period is too short to permit a property owner to make an adequate response, and would propose that the notification period be extended to 60 days. Moreover, Society Hill suggests that a pictorial representation of the meter and related equipment, demonstrating its size and character in readily understandable form accompanies the notice.

Society Hill also urges that the proposed provision relating to recessed cabinets in the building wall expressly exempt activities that would result in the destruction of any portion of the historic fabric of an historic building.

Discussion

We agree with NFG and Peoples that the notice provision should provide the phrase "at least" before thirty (30) days to establish that the advance notice does not have to be exactly 30 days. We believe it is reasonable to establish a specific time period as a minimum amount of time to provide the customer notice of the proposed relocation. We have made this change, now found at Section 59.18(a)(2) in the final.

In addition, we recognize People's and NFG's concern that in the event of an emergency repair the utility may move the meter outside and the customer would not have had the requisite notice. Even under these rare circumstances, we believe the utility could provide some notice to the customer. Although we believe that it is necessary to provide some notice that the utility will be engaging in the work inside and in front of the customer's property, regardless of the emergency situation, we shall include the clarifying phrase "[e]xcept in the case of an emergency." In addition, although we agree that there could be factors that may result in opportunities for People's to accelerate installations, we assume these are sporadic and that generally the utility will have an infrastructure replacement construction schedule more than 30 days out.

In fact, under Section 59.38 of our gas service regulations, a public utility is required by regulation to provide to the Commission a report of proposed major construction at least 30 days prior to the commencement of work. Given that there is a notice requirement of at least 30 days for the public utility to notify the Commission of a major construction project, we consider at least 30 days prior notice to the customer to be reasonable. In addition, if the utility provides at least 30 days' notice, the exact date may shift to account for any emergency work, weather conditions, or manpower issues.

With respect to Peoples suggestion about changing the term "property," we agree and shall implement the recom-

mendation throughout the regulation. We shall replace "property" with "building" which is a more accurate description and is used in the current regulations. Furthermore, we shall not remove the language in paragraph (2) as recommended by PECO, as other utilities under certain circumstances could allow gas meters installed at multiple locations. However, the language is now located at paragraph (a)(4).

UGI is correct that the final regulations require that all meters and regulators must be located outside even if served with plastic service lines or with steel service lines, unless a specific exception applies. We have extended the application deadline in paragraph (g)(3) and this work may be coordinated with the utility's general infrastructure DIMP program.

Finally, we agree that the OCA's recommended language change is more accurate and that paragraph (a)(1) should be divided so that the customer notice provisions are set forth separately. We shall also accept the OCA's language change which acknowledges that the property owner must also be notified and provides specificity about the content of the notice. However, we cannot expect the utility to undertake an extensive property search and know whether the customer is the property owner. Therefore, we shall accept PGW's suggestion, with modification, that the notice make clear that the written notice is for the owner of the property if different than the customer. In addition, if the utility knows the current address of the owner of the building, the notice shall also be mailed or delivered to that address.

Finally, we do not agree with PGW that the general rule needs any further clarification. We shall add new paragraphs (2) and (3) to reflect these changes regarding notice requirements.

We have struck language and added new language from proposed rulemaking paragraphs (a)(4)—(a)(9), which is now found at Section 59.18(a)(5)—(a)(8). See our analysis of comments to the proposed rulemaking in Attachment One (pages 23—28) for discussion of these revisions.

Section 59.18(a)

(6) Meters and service regulators may not be installed in the following locations:

- (i) Beneath or in front of windows or other building openings that may directly obstruct emergency fire exits.
- (ii) Under interior stairways.
- (iii) Under exterior stairways, unless an alternate means of egress exists and the meter and service regulator are installed in a well-vented location under stairs constructed of non-combustible material.
- (iv) A crawl space
- (v) Near building air intakes pursuant to local or State building codes.
- (vi) In contact with soil or other potentially corrosive materials.

National Fuel suggests four revisions to subsection (a)(6). First, National Fuel recommends that this section should be introduced by the phrase "when feasible and practical to do so, a utility shall avoid installing meters and service regulators in the following locations:" rather than the current introduction.

Second, National Fuel submits that subsection (a)(6) should be modified to note that the utility is not under an ongoing obligation to review the factors at subsection (i)

thru (vi) with respect to a meter and/or service regulator that has been installed in compliance with the regulation nor is the utility obligated to move the meter and/or service regulator additional times except at the owner's expense.

Third, National Fuel contends that the requirement in subsection (a)(6)(v) should be stricken since utility workers are not trained in building construction or building codes and may work in a service area that encompasses more than one local building code.

Finally, National Fuel argues that subsection (a)(6) should not apply to meters located outside prior to the effective date of this rulemaking. National Fuel reasons that if a meter has already been placed at an outside location, the major safety concerns that underlie this rulemaking have been achieved and the utility should not be obligated to move the existing outside meter to a new outside location to comply with the requirements at subsection (a)(6)(i)—(iv). National Fuel submits that these requirements should only apply to new outside meters, including those inside meters relocated outside as a result of this rulemaking.

UGI recommends that the phrase "pursuant to local or state building codes" should be removed from the proposed language of § 59.18(a)(6)(V) since UGI believes it would be unduly burdensome for utility employees to be trained in such local or state building codes.

Peoples argues that this section should acknowledge that there are some circumstances in which meters may need to be installed in the places now designated as prohibited in the ANOFRO revisions. Peoples believes the better alternative is to amend the ANOFRO revisions to acknowledge that in certain circumstances, meters may need to be placed in prohibited locations—and to provide the natural gas distribution company with the flexibility to use its expertise in determining whether the meter should be placed inside the structure, or outside of the structure in one of the areas now noted as prohibited.

Additionally, once a meter is placed at a building, Peoples submits that the natural gas distribution company should not be under an ongoing obligation to police the location of the meter over time, nor shall it be required to expense the cost of a relocation necessitated by a building remodeling. Finally, Peoples also believes the natural gas distribution company is not an expert in local or state building codes and therefore, subparagraph (v) should be stricken.

PECO requests that this section be revised to indicate that natural gas distribution companies do not have a continuing obligation to monitor changes to customer properties that would make a previously acceptable meter set location become a prohibited one and the companies also should not be obligated to move the meter additional times if the customer makes multiple changes that cause previously acceptable meter set locations to become prohibited except at the owner's expense.

PECO argues that the Commission also should revise the section that prohibits the placement of meter sets near building intakes pursuant to local or state building codes to make it clear that contractors/developers are responsible for ensuring that meter sets will not be placed near building intakes because local and state building codes are applicable to their building design work.

Discussion

We shall decline to add the introductory phrase suggested by NFG. Some of those locations for installing

meters and service regulators identified in the regulation should not be considered and if it is not possible to avoid the locations, then the meter should not be located outside such as provided for under subparagraph (d)(1)(iv). In addition, we shall also decline to make the other changes recommended by NFG. Any issue with respect to having to move equipment that had been located in compliance with the regulation can be addressed through tariff provisions. Also, we disagree that a utility should not be knowledgeable about where it can or cannot install its equipment based on local building codes. When the utility embarks on a major construction project, the utility must be knowledgeable about the building standards. Finally, we believe the new requirements should apply to all outside meters but the utility would have the extended application period of paragraph (g)(3) to comply. We have added new language to that found in the proposed rulemaking, which we discuss in our analysis of comments from the proposed rulemaking found in Attachment One (page 28).

Section 59.18(a)

(7) Unless caused by a customer's violation of applicable gas safety or tariff rules, a utility shall pay the costs of relocating a meter or regulator when the relocation is performed to meet utility or Commission safety requirements.

(8) Unless caused by a customer's violation of applicable gas safety or tariff rules, a utility shall pay the cost of extending customer-owned facilities to the new meter or regulator location when the relocation is performed to meet utility or Commission safety requirements.

(9) A customer requesting that a meter or regulator be moved shall pay the costs associated with relocation when the meter and regulator are currently situated in a suitable location under State and Federal guidelines.

Peoples generally agrees with the language of this provision but believes a modification should further clarify this section to address situations, such as those addressed in the immediately preceding section, in which property owners modify buildings in a manner that cause the meter location to be out of compliance with these regulations. Peoples submits that in the event a building owner modifies a structure, after meter placement, in such a way that interferes with the safety of the meter location, the regulations should be clear that the natural gas distribution company is not required to expense the costs associated with such relocation. As such, Peoples suggests that the ANOFRO revisions be further amended as stated on page 5 of its comments.

The OCA supports the Commission's development of these cost responsibility rules. The OCA submits that the gas utilities have an obligation to maintain their system in conformance with Pennsylvania and federal safety standards. However, the OCA submits that the regulation does not recognize the customer may not be the owner of the property and so may not have the ability to prevent the violation or otherwise protect the meter or regulator against damage. The OCA submits that the utility should not have the power to impose costs for relocating regulators or meters or extending customer-owned facilities to connect with the new meter or regulator on a customer or property owner without notice and a reasonable opportunity to cure the violation. However, if the utilities are allowed to impose costs, the OCA advocates that the Commission should require the gas utility to provide written notice to the customer or property owner.

Discussion

We agree with the OCA that the customer is not always the owner of the property, and this is not recognized in paragraphs (a)(7), (8) and (9) of the ANOFRO. We shall modify the regulation accordingly by adding the term “or building owner,” as well as new language we discussed in our analysis of comments to the proposed rulemaking in Attachment One (page 32), to new paragraphs (a)(9), (10) and (11) in the final. As indicated previously, the notice must clearly state that the notice of relocating meters and/or regulators is for the owner of the building if different than the utility customer. Also, we agree that a utility should not have the power to impose costs without prior written notice to the customer. We agree, but believe that the utility should have this notice in a tariff provision. Finally, paragraph (9) of the ANOFRO makes a reference to “a suitable location under State and Federal guidelines.” We believe the reference, found now in paragraph (11) of the Final, should be to “regulations” instead of “guidelines,” since regulations are nondiscretionary requirements that must be implemented.

Section 59.18(b) Outside meter or service regulator locations. Outside meters or service regulators shall be installed in one of the following locations:

- (2) In a buried vault or meter box.

According to PGW’s experience, a vault creates a corrosive environment which cannot be remediated. PGW urges that the Commission not permit vaults as an option for outside meter location.

Discussion

Since this is not a requirement but is left to the discretion of the utility, we shall leave the provision in. We have additionally added language to paragraphs (b)(1) and (2) as addressed in our analysis of comments to the proposed rulemaking in Attachment One (pages 33–35). Finally, we have added subsection (c) which we discuss in our analysis of comments to the proposed rulemaking in Attachment One (pages 34–37). Subsection (c) is taken from paragraphs (b)(3)—(b)(7) in the proposed rulemaking which are discussed in Attachment One, as noted above.

Section 59.18(d) Inside meter locations.

- (1) Inside meter locations shall be considered only when:
 - (i) An outside location is not available due to one of the following restrictions:
 - (A) A property is listed or is eligible for listing in the National Register of Historic Places.
 - (B) A property is located within a historic district that is listed or is eligible for listing in the National Register of Historic Places.
 - (C) A property has been designated as historic under the Pennsylvania Historic District Act, Municipalities Planning Code, or municipal home rule charter.
 - (ii) Protection from ambient temperatures is necessary to avoid meter freeze-ups.
 - (iii) A utility determines that a meter is subject to a high risk of vandalism based on the utilities prior experience.
 - (iv) A utility determines that an outside meter location is neither feasible nor practical.

PGW has apparently learned through a discussion with the Pennsylvania Historical and Museum Commission (PHMC) that after “eligibility for listing” status is granted

for a property or historic district, this status is not communicated to the party who is seeking to have the property or district listed. In order for a utility to be properly informed, PGW submits that the PHMC must notify the party seeking the national register listing of the “eligibility for listing” status. Accordingly, PGW recommends that these sections should be modified as follows:

- (1) Inside meter locations shall be considered only when:

- (i) An outside location is not available due to one of the following restrictions:

(A) A property is listed [**or is eligible for listing**] in the National Register of Historic Places **or the customer notifies the utility that the property is eligible to be listed in the National Register of Historic Places and the eligibility can be readily confirmed by the utility.**

(B) A property is located within a historic district that is listed [**or is eligible for listing**] in the National Register of Historic Places **or the customer notifies the utility that the historic district is eligible to be listed in the National Register of Historic Places and the eligibility can be readily confirmed by the utility.**

OCA also is concerned that the structure of amended section 59.18(d)(1) may allow the gas utility to make the final decision regarding the location of a gas meter. Therefore, the OCA submits that the Commission should consider more refinements to assure that the impact on Pennsylvania’s historic resources are minimized. According to the OCA, the Commission should clarify that the status of a property as a historic resource or part of a historic district, restricts the property from consideration for an outside meter. The OCA submits that this clarification is needed to offset the ambiguity in the wording of amended section 59.18(d)(1) which allows the gas utility to simply consider the use of an inside meter, while the historic nature of a property, the risk of vandalism, and ambient temperature are labeled as restrictions that make the location of a meter outside “not available.”

Finally, the OCA submits that the Commission should clarify that the utility and affected customers or properties may request a case-by-case waiver of this requirement regarding the location of regulators. The OCA submits that customers and communities that have made the effort to restore and preserve historic homes and neighborhoods should have the opportunity to work cooperatively with the gas utilities regarding the placement of regulators and other gas safety installed facilities to find the right balance between the safe provision of gas utility service and preservation of Pennsylvania’s historic resources.

Society Hill points out that restrictions arise primarily from local historic preservation ordinances and façade easements recorded in local land registries. Therefore, Society Hill submits that only local historic districts have the power to prohibit alteration or demolition of historic properties. Moreover, by use of the term “municipal home rule charter,” the Commission intended to include individual properties designated as historic pursuant to ordinances enacted by cities of the First Class. However, the language of the revision does not extend to properties located in historic districts designated pursuant to local ordinances adopted by such cities. Society Hill also argues that Federal listings do not constitute restrictions and in

fact place no restrictions on the alteration or demolition of listed properties or properties located in listed districts.

Accordingly, Society Hill proposes that subsection (d)(1) of the proposed rule be amended to read, in pertinent part, as follows:

(1) Inside meter and **service regulator** locations and shall be **required**:

(i) **In buildings located in historic districts listed on the National Register of Historic Places or eligible for such listing, buildings individually listed on the National Register of Historic Places or eligible for such listing, buildings located in locally designated historic districts or eligible for such listing, and buildings individually designated pursuant to local ordinances as historic landmarks or eligible for such listing, except in cases where an outside meter set may be placed in such a location as not to be visible from a street;**

(ii) **on buildings subject to historic preservation façade easements recorded in local land registries except where the outside placement of meter equipment would not violate the terms of the easement.**

Discussion

We shall adopt PGW's amendment to the regulation at (d)(1)(i)(A) and (B) of the final rulemaking. This does not appear to be an unreasonable burden to place on the customer or building owner to notify the gas utility of the eligibility of the building or historic district. However, we shall further amend the regulation to account for the possibility that the customer is not the building owner as we have discussed previously, and we shall also provide for the building owner notifying the utility.

The general rule of the regulation under paragraph (a)(1) is that meters and regulators shall be located outside unless otherwise allowed or required in the regulation. This subsection and paragraph identifies situations where an inside meter will be considered. We agree that the regulation does contain provisions that delegate discretion to the utility in making a determination with respect to locating an outside meter. Although we believe that it is necessary that, due to its public safety obligations, the utility be allowed to make the final decision, this decision to locate a meter inside is not without direction. The regulation does provide, in effect, guidelines that must be followed. If an outside meter is not going to become available because of certain restrictions, then an inside meter location must be considered, and that does not appear to us to be ambiguous.

We do believe, however, that it is necessary to add an additional category in paragraph (d)(1) to inside meter locations. We shall add a new subparagraph (d)(1)(i) that reads "[t]he service line pressure is less than 10 PSIG." PGW comments (page 5) that the risk of low pressure lines delivering gas flows inside a building do not exist at virtually all of its customer locations. In fact, regulators are not generally required in low pressure operating systems and the risks associated with inside meters are reduced because the system operates at low pressure.

In addition, we shall not accept EAP's recommendation with respect to subparagraph (d)(1)(iv) in the ANOFRO that the phrase read "feasible and reasonable." The phrase "feasible and practical" is very similar to the phrase advocated by EAP in its comments to the proposed rulemaking. As we discussed in our analysis of comments

to the proposed rulemaking in Attachment One (page 21), we believe this is a more descriptive standard. Finally, we do not believe that the regulation prevents customers, property owners, and communities from working cooperatively with gas utilities. This language is now incorporated in (d)(1)(v) in the Final.

In our analysis of the comments to the proposed rulemaking in Attachment One (pages 40—43), we discussed and accepted the historic district designations in subparagraph (d)(1)(i) recommended by PHMC and PGW's modification with respect to addressing meter vandalism in subparagraph (d)(1)(iii). These subparagraphs are now identified as (d)(1)(ii) and (d)(1)(iv), respectively. Language has also been added and stricken in paragraphs (d)(2)—(d)(5) consistent with our discussion of the comments to proposed rulemaking in Attachment One (pages 43—49).

We also find merit with Society Hill's comments about our use of the term "restriction" in subparagraph (d)(1)(i). For the reasons stated therein, we have modified subparagraph (d)(1)(i), which is now identified as (d)(1)(ii). Rather than referred to as "restrictions," we shall refer to the listings, location, or designation as "criteria." We are also persuaded by Society Hill's arguments with respect to inclusion of historic districts designated pursuant to local ordinances. We have added a new subparagraph (d)(1)(ii)(D) to implement this inclusion.

(4) Excess flow valves must be installed on all service lines when a meter is located inside a building.

For the installation of excess flow valves (EFV), EAP requests a modification to conform to the federal standard established under 49 C.F.R. § 192.383(b). As currently drafted, EAP believes that the proposed amendment contradicts the federal rule which includes a number of situations when excess flow valves are not effective and need not be employed.

Rather than require the installation of excess flow valves on all service lines, UGI submits that the regulation should conform its standard to the requirements of 49 C.F.R. § 192.383(b) since, as the regulation implicitly recognizes, excess flow valves are not effective on a low-pressure service line which does not operate at a pressure of 10 psig or greater throughout the year.

National Fuel submits that the requirement at subsection (d)(4) is redundant with subsection (d)(2) and the new requirement at (d)(4) contradicts the federal rule which contains a number of situations when excess flow valves need not be employed, including when the service line does not operate at a pressure of 10 psig or greater throughout the year. 49 C.F.R. § 192.383(b). Since many service lines operate at pressures below 10 psig, National Fuel asserts that subsection (d)(4) should specifically state that excess flow valves are not required in situations described in 49 C.F.R. § 192.383(b).

PGW generally agrees with this provision, but believes there are certain circumstances in which an excess flow valve cannot or should not be installed. PGW notes that the Pipeline and Hazardous Materials Safety Administration (PHMSA) also regulates this area of concern and a federal regulation recognizes the circumstances in which an excess flow valve cannot or should not be installed as set forth directly below:

Section 192.383 Excess flow valve installation.

* * * * *

(b) installation required. An excess flow valve (EFV) installation must comply with the performance stan-

dards in § 192.381. The operator must install an EFV on any new or replaced service line serving a single-family residence after February 12, 2010, unless one or more of the following conditions is present:

- (1) The service line does not operate at a pressure of 10 psig or greater throughout the year;
- (2) The operator has prior experience with contaminants in the gas stream that could interfere with the EFV's operation or cause loss of service to a residence;
- (3) An EFV could interfere with necessary operation or maintenance activities, such as blowing liquids from the line; or
- (4) An EFV meeting performance standards in § 192.381 is not commercially available to the operator.

Therefore, PGW recommends the following modification to paragraph (d)(4):

Excess flow valves must be installed on all new or replaced service lines when a meter is located inside a building unless one or more of the conditions set forth in 49 C.F.R. § 192.383(b)(4) is present.

PECO also notes that this requirement does not consider the prohibitions against using EFVs on new installations and proposes that the regulation should have a qualification for the prohibitions set forth in 49 C.F.R. § 192.383.

Discussion

A number of utilities have expressed the same comment with respect to EFVs. We agree that our regulation should not conflict with the Federal regulation. We also agree that EFVs are not effective or needed on low pressure service lines. In fact, EFVs do not work on low pressure systems so they should not be required for those systems.

As indicated in the gas utilities' comments, an EFV must be installed on any new or replaced single family residence service line unless the line operates at pressure below 10 psig. Although that comment is consistent with 49 C.F.R. § 192.383(b), we do not believe that it is necessary to cite the Federal regulation as proposed in the ANOFRO. Therefore, we shall not adopt PGW's change with respect to paragraph (d)(4). In fact, we shall not make any reference to EFVs and the Federal regulation at 49 C.F.R. § 192.383(b).

Pursuant to 52 Pa. Code § 59.33(b), the Commission has already adopted the Federal pipeline safety laws, including Part 192. Consequently, Pennsylvania gas utilities are already required to comply with the EFV requirements, which only apply to service lines serving a single-family residence. Given our prior incorporation of the Federal regulation, should PHMSA decide to expand the regulation further to large industrial customers, the new Federal regulations will apply to our Pennsylvania large industrial customers or any class of customers covered by the Federal regulatory expansion. Thus, we shall not include any additional requirements providing for installation of EFVs, which could also be interpreted as duplicative of existing Federal regulations.

No changes were made to what is now Subsection (e) in the final rulemaking from the proposed version.

Section 59.18(f) General requirements for new service lines.

- (1) When feasible and practical to do so, a building may not have more than one service line.
- (2) When feasible and practical to do so, a service line must terminate at the inlet valve of the meter set in the building in which the service line enters.
- (3) When feasible and practical to do so, the service line must be installed in a straight line perpendicular to the main.

EAP recommends striking this entire section because no safety concerns exist and, in its current iteration, it does not accord the utility with the necessary flexibility needed to handle complex industrial properties with multiple buildings or unusually shaped lots.

NFG believes the addition of "when feasible and practical to do so" at the start of (f)(1)—(3) adds some needed operational flexibility to the requirements in subsection (f). NFG states that "feasible and practical" defines a narrow set of circumstances when something cannot be done or accomplished and in fact has never been done before. Therefore, the requirements at (f)(1)—(3) are still too restrictive and should be deleted.

NFG explains that although the majority of the time the service line will comply with these three requirements, there are situations beyond those that are "infeasible and not practical" that warrant deviations from these three requirements. NFG submits that the Commission should maintain the existing flexibility in the current rules regarding service lines and forego these revisions.

In order to make it clear that the feasibility and practicality of these requirements are not to be left to a customer's discretion, PGW recommends the addition of language granting the utility the discretion to make the determination.

Discussion

We believe that the application of general requirements for new service lines represents reasonable and necessary engineering practices and implementation of these requirements is in the public interest. Furthermore, we agree with NFG that the language of the subsection adds operational flexibility to the requirements. Moreover, we do not share the same concern as PGW that it is within the customer's discretion to apply the general requirements for new service lines. We shall not make the recommended language change offered by PGW. Finally, in Attachment One (pages 21 and 28) we analyzed comments addressing requirements for new service lines and made changes that were incorporated in a separate subsection (f) for service lines.

Section 59.18(g) Application of regulation

- (1) Upon its effective date, utilities shall comply with this regulation for new meter, regulator, and service line installations in new locations.
- (2) Upon its effective date, utilities shall comply with this regulation when replacing existing meters, regulators and service line facilities.
- (3) Utilities shall have 10 years from the effective date of this regulation to complete replacement of existing facilities in compliance with the requirements of the regulation.

EAP requests clarification of the application of subsection (g)(2) to the extent it would require a utility to comply with section 59.18(f) when replacing/renewing existing service lines. EAP suggests that the most cost effective way to “replace” an existing service line may be to “renew” the line by inserting contemporary pipe into the existing service line which may not comply with the proposed regulations at section 59.18(f). EAP recommends eliminating subsection (g)(3) in its entirety and consider language which aligns the risk associated with certain inside meters and/or regulators when attached to steel service lines, as determined under a DIMP, with the utility’s program to replace cast iron and bare steel pipelines as established in its LTIP or other pipe replacement programs. EAP concludes that the new mandate to relocate all inside meter sets within a ten year period to the outside of a building or residence regardless of the nature of the existing service line and without aligning this new regulatory program with current programs to replace aging infrastructure, is not based on recognized principles of risk management and gas safety, is not cost-effective, and is not in the public interest.

NFG recommends that the reference to “replacing existing meters” should be deleted because meters are often replaced because they are non-functioning or suspected of malfunctioning, and if the problematic meter is inside, the utility should be permitted to replace it with a new inside meter immediately without having to comply with the time consuming requirements of this rule-making.

Moreover, NFG states that paragraph (g)(2) should be revised to specifically exclude Section 59.18(f) which by its title applies to “new service lines.” In other words, NFG explains that a utility should not be required to reconfigure existing service lines since this would add significantly to the expense and resource demands of compliance with this regulation. As an example, NFG explains that if a utility detected a leak on a steel service line for an industrial or commercial customer, it would normally correct the problem by inserting a plastic line within the existing steel line. However, under the new rule, NFG submits that this would be a replacement of an existing facility and the utility would need to reconfigure the layout of the service line to be perpendicular to the main and/or to go from two or more service lines into the building to only one. As a result, NFG argues that existing service lines should be “grandfathered” from the requirements in Section 59.18(f).

NFG’s position is that paragraph (g)(3) should be deleted entirely or revised to contain a significantly longer term for compliance for existing facilities. NFG concludes that the data summary in the Order suggests that little or no empirical evidence supports the immense burden of accelerated compliance for existing facilities, especially in light of other infrastructure improvement planning.

NFG explains that it has nearly 60,000 inside meters remaining in Pennsylvania, so in order to comply with the 10 year timeframe for existing facilities, NFG would have to move approximately 6,000 meters outside each year for the next ten years. NFG submits that this is roughly three times its average rate over the last three years and will require NFG to take actions that would not coordinate with its larger infrastructure improvement plans.

According to NFG, its DIMP, which was prepared in compliance with 49 C.F.R. § 192 subpart P, and is subject to audit by the Gas Safety Division of Bureau of Investi-

gation and Enforcement, was developed after an assessment of applicable safety risks and attempts to balance safe operations with the need to operate in a cost effective and prudent manner. Therefore, NFG believes that any deadline on the application of this rulemaking to existing facilities jeopardizes the risk assessment and analysis that led to the development of NFG’s DIMP by diverting resources to relocating existing meters, service regulators, and service lines.

Finally, if any deadline is included in paragraph (g)(3), NFG submits that it should specifically state that it does not apply to the requirement at Section 59.8(f), which by its title applies to “new service lines.” Given the addition at numerous places in the proposed final rule of the new phrase “when feasible and practical to do so,” NFG submits that it is essential to add to this rulemaking a new subsection that clarifies how a utility demonstrates that something is infeasible and not practical. The utility should be able to rely on “reasonable documentation” created by its employees that explains the reasons for selecting a particular meter, service line, and/or regulator location in contravention of the specific parameters set forth in the regulation.

With respect to application of the regulation, Peoples describes its current process of replacing its infrastructure:

Peoples is in the process of replacing its distribution system infrastructure—and has been doing so for several years. Over the past two years, Peoples has replaced nearly 50 miles of cast iron pipe. Over the next twenty years, Peoples plans to replace its entire system of unprotected bare steel pipe and associated facilities (3,273 miles). The recently filed, and approved, Long Term Infrastructure Improvement Plans, filed by both Peoples companies, outlined the 5 year plans for infrastructure replacement, including the estimated costs. The LTIPs established by Peoples provide for a systematic replacement of facilities which are ranked by condition and risk factors associated with those facilities. This systematic approach allows the Company to focus its capital dollars on the facilities with higher risk of failure, or those with a greater system-wide impact due to failure. This approach allows the Companies to take proactive steps to protect the integrity of the system operations by first replacing those facilities that may have a greater impact in the event of a failure. Each year the risk conditions and risk factors are re-evaluated and the projects are then re-categorized. At this time, the LTIPs do not specifically include inside meter replacements, although they do include Peoples currently existing statistical sampling, risk-based approach to meter replacement.

If a 10 year standard is applied for the replacement of all inside meters. Peoples anticipates that it will need to expend greater capital over the 10 year period that was not previously planned. By requiring natural gas distribution companies to now replace all inside meters within 10 years, Peoples estimates that it will have to expend between \$70—\$94 million dollars over the next 10 years to replace all 47,000 inside meters on its current system. While these relocations costs may not seem considerable, if the project is split equally over a ten year period, \$7—\$9.4 million per year is a considerable sum when placed on top of the already planned LTIP expenditures of approximately \$4.5 million per year already expected to be spent on meter replacement. Further,

the estimated costs per meter relocation may increase beyond the estimated \$1,500—\$2,000 per meter due to unique building configurations and other work necessary to bring the meter location into compliance. This added capital expenditure will force Peoples to make an evaluation as to whether mains replacement or inside meter replacement is paramount—and may interfere with planned LTIP expenditures.

Peoples believes that the replacement of inside meters should occur in line with its LTIP plans. Peoples explains further that allowing the programs to run in tandem will result in real cost savings and also ensure capital expenditures are applied to higher failure risk facilities first which provides for a safer and more reliable system over time.

Specifically, PGW says that Section 59.18(g)(3) should be modified as follows:

(3) Utilities shall have 10 years from the effective date of this regulation to complete replacement of existing facilities in compliance with the requirements of the regulation, except for an inside meter and regulator connected to a service line which is:

- (i) operating at less than 10 psig; or
- (ii) a plastic service line (all sizes); or
- (iii) 3 inches in diameter or larger; or
- (iv) equipped with an excess flow valve.

The positive benefits PGW explains are that these modifications will focus the meter set relocation requirement on the circumstances that actually pose a safety issue. Furthermore, PGW states that focusing the relocation requirement as proposed by PGW would ameliorate the enormous cost of complying with this proposed rule to manageable levels for PGW.

Discussion

EAP raises the issue whether inserting contemporary pipe into an existing service line is renewing the line and complies with the proposed regulations at Section 59.18(f). We believe the insertion of plastic pipe into an existing line qualifies as “replacing . . . service line facilities” as required in paragraph (g)(2). We further agree as discussed previously that implementation of new regulations for meter, regulator and service line installations should be aligned with current programs to replace aging infrastructure.

We have thoroughly reviewed these comments about the need to consider meter set relocation in the context of an infrastructure replacement program and agree that meter set relocation efforts should be aligned with planned gas utility projects to replace aging infrastructure, including main replacements. More specifically, meter and regulatory relocation mandated projects should be coordinated with the gas utilities DIMPs. We agree that a main replacement program or other large infrastructure replacement program could create the economic and risk management efficiencies needed to undertake the relocation of inside meters or regulators. In addition, we disagree with the point raised by NFG that replacement of non-functioning or malfunctioning meters inside should not have to comply with these regulations. Gas utilities have the application period under paragraph (3) subsection (g) to comply with the regulation and replacement should be determined according to the utility’s risk analysis in its DIMP.

We also do not agree with National Fuel that “new service lines” should be excluded from paragraph (g)(2). Under the example presented by the utility, in replacing the existing facility, it may not be “feasible and practical” to reconfigure the layout because it corrected the problem by inserting a plastic line within the existing steel line. If it is feasible and practical to comply with the regulation, however, the fact that it may be inconvenient should not be a reason for “grandfathering” the regulation. Again, we agree with National Fuel, as we have with the other utilities, that meter replacement should be coordinated with larger infrastructure improvement projects.

We shall not accept National Fuel’s recommendation that no deadline should apply to the application of subsection (f) nor add a new subsection clarifying how a utility demonstrates that something is not feasible and not practical. We believe our explanation of these terms in our analysis of comments to be the proposed rule-making in Attachment One (page 21) provided sufficient guidance to apply to the regulation. That being said, we do not disagree that the utility can rely on reasonable employee documentation to support its decisions.

We agree with Peoples position to the extent it argues that the replacement of inside meters should occur in conjunction with overall infrastructure improvement plans. PGW is also in support of focusing on safety stating that the meter set relocation requirement conducted in such a manner would ameliorate the cost of compliance with this regulation to manageable levels.

In Attachment One (page 44), we specifically discussed comments and the addition of new subsection (g) that addresses the application of the regulation for new installations, replacing facilities and a time period. As indicated above, we have modified that time period from 10 years to 20 years.

As indicated previously, we agree with the Mayor of the City of Allentown that regulators are less intrusive and may remain outside. We shall amend subsection (d) in the final regulation by retaining paragraph (c)(2) from the proposed rulemaking which reads: “(2) Regulators shall be located outside when a meter is located inside.” Again, if an excavation involves a line hit that tears the line from the regulator, the gas leak will occur outside the building.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 31, 2012, the Commission submitted a copy of the notice of proposed rulemaking, published at 42 Pa.B. 3454 (June 16, 2012), to IRRC and the Chairpersons of the House Consumer Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on July 23, 2014, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 24, 2014, and approved the final-form rulemaking.

Therefore,

It Is Ordered That:

1. The regulations of the Commission, 52 Pa. Code Chapter 59, are amended by amending § 59.18 to read as set forth in Annex A.

2. The Secretary shall serve a copy of this Final Rulemaking Order and Annex A on all jurisdictional natural gas distribution companies, the Office of Consumer Advocate, the Office of Small Business Advocate, the Energy Association of Pennsylvania and all other parties that filed comments at Docket No. L-2009-2107155. The Order, Annex A, and Attachment One shall be posted and made available electronically on the Commission's website.

3. The Secretary shall certify this Final Rulemaking Order, Attachment One and Annex A and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

4. The Secretary shall submit this Final Rulemaking Order, Attachment One and Annex A to the Office of Attorney General for approval as to legality.

5. The Secretary shall submit this Final Rulemaking Order, Attachment One and Annex A to the Governor's Budget Office for review of fiscal impact.

6. The Secretary shall submit this Final Rulemaking Order, Attachment One and Annex A for review by the designated standing committees of both houses of the General Assembly, and for review and approval by the Independent Regulatory Review Commission.

7. The final regulations become effective upon publication in the *Pennsylvania Bulletin*.

8. The contact person for this final-form rulemaking is Terrence J. Buda, Assistant Counsel, Law Bureau, (717) 787-5000. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau, (717) 772-4597.

ROSEMARY CHIAVETTA,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 5420 (August 9, 2014).)

Fiscal Note: Fiscal Note 57-277 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 59. GAS SERVICE

SERVICE AND FACILITIES

§ 59.18. Meter, regulator and service line location.

(a) *General requirements for meter and regulator location.*

(1) Unless otherwise allowed or required in this section, meters and regulators must be located outside and aboveground.

(2) Except in the case of an emergency, a utility shall provide written notice to a utility customer by first class mail or by personal delivery at least 30 days prior to relocating and subsequently installing a meter or regulator outside the customer's building. The notice must

request that if the customer is not the owner of the building, the customer shall forward the written notice to the owner of the building. If the utility knows the current address of the owner of the building, notice shall also be mailed or delivered to that address.

(3) The written notice must inform the customer and building owner of the equipment that the utility proposes to relocate, the planned new location and how to contact the utility to provide supplemental information that the utility may not have, such as the building's historic status. The written notice must include contact information for the Commission's Bureau of Consumer Services.

(4) When necessary to install meters at multiple locations on a premises, a utility shall provide a tag or other means to indicate there are multiple meter locations.

(5) When selecting a meter or service regulator location, a utility shall consider potential damage by outside forces.

(6) The meter location must accommodate access for meter reading, inspection, repairs, testing, changing and operation of the gas shut-off valve.

(7) When feasible and practical to do so, the meter location must accommodate the installation of the service line in a straight line perpendicular to the main.

(8) Meters and service regulators may not be installed in the following locations:

(i) Beneath or in front of windows or other building openings that may directly obstruct emergency fire exits.

(ii) Under interior stairways.

(iii) Under exterior stairways, unless an alternate means of egress exists and the meter and service regulator are installed in a well-vented location under stairs constructed of noncombustible material.

(iv) A crawl space.

(v) Near building air intakes under local or State building codes.

(vi) In contact with soil or other potentially corrosive materials.

(9) Unless caused by a customer's or building owner's violation of applicable gas safety or tariff rules, a utility shall pay the costs of relocating a meter or regulator when the relocation is performed to meet utility or Commission safety requirements.

(10) Unless caused by a customer's or building owner's violation of applicable gas safety or tariff rules, a utility shall pay the cost of extending customer-owned facilities to the new meter or regulator location when the relocation is performed to meet utility or Commission safety requirements.

(11) A customer or building owner requesting that a meter or regulator be moved shall pay the costs associated with relocation when the meter and regulator are currently situated in a suitable location under State and Federal regulations.

(12) Utilities shall address meter, regulator and service line location regulations in their tariffs.

(b) *Outside meter or service regulator locations.* Outside meters or service regulators shall be installed in one of the following locations:

(1) When feasible and practical to do so, aboveground in a protected location adjacent to the building served, or as close as possible to the point where a production or transmission line is tapped.

(2) In a buried vault or meter box.

(i) The vault or meter box must be located on a customer's or building owner's property, either adjacent to the building served or near the gas main.

(ii) Vaults may be located in a public right-of-way, subject to the consent of local jurisdictions as may be required.

(c) *General requirements for vaults or meter boxes.*

(1) A utility shall consider proper design and location criteria for a meter box, including:

(i) Ventilation.

(ii) Vehicular traffic.

(iii) Soil accumulation.

(iv) Surface water runoff.

(v) High water table.

(vi) Proximity to building air intakes or openings.

(vii) Proximity to an excessive heat source as defined in 49 CFR 192.353(c) (relating to customer meters and regulators: location).

(2) Piping installed through vault walls shall be properly coated to protect from corrosion.

(3) Vaults containing gas piping may not be connected by means of a drain connection to any other underground structure.

(4) When a meter box is located outside a paved surface, a utility shall consider fill, topsoil or sod being placed over the vault and, when feasible and practical to do so, choose an alternate location.

(d) *Inside meter locations.*

(1) Inside meter locations shall be considered only when:

(i) The service line pressure is less than 10 psig.

(ii) A meter is located in a building that meets one of the following criteria:

(A) A building is listed in the National Register of Historic Places or the customer or building owner notifies the utility that the building is eligible to be listed in the National Register of Historic Places and the eligibility can be readily confirmed by the utility.

(B) A building is located within a historic district that is listed in the National Register of Historic Places or the customer or building owner notifies the utility that the historic district is eligible to be listed in the National Register of Historic Places and the eligibility can be readily confirmed by the utility.

(C) A building has been designated as historic under the act of June 13, 1961 (P.L. 282, No. 167) (53 P.S. §§ 8001—8006), known as the Pennsylvania Historic District Act, the Pennsylvania Municipalities Planning Code (53 P.S. §§ 10101—11202) or a municipal home rule charter.

(D) A building is located within a locally designated historic district or is eligible for the listing, or a building is individually designated under a local ordinance as a historic landmark or is eligible for the listing.

(iii) Protection from ambient temperatures is necessary to avoid meter freeze-ups.

(iv) A utility determines that a meter is subject to a high risk of vandalism based on the utility's prior experience.

(v) A utility determines that an outside meter location is neither feasible nor practical.

(2) Except for low pressure systems with service line pressure less than 10 psig, regulators must be located outside when a meter is located inside.

(3) Installed inside meters must be attached to an operable outside shut off valve.

(4) Meters installed within a building must be located in a ventilated place not less than 3 feet (914 millimeters) from a source of ignition or source of heat which may damage the meter.

(e) *Other meter or service regulator locations.* A utility may consider a specially constructed cabinet recessed in the building wall, sealed from inside the building and vented to and accessible from outside the building.

(f) *General requirements for new service lines.* When feasible and practical to do so:

(1) A building may not have more than one service line.

(2) A service line must terminate at the inlet valve of the meter set in the building in which the service line enters.

(3) The service line must be installed in a straight line perpendicular to the main.

(g) *Application of regulation.*

(1) Beginning September 13, 2014, utilities shall comply with this section for new meter, regulator and service line installations in new locations.

(2) Beginning September 13, 2014, utilities shall comply with this section when replacing existing meters, regulators and service line facilities.

(3) By September 13, 2034, utilities shall complete replacement of existing facilities in compliance with this section or incorporate the requirements of this section in a distribution integrity management plan, whichever occurs first.

**Attachment One
Amendment to 52 Pa. Code § 59.18 Meter Location
L-2009-2107155
Summary of Comments and Discussion**

General Comments (Utility Industry):

National Fuel Gas Distribution Corporation (National Fuel) argues that changes to the Commission's existing regulations are unnecessary because the Commission's existing regulations are already consistent with Federal regulations. National Fuel states that the proposed amendments expand the existing state and federal requirements imposing new additional regulatory requirements.

Equitable Gas Company, LLC (Equitable) agrees that the proposed regulation is inconsistent with Federal regulations, and imposes new and more onerous obligations. According to Equitable, the proposed regulation is based on the Guide for Gas Transmission and Distribution Piping Systems, which is advisory in nature and not meant to be a regulation. Specifically, Equitable argues that the language for proposed Section 59.18 is taken, largely, from the Guide Material for 49 CFR § 192.353, found in the Gas Piping Technology Committee's (GPTC) Guide for Gas Transmission and Distribution Piping Systems (Guide or Guide Material). Equitable submits that the Guide Material contains guidance and information for consideration by operators in complying with Federal regulations. Equitable also states that the pro-

posed regulation replaces the flexible language of the GPTC with mandatory language and leaves no room for utility discretion. Equitable argues that the proposed regulations are inflexible and will lead to a utility choosing between violating a regulation or refusing service to customers. Equitable also argues that the proposed regulation will allocate resources to unnecessary expenditures which are unwarranted by actual safety risks when these resources should be devoted to replacing pipeline. Equitable suggests that if a change to the existing regulation is required the new regulation should be redrafted to do no more than explain that meter set location is addressed at the federal level with citation to the pertinent Federal regulations and reference to the advisory Guide Material in a policy statement.

Philadelphia Gas Works (PGW) states that the Commission has already adopted the federal gas safety standards at 49 CFR 191—192 and 199, and that the proposed regulation imposes additional requirements that are unreasonable and/or unclear. PGW agrees with the statement in the Rulemaking's Conclusion section that the regulation should provide the utility with sole discretion to determine the location of meter sets. PGW submits that the Commission's concerns involve high pressure service and, thus, the regulation should be limited to high pressure services which will reduce the cost of relocating or replacing regulators to a more manageable level. Moreover, PGW declares that relocation of a regulator should not be required where there is an excess flow valve (EFV), or where one can be installed. Finally, PGW asserts that any such relocation should be coordinated with, and tied to, the utility's established main replacement program and schedule.

Peoples Natural Gas LLC and Peoples TWPLLC (collectively Peoples) states that it supports the Energy Association of Pennsylvania's comments submitted on behalf of its natural gas distribution company members. In particular, Peoples requests that the Commission reconsider the proposed regulation in its entirety. Peoples states that it is concerned about the additional regulatory requirements beyond the Federal requirements that were previously adopted by the Commission. Simply put, Peoples is concerned about the removal of the utility's discretion in meter placement.

PECO Energy Company (PECO) argues that utilities should not have to replace indoor meter sets by 2012 and divert resources from high-risk mitigation efforts to lower-risk mitigation efforts. PECO recommends that the Distribution Integrity Management Plans (DIMP) should control the replacement schedule. PECO also states that the additional requirements imposed by the regulation have no federal counterpart and are unnecessary. Furthermore, PECO states that this requirement will divert resources from its Accelerated Gas Infrastructure Modernization Plan (AGIMP). Finally, PECO suggests that distribution companies should have the option of charging a customer for these relocation costs if the customer creates the unsafe condition.

Columbia Gas of Pennsylvania (Columbia) notes at the outset that both the Gas Safety Division's investigation and the proposed regulations that are the subject of this rulemaking were initiated prior to the adoption of Act 11 of 2012, and prior to the date the Federal standards require that natural gas utilities have in place a written DIMP Plan.⁹ Columbia submits that an essential consid-

eration when evaluating enhancement to system safety is coordinating additional efforts, such as the relocation of meters, with the previously identified and prioritized risks in the utilities' system-specific DIMP Plans. Moreover, Columbia emphasizes that a number of new requirements are not requirements of meter sets today, rendering natural gas utilities immediately out of compliance when the regulations would be approved.

Energy Association of Pennsylvania (EAP)¹⁰ states that the proposed regulations do impose additional regulatory requirements beyond the Federal regulations, contrary to the Commission's stated intent that no additional requirements are imposed by the proposed regulations. EAP also questions the necessity of making the provisions of the GPTC mandatory and imposing it as a regulation. EAP states that the GPTC is not meant to be used as a regulation. EAP argues that if the Commission wants to create a new regulatory scheme and impose greater requirements than the Federal requirements, then it should do so transparently and base these requirements on empirical data that has gone through a cost/benefit analysis. EAP requests that the Commission reconsider the proposed regulation in its entirety.

General Comments (Historical Commissions and Boards, Private Citizens, Preservation Groups, Civic Associations, and Government Entities and Officials)

As a resident of a historic district, Patricia A. Jackson (Ms. Jackson) from the Old Fairground Historic District in Allentown, contends that meters and regulators should remain in the basements of properties within historic districts. Ms. Jackson argues that moving meters outside will risk damage to the units due to the urban nature of the properties. Ms. Jackson explains that damage can be caused by vehicles hitting the meters, snow piles, trip hazards, vandalism, misuse of meter sets (chaining trash cans to the set), and tampering with meters that do not have a locking mechanism, such as turning the gas off. Ms. Jackson also comments that outside meters are very susceptible to corrosion. Finally, Ms. Jackson argues that the meters are "downright ugly."

Ms. Jackson suggests that the language be changed to just "Historic District" because many historic districts are not federally recognized, but state recognized. Ms. Jackson notes that Section 59.18(a)(9) would rule out the installation of most meters or regulators.

Richard A. Niesenbaum (Mr. Niesenbaum) from Old Allentown sets forth the same arguments as Ms. Jackson and adds that utilities should be held responsible for the quality of their work and any damage that they cause. Lori Young from Allentown expressed many of the same concerns as Ms. Jackson.

Geoffrey Brace (Mr. Brace) from Old Allentown comments that the Proposed Regulation does not allow local governments to ensure public safety, and local governments will be left to the mercy of the utilities. Mr. Brace argues that placing meter sets in front of houses in urban areas presents the risk of vehicles running into the meters and references the incident in Allentown where an out of control truck ran over a curb and damaged three properties. Mr. Brace states that if an event like this

ments for gas distribution pipeline systems on December 4, 2009. See 74 FR 63906. The effective date of the rule was February 12, 2010. Distribution system operators were given until August 2, 2011 to write and implement DIMP plans. See 49 C.F.R. § 192.1005.

¹⁰ EAP's members include Columbia Gas of PA, Equitable Gas Company, National Fuel Gas Distribution Corporation, PECO Energy Company, Peoples Natural Gas Company, Peoples TWP LLC, Philadelphia Gas Works, Pike County Light & Power Company, UGI Central Penn Gas, Inc., UGI Penn Natural Gas, Inc., UGI Utilities Inc., and Valley Energy Company.

⁹ Act 11 of 2012 was signed into law on February 14, 2012. The United States Department of Transportation's Pipeline and Hazardous Material Safety Administration ("PHMSA") published the final rule establishing integrity management require-

were to occur and a meter set was present in front of the property, there would be a very serious safety risk.

June Robinson from Bethlehem argues that historic properties should be exempted from the requirement that meter sets be located at the front of the property to preserve the beauty and uniqueness of these areas.

Janina White from Allentown comments that she does not want meter sets on her block or anywhere because they are “ugly, monstrous things” and “turn a neighborhood into a slum.” Charlie Versaggi from Allentown argues that utilities should suspend their work on meter sets and focus on gas main replacements, because this is where the true safety issue lies. He also argues against placing meter sets in front of historic properties until an aesthetically acceptable alternative is created.

Shane Fillman (Mr. Fillman) also lives in the old Allentown Historic District and set forth the same arguments as Ms. Jackson. Mr. Fillman explains that the community residents would ideally like to see all equipment remain in the basement and have a gas vent installed to allow any discharge from the regulator when high pressure gas is being supplied to the property. In the alternative, Mr. Fillman suggests having a buried vault on the outside of the property concealing all of the equipment in a safe and corrosion free manner. Finally, Mr. Fillman does not agree with the Commission’s Gas Safety Director’s reasons for not advocating for gas vents instead of a gas regulator.

Edward Winter from Philadelphia asserts that utilities should not be allowed to place meter sets in the front of homes, because it creates a negative aesthetic effect. Francis J. Schmitt (Mr. Schmitt) from Pittsburgh contends that placing meter sets in the front of homes has a negative aesthetic effect and thus lowers property values. He suggests that utilities be prevented from placing meter sets in front of homes and be required to move those presently in this location. Mr. Schmitt believes that with the development of remote gas and electric meter reading devices there is no need to make visible in front of homes, especially historic homes, the rusty pipes and rusty meters or industrial-looking configurations associated with keeping track of how much gas or electricity a building uses. The Callowhill Neighborhood Association in Philadelphia argues against placing meters outside buildings due to the negative aesthetic effect.

Michael H. O’Brien, a member of the Pennsylvania House of Representatives, (Representative O’Brien) comments on behalf of Queen Village Neighbors Association, Society Hill Civic Association, residents of Northern Liberties and Fishtown, and members of the Preservation Alliance. Representative O’Brien argues against limiting historic districts to those that are federally recognized and comments on the negative aesthetic effects presented by the outside location of gas meter sets. Representative O’Brien contends that the Commission needs to clarify the rules to ensure utilities cannot just do what they interpret to be proper, thereby putting the public safety at risk. Furthermore, Representative O’Brien is concerned about the negative impact exterior utility equipment would have upon the historic character and general aesthetic of neighborhoods.

Elizabeth S. Rogan (Ms. Rogan), the President of the Lower Merion Township Historic Architectural Review Board and Historical Commission, states that the township contains ten Historic Districts and argues that the Proposed Regulation should not limit Historic Districts to those that are federally recognized. She argues that the

definition of Historic District should specifically include local historic districts designated by municipalities, as well as to any other buildings designated as locally significant. Ms. Rogan also contends that the Commission should consider alternatives, such as locating the meter set on the side or rear of the building, screening the equipment with fences or plants, or minimizing the appearance of the meter set by painting it. In addition, she states that the Proposed Regulation should require a process for utilities to notify property owners about projects and allow the property owners to participate and make informed decisions about where the meter will be relocated.

The Lower Merion Township Historical Commission sets out comments similar to the other historical commissions. Melissa McSwigan (Ms. McSwigan) from Pittsburgh is opposed to the requirement that meters be located outside and should only be done with the building owner’s approval. She states that property owners should be able to make this decision regardless of whether the property is in a Historic District or not. Moreover, Ms. McSwigan finds multiple meters in plain view to be extremely unsightly. Alexander Rolon from Allentown argues against an outside location for meter sets due to the negative aesthetic effect and the safety issues presented by an urban environment. Susan N. Fuller from Allentown sets forth comments similar to those submitted by Ms. Jackson.

Nicholas Kyriazi is living in the Deutchtown Historic District in Pittsburgh and states that the aesthetics of all row-houses are negatively impacted by outside meter sets. He also references the safety issues present with outside meter sets in urban areas. Gracia Perilli and Kim Ceccatti from Allentown set forth the same arguments as Ms. Jackson. Thomas Yuracka from Allentown also has aesthetic and safety concerns with respect to UGI locating gas meters outside and is prepared to discontinue his services with UGI over this issue.

D. Gregory Shamp (Mr. Shamp) from Allentown argues that UGI should pay for updating infrastructure from its profits, and these costs should not be passed on to ratepayers. Mr. Shamp also sets forth the same arguments as other historical property owners with respect to outside meter sets and public notification and will continue to fight against defacing historic structures.

Preservation Pennsylvania argues that utilities should be required to notify property owners about projects and provide property owners with complete information and sufficient time to make informed decisions. Preservation Pennsylvania states that this process should include providing information to property owners through the mail, the media, and municipalities. Preservation Pennsylvania submits that public meetings should be held with representatives from the utilities to allow the public to have input in projects and allow enough time for property owners to switch to an alternative energy source if they do not want the proposed project on their property. Moreover, Preservation Pennsylvania seeks change to the proposed rulemaking to provide adequate protection for historic properties. Preservation Pennsylvania also espouses many of the concerns expressed by the Township of Lower Merion.

Philadelphia Historical Commission (PHC) states that its purpose is to safeguard historical resources in one of our country’s most historic cities and argues that the Proposed Rulemaking should protect historic districts from the physical and visual effect of outside gas meter sets. PHC comments that the language in the proposed

regulation identifying historic resources is not only vague, but is also not customary in historic preservation discourse.

PHC suggests adding the following language as Section 59.18(a)(13):

(13) Properties shall be considered historic if they are:

(i) individually listed on or within a historic district listed on the National Register of Historic Places, or,

(ii) individually listed on or within a historic district listed on a register of historic places regulated by a local government recognized as a Certified Local government by the National Park Service and Pennsylvania Historical & Museum Commission.

The PHC contends that historic preservation considerations should be taken into account when considering where and how to install gas metering and regulating equipment. Therefore, the PHC suggests adding the following design and location criterion to Section 59.18(b)(3):

(3) A utility shall consider proper design and location criteria for a meter box, including the following:

(viii) The physical and visual impact of meters and service regulators on historic properties as defined in Section 59.18(a)(13).

The PHC also asserts that the term “considered” used in the proposed regulation at Section 59.18(c)(1) is too vague and should be replaced. The wording in Section 59.18(c)(1)(i) is awkward and open to various interpretations. Therefore, the PHC suggests the following amendments to Section 59.18(c)(1) without comment on the clause related to “high risk vandalism districts:”

(1) Inside meter locations shall be provided when:

(i) the subject property is historic as defined in Section 59.18(a)(13) and an outside installation will damage or obscure historic features and/or will be conspicuous from the public right-of-way.

Preservation Alliance for Greater Philadelphia (PAGP) comments that the Proposed Regulation does not sufficiently protect historic resources. PAGP argues that the utility should not have sole authority in determining the placement of meter sets. PAGP suggests that secondary facades should be the preferred location for meter sets, regardless of historic designation. PAGP recommends development of design guidelines for the appropriate location of meters and regulators. PAGP also suggests that the Proposed Regulation should include a requirement that property owners receive a written notice of proposed equipment relocation with details and illustrations of the proposed project at least ninety days before the utility starts the relocation.

Numerous citizens wrote in support of PAGP’s comments, namely: Sonya Shiflet, Carla Puppini, Samuel A. Streit, Craig Morton, Jim Murphy, Jonathan Rubin, Bill Maurer, Justin Brock, Brian P. McEntee, Brian & Marla Johnson, Marc Shaw, Megan Fenstermaker, Lee Sequeira, John Ulrich, Patricia & David Swan, Mike Seidenber, Stephanie Guerrero, Gregory P. Duffy, Matt Fumento, Jean Papaj, Guy Fissel, Katie Kelly, Ms. R.W. Delaney, Beatrice Ryan, Paul D. Neuwirth, Talmage Bremman, Britt Levy, Abigail Horn, Susan Tunnicliffe, Joan & John Kyler, Thomas Jackson, Eileen Wolfberg, Jeremy Koven, Adrienne Nikolic, Kathleena Formica, Rosemary Gifford, Dr. Lynn Rosenthal, Anne Seidman, Samantha Giuliano, Cynthia Schneider, Daniel Broderick, Ruth K. Crispin,

Louis Scaglione, Nadine Lomakin, Michael McPhilly, Kimberly M. Maialetti, Betsy Johnson, Meredith Lawrence, Bryan Witkowski, Michael Hanowitz, Tom Maciag, Amy Shelanski, Jean D’Amico, Arthur Willson, Pauline Candaux, Catharine Ciric, Mehron Moqtaderi, Heather Gibson, Frank Schorfheide, Dave McBride, David S. Cohen, G. Eric Johansen, Cynthia Temple, Kathleen L. Dilonardo, Regina Colantonio, G. David Hammond, Anne Cecil, and Sandra Lark.

Society Hill Civic Association of Philadelphia (Society Hill) submits that historical properties need to be protected from the disfiguration that occurs by placing meter sets in front of historic properties. Society Hill proposes an amendment to subparagraph (c)(1)(i) to reflect that outside meter locations should be prohibited and a clarification of the term “Federally approved Historic Districts.” Society Hill suggests that the Proposed Regulation should include a requirement that property owners receive a written notice of proposed equipment relocation with details and illustrations of the proposed project at least ninety days before the utility starts the relocation. Society Hill also asserts that utilities should be required to use the media for notification and hold public meeting to better inform property owners and allow for their participation. Finally, Society Hill contends that utilities should not delegate the authority to determine high risk vandalism districts, and the replacement of shut-off valves should be limited.

West Park Civic Association and West Park Historic District (West Park) in Allentown states that it is opposed to the external placement of meter sets. West Park argues that the change is unnecessary, will not improve safety, creates new safety concerns, and is an unwarranted expense. Old Allentown Preservation Association (Old Allentown) states that the Proposed Regulation doesn’t consider property owners’ rights and that other options to mitigate safety concerns are available and should be reflected in the Proposed Regulation. Old Allentown also complains that UGI already fails to give notice or get property owner consent when work is being done, and the Proposed Regulation would allow UGI to continue this behavior. Old Allentown argues that the Proposed Regulation does not specify who will make the determination of appropriate meter placement.

Center City Residents Association in Philadelphia supports the comments of Jonathan E. Farnham submitted on behalf of the Pennsylvania Historical & Museum Commission, and the addition of subparagraph (a)(13) and the amendment of (c)(1). Queen Village Neighbors Association, Inc. in Philadelphia expressed many of the same historic preservation concerns advocated herein.

The Pennsylvania Historical and Museum Commission (PHMC) states that numerous municipal representatives are concerned about the adverse visual effects of outside meter sets. PHMC noted that it was unable to identify any locally adopted historic property regulations that stipulate the location of gas meters. PHMC also argues that definitions in the Proposed Rulemaking need to be clarified, because the current language is not consistent with federal or state historic preservation laws. PHMC explains that the intent of the term “Federally approved Historic Districts” refers to historic districts that are listed in the National Register of Historic Places. However, the term “Federally approved” does not appear in either the National Historic Preservation Act or the Pennsylvania History Code and is not likely to be easily understood by practitioners or citizens. The current definition limits consideration to properties located in historic

districts, but it is PHMC's opinion that this excludes many individual historic properties that might be impacted by meter location. In addition, the definition could be construed to mean only National Register listed properties or both listed and eligible properties, but the intent is unclear. PHMC recommends broadening the applicability of this rule to include individually designated historic properties.

According to PHMC, the current definition also fails to recognize historic properties that are designated under local law. PHMC explains that in many instances locally designated historic districts (which are then subject to review and regulation) may also be listed in or eligible for the National Register, either in whole or in part. The Pennsylvania Historic District Act authorizes municipalities to "... consider the effect which the proposed change will have upon the general historic and architectural nature of the district." Similarly, under the Pennsylvania Municipalities Planning Code, a municipality may adopt a zoning overlay to regulate changes that could affect historic properties. PHMC submits that under either law the municipality typically relies on local design guidelines or the Secretary of the Interior's Standards for Rehabilitation to interpret and enforce the ordinance. In Pennsylvania, PHMC submits that municipal guidelines are silent on issues related to the location of gas meters. However, it is the opinion of the PHMC that gas meters would be reviewable under the authority of both laws, allowing municipalities to evaluate the appropriateness of the location if the meter can be seen from a public street or way.

PHMC recommends that Section 59.18(c)(1)(i) be revised to read as follows:

An acceptable outside location is not available because the property is listed in or eligible for listing in the National Register of Historic Places, located within a historic district that is listed in or eligible for listing in the National Register of Historic Places, or has been designated as historic under the Pennsylvania Historic District Act, Municipalities Planning Code, or municipal home rule charter.

PHMC also recommends that the Proposed Rule require utilities to develop design guidelines to address common issues related to meter placement and incorporate these guidelines into their tariffs. Finally, PHMC requests that the PUC hold public meetings in communities with historic properties so these issues may be addressed comprehensively.

State Senator Jim Ferlo (Senator Ferlo) comments in favor of protecting historic resources. His arguments include redefining historic districts with input from the Pennsylvania Historical Museum Commission, defining high vandalism districts, requiring public notification/participation from the NGDCs considering the adverse visual effect of outside meters, and developing design guidelines.

The Historical Architectural Review Board of Lancaster sets out comments similar to the other preservation societies and commissions, including recommending a more specific definition for historic district, suggesting utilities be required to provide design guidelines, and implementing public notice standards for notifying property owners. The City of Lancaster Mayor J. Richard Gray, and Lois Groshong, Chairperson of City of Lancaster Historical Commission, advance arguments similar to other commenters with historical property concerns, including the definition of historic district,

clarification of alternative locations for meters, clear delegation of who will make the meter location decision, and increased public notification/participation.

Mayor Ed Pawlowski of Allentown comments that gas meter sets should be in the safest and least visually obtrusive location. In addition, he proffers arguments similar to other commenters with concerns about historic properties. This includes redefining historic district and high vandalism districts, requiring gas distribution companies to account for visual impact of gas meter sets, and requiring public notification/participation between NGDCs and property owners. Finally, Charles B. Fisher copied the Commission on a letter sent to the Mayor of Reading, Vaughn D. Spencer, complaining about UGI gas meters as an eyesore.

General Comments (Independent Regulatory Review Commission)

The Independent Regulatory Review Commission (IRRC) comments that Section 59.18 is not the only regulation governing gas meter and regulator locations. IRRC explained that the Commission established in Section 59.33 that the Code of Federal Regulation (CFR) and its subsequent amendments effectively supersede the Commission's regulations, in that amendments to the CFR "shall have the effect of amending or modifying the [PUC's] regulations," and the CFR addresses meter and regulator location. According to IRRC, in determining whether a regulation is in the public interest, it will review the criterion of "possible conflict with or duplication of statutes or existing regulations." 71 P. S. § 745.5b(b)(3)(i).

Here, IRRC concludes that this regulation would substantially duplicate the Commission's existing regulation at Section 59.33(b) and, further, would possibly conflict with the CFR which the Commission adopted by regulation. Furthermore, under Section 59.33(b), amendment to the CFR "... shall have the effect of amending or modifying the [PUC's] regulations ..." Thus, IRRC submits that this provision raises the possibility of conflict between the proposed Section 59.18 and the existing Section 59.33(b).

IRRC explains that if the final regulation contains similar provisions found in the CFRs, the Commission should explain why the proposed amendment is needed, viable, and not duplicative. If the final regulation does not contain similar provisions found in the CFRs, the Commission should explain how these mandates support the Commission's stated intent to make Pennsylvania's regulations consistent with Federal regulations and reconcile with the Commission's statement that, "the proposed amended language imposes no additional regulatory requirements upon natural gas distribution companies (NGDCs) that these utilities are not already subject to under the federal regulations."

IRRC raises the point that although the Commission has identified safety issues that need to be resolved so that the public is provided with safe and reliable service, the proposed regulation seems to address only a portion of the identified safety concerns. In particular, according to IRRC, the proposed regulation includes only meter and regulator location. The proposed regulation does not address several of the other safety concerns identified by the PUC. Specifically, while the proposed regulation still allows inside meters, IRRC submits that it does not address the following:

- Access to inside meters so that gas companies can comply with state and federal regulations that require leak surveys up to the meter. It appears that regulations

may be needed for coordination of access between customers with inside meters and the gas utilities so that the required safety testing can be accomplished.

- Plastic service lines which the PUC implies may be safer than steel based on the statement that the combination of steel service line and inside meter set is a high-risk factor for natural gas incidents.
- The use of excess flow valves as a safety device.

IRRC states that the Commission should either revise the final regulation to address these other safety concerns, or explain why the regulation does not address these other safety concerns identified by the Commission.

To determine whether a regulation is in the public interest, IRRC considers economic impact and implementation procedures. According to IRRC, commentators have stated that the proposed regulation establishes some rules that have no counterpart in the federal regulations, such as § 59.18(a)(1) and (2), which IRRC submits contradicts the Commission's stated intent. IRRC notes further that the Commission has not explained which state and federal provisions are inconsistent, or how the Commission's regulations could conflict. IRRC states that public commenters have argued that the mandates may lead to increased costs due to the elimination of NGDCs' flexibility and discretion. IRRC asserts that it also received numerous comments from preservation/neighborhood associations and individual homeowners commenting that the proposed regulation would fail to sufficiently protect historic resources and neighborhoods from adverse effects caused by inappropriate meter installations. IRRC also submits that it does not see excess flow valves offered in the proposed regulatory language as an alternative to meter set relocation. IRRC argues that if the Commission chooses to proceed with the rulemaking, the Commission should make appropriate revisions in the final regulation and/or its applicable responses to the Regulatory Analysis Form (RAF) to address EFV as an alternative to relocating inside meter sets outside. IRRC notes that the comments indicate the proposed regulation does create additional regulatory requirements that exceed federal requirements and removes the NGDC's use of discretion.

In order to clearly establish and support this rulemaking's intent, IRRC recommends that the Commission review and revise its Preamble and responses in the RAF prior to submitting a final regulation. IRRC questions the Commission's support for the regulation based on safety concerns stating that the Commission has not established a direct link between reportable incidents and leaks at inside meters, i.e., the leak was outside but the gas entered the basement, leading to the incident.

IRRC then asks why the Commission did not convene a stakeholders group. IRRC questions whether the Commission has adequately considered the proposed regulation's impact on homeowners and communities with historic character, an asset which these communities consider to be an essential component of their community. IRRC specifically noted the following comments of gas utilities:

- The proposed regulation will impose additional requirements beyond the CFR previously adopted by the PUC.
- The modifications eliminate utility discretion and flexibility without articulating a basis for the mandates and without consideration of the limited situations where the proposed requirements would be impractical and result in increased costs.

- The exceptions for historic districts and high-risk vandalism districts are not sufficiently clear.

- The proposed revision to require all inside regulators connected to steel service lines to be relocated to the outside by December 31, 2020, is contrary to the stated intent of the [PUC] to provide ten years to accomplish relocation and, moreover, is an arbitrary deadline.

- Contrary to the PUC's statements, the proposed regulation does not implement provisions for excess flow valves.

- There are also concerns with the details of cost allocations when a meter was originally installed by the utility in a safe location, but the customer created the need to relocate the meter by an action such as remodeling a basement in a way that the meter no longer meets safety requirements.

IRRC recommends that the Commission withdraw this regulation. However, if the Commission does not withdraw the regulation, IRRC recommends that it conduct stakeholder meetings with gas utilities and commentators, including those with knowledge of ordinances regulating historic properties. Based on this input, the Commission can develop safety requirements for the appropriate placement of gas meter sets which afford NGDCs discretion and flexibility while maximizing protection of both the public and Pennsylvania's historic properties. Additionally, IRRC strongly recommends that the Commission publish an advance notice of final rulemaking to allow the public and standing committees the opportunity to review any revisions that the Commission makes to the regulatory language before submittal of a final-form regulation.

IRRC references commentators concerns with the December 31, 2020 deadline for relocation of regulators connected to steel service lines. The commentators raised concerns about how this schedule will affect their planning, which allegedly already takes into consideration prioritization of system risk and operational concerns.

Response to Independent Regulatory Review Commission Comments

Section 59.18 is currently limited with respect to providing regulatory requirements for locating meters. The regulation merely provides that meters can be installed inside or outside the building with a few location requirements. Our Proposed Rulemaking Order (page 1) acknowledged that the existing regulation is inadequate.

IRRC notes that the Commission in Section 59.33 adopts the pipeline safety laws including 49 CFR Parts 191—193, 195 and 199 that address meter and regulator location. We do not believe that our adoption of these minimum safety standards in Section 59.33(b) conflicts or duplicates the proposed regulations. Section 59.33(b) is clear that the Federal regulations are the minimum safety standards that apply to natural gas public utilities. In fact, we agree with the commentators that the proposed Section 59.18 is taken, largely, from the Guide Material and not the Federal regulations. As guidelines they are information for consideration by operators. They are in effect "best practices" recommendations but are not required, nor do they have the force and effect of a regulation. We submit that specifying mandatory requirements for meter, regulator and service line locations is necessary to protect the safety of the public and, therefore, is in the public interest. That being said, we disagree that the language is inflexible and leaves no room for utility discretion. The proposed regulation allows the utility in many instances to deviate from the general

rule or requirement if it is not “feasible and practical to do so.” Therefore, the utility will retain discretion in applying this regulation.

We have further reviewed the Federal regulation 49 CFR Parts 192.351–383 and do not believe the proposed regulation conflicts with the Federal requirements. The scope of §§ 192.351–383 prescribes minimum requirements for installing customer meters, service regulators, service lines, service line valves, and service line connections to mains. Section 192.353 addresses location of customer meters and regulators and § 192.355 addresses protection from damage. We do not believe these provisions conflict with the proposed regulation and none of the commentators have been specific in identifying the conflicting provisions or duplication. The other provisions of the Part mostly address technical installation requirements rather than location.

The Commission further acknowledges that the proposed regulations address similar provisions that involve meter and regulator locations. However, the specific provisions should not be considered conflicting or duplicative. For example, § 192.353(a) requires that “each meter and service regulator, whether inside or outside a building must be installed in a readily accessible location.” Annex A under paragraph (a)(5) requires that the “meter location must accommodate access for meter reading, inspection, repairs, testing, changing, and operation of the gas shut-off valve.” Rather than conflicting or duplicative, the proposed regulation is merely more specific in terms of addressing meter access.

Some of the commentators argued that the Guide Material contains guidance and information for consideration by operators in complying with Federal regulations. Given that we have relied on the Guide Material in drafting the proposed regulation, we do not believe our proposed regulation could then conflict with the Federal regulations. Moreover, our proposed regulation does not duplicate the minimum safety standards of the Federal regulation. Clearly, the proposed regulations are more detailed and address additional regulatory requirements for meter and service regulator locations such as notice, access, building openings, fire exits, stairways, crawl spaces and building air intakes. Therefore, since our adoption of the Federal regulations is only as minimum safety standards, we can implement regulations that go farther and are more comprehensive regulatory requirements.

We do acknowledge that the proposed regulation would impose additional regulatory requirements for NGDCs that will address safety issues. In addition, we will be revising the regulation to address safety issues that were not addressed such as access to inside meters, plastic service lines, and use of excess flow valves. Finally, we have also addressed historic preservation concerns over meter and regulator location issues in historic areas.

Section 59.18 Meter and Regulator Location

(a)(1)—When practical, a building may not have more than one service line. Service lines must terminate in the building in which the service line enters.

National Fuel recommends deleting the second sentence because of considerations for large industrial customers that sometime require a service line to enter multiple buildings. National Fuel explains that this requirement could be unnecessarily restrictive and problematic for customers and utilities where unique circumstances exist.

PGW states that it is not always possible to terminate a service line in the building in which the service line

enters, and contends that the phrase “where feasible” should be included before the second sentence.

EAP argues that this section should be more flexible, provide exceptions, and give utilities discretion. EAP suggests that “where feasible and practicable to do so” should be inserted at the beginning of the second sentence.

IRRC comments that the first sentence in Section 59.18(a)(1) is ambiguous and the phrase “when practical” is subjective. IRRC states the regulation should specify the circumstances that would allow for an exception to the requirement that a “building may not have more than one service line.” IRRC also recommends having the second sentence about a service line terminating in the building in which it enters as a separate requirement.

Discussion: We agree with the underlying sentiment expressed by IRRC that a regulation should be more specific and detailed with respect to the circumstances that would allow for an exception. However, while we could possibly provide some examples of circumstances that would warrant a building having more than one service line, we do not believe we could specify all the circumstances that warrant an exception. The Commission fears that limiting itself to a list of exceptions will compromise the regulation. We would agree that this determination could be based on physical circumstances and/or cost considerations. Therefore, we further believe that using words such as “feasible” and “practical” sufficiently defines the circumstances where an exception to the general rule would be supportable. Of course, the utility would have the burden of proving one service line is not “feasible and practical” if a complaint is filed over the issue and the matter would be resolved by the Commission. For purposes of comparison, we direct attention to the use of the term “reasonable” which is used throughout the Public Utility Code but could be viewed as vague.

We agree with EAP’s comments but shall not completely adopt its recommended language. Although EAP suggests that the phrase words “when feasible and practicable to do so” be used at the beginning of the second sentence, we believe it is more descriptive to use the words “feasible” and “practical.” If it is “feasible,” it is capable of being done, i.e. “possible.” “Practicable” is synonymous with feasible, since it references something not “actually tested,” but capable of happening. However, “practical” means that something has been “proven” and “put into practice.” See Webster’s Ninth New Collegiate Dictionary. Therefore, we believe that the phrase “when feasible and practical to do so” is a more descriptive standard. In other words, it not only may be done or accomplished, but it has been done before or “put into practice.”

We agree with IRRC that the requirement about a service line terminating in the building in which it enters should be separate, and have incorporated this change. Additionally, we shall move paragraph (a)(1) to new paragraphs (f)(1) and (2). Given that this provision addresses service lines, we believe that the subject matter warrants a separate subsection where service lines will be addressed.

(a)(2)—Meters shall be installed at the service regulator. When more than one meter is set on a particular premises, the meters must be set at one location. When it is necessary to install meters at multiple locations on the premises, the utility operator shall provide a tag or other means to indicate there are multiple meter locations.

National Fuel argues for adding “When practical” to the beginning of the rule for increased flexibility for unique circumstances, such as “high pressure services.”

Peoples argues that sometimes it is not practicable, feasible, or economical to install the meter set together. Peoples uses the example of larger customers with remote meter sets and long service lines served from medium pressure mains. In this situation, the meter is installed near the main line and the service regulator is installed at the building, which enables the service line to operate at higher pressure and utilize a smaller pipe. The service regulator cutting the pressure from pounds to ounces is installed near the building. This design allows a larger customer to minimize the expense of installing the service line at their property because the smaller service line is less expensive. Peoples recommends that the phrase “when feasible and practicable” be inserted at the beginning of this subsection.

Discussion: We agree that it might not be feasible and practical, or economical to install the meter set together. Therefore, we shall remove this requirement. We will also remove the second sentence of this paragraph because it conflicts with the third sentence that refers to meters at multiple locations. For better organization of subsection (a), we shall move the third sentence as a separate requirement to paragraph (2). Finally, to be more descriptive, we have added the words “for meter and regulator location” to the subsection title.

(a)(3)—*An outside, above-ground meter location must be used when availability of space and other conditions permit.*

With respect to Section 59.18(a)(3), IRRC notes that commentators raise concerns regarding who makes the determination, and what standard is utilized, when an “outside, above-ground meter location must be used when availability of space and other conditions permit.” According to IRRC, it is not clear what meets the standard of “availability of space” or what “other conditions” must be considered, and it should be clarified whether a property owner has the opportunity to participate in this decision. According to Columbia, the company has been adhering to this standard for a number of years. However, there are inside meters on Columbia’s system that may have outside space available, but were originally installed inside. Columbia maintains that it should be clarified whether this regulation, if adopted, would apply to meter sets installed after the effective date of this proposed regulation.

Discussion: We agree with IRRC’s concern about the vagueness and uncertainty of the provision as written. The intent of the provision needs to be more focused. Rather than use the subjective phrases “availability of space” and “other conditions,” we shall insert a general rule that “meters and regulators shall be located outside and aboveground.” However, we still need to allow some flexibility in its application. We shall accomplish this by adding the exceptive phrase “unless otherwise specified in this section.” We believe these changes will provide specificity to the regulation that is currently lacking. Also, we believe the utility customer should have prior notice when the gas utility plans to install the entire meter set outside and above ground. Therefore, we have added the requirement that the utility customer receive 30 days written notice by first class mail or by personal delivery. The paragraph will be renumbered as (a)(1) because proposed paragraph (a)(1) has been moved to new paragraphs (f)(1) and (f)(2).

(a)(4)—*When selecting a meter or service regulator location, a utility shall consider potential damage by outside forces, including: (i) Vehicles. (ii) Construction equipment. (iii) Tools or other materials which could be placed on the meter. (iv) Falling objects, such as packed snow or ice from a roof.*

National Fuel argues for removal of the list of specific considerations because solely relying on the list could lead to exclusion of other safety issues. National Fuel also raises the issue of persons creating unsafe conditions and argues that the list could be used as a defense to a utility’s claim for damages to its facilities. National Fuel uses an example of a customer piling snow over a meter and the meter being damaged. National Fuel argues that the customer should bear a utility’s expenses for these unsafe conditions, and that the list of considerations could be used to argue that there is a statutorily created duty for the utility to anticipate this type of damage and the utility was negligent per se. National Fuel claims that deletion of this list of specific considerations will not change what the Commission is attempting to accomplish.

IRRC considers Section 59.18(a)(4) vague since for every threat identified in paragraph (4) there is a potential for damage and it is not clear what is the due diligence on the part of the utility that will meet the standard. IRRC further questions how a utility can evaluate how meters may be safer in basements than in the front of a home where they could be hit by a vehicle. Furthermore, IRRC believes the term “construction equipment” is vague and that it should be defined, and the utility must also consider potential damage by tools or other materials which could be placed on the meter. IRRC recommends that the provision be deleted or explain what meter location would not have the potential for tools or “other material” to be placed on the meter and still meet other requirements in the regulation. Finally, IRRC finds subparagraph 4(iv) vague because it does not state what other “falling objects” the utility must consider.

Discussion: We agree with NFG that utilization of a list of outside forces may exclude other considerations that involve safety issues. Clearly, having a meter or regulator on the outside near the street will raise the safety issue of vehicles crashing into the utility’s facilities. Besides vehicles, there are too many possibilities that involve safety to try and identify the possibilities with a list. Therefore, we shall remove the list and end the provision at “outside forces.” Although this provision may appear to be vague, it is very specific that the utility has the obligation to consider potential damage when locating outside meter sets. The new paragraph will be (a)(3).

(a)(5)—*When potential damage is evident, the meter or service regulator shall be protected or an alternate location selected.*

National Fuel suggests that this section should clarify that the customer will be responsible for costs and expenses for installation of additional protection or relocation when the unsafe condition is due to the customer’s negligence. According to National Fuel, after initial installation, the utility should not be held responsible for protection and relocation costs that occur due to a later change in conditions on the premises that is within the control of the customer or property owner.

With respect to subparagraph (a)(5), IRRC questions how potential damage may be evident, who would make this determination, and how the Commission would enforce this regulation.

Discussion: Since the meter or regulator would be installed by the NGDC, the utility would have to make the determination that potential damage is evident if it has notice of the condition. At the outset, we must assume that the utility would not install the meter set at the location where potential damage is evident, or that if protection was warranted, the utility would provide the protection. Furthermore, if an unsafe condition is created by the customer or property owner, we assume that the costs and expenses incurred by the utility for protection or relocation of the utility's facilities would be covered in the utility's tariff. Therefore, upon further reflection, we agree that the phrase "potential damage" is vague. Since any utility is already obligated to provide safe and reasonable service and facilities under Section 1501 of the Public Utility Code, this provision may be unnecessary. In other words, it is unnecessary to tell a utility that it must not create an unsafe condition or inadequately respond to an unsafe condition. We shall delete the paragraph.

(a)(6)—Meters and service regulators may not be installed in contact with soil or other potentially corrosive materials. A utility shall consider the potential for shorting out the insulating fitting when choosing a location.

IRRC submits that subparagraph (a)(6) needs clarity with respect to the standard for shorting out the insulating fitting when choosing a location.

Discussion: We agree that the second sentence is unclear. That being said, to comply with Section 1501, we assume that the utility takes this factor into consideration in choosing a location. Therefore, we shall delete the sentence. We shall retain but modify slightly the wording of the first sentence. However, the phrase shall be moved to a new subparagraph (6)(VI) that identifies locations where meters and regulators may not be installed.

(a)(7)—The meter location must accommodate access for meter reading, inspection, repairs, testing, changing, and operation of the gas shut-off valve.

National Fuel argues for clarification of this section by adding language that the customer shall provide the utility access, at all reasonable times, to the meter or regulator for purposes of performing these functions. National Fuel states that sometimes customers refuse access to perform a work order that the customer doesn't want the utility to complete, such as a meter removal, meter relocation, or meter shut off/lock.

IRRC notes that subparagraph (7) requires that the location accommodate access for activities including repairs and testing. IRRC submits that subparagraph (7) should address the coordination of access to inside meters between the gas utility and the customer so that safety testing can be accomplished.

Discussion: While we agree that the customer should provide reasonable access to the gas utility to perform a variety of functions, we believe that this requirement should be addressed in a utility's tariff. Moreover, this responsibility of the customer has no bearing on location issues. Therefore, we decline to add additional language regarding a customer's obligation to provide access to utility facilities. We have renumbered this paragraph as (a)(4).

(a)(8)—The meter location must accommodate the installation of the service line in a straight line perpendicular to the main.

National Fuel argues for beginning this section with the phrase "When practical," because it is not always

possible or feasible to install a service line perpendicular to the main line, even though this is the preferred method.

Equitable agrees that this requirement is too inflexible because there are circumstances where the meter physically cannot be located to accommodate a perpendicular service line, such as trees or landscaping, as well as the location of other utility infrastructure that can sometimes be an obstacle necessitating the location of the meter in such a way that perpendicular installation of the service line cannot be accommodated. Equitable believes that the flexibility found in the Guide Materials using the phrase "normally permit," is more appropriate than the prescriptive language in the proposed regulation.

PGW also recommends that "where feasible" should be inserted at the beginning of this subsection.

EAP, similarly, responds that this section should begin with "where feasible and practicable to do so." Columbia believes that it should be clarified whether this regulation, if adopted, would apply to residential meter sets installed after the effective date of this proposed regulation. In addition, Columbia notes that this standard may not always be feasible for commercial and industrial meter sets due to the cost and complexity that are routinely involved with such meter sets.

IRRC asserts that the requirement that the service line be installed in a straight line perpendicular to the main should be deleted or explain why it is reasonable and the costs justified.

Discussion: We agree that the requirement must be flexible to address unique circumstances. Therefore, we shall add the phrase recommended by EAP, with our modification which is "when feasible and practical to do so." It will now be paragraph (a)(5). In addition, the provision contemplates that the service line should be installed in a straight line perpendicular to the main. We shall also add this requirement in subsection (f)(3) that addresses the general requirements for new service lines.

(a)(9)—Meters and service regulators may not be installed in the following locations: (i) Directly beneath or in front of windows or other building openings which may be used as emergency fire exits. (ii) Under interior or exterior stairways. (iii) A crawl space with limited clearance. (iv) Near building air intakes.

National Fuel notes that utility facilities should never be located where they would obstruct an emergency fire exit. National Fuel states that subparagraph (i) will restrict utilities from placing meter sets beneath or in front of windows or other openings that "may be used as emergency fire exits." National Fuel argues that this is too broad of a restriction as any window large enough to fit a person may be used as an emergency exit, and that the Commission's purpose is not clear. National Fuel suggests that this section should focus on preventing placement of meter sets at locations that "directly" obstruct access to a window or opening used as an emergency fire exit.

PGW states that the housing and building stock in the City of Philadelphia sometimes leaves it with no other option than to locate a meter or regulator directly beneath a window, door, or exterior stairwell. PGW states that it only does this when there are other means of egress from the building, and that it only installs meters or regulators under exterior stairwells made of non-combustible material that have adequate ventilation. PGW states that the regulation should be worded to include these types of installations.

Peoples agrees with EAP's comments that there are places where it is impossible to find a location for a meter that is not near a window or door that could be used as a fire exit. Peoples also argues that this should be the case for all subparagraphs of subsection (a)(9).

EAP suggests that meters should be able to be located near fire exits if the amount of gas that might enter a building is minimized. EAP argues that this section should state "Unless measures are taken to limit the amount of gas that might enter a building, meters and service regulators should not be installed"

Columbia presumes that this requirement would only apply to new installations. Columbia also makes the point that meters could be installed at a certain location in compliance with the proposed regulations, and subsequent actions taken by the customer could render the location in conflict with this requirement, e.g., a window, entrance/exit, or structure, such as a porch, could be built over the meter.

Section 59.18(a)(9)(i)—(iv) address where meters and service may not be installed, and IRRC generally concludes that these provisions are vague. IRRC points out that with respect to these mandates nearly every window could arguably be used as an emergency fire exit. Also, given all the other restrictions, the Commission should not prohibit the placement of a meter under an outside stairway in all circumstances, and the Commission should be clear about what crawl spaces may be used. Finally, IRRC submits that it is not clear what "near building air intakes" means.

Discussion: We agree with NFG's suggestion that we focus on preventing placement of meter sets at locations that "directly" obstruct access to a window or opening used as an emergency fire exit. We shall delete the words "directly" and "be used as" and put the phrase "directly obstruct" in front of "emergency fire exits." We also agree with PGW's suggestion of requiring another means of egress when installing meter sets under exterior stairways and requiring adequate ventilation. We shall essentially adopt PGW's suggested language changes. However, we shall not adopt EAP language change about limiting the amount of gas entering a building based on vagueness. We believe our adoption of NFG and PGW's recommendations will address IRRC's assertion of being vague. In addition, we shall delete the phrase "with limited clearance" in subparagraph (iv) since a "crawl space" is a sufficiently defined area as "a shallow unfinished space beneath the first floor or under the roof of a building." See Webster's Ninth New Collegiate Dictionary. Also, the term "near" in subparagraph (v) will be dictated by local or state building codes which standards may be different and change in the future. Therefore, we believe adding the reference to "local or state building codes" adds sufficient clarity and specificity to the requirement. This paragraph will now be identified as paragraph (a)(6).

(a)(10)—When the Commission or a utility determines that a meter or regulator shall be moved for safety reasons, all costs associated with the relocation of such meter or regulator shall be borne by the utility. When a utility moves a meter in addition to the regulator, under this section, the cost of extending customer-owned facilities to the new meter location shall be borne by the utility.

National Fuel argues that when relocation is required because of circumstances within the customer's control, the utility should not bear these expenses. National Fuel also argues that customers, who refuse National Fuel

access to their homes for a relocation, should bear the costs when National Fuel has to come back later to do the relocation.

Equitable states that this requirement is not part of existing federal regulation, would impose a new and additional regulatory requirement, and would create a significant level of capital investment for the utility. Equitable argues that the broad scope of the language is problematic because, in some areas, service lines and fuel lines are owned by, and are the responsibility of, the customer. Equitable also argues that in accordance with tariff provisions and industry practice these costs are the customer's responsibility.

PGW states that a utility should only bear the costs of relocation when the meter or regulator is moved for safety reasons that have nothing to do with actions of the customer. PGW thinks this subsection should have an exception for unsafe situations that have been caused or created by meter tampering, unauthorized usage, or unsafe conditions created at the affected building.

Peoples, again, supports EAP's comments. Peoples also argues that the term "safety reasons" should be defined in the regulation or be at the discretion of the utility. Peoples recommends that the definition should be "a situation in which the utility believes, in its reasonable judgment, that the placement of the meter violates a provision of 52 Pa. Code § 59.18, the applicable federal standards or which poses a unique safety risk to the occupants of the premise where the meter is located." Peoples also argues that costs of replacement should be partially borne by customers when the customer creates or contributes to the safety concern. PECO argues that utilities should not bear the costs of relocating meter sets if the unsafe condition was caused by the customer.

EAP argues that the cost of the relocation of customer-owned fuel facilities should not be the utility's burden, and that shifting this cost actually shifts the cost onto other customers. EAP argues that this subsection needs to be more flexible and allow for discretion. Although EAP agrees that the utility should bear the responsibility for paying for meter or regulator relocations where the work is initiated to address safety concerns, EAP notes that a blanket rule is not required under existing Federal regulations and marks a significant change to current practices in western Pennsylvania where, in many instances, service lines from the curb to the meter, as well as the fuel line downstream from the meter inside the building, are owned by the customer. EAP requests that the Commission consider the cost to ratepayers of this change in financial responsibility regarding extension of "customer-owned fuel facilities" to a relocated meter/regulator at a time when utilities are being encouraged to devote capital resources to pipeline replacement efforts. In support of its position, EAP has recommended specific revisions to the provision.

For paragraph (a)(10), IRRC submits that the Commission should clarify how it intends for NGDCs to notify customers and discuss options. Furthermore, IRRC noted commentators' concerns about property owners who refuse access to their premises to perform meter relocation work, and who shall bear the cost if a customer's action has created or contributed to a safety issue.

Discussion: First, we shall not attempt to regulate a situation where a customer refuses access. The utility should look to its tariff to provide a remedy. Although this requirement that imposes the costs on the utility may not be a part of Federal regulations, this new regulatory

requirement is based on safety reasons. Therefore, even if the service is owned by the customer, if the move is based on safety reasons imposed by the utility, we believe the utility should be responsible for the costs. Similarly, and in response to PGW, Peoples, and PECO's concern, the utility should already have a tariff addressing damages to its facilities or the creation of unsafe situations caused by the customer. However, we shall amend the regulation to clarify a customer's responsibility if they are responsible for the unsafe condition. With respect to western Pennsylvania, if the utility initiates the movement of the meter or regulator for safety reasons, then the gas utility should pay for the cost, unless the unsafe condition was caused by the customer. We shall incorporate EAP's proposed modification.

Finally, in response to IRRC's concerns, the customer shall be provided 30 days prior notice of the work. This notice is required under paragraph (a)(1). As discussed previously, if the customer does not cooperate, then the gas utility should rely on its tariff to resolve the situation. These paragraphs will now be identified as paragraphs (a)(7) and (a)(8).

(a)(12)—Utilities shall address meter location in their tariffs.

National Fuel argues that the intent of the Commission to give utilities sole determination of meter set location, as described in the Proposed Rulemaking Order at page eight, is not contained in the letter or the spirit of the regulation, and recommends adding language that expresses this intent to this section.

Discussion: We agree that the language stating that gas utilities have the sole determination for meter set location is not contained in the regulation. Although the utility still retains substantial discretion in locating meter sets, the rulemaking establishes standards and requirements that the utility must satisfy. Therefore, we shall modify this paragraph to reflect the utility's obligation to file tariffs that comply with the regulation. This paragraph will now be identified as (a)(10).

(b)(1)—Outside meter or service regulator locations. Outside meters or service regulators shall be installed in the following locations: (1) Above ground in a protected location, adjacent to the building served. (2) In a properly designed buried vault or meter box.

National Fuel argues that this requirement should be deleted because it is not always practical to place meters adjacent to a building, especially in rural areas where homes are located far from the road and main line. National Fuel also states that this requirement is in conflict with 52 Pa Code § 59.31(d), which requires meters for services off of production and transmission lines to be located as closely as possible to the main line.

With respect to the outside meter or service regulator locations, IRRC notes that the wording of subsection (b) is confusing and needs to be revised and clarified. Furthermore, IRRC recognizes that a commentator raised the question that paragraph (b)(1) may conflict with 52 Pa. Code § 59.31(d), which requires meters for services off of production and transmission lines to be located as closely as possible to the point where the main line is tapped, rather than adjacent to the building being served. IRRC notes that commentators also raised their concerns as to what defines a "protected location," what standards determine a "properly designed" buried vault or meter box under paragraph (b)(2), and the need for the provision and how the provision is reasonable.

Discussion: We agree with NFG's comment with respect to the provision's application to rural areas. Since the outside meter or service regulator location is very much dependent on whether the location is rural or urban, we shall insert the phrase "when feasible and practical to do so" to provide the utility with discretion in this placement. We shall also add the phrase "or as close as possible to the point where a production or transmission line is tapped," to reflect the different locations and the requirements of Section 59.31(d). This change will address the issue of locating meters for services off of production and transmission lines. We agree with IRRC's comment about the vault and shall delete the phrase "properly designed," although we shall not delete the phrase in paragraph (b)(3), which is now identified as (c)(1), because a list of the design criteria is identified and does not need to be clarified. Finally we have reorganized subsection (b) to include two paragraphs (1) and (2) which specifically address meter and regulator locations. We shall also clarify that the location requirement will only apply to "one of" the locations. As for the phrase "protected location," the definition of "protect" is "to cover or shield from exposure, injury, or destruction." See Webster's Ninth New Collegiate Dictionary. We believe the use of this term and the definition give enough direction to the utility in locating the meter or regulator that we do not have to clarify the phrase further by attempting to give specific examples of a "protected location." For example, if the utility locates a meter or regulator out near the curb, in the open, and a vehicle accident causes damage, the location will probably be determined by the Commission to be not protected and in violation of the regulation.

Finally, the use of the phrase "adjacent to the building served or near the gas main" accounts for the difference between service in urban areas where service lines are shorter and generally owned by the utility versus rural areas where service lines are longer and generally owned by the customer. In urban areas, if the meter or regulator is adjacent to the building, it is more likely to be in a protected location, away from the vehicle and pedestrian traffic. Whereas, in rural areas, the utility will place the meter and regulator close to the gas main because the distance from the main to the house can be much longer and the utility does not want to be responsible for a service line to a house that is set far from the road.

(b)(3)—A utility shall consider proper design and location criteria for a meter box, including:

(iii) Potential for soil accumulation.

Moreover, IRRC maintains that the term "proper design and location criteria for a meter box" is vague, questions the standard for "potential for soil accumulation" under subparagraph (b)(3)(iii), and raises the question of the relationship between subparagraph (b)(3)(vii) and 49 CFR 192.353(c).

Discussion: We disagree with IRRC that this phrase is vague given that the provision addressing the meter box lists seven items to be considered in determining proper design and location criteria. However, we shall remove the phrase "potential for" before "soil accumulation." We agree the phrase may be considered vague. With respect to the Federal regulation, the CFR provision is more specific than subparagraph (vii) since it identifies the specific clearance required from the heat source. We shall cite CFR Section 192.353(c) as the clearance requirement for the regulation. Finally, we have decided to separate vaults or meter boxes under an individually titled subsec-

tion (c). This subsection will address all the general requirements for vaults or meter boxes.

(b) *Outside meter or service regulator locations. Outside meters or service regulators shall be installed in the following locations:*

(5) *Vaults containing gas piping may not be connected by means of a drain connection to any other underground structure.*

(6) *When a meter box is located outside a paved surface, a utility shall consider the potential for fill, topsoil, or sod being placed over the vault, and when practical, choose an alternate location.*

Similarly, Columbia notes that with respect to Section 59.18(b)(5), “[V]aults containing gas piping may not be connected by means of a drain connection to any other underground structure.” Columbia states it is not aware of any vaults on its system that have a drain connection to any other underground structure, but it should be clarified that this requirement would apply to vaults installed after the effective date of this proposed regulation. With respect to paragraph (b)(6), IRRC questions the use of the term “potential” and believes the Commission should specify how an NGDC could determine the threshold for choosing an alternative location.

Discussion: We agree that this requirement would apply to vaults installed after the effective date of this proposed regulation. We again think the use of the word “potential” is vague and shall, therefore, remove the phrase “the potential for” from the paragraph. Here, the determination for choosing an alternate location will be based on the utility’s prior experience locating meter boxes in areas that may experience fill, topsoil, or sod being placed over the vault. For example, if a new residential development has a meter box located near the front entrance, fill, topsoil or sod could be placed over the vault, and the utility should consider choosing an alternate location. However, to provide the utility with additional discretion in this area, we shall have the phrase read “when feasible and practical to do so.” These paragraphs have been changed to (c)(3) and (c)(4).

(b)(7)—*A utility shall refer to the guide material under 49 C.F.R. § 192.355 (relating to customer meters and regulators: protection from damage.*

National Fuel recommends that this requirement be deleted because it refers to 49 CFR 192.355, and guide material contained therein. However, National Fuel states that no such guide material exists and presumes that the rule refers to the Guide for Gas Transmission And Distribution Piping Systems (GPTC). National Fuel argues that this guide is not meant to be adopted as a regulation, and that the GPTC actually cautions against it. National Fuel believes that most of the proposed regulation actually mirrors the GPTC.

Furthermore, IRRC sees a discrepancy in subparagraph (b)(7) because the provision refers to guide material but does not see the reference to guide material in the Federal regulation. According to IRRC, the provision should either be clarified or deleted.

Discussion: We agree with the NFG’s and IRRC’s comment and shall make the deletion.

(c)(1)—*Inside meter locations shall be considered only when: (i) an acceptable outside location is not available due to restrictions in Federally-approved historic districts or in high risk vandalism districts.*

National Fuel argues that this subsection should be deleted and that the provision should allow meters to be

located inside when deemed necessary in the sole judgment of the utility. National Fuel states that this exception will allow anyone living in a Federal historical district to have an indoor meter to the detriment of safety and the utility’s need for reasonable access to its facilities. National Fuel submits that the proposed requirement allowing for meters to be located inside due to restrictions in Federally approved historic districts is a significant deviation from, and a more stringent requirement, than the Federal regulations. National Fuel argues that the Commission should not value aesthetics over safety and efficient utility operations, and shift authority from the Commission and the utility to the customer/property owner.

According to NFG, the Commission should trust in the utility’s ability to provide gas service to customers in historical districts in a safe, effective manner while taking into account, to the extent practical, local concerns regarding the placement of gas meters and regulators, and if need be, contact the Commission for review and guidance.

Equitable argues that the proposed regulation differs significantly from the GPTC’s general rule that inside meter locations should be considered under the following conditions where (1) an acceptable outside location is not available or practical and/or (2) protection from ambient temperatures is necessary to avoid meter freeze ups. Equitable argues that inside meter locations should not be solely based on subjective definitions of “historic” or “high vandalism.” Equitable believes that the utility should determine the location for meter sets because it is in the best position to evaluate the safest location.

PGW also argues that the utility should have sole discretion to determine meter set location. PGW believes that this section should provide that while the utility may take Federal restrictions into consideration when considering meter locations, the utility should have the sole discretion to determine the most appropriate location for a meter set, particularly given safety considerations. In addition, PGW contends that since a utility is in the best position to assess the future likelihood of vandalism to a meter, the utility should be the final arbiter of whether a meter is in a high vandalism area. Based on these arguments, PGW offered suggested revisions to the language of this subparagraph.

Peoples states that in some instances it is not feasible or practicable to place a meter inside and still meet the Federal regulations and guidelines. Peoples recommends that another exception be inserted to provide for inside placement when outside placement is not safe, practicable, or feasible. Peoples believes that those instances will be few and far between. However, the utility must be provided with the ability to use its discretion and operational knowledge in placing or relocating meters.

EAP states that utilities are exempt from local zoning restrictions because the Commission has been granted exclusive jurisdiction to establish standards for the maintenance of utility facilities. Thus, EAP argues that its members are not subject to historic district regulations in the placement of facilities. According to EAP, Pennsylvania case law clearly recognizes that utilities are exempt from local zoning and other local restrictions, with certain limited exceptions. EAP suggests that the Commission recognize this exclusive jurisdiction and retain flexibility for meter set placement through use of tariff provisions to govern meter placement. After explaining how historic districts and places are established under federal and state law, EAP contends that there are no federal historic

district requirements that would supercede the Commission's authority over standards for locating utility facilities in "Federally approved Historic Districts."

EAP explains further how local subdivisions create historic districts by ordinance and that once such certification is received and the ordinance goes into effect, the local subdivision may appoint a Board of Historic Architectural Review that issues certificates that address the appropriateness of work completed on the buildings located within the district.

EAP submits that jurisdictional utilities do not have to seek zoning approval or seek the issuance of building permits for the installation of their facilities because of the well recognized principle that the PUC has been granted exclusive jurisdiction to establish standards for the installation and maintenance of utility facilities. As a result, EAP does not believe that its members are subject to historic district regulations in the placement of facilities but, rather, must adhere to PUC regulations and act in accordance with the rules specified in Commission-approved tariffs.

In the alternative, if the Commission wants a recognized exception for historic districts, EAP recommends that "historic district" be defined as historic districts certified by the Pennsylvania Historic and Museum Commission under the Historic District Act. EAP suggests that the meters should be placed inside, and associated risers and regulators, where feasible, should be located outside of the building. EAP believes that this should strike an appropriate balance between safety and architectural integrity concerns by helping to ensure, in the event a steel service line is hit or disrupted, that gas flows would likely occur outside of a building, while helping preserve the architectural integrity of historic areas since outside risers and regulators are relatively small and unobtrusive. If the Commission seeks to address the placement of gas meters in historic districts in its regulations, EAP has suggested language to modify the wording of the proposed regulations.

Columbia notes that this standard may not always be feasible for commercial and industrial meter sets due to the cost and complexity, and this is especially true in the case of larger customers, given the nature of their operations. Columbia requests that the Commission consider adding an exemption for commercial and industrial meter sets.

The PHMC's Bureau for Historic Preservation serves as the State Historic Preservation Office (SHPO). According to PHMC, it is the responsibility of the SHPO to administer the Commonwealth's historic preservation programs under the authority of the National Historic Preservation Act and the Pennsylvania History Code. Apparently, the PHMC has been contacted by municipal representatives from various parts of the Commonwealth with concerns about the adverse visual effects of new gas meters placed within historic districts and in front of historic properties. PHMC submits that many of these municipalities have long-standing local preservation programs, often supported by ordinances, to ensure that the historic characteristics of their communities are maintained. In contrast to the statements made in the Proposed Rulemaking Order (page 7), PHMC is unable to identify any locally adopted historic property regulations that specifically stipulate the location of gas meters. PHMC maintains that a more likely scenario is that when utilities are attempting to install or relocate meters on the exterior of properties within locally designated historic districts,

such work may be subject to review by local boards or commissions if the meter location is visible from a public way.

As indicated previously, PHMC recommends that the definition be rephrased to use standardized terms that relate directly to existing Federal, State, and local statutes, regulations, and guidelines. PHMC recommends that Section 59.18(c)(1)(i) be revised to read as follows:

An acceptable outside location is not available because the property is listed in or eligible for listing in the National Register of Historic Places, located within a historic district that is listed in or eligible for listing in the National Register of Historic Places, or has been designated as historic under the Pennsylvania Historic District Act, Municipalities Planning Code, or municipal home rule charter.

In addition, to accommodate the various interests identified by the PUC, the utilities, the municipalities, and the PHMC, PHMC recommends that the rulemaking order include a requirement for utilities to develop design guidelines that address common issues related to meter placement and incorporate these guidelines into their tariff. PHMC explains that the proposed design guidelines should be general in nature and be developed collaboratively with the involvement of municipalities with active preservation programs, the utilities, and the PUC. Finally, due to the number of municipalities in Pennsylvania that would be affected by this rulemaking, PHMC requests that the PUC conduct additional public meetings in communities with ordinances regulating historic properties.

With respect to paragraph (c)(1), IRRC notes, based on PHMC's comments, that the premise of the provision is inaccurate because there are no municipal requirements in Pennsylvania relating to historic properties and the location of gas meters. Furthermore, IRRC notes EAP's comment that Pennsylvania law generally exempts utilities from local zoning restrictions. IRRC also raises PHMC's comment that because the term "Federally approved" does not appear in either the National Historic Preservation Act (16 U.S.C. §§ 470(a)—470(mm) or the Pennsylvania History Code (37 Pa. Code §§ 101—906), the provision is unclear and allows for a wide range of interpretation. IRRC then asserts that the reference to "restrictions" regarding a home listed on the National Register is unclear. IRRC states that the Commission should also explain whether local requirements, including zoning restrictions do, in fact, exist for utilities and the location of gas meters in historic properties and further clarify how it intends for historic preservation considerations—including those adopted by local governments—to be taken into account when considering the location of gas meter sets. Moreover, IRRC states that the Commission should clarify the provision "high-risk vandalism districts."

Discussion: Generally, we agree that historic preservation consideration should be taken into account when considering where and how to install gas metering and regulating equipment. We also agree with EAP's recommendations on placing the meter inside and regulators outside, when feasible, and shall adopt the amendment with respect to the "historic district" definition recommended by PHMC. We further believe the definition should include individually designated historic properties. According to PHMC, locally designated historic districts may also be listed in, or be eligible for, the National Register, either in whole or in part. We shall accept PHMC's revision to paragraph (i), with slight modifica-

tion. We shall retain the phrase “due to restrictions” because if there are no restrictions then the historic district location is not relevant to locating the meter set outside. We shall remove the word “acceptable” as an unnecessary adjective since we are retaining the phrase “due to restrictions.” We shall also accept PGW’s modification with respect to addressing meter vandalism. Finally, we shall provide additional regulatory authority for inside meter locations with the addition of subparagraph (d)(1)(IV) that reads “A UTILITY DETERMINES THAT AN OUTSIDE METER LOCATION IS NEITHER FEASIBLE NOR PRACTICAL.”

Although we agree with EAP’s general premise that utilities are not subject to local ordinances in the installation of their facilities, and that the PUC has exclusive jurisdiction in this area, we further clarify that our jurisdiction over service and facilities is not confined to the distribution of energy but can include any and all acts related to that function. *West Penn Power v. Pennsylvania Public Utility Commission*, 578 A.2d 75 (Pa. Cmwlth. 1990). Therefore, we might very well find that meters located outside in an historic district are not in the public interest for a number of reasons. These subparagraphs are changed to (d)(1)(i)–(iv). Under (d)(1)(i), we have further divided the subparagraph into clauses (A), (B), and (C). Finally, we have further defined or qualified the phrase “high risk of meter vandalism” by designating that it is based on the “utility’s prior experience.”

(c)(2)—*Regulators must be located outside when a meter is located inside.*

PGW asserts that when a meter must be placed inside it is usually advisable for the regulator to be inside too for the same reasons. PGW suggests that “where feasible” should be added to the beginning of this paragraph.

Peoples states that due to design limitations or economic constraints the meter and regulator must sometimes be placed inside the premises. Peoples recommends that this paragraph state that when regulators must be inside or are already inside then the regulator pipe must be vented outside of the premise.

Discussion: We believe that for safety reasons the provision would not be changed and that also for safety reasons where the service line is steel, the regulator should be outside. However, with the addition of the general rule under (a)(1) regulators shall be located outside and, therefore, paragraphs (2), (4), and (6) that refer to service regulators are no longer necessary. Furthermore, we have changed the title of this subsection to only include meter locations. Given this change we shall also remove the reference to service regulators in the paragraph now identified as number (3).

(c)(3)—*Installed inside meters must be attached to an operable outside shut off valve.*

National Fuel submits that the proposed regulations do not include a “grandfather clause” or other similar provision that clearly indicates that these rule changes are not intended to require immediate changes to existing facilities that may not be compliant with the proposed rule. National Fuel argues that this paragraph should only apply to new inside meters installed after the effective date of the regulation.

Columbia’s practice has been that if a meter is to be located inside a building where elevated pressure exists, then a regulator and a meter valve will be placed outside of the building. However, there are inside meters on Columbia’s system that do not comply with the new requirement proposed and Columbia believes it should be

clarified that this requirement would apply to meter sets installed after the effective date of this proposed regulation.

Discussion: We agree that it should be made clear whether this requirement would apply to meter sets installed after the effective date of this proposed regulation. This disposition is addressed in subsection (g) titled Application of Regulation, that requires the replacement of existing facilities within 10 years from the effective date of the regulation under paragraph (g)(3). Under paragraphs (g)(1) and (g)(2), we address the application of the regulation for new installations and replacing existing facilities, respectively. The paragraph is changed to (d)(2).

(c)(4)—*Regulators, connected to steel service lines must be relocated to the outside by December 31, 2020.*

National Fuel maintains that the deadline should be deleted because facility relocation will be adequately accomplished by the utility’s Distribution Integrity Management Plan (DIMP). Moreover, National Fuel thinks that modifying the proposed rule to allow flexibility in locating regulators on existing steel services would be consistent with the Federal regulations which do not impose a deadline.

Equitable contends that this requirement will impose a huge capital expenditure on the utility that is not supported by the safety risk of inside meters. Equitable argues that the Commission’s reason for this requirement, that there have been 65 reportable incidents in Pennsylvania over the past 40 years involving inside meter sets, has not been shown to be caused by the inside location of the meter. With respect to the Commission’s rationale that several utilities do not perform leak surveys up to the meter set when the set is inside, Equitable states that it does perform surveys up to the meter, and that this is not an adequate basis to rely upon to support this regulation. Equitable believes that there is insufficient evidence of a safety threat from inside regulators to establish a relocation completion deadline by regulation.

PGW states that it replaces steel service lines, relocates meters, and installs EFVs where needed as part of its main replacement program and in emergency situations. PGW states that it does this efficiently, consistent with its obligation to provide gas to customers at reasonable rates. PGW states that it would incur an enormous cost in fulfilling this requirement that would result in increased rates. PGW also predicts that it would have to refocus its risk-based safety efforts to adhere to this requirement. PGW submits that this section should only apply to high pressure service, as defined in 52 Pa. Code § 59.1. In addition, PGW states that this work should be performed as part of a utility’s normal main replacement program, and that costs should be recoverable under Act 11. Finally, PGW estimated the potential cost related to compliance with this section at between \$11 million and \$74.7 million.

PECO argues that utilities should be able to relocate meters consistent with their DIMP plans, which would allow the utility to prioritize the risks caused by indoor meter sets based on their particular distribution systems, and relocate in the most cost effective and efficient manner. This approach ensures that resources will not arbitrarily be diverted away from improving the highest system risk areas, to improving lesser risk areas, such as relocating indoor meter sets that do not pose immediate risks. PECO also notes the huge expense that would be associated with fulfilling this requirement and explains

that as part of its Accelerated Gas Infrastructure Modernization Plan (AGIMP), it will relocate 85% of these meters within ten years.

EAP states that there is no Federal counterpart to this subsection. EAP recommends that this section be deleted. In the alternative, if the Commission keeps this mandate, EAP suggests that the timeline should be flexible and take into account long term infrastructure replacement plans, pipeline replacement programs, and DIMP plans. EAP also argues that if the Commission keeps this requirement it needs to clarify whether the installation of excess flow valves or slam-shut regulators are viable options in lieu of regulator relocations.

IRRC references commentators concerns with the December 31, 2020 deadline for relocation of regulators connected to steel service lines. The commentators raised concerns about how this schedule will affect their planning, which allegedly already takes into consideration prioritization of system risk and operational concerns.

Discussion: We believe that ultimately relocating regulators on existing steel services is in the public interest. We do acknowledge that this would be costly and time consuming and would be more efficient to be a part of a main replacement program or other modernization plan. However, we believe that a deadline should be set to motivate utilities. Paragraph (g)(3) will provide for a 10 year completion period. Finally, this paragraph has been deleted due to the addition of the general rule under (a)(1). Since the general rule provides that meters and regulators shall be located outside, it is unnecessary to specifically identify regulators connected to steel service lines for relocation.

(c)(5)—Meters and service regulators may not be located in engine, boiler, heater, or electrical equipment rooms, living quarters, closets, restrooms, bathrooms, or similar confined locations.

National Fuel recommends that this subsection should be consistent with 49 CFR § 192.353. Section 192.353 requires meters and regulators to be situated “not less than 3 feet from any source of ignition or any source of heat which might damage the meter.” National Fuel submits that the proposed rule would establish restrictions based on the function of the space, regardless of distance from an ignition source. National Fuel describes the proposed regulation as a deviation from, and expansion of, the federal requirements, and that the restrictions will lead to confusion and result in many existing meters being out of compliance.

PGW argues that the utility should determine the most appropriate location for inside meters, especially since federal regulations provide guidance for this situation. PGW states that given Philadelphia’s housing structures, it would be impossible to comply with this regulation. PGW argues that the federal regulations fulfill the purpose of this section, and additional regulation in this area is unnecessary.

Columbia also submits that the Commission’s regulations go beyond the federal requirement by enumerating the specific prohibited locations. Moreover, this regulation would render a number of Columbia’s current inside meters of a certain vintage out of compliance when such locations are currently acceptable under the federal standards.

With respect to paragraph (c)(5), IRRC noted commentator’s statements that it is possible that an NGDC could locate a meter in a basement where a heater is located a sufficient distance—according to federal standards—from

the meter to not present any safety danger. In addition, IRRC questions how paragraph (c)(5) is to be considered in relation to 49 CFR 192.353(c), as quoted in the Preamble.

Discussion: We agree with these comments for the reasons stated therein. We shall adopt the language in the federal regulation which provides specific standards for location of inside meters; standards that already apply because of the Commission’s adoption of the Federal regulation under Section 59.33(b). This paragraph is now identified as paragraph (d)(3).

(c)(7)—When a meter or service regulator is located inside a building, a utility shall comply with 49 CFR § 192.365 (relating to service lines: location of valves). A utility shall install a readily accessible shut-off valve outside the building.

National Fuel argues that the section (c)(7) should be deleted. National Fuel states that this section is redundant because utilities are already required to comply with 49 CFR § 192.365, which was already adopted as a Commission regulation pursuant to 52 Pa. Code § 59.33. Furthermore, National Fuel explains that the proposed regulation already addresses installation of an outside shut off valve in paragraph (c)(3).

Columbia’s system may not comply with these proposed requirements, and Columbia submits that it should be clarified that these requirements would apply to meter sets installed after the effective date of this proposed regulation. Also, as a part of its infrastructure replacement initiative, Columbia is confirming that all appropriate shut off valves, as enumerated in 49 CFR § 192.365, are installed.

EAP argues that the federal standard at 49 CFR § 192.353(c) appropriately addresses meter placement concerns. Thus, EAP recommends that the Commission delete this section.

Discussion: We find merit with these arguments and shall delete the paragraph as proposed. The section is redundant with its Federal counterpart, and the outside shut off valve was addressed in paragraph (c)(3) and is now addressed in paragraph (d)(2). We also find merit with the comments of IRRC stating that we addressed the need for excess flow valves in the preamble but did not provide for them in the annex. We shall correct this oversight with new language in this paragraph. An excess flow valve is a device that reduces gas flow in the event that a pipe fails beyond the valve and is now referenced in new paragraph (d)(4).

[Pa.B. Doc. No. 14-1902. Filed for public inspection September 12, 2014, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY
[52 PA. CODE CHS. 1011, 1015, 1017, 1021,
1027, 1051, 1053, 1057 AND 1059]
Taxicab and Limousine Amendments

The Philadelphia Parking Authority (Authority), on May 28, 2014, adopted the final-form rulemaking order which eliminates references to a classification of carriers no longer subject to the Authority’s regulation, to correct certain typographical errors or technical errors in 52 Pa. Code Part II, as well as to provide certain clarifications as to rights and requirements.

Final-Form Rulemaking Order; Philadelphia Taxicab and Limousine Regulations; Doc. No. 126-4

Final Rulemaking Order

By the Authority:

The Authority is required to carry out the provisions of the act of July 16, 2004, (P. L. 758, No. 94), 53 Pa.C.S. §§ 5701 et seq., as amended, (the “act”) relating to the regulation of taxicab and limousine service providers in the City of Philadelphia.¹ Pursuant to this obligation, the Authority issued a proposed regulation at this docket number on January 28, 2013. The initial public comment period for this rulemaking proceeding concluded on April 29, 2013, the Independent Regulatory Review Commission (“IRRC”) submitted its comments on May 29, 2013. The Authority has completed its review of the comments and now issues the final-form regulation.

Purpose of the Final-Form Regulation and Statutory Authority

The purpose of the regulation is to provide clarifications for certain existing regulatory provisions and to amend the regulations to reflect changes made by the act of July 5, 2012, (P. L. 1022, No. 119) (“Act 119”), which amended several provisions of the Authority’s taxicab and limousine enabling legislation. One change to the definition of the term “limousine” in 53 Pa.C.S. § 5701 negated the need for the Authority to regulate a class of limousines referred to as “large vehicles.” The final-form rulemaking will amend the regulations to remove references to those carriers.

Discussion

The Authority has reviewed the comments filed at each stage of this proceeding. Responses to those comments and additional explanations are set forth below.

§ 1011.11. Definitions.

This section amends the definition of “partial-rights taxicab” to reference the changes made to one statutory provision of the act amended by Act 119, specifically, section 5711(c)(2.1). Germantown Cab Company (“Germantown”)² seems to aver that this section cannot apply to its Philadelphia operations. We address the entire partial-rights taxicab jurisdiction issue below in response to comments to § 1015.2.

§ 1011.14. Voluntary suspension of certificate.

The final-form regulation amends subsection (a) to delete reference to a subsection “(e).” There is no subsection (e) in this section and adds a new subsection (d), which will require the surrender of the taxicab medallion or TLD inspection sticker as a condition of placing the vehicle or certificate voluntarily out of service.

§ 1015.2. Certificate required.

The final-form regulation adds two clarifying subsections to this partial-rights taxicab section.

The only public comments to this section were submitted by Germantown and its attorney, both averred that the Authority lacks jurisdiction over partial-rights taxicab companies. The Authority fully reviewed the history of “partial-rights” taxicabs³ in the final rulemaking order under docket 126-1. Most of the comments submitted by

Germantown to this rulemaking were also submitted in regard to the Authority’s rulemaking in 2011. See 41 Pa.B. 6499, 6523—6525 (December 11, 2011). We also reviewed this exact issue in regard to our final-form regulation at Docket No. 126-3, which was further reviewed at a hearing before IRRC on May 1, 2014, when that final-form regulation was approved. We incorporate our responses here.

In commenting on this section, IRRC correctly notes that the Authority has the power to regulate partial-rights taxicabs in Philadelphia. This issue has now been reviewed by the Authority, the Pennsylvania Public Utility Commission (“PUC”),⁴ the Pennsylvania Commonwealth Court,⁵ the Pennsylvania Supreme Court,⁶ the General Assembly⁷ and IRRC.⁸ Every time Germantown raises this issue, in every forum, it is rejected.

(c). Subsection (c) merely provides that a partial-rights taxicab company may not provide service within Philadelphia unless one of the points of the service (pick-up or drop-off) is in the partial-rights territory. If a partial-rights taxicab were permitted to provide service between any two points in Philadelphia, regardless of its limited intra-Philadelphia territorial rights, it would provide medallion cab service in violation of the act.⁹ IRRC requested that the Authority reference its statutory authority for these amendments.

Partial-rights taxicab service in Philadelphia has always been tethered to each company’s designated partial-rights territory. This is nothing new, but has never been clearly provided for by regulation, only in the tariffs of the partial-rights taxicab companies. Those tariffs were originally approved by the PUC, but jurisdiction over those rights, including the power to revoke, suspend, cancel and otherwise regulate those authorizations was transferred to the Authority through the act.

Germantown avers that it has no authorizations from the Authority and that it is regulated only by the PUC. Germantown made this exact argument in the *Germantown* cases referenced in footnote Nos. 5 and 6 before the Commonwealth Court of Pennsylvania. The court rejected that argument, twice. Just like every other taxicab or limousine company with Philadelphia rights, Germantown’s partial-rights taxicab authorization is now derived from the Authority. In 2005, the Authority accepted Germantown’s Philadelphia rights and tariff and identified those rights as Authority Partial Rights Certificate of Public Convenience No. 1011748-02.

IRRC requested specific statutory reference to the power of the Authority to regulate partial-rights taxicab companies. The definition of “taxicab” in section 5701 of the act specifically includes partial-rights taxicab and provides as follows:

“Taxicab.” A motor vehicle designed for carrying no more than eight passengers, exclusive of the driver, on a call or demand service basis and used for the transportation of persons for compensation either on:

(1) a citywide basis as authorized by a certificate of public convenience and a corresponding medallion issued by the authority; or

⁴ See Jurisdictional Agreement (between the Authority and the PUC) Pursuant to the act, 35 Pa.B. 1649 (March 25, 2005); *Rosemont Taxi Co. v. Philadelphia Parking Authority*, 68 A.3d 29, 33 (Cmwlth. 2013) (finding that the Authority had jurisdiction to approve a partial-rights taxicab certificate of public convenience transfer).

⁵ *Germantown Cab*, supra.

⁶ *Germantown Cab Co. v. Phila. Parking Auth.*, 79 A.3d 1100 (Pa. 2013).

⁷ The act, Act 119, and the Act of July 9, 2013, P. L. 455, No.64 (“Act 64”).

⁸ Approval Order, 41 Pa.B. 5724 (October 22, 2011).

⁹ See 53 Pa.C.S. § 5714(a) (providing that only medallion taxicabs may provide city-wide service).

¹ See Sections 13 and 17 of the Act.

² Germantown Cab’s comments to this proposed rulemaking were mixed with comments to another of the Authority’s proposed rulemakings and were further interspersed with comments that did not appear linked to any proposed rulemaking and were not provided in order. We have made our best efforts to differentiate the various writings and respond to comments made to this proposed rulemaking.

³ This term is defined at 52 Pa. Code § 1011.2.

(2) *a non-citywide basis* as authorized by a certificate of public convenience issued by the authority and without a corresponding medallion.

The term includes a wheelchair-accessible taxicab.

(Emphasis added.)

53 Pa.C.S. § 5701.

Partial-rights taxicabs are taxicabs that may operate between points in Philadelphia, but not on an unrestricted city-wide basis. See 52 Pa. Code § 1011.2. The act specifically empowers the Authority to certificate partial-rights taxicabs for service in Philadelphia under the exclusive jurisdiction of the Authority. See Section 5711(c)(2.1). Also, section 5714(d)(2) provides as follows:

Carriers authorized by the authority to provide taxicab service to designated areas within cities of the first class on a non-citywide basis pursuant to section 5711(c)(2.1) (relating to power of authority to issue certificates of public convenience) *shall retain their authorization in those areas of a city of the first class subject to the exclusive jurisdiction of the authority and orders and regulations of the authority issued under this chapter.* The authority shall not grant additional rights to new or existing carriers to serve designated areas within cities of the first class on a non-citywide basis. (Emphases added.)

The term “authority” is defined in the act as follows: “[a] parking authority in a city of the first class.” Section 5701. Philadelphia is the only city of the first class in Pennsylvania. We believe that these statutes clearly grant the Authority the power to authorize and regulate partial-rights taxicabs. The Authority position is consistent with the legislative intent of the act. The Authority would be powerless to improve the operations of taxicabs in Philadelphia if hundreds of taxicabs could provide service in the city outside of our jurisdiction.

(d). Subsection (d) clarifies the inability of a partial-rights taxicab company to pick-up a street hail in an area of Philadelphia that is not in its designated territory. Again, this is not a new issue and has always applied to every partial-rights taxicab company in Philadelphia, including while under the PUC. This subsection merely places in regulation the standard that has always applied through statute and tariff. In fact, the *Germantown* case referenced in Footnote No. 5 addressed this exact “operating outside of rights” issue.

Either the beginning or ending point of a partial-rights taxicab trip, or both, must be within that company’s designated Philadelphia service area. Therefore, these carriers have never been able to pick-up random street hails in areas of the city outside of their respective territories because the hailing citizen may request service to a point that is not in the partial-rights taxicab company’s territory. The same would apply to a partial-rights taxicab waiting in a cab stand line at the airport or other area of the city outside the company’s designated area. To permit this hail (demand) service would lead to illegal service trips by the partial-rights taxicab or confusion to the citizen who hails a taxicab only to be declined service due to the destination. However, partial-rights taxicabs have always been permitted to pick-up a passenger in any part of Philadelphia through an advanced call and dispatch provided the service complies with the terms enunciated in subsection (c).

§ 1017.14. *Taxicab numbering.*

This section clarifies the Authority certificate of public convenience number through which each partial-rights

taxicab company operates in Philadelphia. This section also removes reference to the name of those companies because company names are prone to change. Germantown comments again that the Authority does not have the power to regulate partial-rights taxicab service; however, we did address this in response to comments to § 1015.2.

The PUC rights that every Philadelphia taxicab and limousine company held before the act was implemented in 2005 became Authority rights through the act by operation of law. The act did not require every limousine and taxicab company to re-apply for rights in order to continue in Philadelphia, and none of those companies did apply. The act did not give the Authority the discretion to accept, or not, carriers then authorized by the PUC to operate in Philadelphia. All of those carriers were able to continue the day after the transfer the same as they had the day before, except that the commonwealth agency that regulated their service changed.

Upon confirmation of each carrier’s authorization to operate in Philadelphia, the Authority issued new Authority certificate of public convenience numbers to distinguish those rights from those subject to the continuing oversight of the PUC. The creation of a “new” certificate of public convenience was unnecessary. Germantown continues the argument it has raised in multiple forums, unsuccessfully, that the lack of an order of the Authority’s Board granting a new certificate of public convenience to Germantown releases Germantown from any obligation to adhere to the Authority’s regulations.

It is reasonable to conclude that if the Legislature intended to have every taxicab and limousine carrier’s rights in Philadelphia automatically terminated in 2005 pending approval of an application for a new certificate of public convenience by the Authority, the act would have specified the requirement. Of course, the act imposed no such requirement. To do so would have been nonsensical, confusing and created chaos in Philadelphia. Interestingly, Germantown did not develop this legal theory until several years after the act was implemented and after Germantown had already adhered to the Authority’s regulations, including the obligation to present former PUC Philadelphia authorizations to the Authority in exchange for a new Authority certificate of public convenience number. That number is identified in § 1017.14(c)(1).

§ 1021.4. *Ineligible persons for taxicab driver certificate.*

The final-form regulation amends this section by adding paragraphs (7) and (8). Paragraph (7) clarifies that driver applicants may experience a loss of their driver’s license privileges in the one year period preceding the application or renewal date, yet remain eligible to be issued or renew the Authority driver’s certificate. The need to have a driving history for the year before the application date as currently provided in paragraph (6) will continue; however, to the extent the applicant’s driver’s license has been valid for the six months preceding the application date, a suspension or other loss of driving privileges will not be an automatic bar to the application or renewal process.

Paragraph (8) provides that a conviction for driving under the influence of alcohol or controlled substance will prohibit an individual from receiving or renewing a driver’s certificate. These convictions are not necessarily felonies and often do not appear on a driver history report, creating a potential loophole. As written in the proposed regulation one conviction for this violation could

permanently exclude a person from eligibility, which was not the intention of the amendment. In the final-form regulation we have narrowed the window of applicability to cover convictions within the past 5 years and for 6 months after the date the individual completes the sentence or supervised release imposed.

§ 1021.11. *Driver requirements.*

The regulation will add a new paragraph (5) to subsection (d) requiring taxicab drivers to provide the receipt for taxicab service to each fare-paying customer. All taxicabs are required to have receipt issuing capabilities as provided by § 1017.24(d) or § 1017.63(a), or both (related to meter activation and display; and receipts).

§ 1021.14. *General taxicab driver reports.*

The regulation amends paragraph (2) of this subsection to require that a taxicab driver inform the TLD of a change to not only the driver's home address, but also the driver's telephone number.

§ 1021.16. *Service issues regarding people with disabilities.*

The regulation corrects a spelling error in the existing regulation. Specifically, the word "hale" is corrected to "hail" in subsection (b). Germantown commented that the example provided in this section, which is not substantively amended here, violates its rights because the Authority cannot regulate Germantown's Philadelphia taxicab operations. We addressed these points in response to comments to §§ 1015.2 and 1017.14.

§ 1027.5. *Agreement of sale.*

This section provides certain requirements related to the agreement of sale that must be used in conjunction with the sale of transferable rights. The proposed regulations amended subsection (b) to require the execution and filing of the agreement to occur simultaneously with the filing of the parties' application to transfer rights, the SA-1.

IRRC and several commentators noted the challenges that regulated parties and their representatives may have in adhering to this requirement, due to the need to file several documents and official records along with the SA-1. We understand the position of the commenting regulated parties, but disagree that the proposed regulation created a high burden, particularly in consideration of the public benefit derived from the rapid completion of the sale.

One commentator identified a process of selling medallions that is illegal. An agreement to sell a medallion is void by operation of law if not executed before the Authority. The act is very clear on this point, indeed it provides, in part, as follows:

All contracts for the sale of medallions which are not executed at authority offices and witnessed by an authority staff member are void by operation of law. All sales contracts shall conform to such rules and regulations as the authority may prescribe.

53 Pa.C.S. § 5718(a).

Therefore, an agreement of sale executed in a broker's office is void. Such a document is not a binding, enforceable contract in any court; it is void. The Legislature created taxicab medallions and is certainly empowered to provide for the manner in which they are sold, or if they are capable of being sold at all. In addition, as provided in the above quotation, the Authority is authorized to promulgate regulations governing these agreements.

One comment submitted on behalf of the Pennsylvania Taxi Assoc., Inc. and Inna Friedman (collectively "PTA") recommends that the regulation be amended to permit the execution of the agreement of sale before the SA-1 is filed, but that a 15 business day timeframe be permitted during which the parties may complete and file the SA-1. IRRC also recommended that the final-form regulation include such a mandatory timeframe.

We understand the importance of compromise in the pursuit of consensus in the regulatory promulgation process and have modified this section and § 1059.4 to conform to the recommendations of IRRC and PTA. The proposed amendment to subsection (b) has been deleted and a new subsection (c) has been added. Subsection (c) will require that an agreement of sale duly executed before the SA-1 is filed must have a term not to exceed 15 business days from the date of execution. This limitation will not apply to agreements executed at the time the SA-1 is filed.

We believe that this accommodation will address the Authority's concern about having never ending agreements of sale on record without a corresponding SA-1 application, as well as the concerns of commentators and IRRC about the need for time to complete the SA-1 after execution of the agreement.

§ 1051.13. *Voluntary suspension of certificate.*

A new subsection (e) is added to require the surrender of a TLD inspection sticker authorizing a vehicle to provide limousine service as a condition of placing a vehicle or certificate voluntarily out of service.

Subchapter D. Large vehicles and remote carriers

We propose deleting the term "large vehicle" due to inapplicability.

§ 1053.41. *Large vehicles.*

The regulation will delete this section as inapplicable because Act 119 removed these large vehicles from the Authority's jurisdiction. See 53 Pa.C.S. § 5701 (relating to definitions).

§ 1053.42. *Remote carriers.*

We have deleted the phrase "regardless of seating capacity" from subsection (a) due to inapplicability. This language was originally included in this subsection to ensure that its terms applied to large vehicles, which are no longer subject to Authority regulation.

§ 1053.43. *Certain limousine requirements.*

We have deleted the reference to large vehicles in subsection (b) of this section due to inapplicability. We also deleted subsections (c) and (g) of this section in their entirety due to inapplicability.

§ 1057.4. *Ineligible persons for limousine driver certificate.*

We have amended this section related to limousine driver eligibility to mirror the changes to the taxicab driver section at § 1021.4, referenced above.

§ 1057.14. *General limousine driver reports.*

We have amended this section related to limousine driver reporting requirements to mirror the changes to the similar taxicab driver section at § 1021.14, referenced above.

§ 1059.4. *Agreement of sale.*

We have amended this section related to agreements of sale for limousine rights to mirror the substantially

similar section related to the sale of taxicab transferable rights at § 1027.5, referenced above.

Commonwealth and Political Subdivisions

The Authority does not anticipate any increase in regulatory demands associated with this regulation.

Private Sector and General Public

This final-form rulemaking will not have a fiscal impact on certificate holders or other regulated parties or the general public.

Paperwork Requirements

This final-form rulemaking will not affect the paperwork generated or required by the Authority

Effective Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 15, 2013, the Authority submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 1725 (March 30, 2013), to IRRC and the Chairpersons of the House Urban Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on July 23, 2014, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 24, 2014, and approved the final-form rulemaking.

Conclusion

Accordingly, under sections 13 and 17 of the Act (53 Pa.C.S. §§ 5722 and 5742); section 5505(d)(17), (23) and (24) of the Parking Authorities Act, act of June 19, 2001 (P. L. 287, No. 22) (53 Pa.C.S. § 5505(d)(17), (23) and (24)); sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732.204(b)); section 745.5 of the Regulatory Review Act (71 P. S. § 745.5), section 612 of The Administrative Code of 1929 (71 P. S. § 232), and the regulations promulgated at 4 Pa. Code §§ 7.231—7.234, the Authority proposes adoption of the final regulations set forth in Annex A; *Therefore*,

It Is Ordered That:

1. The regulations of the Authority, 52 Pa. Code Chapters 1011, 1015, 1017, 1021, 1027, 1051, 1053, 1057 and 1059, are amended by deleting § 1053.41 and by amending §§ 1011.2, 1011.14, 1015.2, 1017.14, 1021.4, 1021.11, 1021.14, 1021.16, 1027.5, 1051.13, 1053.42, 1053.43, 1057.4, 1057.14 and 1059.4 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

2. The Executive Director shall cause this order and Annex A to be submitted to the Office of Attorney General for approval as to legality.

3. The Executive Director shall cause this order and Annex A to be submitted for review by the designated standing committees of both houses of the General Assembly, and for formal review by the Independent Regulatory Review Commission.

4. The Executive Director shall cause this order and Annex A to be submitted for review by the Governor’s Budget Office for review of fiscal impact.

5. The Executive Director shall cause this order and Annex A to be deposited with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

6. The Executive Director shall serve copies of this order and Annex “A” upon each of the commentators and take all other actions necessary to successfully complete the promulgation of this regulation.

7. The regulations embodied in Annex A shall become effective upon publication in the *Pennsylvania Bulletin*.

8. The contact person for this rulemaking is James R. Ney, Director, Taxicab and Limousine Division, (215) 683-9417.

VINCENT J. FENERTY, Jr.,
Executive Director

(Editor’s Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 5420 (August 9, 2014).)

Fiscal Note: 126-4. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART II. PHILADELPHIA PARKING AUTHORITY

Subpart B. TAXICABS

CHAPTER 1011. GENERAL PROVISIONS

§ 1011.2. Definitions.

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

* * * * *

Partial-rights taxicab—A taxicab authorized by the Authority to provide common carrier call or demand transportation of persons for compensation on a non-citywide basis, under Chapter 1015 (relating to partial-rights taxicabs) and section 5711(c)(2.1) of the act (relating to power of authority to issue certificates of public convenience) and 5714(d)(2) of the act.

* * * * *

§ 1011.14. Voluntary suspension of certificate.

(a) A certificate holder may apply to place a certificate in a voluntary state of suspension to avoid penalties for violation of § 1011.13 (relating to interruptions of service).

(b) A partial-rights taxicab certificate or dispatcher certificate may not be placed in voluntary suspended status for more than 1 year.

(c) A medallion taxicab certificate or individual medallion may not be placed in a voluntarily suspended status for more than 6 months.

(d) The Authority will not grant an application for voluntary suspension if the approval will result in a reduction of 5% or more of the aggregate number of authorized medallion taxicabs in Philadelphia.

(e) To request approval from the Authority for the voluntary suspension of a certificate, the certificate holder shall file a completed CPC-1 "Voluntary Suspension Application" with the Director and pay the application fee as provided in §§ 1001.42 and 1001.43 (relating to mode of payment to the Authority; and Authority fee schedule). The CPC-1 may be obtained at www.philapark.org/tld.

(f) Before a CPC-1 is granted, a certificate holder shall be in compliance with § 1011.7 (relating to payment of outstanding fines, fees and penalties) and pay the entire Authority assessment that will come due during the proposed period of voluntary suspension.

(g) A period of voluntary suspension may begin only upon surrender to the Authority of each medallion or TLD inspection sticker, or both, for each vehicle subject to the voluntary suspension.

CHAPTER 1015. PARTIAL-RIGHTS TAXICABS

§ 1015.2. Certificate required.

(a) A partial-rights taxicab may not provide taxicab service in Philadelphia unless certificated by the Authority.

(b) Each vehicle operated as a partial-rights taxicab shall be registered with the Department of Transportation in the name of the owner of the partial-rights certificate.

(c) A partial-rights taxicab may not provide taxicab service to two points in Philadelphia unless one or both of the points is within the geographical boundaries identified in the partial-rights taxicab certificate holder's Authority-approved tariff.

(d) A partial-rights taxicab may only accept a street hail for taxicab service at a location within the geographical boundaries identified in the partial-rights taxicab certificate holder's Authority-approved tariff.

CHAPTER 1017. VEHICLE AND EQUIPMENT REQUIREMENTS

Subchapter B. COLORS AND MARKINGS

§ 1017.14. Taxicab numbering.

(a) *Medallion taxicabs.* The identification number of a medallion taxicab will be the number on the medallion attached to the taxicab.

(b) *Partial-rights taxicabs.*

(1) Each partial-rights certificate holder shall notify the Director by filing Form PRT-2 "Vehicle Numbering" of its intention to use a new identification number for a taxicab or to reassign an existing number to a different taxicab. The PRT-2 may be obtained on the Authority's web site at www.philapark.org/tld.

(2) The Director may deny the requested partial-rights taxicab number assignment if it is determined that the requested number may lead to regulatory or public confusion.

(c) *Identification.* Partial-rights taxicabs must be identified by a unique sequential number, as follows:

(1) Taxicabs with rights through Certificate No. 1011748-02 shall be numbered "G-1" for the first vehicle, "G-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

(2) Taxicabs with rights through Certificate No. 1011752-02 shall be numbered "B-1" for the first vehicle, "B-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

(3) Taxicabs with rights through Certificate No. 1016120-05 shall be numbered "CL-1" for the first vehicle, "CL-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

(4) Taxicabs with rights through Certificate No. 1015925-05 shall be numbered "CC-1" for the first vehicle, "CC-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

(5) Taxicabs with rights through Certificate No. 1011761-02 shall be numbered "D-1" for the first vehicle, "D-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

(6) Taxicabs with rights through Certificate No. 1015570-05 shall be numbered "MCT-1" for the first vehicle, "MCT-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

CHAPTER 1021. TAXICAB DRIVERS

§ 1021.4. Ineligible persons for taxicab driver certificate.

In addition to other prohibitions provided in this part, an applicant for a taxicab driver's certificate shall be automatically ineligible under the following circumstances:

(1) The applicant does not hold a current driver's license.

(2) The applicant does not speak the English language sufficiently to communicate with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries and to make verifiable entries on reports and records.

(3) The applicant has failed to satisfactorily complete taxicab driver training and testing as prescribed by this chapter.

(4) The applicant is unable to provide information required by this subpart.

(5) The applicant is 20 years of age or younger.

(6) Unless otherwise permitted by the Authority, the applicant does not have a driving history in the United States of at least 1 continuous year prior to the date of application.

(7) The applicant's driver's license was suspended, revoked or otherwise invalidated at any time during the 6 months immediately preceding the date of application.

(8) The applicant has been convicted of driving under the influence of alcohol or controlled substance as provided in 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) in the past 5 years. This prohibition will continue for 6 months from the date the convicted person completes the sentence imposed, including incarceration, probation, parole and other forms of supervised release.

§ 1021.11. Driver requirements.

* * * * *

(d) *Gratuities or payment method.*

(1) A taxicab driver may not request the payment of a gratuity by a passenger.

(2) A taxicab driver may not insist upon or express a preference for fare payment method. For example, a taxicab driver may not demand payment in cash as opposed to credit card, nor may a taxicab driver suggest that the passenger be driven to a bank or automatic teller machine to secure cash to pay the fare as opposed to use of a credit card or other cashless payment option.

(3) A taxicab driver may not ask a potential customer for fare payment method information in advance of providing taxicab service.

(4) A taxicab driver shall accept payment by credit card and debit card and other cashless payment options identified by the Authority.

(5) A taxicab driver shall provide each fare-paying customer with a receipt for the taxicab service required under § 1017.24(d) or § 1017.63(a) (related to meter activation and display; and receipts), or both.

(e) *Lease or employment documents.* A taxicab driver is responsible for maintaining a copy of the lease agreement, employment contract and employee identification card in the taxicab at all times.

(f) *Direct route.* Unless directed otherwise by a fare-paying customer, a taxicab driver shall select and use the most direct route consistent with prevailing road and traffic conditions from the point of pick-up to the passenger's point of destination.

(g) *Rules of the road.* A taxicab driver shall continually provide taxicab service in a manner consistent with 75 Pa.C.S. (relating to Vehicle Code) and the Philadelphia Traffic Code (12 Phila. Code §§ 100—3012).

(h) *Driver history report.* A driver history report that evidences a violation or series of violations which relate to dangerous driving activities may form the basis for a denial of a taxicab driver's certificate application, a denial of the annual renewal as provided by § 1011.3 (relating to annual rights renewal process) or a formal complaint to suspend or cancel the taxicab driver's certificate.

(i) *Meter operation.* The meter must be in operation during the entire time the taxicab is engaged by a passenger, and the passenger shall be required to pay only the amount recorded by the meter, except that, when back-mileage or surcharge provisions of the tariff of the certificate holder apply, the back-mileage charge or surcharge shall be added to the amount recorded by the meter. Each meter charge shall be collected only once regardless of whether the taxicab is being used in exclusive service or in nonexclusive service.

§ 1021.14. General taxicab driver reports.

A taxicab driver shall make timely written reports to the Authority as required by the act, this part or an order of the Authority, including the following reports which shall be made to the Manager of Administration:

(1) Invalidation of a driver's license for any reason must be reported with 48 hours.

(2) A change of address or telephone number, or both, shall be reported within 15 days.

(3) A change of name shall be reported to the Authority within 15 days of occurrence or if a court proceeding is required, within 15 days of the court filing.

§ 1021.16. Service issues regarding people with disabilities.

(a) If on-duty and not already transporting a passenger, a taxicab driver shall stop the taxicab when hailed by a person with a disability. The driver shall determine if the services requested by the person can be reasonably accommodated by the vehicle and adhere to the following procedure:

(1) If the service request can be reasonably accommodated, the driver shall provide the service.

(2) If the service request cannot be reasonably accommodated, the driver shall call a dispatcher immediately to arrange for service by the closest taxicab available that can accommodate the person's request.

(b) This section may not be interpreted to require or permit a taxicab to provide service in an area outside the rights identified in the taxicab certificate holder's rights. For example, this section does not permit a partial-rights taxicab to stop for a hail outside of its defined geographical area.

CHAPTER 1027. SALE OF RIGHTS

§ 1027.5. Agreement of sale.

(a) The parties to a proposed sale of transferable rights shall complete an agreement of sale detailing the terms of the transaction, including provisions required by this chapter, and file the agreement with the Director.

(b) An agreement of sale for transferable rights is void by operation of law if not executed by all parties in the presence of the Director or a designee.

(c) The term of an agreement of sale for transferable rights may not exceed 15 business days from the date of execution, except when executed on the date the application for sale of transferable rights is filed as provided in § 1027.6 (relating to application for sale of transferable rights).

Subpart C. LIMOUSINES

CHAPTER 1051. GENERAL PROVISIONS

§ 1051.13. Voluntary suspension of certificate.

(a) A certificate holder may apply to place a certificate in a voluntary state of suspension to avoid penalties for violation of § 1051.12 (relating to interruptions of service) as provided in subsection (c).

(b) A certificate may not be placed in voluntary suspended status for more than 1 year.

(c) To request approval from the Authority for the voluntary suspension of a certificate, the certificate holder shall file a completed a CPC-1 "Voluntary Suspension Application" with the Director and pay the application fee as provided in §§ 1001.42 and 1001.43 (relating to mode of payment to the Authority; and Authority fee schedule). The CPC-1 may be obtained at www.philapark.org/tld.

(d) Before a CPC-1 is granted, a certificate holder shall be in compliance with § 1051.6 (relating to payment of outstanding fines, fees and penalties) and pay the entire Authority assessment that will come due during the proposed period of voluntary suspension.

(e) A period of voluntary suspension may begin only upon surrender to the Authority of the TLD inspection sticker for each vehicle subject to the voluntary suspension.

**CHAPTER 1053. STANDARD CLASSIFICATIONS
OF LIMOUSINE SERVICE**

Subchapter D. REMOTE CARRIERS

§ 1053.41. (Reserved).

§ 1053.42. Remote carriers.

(a) A remote carrier shall adhere to the requirements in § 1053.43 (relating to certain limousine requirements).

(b) A remote carrier may not provide service from any airport, railroad station and hotel located in whole or in part in Philadelphia without first registering with the Authority and otherwise complying with this chapter.

(c) A remote carrier may not provide service to points within Philadelphia or otherwise beyond the scope of its PUC certificate without first obtaining an Authority certificate of public convenience as provided in Chapter 1059 (relating to applications and sale of rights).

§ 1053.43. Certain limousine requirements.

(a) *Purpose.* This section is intended to address limousine service in Philadelphia that is within the jurisdiction of the Authority as provided by the act, but is not commonly considered either Philadelphia service or limousine service by the public or other regulating agencies as identified in subsection (b).

(b) *Certain limousines covered.* This section applies to remote carriers as provided in § 1053.42 (relating to remote carriers).

(c) *Registration.*

(1) The person shall register each limousine subject to subsection (b) with the Authority by completing and filing with the Director a Form AR-1 "Alternative Registration" along with the registration fee as provided in § 1001.42 (relating to mode of payment to the Authority). The AR-1 may be obtained on the Authority's web site at www.philapark.org/tld.

(2) The Authority registration process will require submission of copies of all relevant PUC certificates or registration documents.

(3) The registration of each remote carrier expires on June 30 of each year and may be renewed as provided in paragraph (1) on or before April 1 of each year.

(d) *Regulation.*

(1) Limousines subject to this section will be subject to regulation and enforcement by the Authority for violations of Department of Transportation equipment inspection standards in 67 Pa. Code Chapter 175 (relating to vehicle equipment and inspection). For example, a limousine registered as provided in this section that is determined by the Authority to be in the course of providing service with a broken windshield will be subject to the standard enforcement procedures of this part.

(2) Limousines registered as provided in this section must comply with the instructions of an inspector and submit to field inspections as provided in § 1055.14 (relating to field inspections). Authority field inspections of limousines may include an investigation of compliance with PUC regulations and orders.

(3) Except as provided in this chapter, limousines subject to this section must adhere to the regulations and orders of the PUC and are not required to adhere to regulations of the Authority while providing limousine service in Philadelphia. The Authority may pursue enforcement of PUC regulations before the PUC, as appropriate.

(e) *Insurance.* A person that seeks registration of a limousine as provided in this section shall comply with § 1065.1 (relating to limousine insurance), except that the limits of insurance coverage need not exceed those required by the PUC.

(f) *Remote carrier sticker and certificate.*

(1) Upon compliance with this section, the Authority will issue the remote carrier registrant the following:

(i) A certificate of public convenience to provide remote carrier service as provided in this chapter. The remote carrier certificate of public convenience will be subject to revocation, under section 5741.1(c)(1) of the act (relating to power of authority), if the remote carrier fails to complete the annual registration renewal requirements in subsection (c)(4).

(ii) A remote carrier sticker for each vehicle registered with the Authority under subsection (c).

(2) Each remote carrier sticker will display the year in which it is valid.

CHAPTER 1057. LIMOUSINE DRIVERS

§ 1057.4. Ineligible persons for limousine driver certificate.

In addition to other prohibitions provided in this part, an applicant for a limousine driver's certificate shall be automatically ineligible under the following circumstances:

(1) The applicant does not hold a current driver's license.

(2) The applicant does not speak the English language sufficiently to communicate with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries and to make verifiable entries on reports and records.

(3) The applicant has failed to complete limousine driver testing as prescribed by this chapter.

(4) The applicant is unable to provide information required under this subpart.

(5) The applicant is 20 years of age or younger.

(6) The applicant does not have a driving history in the United States of at least 1 continuous year prior to the date of application.

(7) The applicant's driver's license was suspended, revoked or otherwise invalidated at any time during the 6 months immediately preceding the date of application.

(8) The applicant has been convicted of driving under the influence of alcohol or controlled substance as provided in 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) in the past 5 years. This prohibition will continue for 6 months from the date the convicted person completes the sentence imposed, including incarceration, probation, parole and other forms of supervised release.

§ 1057.14. General limousine driver reports.

A limousine driver shall make timely written reports to the Manager of Administration as required under the act, this part or an order of the Authority, including the following:

(1) Invalidation of a driver's license for any reason shall be reported with 48 hours.

(2) A change of address or telephone number, or both, shall be reported within 15 days.

(3) A change of name shall be reported to the Authority within 15 days of occurrence or if a court proceeding is required, within 15 days of the court filing.

CHAPTER 1059. APPLICATIONS AND SALE OF RIGHTS

§ 1059.4. Agreement of sale.

(a) The parties to a proposed sale of transferable rights shall complete an agreement of sale detailing the terms of the transaction, including provisions required by this chapter, and file the agreement with the Director.

(b) An agreement of sale for transferable rights is void by operation of law if not executed by all parties in the presence of the Director or a designee.

(c) The term of an agreement of sale for transferable rights may not exceed 15 business days from the date of execution, except when executed on the date the application for sale of transferable rights is filed as provided in § 1059.5 (relating to application for sale of transferable rights).

[Pa.B. Doc. No. 14-1903. Filed for public inspection September 12, 2014, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Drug and Alcohol Programs

The Executive Board approved a reorganization of the Department of Drug and Alcohol Programs effective August 25, 2014.

The organization chart at 44 Pa.B. 5877 (September 13, 2014) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of *Pennsylvania Code*) as a document general and permanent in nature which shall be codified in the *Pennsylvania Code*.)

[Pa.B. Doc. No. 14-1904. Filed for public inspection September 12, 2014, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Public Welfare

The Executive Board approved a reorganization of the Department of Public Welfare effective August 25, 2014.

The organization chart at 44 Pa.B. 5878 (September 13, 2014) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of *Pennsylvania Code*) as a document general and permanent in nature which shall be codified in the *Pennsylvania Code*.)

[Pa.B. Doc. No. 14-1905. Filed for public inspection September 12, 2014, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Governor's Office of Administration

The Executive Board approved a reorganization of the Governor's Office of Administration effective August 25, 2014.

The organization chart at 44 Pa.B. 5879 (September 13, 2014) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of *Pennsylvania Code*) as a document general and permanent in nature which shall be codified in the *Pennsylvania Code*.)

[Pa.B. Doc. No. 14-1906. Filed for public inspection September 12, 2014, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the State Employees' Retirement System

The Executive Board approved a reorganization of the State Employees' Retirement System effective August 25, 2014.

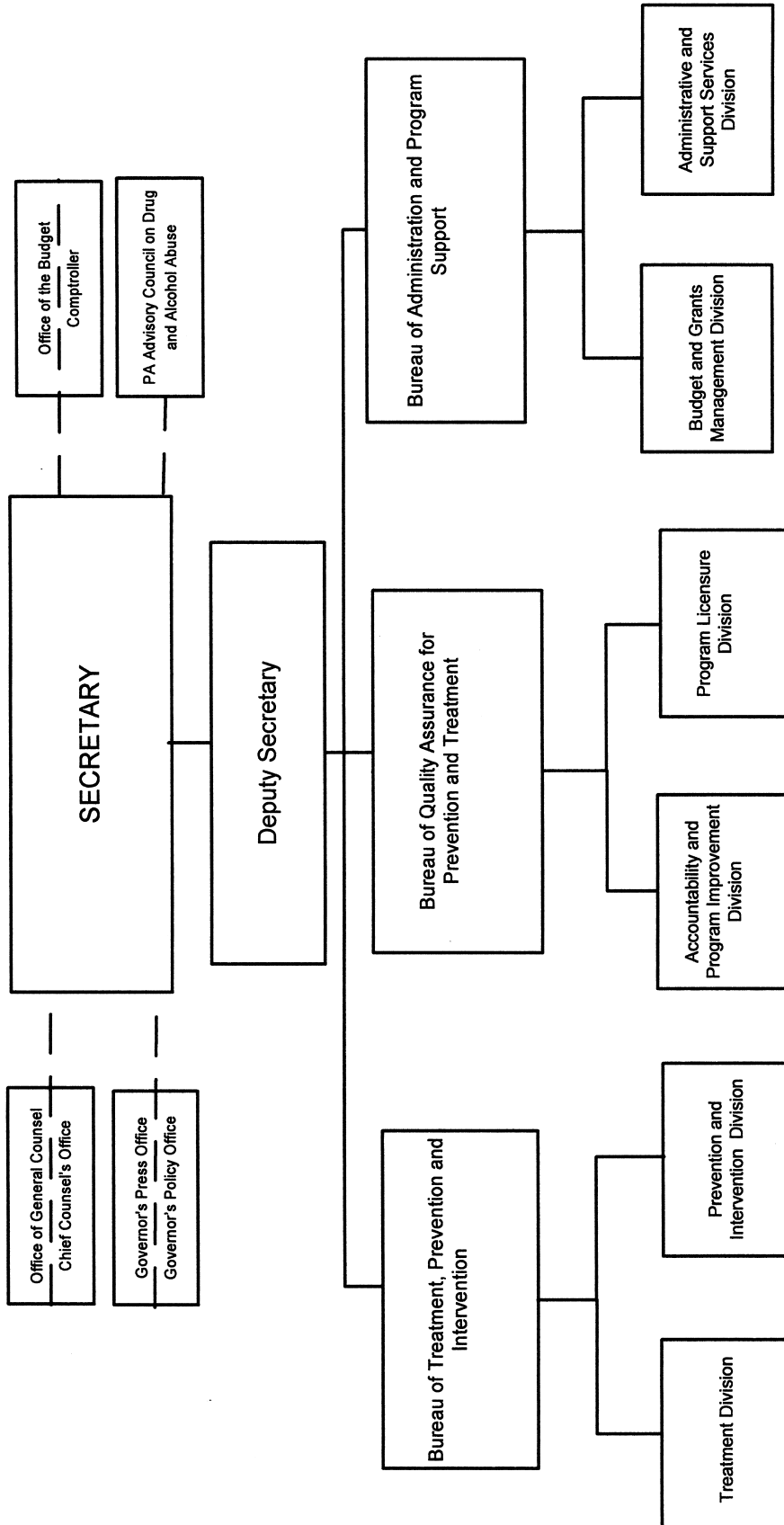
The organization chart at 44 Pa.B. 5880 (September 13, 2014) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

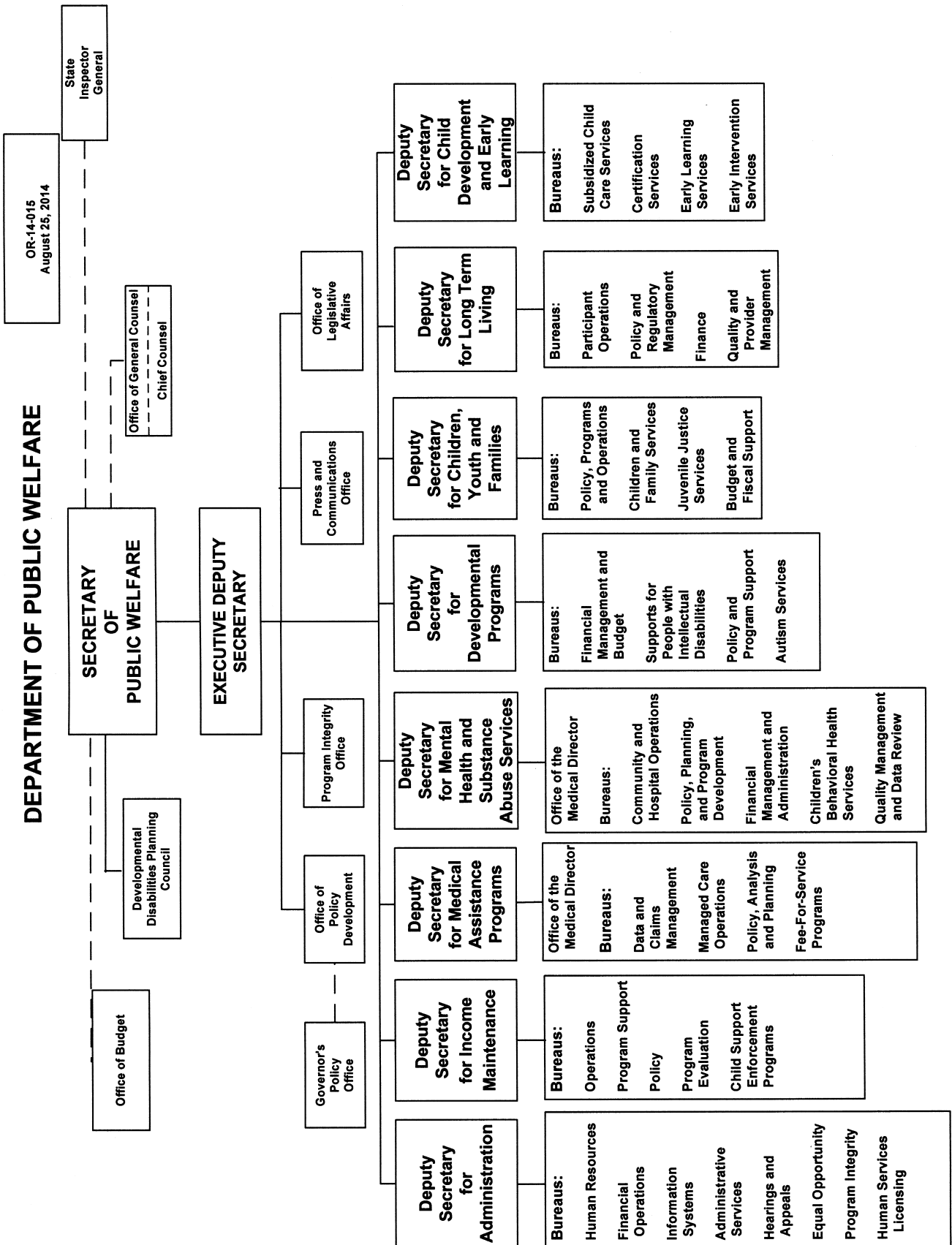
(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of *Pennsylvania Code*) as a document general and permanent in nature which shall be codified in the *Pennsylvania Code*.)

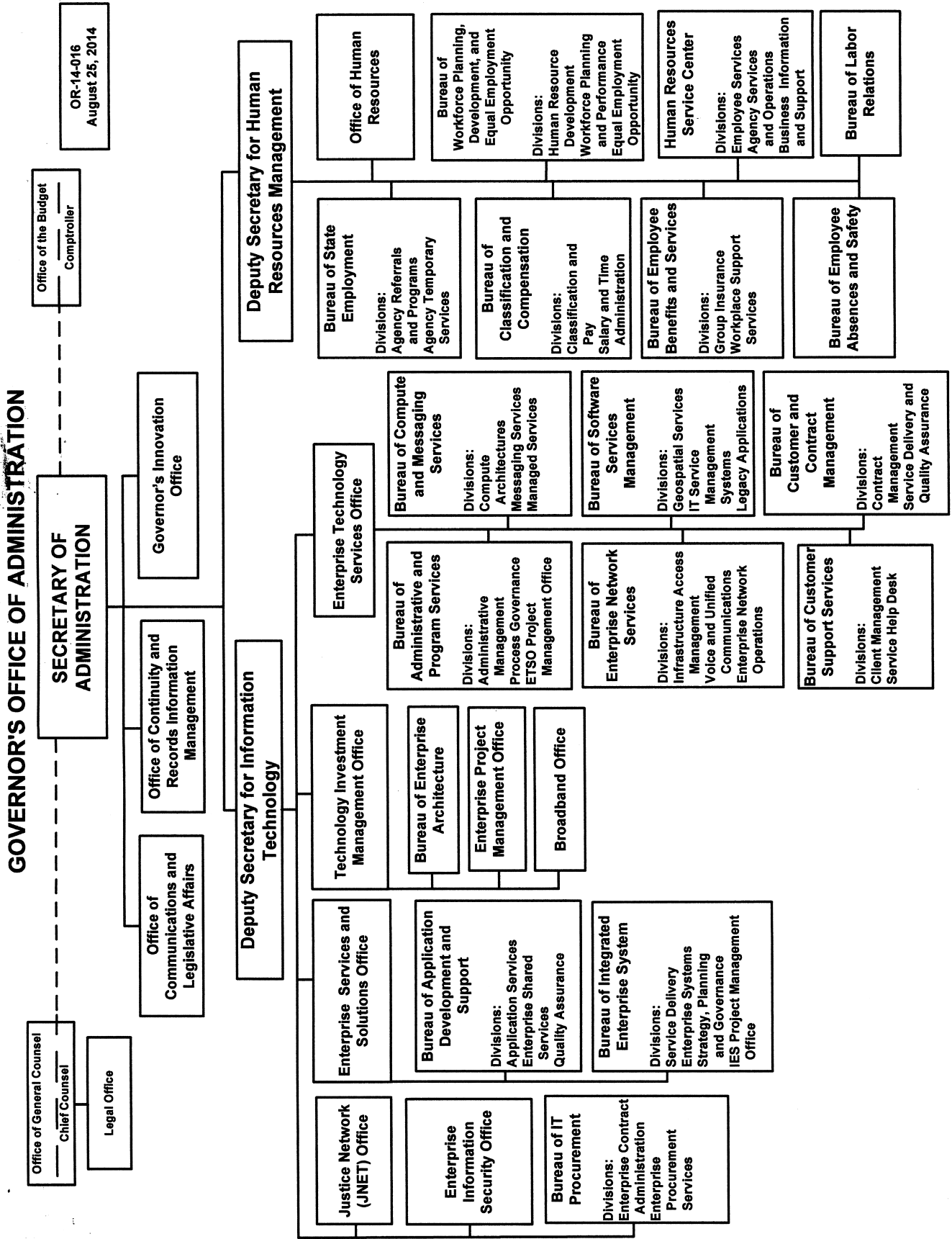
[Pa.B. Doc. No. 14-1907. Filed for public inspection September 12, 2014, 9:00 a.m.]

OR-14-014
August 25, 2014

DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS



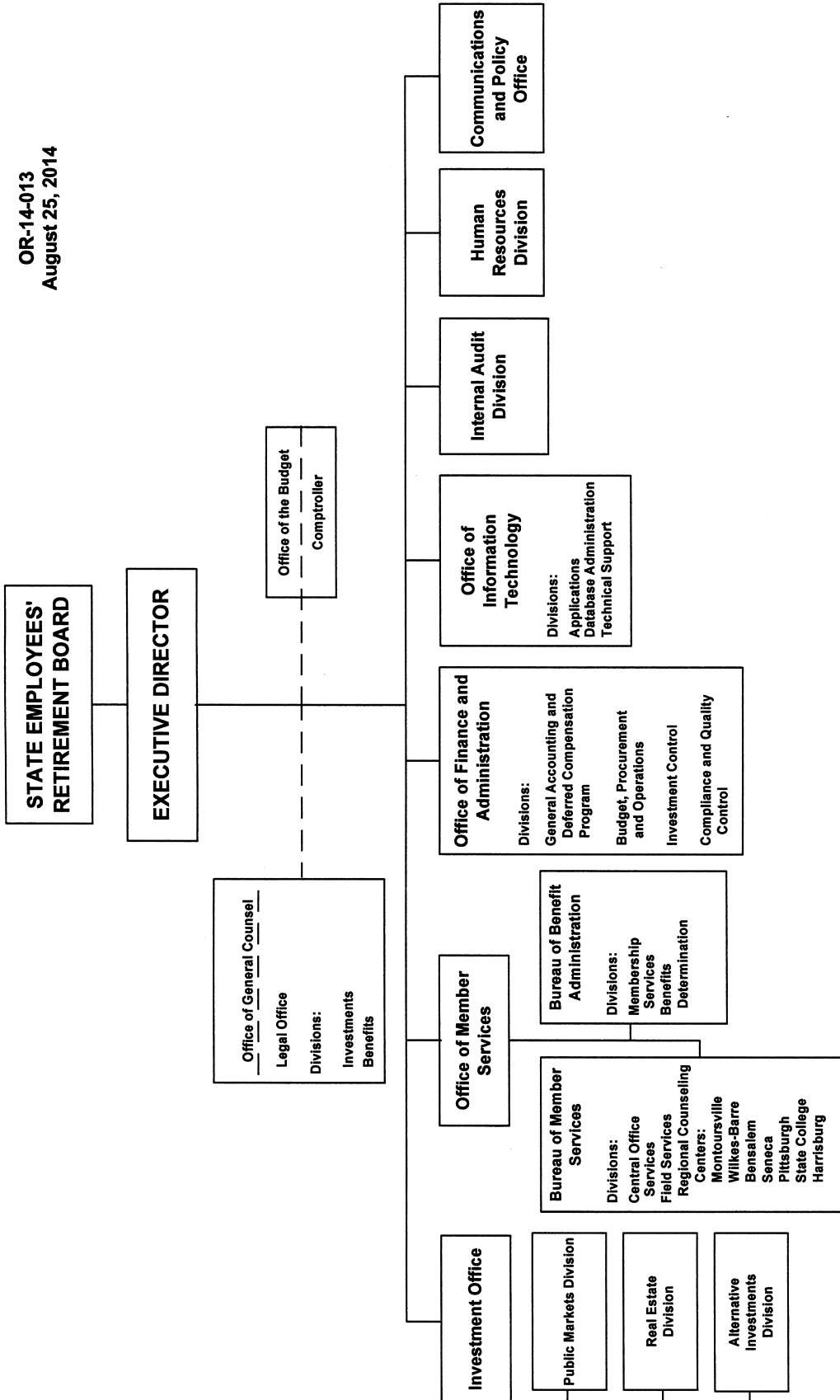




OR-14-016
August 25, 2014

STATE EMPLOYEES' RETIREMENT SYSTEM

OR-14-013
August 25, 2014



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 September 2, 2014.

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

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
8-29-2014	CB Financial Services, Inc. Carmichaels Greene County	Approved

Application for approval to acquire 100% of FedFirst Financial Corporation, Monessen, and thereby indirectly acquire 100% of First Federal Savings Bank, Monessen.

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
8-29-2014	Community Bank Carmichaels Greene County	Approved

Application for approval to merge First Federal Savings Bank, Monessen, with and into Community Bank, Carmichaels.

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
8-28-2014	PeoplesBank, A Codorus Valley Company York York County	3100 Market Street Camp Hill Cumberland County	Approved

CREDIT UNIONS

No activity.

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

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 14-1908. Filed for public inspection September 12, 2014, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of October 2014

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of October, 2014, is 5 1/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary

Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the

Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 2.85 to which was added 2.50 percentage points for a total of 5.35 that by law is rounded off to the nearest quarter at 5 1/4%.

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 14-1909. Filed for public inspection September 12, 2014, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Substantial Amendments for the 2008 Action Plan—Neighborhood Stabilization and 2011 Action Plan—Neighborhood Stabilization Programs

A public comment period will be held to review the proposed substantial amendment to the Commonwealth Action Plans for Fiscal Years 2008 and 2011, specifically the substantial amendments for the Neighborhood Stabilization Program (NSP) from September 13, 2014, through October 14, 2014.

Annually the Department of Community and Economic Development (Department) prepares the Action Plan which outlines the method of distribution for Federal funding received by the Department. This Federal funding includes the Neighborhood Stabilization 1 and 3 programs. A substantial amendment for the NSP 1 funds was finalized and submitted to the United States Department of Housing and Urban Development (HUD) on November 25, 2008, and the substantial amendment for the NSP 3 funds was finalized and submitted to HUD on February 28, 2011. The Department is in the process of closing out the two NSPs and therefore changes to existing open grants and the use of future program income is being proposed. These changes, based on the Pennsylvania Citizen Participation Plan for the Consolidated Plan, constitute a significant change in the distribution of funds under the program and thus necessitate a second substantial amendment to the original Action Plans.

The second substantial amendments to the Action Plans and supporting documentation are available for a 30-day public comment period and can be viewed on the Department's web site at <http://www.newpa.com/>. The text is available to sight and hearing-impaired persons using technological assisted devices by means of the Department's web site at the link listed previously. A translation into Spanish will also be available on the Department's web site for citizen comment. The final version of the second substantial amendments will be submitted to HUD no later than October 17, 2014.

Persons who would like to provide written comment on the draft second substantial amendments to the 2008 and 2011 Action Plans may send those comments electronically to RA-DCEDcdbg&homequestions@pa.gov or mail to the attention of Mary J. Smith, Department of Community and Economic Development, Center for Community

Financing, 400 North Street, 4th Floor, Harrisburg, PA 17120. Comments must be received before 4 p.m. on October 14, 2014.

C. ALAN WALKER,
Secretary

[Pa.B. Doc. No. 14-1910. Filed for public inspection September 12, 2014, 9:00 a.m.]

Substantial Amendments to 2013 Action Plan; 2008 Action Plan—Neighborhood Stabilization Program; 2011 Action Plan—Neighborhood Stabilization Program; Public Meeting

The Department of Community and Economic Development (Department) is amending the following Action Plans: 2013, 2008—Neighborhood Stabilization and 2011—Neighborhood Stabilization. The Action Plans must be submitted and approved by the United States Department of Housing and Urban Development (HUD) when a substantial amendment is warranted to the original Action Plan due to a change in the method of distribution of funding, a significant change in the allocation of funds or changes in the program requirements, or both, warrant public comment on how the program will be administered. Interested persons may view the substantial amendments currently being available for public comment at <http://www.newpa.com/community/federal-program-resource-library/consolidated-plan-and-related-documents> or request a copy following the same procedures as listed under Written Comments as follows.

Public Meeting

A public meeting for the substantial amendments to the 2013 Action Plan, 2008 Action Plan—Neighborhood Stabilization and 2011 Action Plan—Neighborhood Stabilization will be conducted electronically by means of the Internet on Wednesday, September 24, 2014. Access to the discussion by means of the Internet will occur from 1 p.m. to 2 p.m. This more widely available personal computer access will replace the onsite public meeting. The format will be more accessible than in an in-person meeting because those who wish to make comment may participate directly from their personal computer or from a computer located at their public library.

Individuals or organizations may give testimony or comments by means of the Internet. Citizen comments will be taken on the substantial amendments. The Commonwealth encourages public participation in this process.

Individuals who want to participate must register in advance. Contact Megan Snyder at (717) 720-7404 to receive registration instructions for the web meeting at least 24 hours prior to the meeting date. During the meeting, if support is required, call (717) 787-5327. The meeting will be shortened if there is no one to testify or there is minimal response.

Individuals who have a disability and wish to participate in the public meeting should contact Megan Snyder, Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, (717) 720-7404, to discuss how the Department can accommodate their needs. Text telephone calls can be placed through the

Pennsylvania AT&T Relay System at (800) 654-5984. Calls will be relayed to the Department's number listed previously.

Written Comments

Written testimony, instead of web testimony, must be submitted by:

- For the substantial amendment to the 2013 Action Plan by 4 p.m. on Tuesday, September 30, 2014.
- For the substantial amendments to the 2008 Action Plan or 2011 Action Plan, or both, for the Neighborhood Stabilization Program by 4 p.m. on Tuesday, October 14, 2014.

Submit comments to Megan Snyder, Department of Community and Economic Development, Center for Community Financing, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225 or RA-DCEDcdbg&homequestions@pa.gov.

C. ALAN WALKER,
Secretary

[Pa.B. Doc. No. 14-1911. Filed for public inspection September 12, 2014, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Index Calculation Required by the Taxpayer Relief Act

Under section 333(l) of the Taxpayer Relief Act (53 P. S. § 6926.333(l)), the Department of Education (Department) has calculated the index for Fiscal Year (FY) 2015-2016.

The index is the average of the percentage increase in the Statewide average weekly wage and the Employment Cost Index. For FY 2015-2016, the base index is 1.9%.

For school districts with a market value/income aid ratio greater than 0.4000, an adjusted index will be posted on the Department's web site at www.education.state.pa.us by September 30, 2014.

CAROLYN C. DUMARESQ, Ed.D.,
Acting Secretary

[Pa.B. Doc. No. 14-1912. Filed for public inspection September 12, 2014, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0063959 (Sewage)	Feldman Single Residence Sewage Treatment Plant (SRSTP) 187 Spur Road Pocono Lake, PA 18347	Monroe County Tobyhanna Township	Deep Run (2-A)	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?
PA0012211— IW	Boyertown Foundry Company PO Box 443 9th and Rothermel Drive New Berlinville, PA 19545	Berks County / Boyertown Borough	West Branch Swamp Creek / 3D	Y
PA0088021— Sew	Susan L. Christman 183 Christman Road Lenhartsville, PA 19534-9177	Berks County Windsor Township	UNT to Maiden Creek / 3-B	Y
PA0088404— CAFO	Kulp Family Dairy, LLC 1691 Millerstown Road Martinsburg, PA 16662	Blair County North Woodbury Township	UNT of Clover Creek / 11-A	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?
PA0233846 (CAFO)	Drew Remley Farm Liberty Township Tioga County 1170 Salt Spring Road Roaring Branch, PA 17765	Tioga County Liberty Township	Unnamed Tributary to Salt Spring Run (10-A)	N
PA0228648 (Sewage)	Jackson Township Municipal Authority Millerton Sewer System STP State Route 328 Millerton, PA 16936	Tioga County Jackson Township	Unnamed Tributary to Seeley Creek (4-B)	Y

Southwest Regional Office: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0217883 (Sewage)	Encotech Incorporated Encotech STP PO Box 305 Eighty Four, PA 15330	Washington County North Strabane Township	Drainage Swale Tributary to Little Chartiers Creek (20-F)	Y
PA0096601 (Sewage)	Williamstown STP SR 2039 Main Street Jefferson, PA 15344	Washington County East Bethlehem Township	(19-B)	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0253766 (Sewage)	Kimberly Run Mine Stutzmantown Road Somerset, PA 15501	Somerset County Somerset Township	Unnamed Tributary to Kimberly Run (19-F)	Y
PA0253715 (Sewage)	Cambria Fuel Prep Plant 182 Coal Road Berlin, PA 15530	Somerset County Stonycreek Township	Schrock Run (18-E)	Y
PA0041441 (Sewage)	Wells Creek STP 356 Coleman Station Road Friedens, PA 15541	Somerset County Somerset Township	Wells Creek (18-E)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0222780 (Sewage)	Scott W. Zimmerman SFTF 4822 Glen Hazel Road, Wilcox, PA 15870	Elk County Jones Township	Unnamed Tributary to the East Branch Clarion River (17-A)	Y
PA0101516 (Sewage)	Oakland Elementary School 2111 Creek Road, Cooperstown, PA 16317	Venango County Oakland Township	Dry/Intermittant Tributary of Twomile Run (16-D)	Y
PA0034215 (Sewage)	White Haven Campground 4007 Westford Road Jamestown, PA 16134	Crawford County South Shenango Township	Unnamed Tributary to Shenango River (20-A)	Y

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

Southwest Regional Office: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.

PA0096342, Sewage, **Fairchance-Georges Joint Municipal Sewage Authority**, 141 Big Six Road, Smithfield, PA 15478. Facility Name: Fairchance-Georges STP. This existing facility is located in Georges Township, **Fayette County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage, and proposed expansion of said discharge.

The receiving stream, Georges Creek, is located in State Water Plan Watershed 19-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The following effluent limits for Outfall 001 are effective for the existing design flow of 0.75 MGD, until either permit expiration or STP expansion for a proposed design flow of 1.5 MGD is completed:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD ₅						
May 1 - Oct 31	93.9	144.0	XXX	15	23	30
Nov 1 - Apr 30	156.5	237.8	XXX	25	38	50
BOD ₅						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	156.5	237.8	XXX	25	38	50
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
UV Transmittance (%)	XXX	XXX	Report	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Ammonia-Nitrogen						
May 1 - Oct 31	12.5	18.8	XXX	2.0	3.0	4.0
Nov 1 - Apr 30	28.2	42.5	XXX	4.5	6.8	9.0
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum	XXX	XXX	XXX	XXX	Daily Max	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Manganese	XXX	XXX	XXX	XXX	Daily Max	XXX

The following effluent limits for Outfall 001 are effective after STP expansion for a proposed design flow of 1.5 MGD is completed, until permit expiration:

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD ₅						
May 1 - Oct 31	125.1	187.7	XXX	10	15	20
Nov 1 - Apr 30	250.2	375.3	XXX	20	30	40
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	312.8	475.4	XXX	25	38	50
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
UV Transmittance (%)	XXX	XXX	Report	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen					Daily Max	
May 1 - Oct 31	25.1	37.5	XXX	2.0	3.0	4.0
Nov 1 - Apr 30	43.8	66.3	XXX	3.5	5.3	7.0
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum	XXX	XXX	XXX	XXX	Daily Max	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Manganese	XXX	XXX	XXX	XXX	Daily Max	XXX

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

The permittee shall obtain a Water Quality Management (WQM) permit from DEP for construction of treatment facilities for an expanded design flow of 1.5 MGD, and complete construction in accordance with the WQM permit application, prior to commencing the expanded discharge authorized by this NPDES permit.

The EPA Waiver is not in effect.

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5970

PA0042641, Sewage, SIC Code 8412, **PA DCNR State Parks Bureau**, 2808 Three Mile Run Road, Perkasio, PA 18944-2065. Facility Name: Nockamixon State Park STP. This existing facility is located in Haycock Township, **Bucks County**.

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

The receiving stream(s), Unnamed Tributary to Tohickon Creek, is located in State Water Plan watershed 2-D 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 0.2 MGD.

Parameters	Mass (lb/day)		Instant. Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Max	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.2
CBOD ₅						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
May 1 - Oct 31	33	XXX	XXX	20	30	40
Nov 1 - Apr 30	42	XXX	XXX	25	40	50
Total Suspended Solids	50	XXX	XXX	30	45	60
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000*
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	3	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30	7	XXX	XXX	4.0	XXX	8.0
Total Phosphorous	XXX	XXX	XXX	Report	XXX	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX

* See permit's Part C. I. Other Requirements (J).

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

I. Other Requirements

A. No Flow Receiving Stream

B. No Stormwater

C. Property Rights

D. Sludge Removal

E. Act 537 Approvals

F. TRC Requirements

G. Responsible Operator

H. O&M Plan

I. EMP for SPW

J. Fecal Coliforms DRBC

K. I/I Reduction Plan

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

The EPA Waiver is in effect.

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

PA0085235, Sewage, SIC Code 5800, **Degrazia LLC**, 604 Memorial Drive, Fleetwood, PA 19522-8812. Facility Name: Emily's Pub. This existing facility is located in Robeson Township, **Berks County**.

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

The receiving stream(s), Unnamed Tributary to Allegheny Creek, is located in State Water Plan watershed 3-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0012 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>		
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.64
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Ammonia-Nitrogen	XXX	XXX	XXX	20	XXX	40

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

The EPA Waiver is in effect.

PA0261157, Sewage, SIC Code 6514, **Kerstetter Velma E**, 6710 Rte 235, Mcalisterville, PA 17049. Facility Name: Velma Kerstetter Res. This existing facility is located in Delaware Township, **Juniata County**.

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

The receiving stream, Delaware Creek, is located in State Water Plan watershed 12-B and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>		
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		

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

The EPA Waiver is in effect.

PA0055352, Sewage, SIC Code 6515, **Berks Properties Inc.**, 3613 Seisholtzville Road, Hereford, PA 18056. Facility Name: Woodland MHP. This existing facility is located in Hereford Township, **Berks County**.

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

The receiving stream(s), West Branch Perkiomen Creek, is located in State Water Plan watershed 3-E and is classified for Exceptional Value Waters, 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 0.014 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.64
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Ammonia-Nitrogen	XXX	XXX	XXX	20	XXX	40
Total Phosphorus	0.059	XXX	XXX	0.5	XXX	1.0

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

The EPA Waiver is in effect.

PA0261289, Sewage, SIC Code 6514, **Wilkins Garren**, 10538 Hyndman Road, Manns Choice, PA 15537. Facility Name: Wilkins Res STP. This existing facility is located in Harrison Township, **Bedford County**.

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

The receiving stream, an Unnamed Tributary of Buffalo Run, is located in State Water Plan watershed 11-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily	Minimum	Average Monthly	Geo Mean	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	XXX
CBOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000

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

The EPA Waiver is in effect.

PA0083909, Sewage, SIC Code 2431, **Conestoga Wood Specialties Corp**, 245 Reading Road, East Earl, PA 17519-0158. Facility Name: Conestoga Wood Specialties. This existing facility is located in East Earl Township, **Lancaster County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.019 MGD.

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

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

The EPA Waiver is in effect.

PA0081442, Sewage, SIC Code 8211, **South Eastern School District**, 377 Main Street, Fawn Grove, PA 17321. Facility Name: South Eastern School District WWTP. This existing facility is located in Fawn Township, **York County**.

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

The receiving stream, Unnamed Tributary to Falling Branch, is located in State Water Plan watershed 7-I and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.05 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report Avg Mo	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
UV Intensity (mW/cm ²)	XXX	XXX	Report	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
		Total Annual				
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	3.5	XXX	7.0
Nov 1 - Apr 30	XXX	XXX	XXX	10.5	XXX	21
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
		Total Annual				

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

The EPA Waiver is in effect.

PA0083623, Industrial Waste, SIC Code 3568, **TB Wood's Incorporated**, 440 Fifth Avenue, Chambersburg, PA 17201-1778. Facility Name: TB Wood's Incorporated. This existing facility is located in Chambersburg Borough, **Franklin County**.

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

The receiving streams, Falling Spring Branch and Unnamed Tributary to Falling Spring Branch, are located in State Water Plan watershed 13-C and is classified for Trout Stocking, Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001, 002, and 004 are based on design flows of 0.36 MGD, 0.0028 MGD, and 0.00144 MGD, respectively.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)						
Jul 1-31	XXX	XXX	XXX	XXX	85	XXX
Aug 1 - Jun 30	XXX	XXX	XXX	XXX	110	XXX

The proposed effluent limits for Outfall 005, 006, 007, 008, and 009 are based on a design flow of 0.0 MGD.

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

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

The EPA Waiver is in effect.

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

PA0272825, Industrial Waste, SIC Code 9511, **Slippery Rock Municipal Authority**, 116 Crestview Road, Slippery Rock, PA 16057. Facility Name: Slippery Rock Borough WTP. This proposed facility is located in Slippery Rock Township, **Butler County**.

Description of Proposed Activity: The application is for a new NPDES permit for an existing discharge of industrial wastewater associated with the production of drinking water.

The receiving stream, an Unnamed Tributary to the Wolf Creek, is located in State Water Plan watershed 20-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0087 MGD.

Parameters	Mass (lbs/day)			Concentration (mg/l)		
	Average Monthly	Annual Average	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Total Dissolved Solids	Report	5,000	XXX	Report	Report	XXX
Total Aluminum	XXX	XXX	XXX	4.0	8.0	10.0
Total Iron	XXX	XXX	XXX	2.0	4.0	5.0
Total Manganese	XXX	XXX	XXX	1.0	2.0	2.5

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

- Requirement to Use eDMR System
- Chemical Additives

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

The EPA Waiver is in effect.

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

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

WQM Permit No. 2314406, Sewage, **Middletown Township Sewer Authority**, P. O. Box 9, Lima, PA 19037.

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

Description of Action/Activity: Upgrades to meet future wastewater disposal.

WQM Permit No. 1503412, Sewage, Amendment, **Avondale Borough**, 110 Pomeroy Avenue, P. O. Box 247, Avondale, PA 19311-0247.

This proposed facility is located in Avondale Borough, **Chester County**.

Description of Action/Activity: Increase the permit organic capacity from 1,010 lbs/day to 1,317 lbs/day.

WQM Permit No. WQG02151416, Sewage, **West Bradford Township**, 1385 Campus Drive, Downingtown, PA 19335.

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

Description of Action/Activity: Construction and operation of a proposed low pressure sewer system for 13 EDU's.

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

WQM Permit No. 0596408, Amendment #5, Sewerage, **Chestnut Ridge Area Joint Municipal Authority**, 320 Lane Metal Road, New Paris, PA 15554-9238.

This proposed facility is located in East St. Clair Township, **Bedford County**.

Description of Proposed Action/Activity: Seeking permit amendment approval for upgrading their solids dewatering system by replacing their existing belt filter press, polymer feed, and sludge pump with a new Volute Screw Press, sludge pump, and polymer system at their existing wastewater treatment plant.

Southwest Regional Office: Regional Clean Water Program Manager, 400 WATERFRONT DR, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.

WQM Permit No. WQG02111401, Sewage, **Blacklick Valley Municipal Authority**, PO Box 272, Twin Rocks, PA 15960-0272.

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

Description of Proposed Action/Activity: Sewer extension and pump station to serve 53 family residential dwellings in the Fords Corner area of Jackson Twp. Cambria County.

WQM Permit No. 1114403, Sewage, **Westmont Borough**, 1000 Luzerne Street, Johnstown, PA 15905.

This existing facility is located in Westmont Borough, **Cambria County**.

Description of Proposed Action/Activity: Proposed construction of sanitary sewer rehabilitation for the sewered areas of Westmont Borough.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source.

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

WQM Permit No. 2703403, Sewage, Amendment, **Pennsylvania Department of Corrections**, 153 Woodland Dr, Marienville, PA 16239.

This existing facility is located in Jenks Township, **Forest County**.

Description of Proposed Action/Activity: Upgrade of pre-treatment pump station at Forest-SCI.

WQM Permit No. WQG02331401, Sewage, **Brookville Municipal Authority**, 30 Darrah Street, Brookville, PA 15825.

This proposed facility is located in Pine Creek Township, **Jefferson County**.

Description of Proposed Action/Activity: Sanitary sewer line extension (force main and pump station) south of I-80 to a point north of I-80 along SR 28.

WQM Permit No. 4214402, Sewage, **Walter Wojcik**, 1015 Buffalo Street, Olean, NY 14760.

This proposed facility is located in Eldred Township, **McKean County**.

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

WQM Permit No. 1614201, Industrial Waste, **Piney Creek LP & Clarion Altela Environmental Services LLC**, 428 Power Lane, Clarion, PA 16214.

This proposed facility is located in Piney Township, **Clarion County**.

Description of Proposed Action/Activity: Construction of an industrial wastewater treatment facility.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI014614004	Mainline Trees, LLC 550 Bedford Road Bedford Hills, NJ 10507	Montgomery	Conshohocken Borough	Plymouth Creek CWF—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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030614006	BET Investments, Inc. 2600 Philmont Avenue Huntingdon Valley, PA 19006-5308	Berks	Kutztown Borough	Saony Creek Designated Use (TSF, MF) Existing Use (TSF, MF, Wild Trout)
PAI033614005	Steve Long 1919 Furniss Road Drumore, PA 17518	Lancaster	Drumore Township	Wissler Run (HQ, WWF)

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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041814008	Calvin King Pine Creek Structures Inc 74 Airstrip Dr Mill Hall PA 17751	Clinton	Lamar Township	Fishing Creek HQ-CWF

**STATE CONSERVATION COMMISSION
PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS
FOR NPDES PERMITS FOR CAFOs**

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

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Tyler Snider 22357 Mountain Foot Road Neelyton, PA 17239	Huntingdon	82.5 acres owned for manure application	466.23 AEU's 5.65 AEU's/ac	Swine/ Beef	NA	Renewal
Doug Wolgemuth 2914 Orchard Road Mount Joy, PA 17552	Lancaster	938.7	1,229.05	Swine/ Poultry	NA	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

Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 0614509, Public Water Supply.

Applicant	Western Berks Water Authority
Municipality	Lower Heidelberg Township
County	Berks
Responsible Official	Leonard E. Bilger II, Executive Director 91 Water Road Sinking Spring, PA 19608

Type of Facility Public Water Supply
 Consulting Engineer John P. Spitko, P.E.
 Spotts Stevens and McCoy Inc
 1047 North Park Road
 Reading, PA 19610-0307

Application Received: 8/18/2014
 Description of Action Permit for us of Blue March
 Lake as a source of supply.

Permit No. 2214503, Public Water Supply.
 Applicant **Royalton Borough Authority**
 Municipality Royalton Borough
 County **Dauphin**
 Responsible Official John Hulsberg, Authority
 Chairman
 110 Northumberland Street
 Royalton, PA 17057

Type of Facility Public Water Supply
 Consulting Engineer Joshua T. Fox, P.E.
 Herbert, Rowland & Grubic, Inc.
 369 East Park Drive
 Harrisburg, PA 17111

Application Received: 8/25/2014
 Description of Action Installation of individual
 residential water booster pumps
 for fifteen customers in the
 Upper Wrad of Royalton
 Borough. Description of Action
 Rehabilitation of filter Nos. 1
 and 2 at the Rabold Water
 Treatment Plant.

Permit No. 5014503, Public Water Supply.
 Applicant **Department of General
 Services**
 Municipality Tyrone Township
 County **Perry**
 Responsible Official David S. Folk, Executive
 Portfolio Manager
 18th & Herr Streets
 Harrisburg, PA 17120

Type of Facility Public Water Supply
 Consulting Engineer Daniel S. Hershey
 Rettew Associates Inc
 3020 Columbia Avenue
 Lancaster, PA 17603
 Application Received: 8/4/2014
 Description of Action Construction of a new membrane
 treatment plant.

*Northcentral Region: Safe Drinking Water Program
 Manager, 208 West Third Street, Suite 101, Williamsport,
 PA 17701-6448*

Application No. 0814503—Construction Public Wa-
 ter Supply.
 Applicant **Towanda Municipal
 Authority**
 [Township or Borough] Towanda Township
 County **Bradford**

Responsible Official Fred Johnson, Superintendent
 Towanda Municipal Authority
 P. O. Box 229
 724 Main Street
 Towanda, PA 18848

Type of Facility Public Water Supply
 Consulting Engineer Frederick E. Ebert, P.E.
 Ebert Engineering, Inc.
 P. O. Box 540
 4092 Skippack Pike, Suite 202
 Skippack, PA 19474

Application Received August 25, 2014
 Description of Action Construction of a potable water
 booster pump station and
 distribution system to service a
 52 lot residential subdivision.
 Potable water will be supplied by
 Towanda Municipal Authority.

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

Permit No. 3714502, Public Water Supply
 Applicant **Borough of Wampum**
 Township or Borough Wampum Borough
 County **Lawrence**
 Responsible Official Charles G. Kelly
 Type of Facility Public Water Supply
 Consulting Engineer Ronald Anthony Rizzo, P.E.
 R.A.R. Engineering Group, Inc.
 1135 Butler Avenue
 New Castle, PA 16101

Application Received August 14, 2014
 Date
 Description of Action Water system upgrades.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 0486503-T3, Minor Amendment.
 Applicant **UMH Properties, Inc.**
 150 Clay Street
 Suite 450
 Morgantown, WV 26501
 [Township or Borough] Independence Township
 Responsible Official Jeffrey V. Yorick, P.E.
 Vice President of Engineering
 UMH Properties, Inc.
 150 Clay Street
 Morgantown, WV 26501

Type of Facility Water system
 Consulting Engineer
 Application Received August 6, 2014
 Date
 Description of Action Transfer of Independence MHP
 from Stonewood Family LP to
 UMH Properties, Inc.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

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

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

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

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

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

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Patton B Unit No. 7H, 1313 Whitestown Road, Connoquenessing Township, **Butler 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, submitted a Notice of Intent to Remediate. A valve release occurred at the site resulting in fracturing fluid being spilled onto the soil. The selected remediation standard is a combination of the Site-Specific and Statewide Health Standards. The intended future use of the property will be residential. The Notice of Intent to Remediate was published in the *Butler Eagle* on August 15, 2014.

Former Vogel's Market, 309 Venango Avenue, Cambridge Springs Borough, **Crawford County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Mercer County State Bank, 3279 South Main Street, Sandy Lake, PA 16145, submitted a Notice of Intent to Remediate. Historically, the site operated as a retail fueling facility from 1950's through the 1970's. Site soil and site groundwater has been found to be impacted with petroleum related contamination from four underground storage tanks. The proposed remediation standard is a combination of Site-Specific and Statewide Health Standards. The intended future use of the property will be commercial. The Notice of Intent to Remediate was published in *The Meadville Tribune* on August 15, 2014.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401

Permit Application No. 101429. Richard S. Burns & Company Inc., 4300 Rising Sun Avenue, Philadelphia PA 19140-2720. This application is for 10-year permit renewal to continue operation at the Richard S. Burns and Company Transfer Station Facility, a municipal waste and construction/demolition waste transfer and processing facility, located at 4300 Rising Sun Avenue in the City of Philadelphia, **Philadelphia County**. The application was received by the Southeast Regional Office on August 25, 2014.

Permit Application No. 101609. BFI Transfer Systems of Pennsylvania, LLC, d.b.a. River Road Transfer Station, 400 River Road, West Conshohocken PA 19428-2600. This application is for 10-year permit renewal under Solid Waste Permit No. 101609 for the River Road Transfer Station, a municipal waste transfer station located at 400 River Road in Upper Merion Township, **Montgomery County**. The application was received by the Southeast Regional Office on May 15, 2014.

Permit Application No. 100973. Republic Services of Pennsylvania, LLC, 2960 E. Orthodox Street, Philadelphia PA 19137, City of Philadelphia, **Philadelphia County**. This application is for 10-year permit renewal to continue to operate at the Quickway Transfer Station, a municipal waste transfer facility, located at 2960 E.

Orthodox Street, Philadelphia, PA 19137-2019. The application was received by the Southeast Regional Office on May 30, 2014.

Permit Application No. 101463. BFI Transfer Systems of Pennsylvania, LLC, d.b.a. TRC Transfer Station, 2904 South Christopher Columbus Boulevard, Philadelphia PA 19148-5106. This application is for 10-year permit renewal to continue to operate under Solid Waste Permit No. 101463 for the TRC Transfer Station, a municipal waste transfer station located at 2904 South Columbus Boulevard in the City of Philadelphia, **Philadelphia County**. The application was received by the Southeast Regional Office on August 27, 2014.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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 general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of the application, the Department's analysis, all pertinent documents used in the evaluation of the application, and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department's Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments; identification of the proposed Plan Approval/Operating Permit including the permit number; and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin*, or by telephone, when the Department determines this notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Subchapters D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise appli-

cable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P. S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

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

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

23-0119C: Sunoco Partners Marketing & Terminals, L.P.—SPMT (2nd and Green Streets, Marcus Hook, PA 19061-0426) for installation of a 30,000 gallon per minute cooling tower to be used to condense the gaseous propane and ethane at a facility, in Marcus Hook Borough, **Delaware County**. The plan approval is for a Title V facility. This project, by itself or aggregated with previous projects, does not trigger applicability toward PADEP's NSR regulations or the federal PSD regulations. As this project is technically and economically dependent to a previous project it is being treated as a major modification to an existing plan approval (number 23-0119). The installation of this source is not subject to any federal NSPS or NESHAP regulations. Potential annual emissions from this source are: VOC—5.52 ton, PM—0.25 ton, PM₁₀—0.23 ton, and PM_{2.5}—0.01 ton. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-0033F: Waste Management Disposal Services of PA—WMDSPI (1425 Sell Road, Pottstown, PA 19464) for installation of a new open landfill gas (LFG) flare. Pottstown Landfill, a closed landfill, is a Title V Facility in **Montgomery County**. This flare serves as a backup control device. There are no emission increases with this plan approval. The Plan Approval will contain monitoring, recordkeeping and operating restrictions designed to minimize emissions and keep the facility operating within all applicable State and Federal 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.

36-05107D: Pepperidge Farm, Inc. (2195 North Reading Road, Denver, PA 17517) for installation of a new Catalytic Oxidizer 5 to control Cracker Oven 8 and re-routing the exhaust so only Cracker Oven 7 exhausts to Catalytic Oxidizer 4 at their Pepperidge Farm bakery

in East Cocalico Township, **Berks County**. The expected increases in potential emissions as a result of the changes proposed are: 0.7 tpy of CO, 0.9 tpy of NO_x, 8.1 tpy of VOCs and 0.6 tpy of Acetylaldehyde. The facility is a State Only facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12, and 25 Pa. Code § 123.13 Process Particulate Matter. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into a State Only Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

*Department of Public Health, Air Management Services:
321 University Avenue, Philadelphia, PA 19104*

Contact: Edward Wiener, Chief—Telephone: 215-685-9426

AMS14193: The Purolite Co. (3620 G Street, Philadelphia, PA 19134) for installation of a replacement of DR02 Witte Dryer with a new Batch Dryer (BD02) (Fluid bed, steam heated, with cyclone), Manufacturer: Stainless Fabrication incorporated, Model: 18'x2' Fluid bed dryer, with rated capacity of 5,600 lbs/batch. And replacement of existing ROX1 Copolymer Reactor, with a new same capacity, Paul Mueller reactor in the City of Philadelphia, **Philadelphia County**. The plan approval will contain operating, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

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

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

56-00166: PBS Coals, Inc. (1576 Stoystown Road, Friedens, PA 25541) for the continued operation of a coal preparation plant, known as the Shade Creek Coal Preparation Plant, in Shade Township, **Somerset County**.

In accordance with 25 Pa. Code §§ 127.441, 127.425 and 127.521, the Department is providing notice that they intend to issue a Title V Operating Permit for the continued operation of a coal preparation plant, known as the Shade Creek Coal Preparation Plant, located in Shade Township, Somerset County.

The facility is a coal preparation plant. Coal is blended and crushed at this facility. The applicant can process bituminous coal through each of the processes at the maximum rates listed below. Coal brought to the site for processing is off-loaded from trucks. There are storage piles for coal refuse, as well as run of mine (ROM) and processed coal. These throughput rates are physical, not regulatory limitations. The coal throughput of the plant is both mined at the site and delivered to the facility from

other sites for processing. Coal breakers, screens, and raw coal transfer points are totally enclosed. Process coal transfer points are partially enclosed. Plant roads are swept and watered.

This facility has the potential to emit the following type and quantity of pollutants: 368 tons per year of PM₁₀. Sources at the facility are subject to 40 CFR Part 60 Subpart Y—Standards of Performance for Coal Preparation and Processing Plants, and 25 Pa. Code Chapters 121—145. No equipment or emission changes are being approved by this action. The permit includes emission limitations and operational, monitoring, testing, recordkeeping, and reporting requirements for the facility.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131

37-023F: NRG Power Midwest LP—New Castle Plant (2189 State Route 168 South, West Pittsburgh, PA 16160) for the gas addition project for the 3 existing coal fired boilers in Taylor Township, **Lawrence 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 facility operating permit at a later date.

Plan approval No 37-023F is for the proposed addition of gas burners to Boilers #3, 4, & 5 to include the capability of burning natural gas. This project will allow the boilers to achieve compliance with the upcoming Mercury and Air Toxics Standards (MATS) promulgated under 40 CFR 63 Subpart UUUUU and thereby continue operating beyond the MATS compliance date. This project will result in projected actual emissions of 2.7 tpy for PM (TSP), 10.9 tpy for PM₁₀, 10.9 tpy for PM_{2.5}, 214.2 tpy for NO_x, 0.9 tpy for SO_x, 171.4 tpy for CO, 7.9 tpy for VOC, and 171,451.0 for CO₂(e) from the 3 existing boilers when burning natural gas. 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:

- The quality of gas combusted in the source shall be pipeline quality natural gas.
- Stack test for PM (both filterable and condensable), CO, and VOC when burning natural gas with the ESP not energized.
- Maintain monthly records of the natural gas usage for each boiler.
- The ESP does not have to be energized during natural gas combustion.
- The permittee shall update the AIMS Inventory for all PSD/NSR pollutants that were revised as part of this application. The update should include year 2008 to the present. If applicable, the permittee shall revise their AIMS Emission Fee submittals for those same years upon Department approval of the revised reports.
- All conditions from the facility operating permit revised on June 26, 2013, remain in effect unless modified in this plan approval.

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applica-

tions, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 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 [37-023F] 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 §§ 127.421 to 127.431 for state only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

43-00142: Salem Tube, Inc. (951 4th Street, Reynolds Industrial Park, Greenville, PA 16125-8253) for renewal of a Title V Permit to operate a process steel tube manufacturing facility in Pymatuning Township, **Mercer County**. The facility's emitting sources included 1) Degreaser system boiler, 2) Miscellaneous natural gas usage, 3) Boiler for pickling tank, 4) TCE degreasing system, 5) Annealing furnaces (3) [#2, #7, and #5 Standby], 6) General solvent cleaning, 7) Lubricating operation, 8) TCE Storage tank, 9) Solvent cleaning degreaser, 10) Batch pickling tank, 11) Vacuum cleaning and degreasing machine, 12) TCE storage tank and, 13) Groundwater TCE Clean-Up. The facility is a Title V facility due to its potential to emit Trichloroethylene, a hazardous air pollutant (HAP). The facility provided the following emission inventory for the 2013 calendar year: Ammonia: 0.0076 Ton per year, CO: 0.1991 TPY, Methane: 0.0184 TPY, Carbon Di Oxide: 974.60 TPY, Nitrous Oxide: 0.002 TPY, HAP (TCE): 12.4 TPYVOC (Non-HAP): 5.839 TPY, VOC (including HAP): 18.34 TPY, NO_x: 0.84 TPY, SO_x: 0.0049 TPY, PM10: 0.0071 TPY. The facility shall maintain the emission of TCE from entire site to not exceed 14, 100 Kg or 15.51 Tons per year as stated in 40 CFR § 63.471. This emission restriction is more stringent than the RACT permit #43-172, condition #8, emission restriction of 68.4 tons per year.

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

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

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

54-00075: D.G. Yuengling and Sons, Inc. (310 Mill Creek Avenue, Pottsville, PA 17901) for operation of a brewing operation in Pottsville Borough, **Schuylkill County**. The sources at the facility consist of three (3) boilers and an aerobic reactor. The control devices for the reactor are a packed tower scrubber and carbon adsorber unit. This is a renewal of a State-Only Operating Permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

54-00049: US Department of Justice—FCI Schuylkill (P. O. Box 700, Minersville, PA 17954) for operation of a prison in Butler Township, **Schuylkill County**. The sources consist of three (3) boilers and an emergency generator. This is a renewal of a State-Only operating permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

39-00102: R.R. Donnelley and Sons Co. (700 Nestle Way Suite 200, Breinigsville, PA 18031) for operation of a printing operation in Upper Macungie Township, **Lehigh County**. The sources consist of eight (8) printing machines. This is a new State-Only operating permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

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.

22-03063: Chemetron Railway Products, Inc. (215 South Front Street, Steelton, PA 17113) to issue a State Only Operating Permit for their rail welding facility in Steelton Borough, **Dauphin County**. Potential particulate matter emissions from the facility are estimated to be around 10.5 tpy. 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.

67-03046: Cycle Chem, Inc. (550 Industrial Road, Lewisberry, PA 17339) to issue a State Only Operating Permit for operation of two waste solvent storage tanks at their facility in Fairview Township, **York County**. The potential emissions are estimated at 4 tons per year of VOC, and 1.1 ton per year of Total HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

21-05035: Hempt Brothers, Inc. (P. O. Box 488, Hollidaysburg, PA 16648) to issue a State Only Operating Permit for operation of a crushing plant, a batch asphalt plant, and a concrete plant in Silver Spring Township, **Cumberland County**. The 2013 actual emissions of the facility were 0.76 ton of PM, 7.25 tons of CO, 0.45 ton of NO_x, 0.08 ton of SO_x, 1.5 ton of VOC, and 0.14 ton of total HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations, including 40 CFR Part 60, Subpart I—Standard of Performance for Hot Mix Asphalt Facilities, and 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

49-00005: Hoegaens Corp. (4330 Paradise Road, Watontown, PA 17777) to issue a renewal State Only Operating Permit for their Watontown Plant located Delaware Township, **Northumberland County**. The facility is currently operating under State Only Operating Permit 49-00005. The facility's main sources include two #2-fuel-oil fired boilers, twenty five small #2-fuel-oil fired space heaters, metal powder blending and bonding operations controlled by cartridge collectors and fabric collectors, metal powder manufacturing operations controlled by cartridge collectors, specialty blended metals processes controlled by cartridge collectors and fabric collector, AGM delivery system controlled by fabric collectors, distaloy screen system controlled by fabric collectors, a sample production process controlled by a cartridge collector, and a 50 kW diesel-fired emergency generator.

The facility has potential emissions of 0.56 ton in any 12 consecutive month period (tpy) of carbon monoxide, 2.70 tpy of nitrogen oxides, 8.11 tpy of sulfur oxides, 0.02 tpy of volatile organic compounds, 36.14 tpy of particulate matter less than 10 microns in size, 36.02 tpy of particulate matter less than 2.5 microns in size, and 8138 tpy of greenhouse gases (i.e. carbon dioxide equivalent). Revisions include incorporating controlling fugitive emissions from a flexbag unloading station, incorporating a portable dust sweeper and portable dust collector, the operation of a hand-add station to be controlled by an existing cartridge collector, and to remove a throughput limitation that is no longer applicable.

The boilers are subject to 40 CFR Part 63 Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources. The emergency engine is subject to 40 CFR Part 63 Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 as well as 40 CFR Part 63.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williams-

port, PA 17701. Appointments for scheduling a review must be made by calling (570) 327-0550.

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

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

56-00219: Berwind Coal Sales Co. (509 15th Street, Windber, PA 15963) for a Natural Minor Operating Permit for the operation of a coal preparation plant, known as the Huskin Run Tipple, in Shade Township, **Somerset County**. The facility contains air contamination sources consisting of coal stockpiles, conveyers, one coal feed hopper/bin, one rotary breaker, radial stacker, coal loadout, and roadways. Air pollution prevention equipment at the Facility includes enclosures, conveyors, rotary breaker, water truck, tarping of truck loads, and periodic chipping and maintenance as of roadways. ROM coal throughput is limited to a maximum of 5,000,000 tons per year. Facility emissions are 17.4 tons per year of PM₁₀. The facility is limited to a maximum opacity from any processing equipment of 20 percent. The facility is subject to 25 Pa. Code Chapters 121—145. The permit includes emission limitations, and operational, monitoring, testing, reporting and recordkeeping requirements for the facility.

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

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the operating permit or a proposed condition thereof, by filing such submissions in writing with the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All requests for a public hearing, and all protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). A protest must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 56-00219) 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 Martin L. Hochhauser, P.E., Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional

information concerning the permit or the issuance procedure, contact Martin L. Hochhauser, P.E. at (412) 442-4057.

32-00365: Rosebud Mining Company (301 Market Street, 435, Kittanning, PA 16201) for an initial facility-wide Natural Minor Operating Permit for the operation of a coal preparation plant, known as the Dutch Run Parker Mine Site Coal Preparation Plant, in Washington Township, **Indiana County**. The facility contains air contamination sources consisting of coal stockpiles, conveyers, screens, and roadways. Air pollution prevention equipment at the facility includes covers, enclosures, a water truck, and tarping of truck loads. Coal throughput is limited to a maximum of 1,000,000 tons per year. Facility emissions are 23.1 tons of PM₁₀ and 1.5 ton of NO_x per year. The facility is limited to a maximum opacity from any processing equipment of 20 percent. The facility is subject to 40 CFR 60, Subpart Y, 40 CFR 63, Subpart ZZZZ, and 25 Pa. Code Chapters 121—145. The permit includes emission limitations, and operational, monitoring, testing, reporting and recordkeeping requirements for the facility.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131

61-00204: Franklin Bronze & Alloy Co., Inc. (655 Grant Street, Franklin, PA 16323) to issue the renewal of the State Only Operating Permit for the foundry facility in the City of Franklin, **Venango County**. The primary sources at the facility include a 1 million Btu/hr natural gas fueled mold de-wax furnace; 2 natural gas fueled shell pre-heat furnaces, rated at 600,000 Btu/hr and 850,000 Btu/hr; 5 induction furnaces; a 750,000 Btu/hr natural gas fueled de-wax oven; saws and grinders; 9 natural gas fueled space heaters; and a parts washer. The facility is a Natural Minor. Potential emissions are less than the Title V thresholds. The facility is subject to 40 CFR Part 63 Subpart ZZZZZZ, National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

OPERATING PERMITS

PUBLIC HEARINGS

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104

Contact: Edward Wiener, Chief—Telephone: 215-685-9426

The City of Philadelphia, Air Management Services (AMS) intends to modify a Minor State Only Operating Permit for the following facility:

S13-013: Clean Earth of Philadelphia (3201 South 61st Street, Philadelphia, PA 19153) for operation of for the operation of a soil and non-soil treatment facility in the City of Philadelphia, **Philadelphia County** intent to Modify Operating Permit to include the following changes:

A quality control sampling and finger print analysis frequency for incoming material to insure only soils matching their original approved profiles are received and processed at the facility. The facility will perform sampling and finger print analysis of incoming truck load instead of each and every truck load.

The Synthetic Minor Operating Permit was originally issued on December 9, 2013.

The operating permit will be renewed 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

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

Permit No. 56090104 and NPDES No. PA0262749. Rosebud Mining Co., 1117 Shaw Mines Road, Meyersdale, PA 15552, permit renewal for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 60 acres. Receiving streams: unnamed tributaries to/and Buffalo Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 6, 2014.

Permit No. 32830113 and NPDES No. PA0605778. Beilchick Brothers, P. O. Box 7, Heilwood, PA 15745, permit renewal of a bituminous surface and auger mine in Buffington Township, **Indiana County**, affecting 410.5 acres. Receiving streams: unnamed tributaries to/and Mardis Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 19, 2014.

Permit No. 32040102 and NPDES No. PA0249491. 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 201.2 acres. Receiving stream: unnamed tributary to Yellow Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 20, 2014.

Permit No. 56090109 and NPDES No. PA0262838. Wilson Creek Energy, LLC, 609 Georgian Place, Somerset, PA 15501, commencement, operation and restoration of a bituminous surface and auger mine to change the land use from woodland to unmanaged natural habitat in Lincoln Township, **Somerset County**, affecting 30.4 acres. Receiving stream: unnamed tributaries to Quemahoning Creek classified for the following use: cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority. Application received: August 20, 2014.

Permit No. 05753004 and NPDES No. PA0124869. J&J Svonavec Excavating, Inc., 618 Samuels Road, Somerset, PA 15501, permit renewal of a bituminous surface mine in Broad Top and Carbon Townships, **Bedford and Huntingdon Counties**, affecting 222.1 acres. Receiving streams: unnamed tributaries to/and

Coal Bank Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 21, 2014.

New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500

30793024 and NPDES Permit No. PA0117650. Beazer East, Inc. c/o Three Rivers Management, Inc., (Manor Oak One, Suite 200, 1910 Cochran Road, Pittsburgh, PA 15220). NPDES revision application for Pond 4/S-10 to an existing passive treatment system, located in Morgan Township, **Greene County**, affecting 327.7 acres. Receiving streams: unnamed tributaries to South Fork of Tenmile Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: August 22, 2014.

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

24980102 and NPDES Permit No. PA0227781. Tamburlin Brothers Coal Co., Inc. (P. O. Box 1419, Clearfield, PA 16830) Renewal of an existing bituminous surface and auger mine and associated NPDES permit in Fox Township, **Elk County**, affecting 196.0 acres. Receiving streams: Limestone Run and Little Toby Creek, both classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 28, 2014.

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

17793044 and NPDES PA0119334. River Hill Coal Company, Inc. (P. O. Box 141, Kylertown, PA 16847). Permit renewal for an existing bituminous surface mine and a revision to reduce the permit boundary to cover the post mining treatment facility in Karthaus Township, **Clearfield County** affecting 26.4 acres. Receiving stream(s): Saltlick Run classified for the following use(s): High Quality-Cold Water Fishes and Migratory Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 22, 2014.

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

Permit No. 54880203R5. Rausch Creek Land, LP, (978 Gap Street, Valley View, PA 17983), renewal for reclamation activities only of an existing anthracite coal refuse reprocessing operation in Tremont Township, **Schuylkill County** affecting 15.8 acres, receiving stream: Lorberry Creek, classified for the following use: cold water fishes. Application received: July 9, 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.

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

37140302. Slippery Rock Materials, Inc. (704 Golf Course Road, Volant, PA 16156) Commencement, operation and restoration of a large industrial minerals mine in Plain Grove & Washington Townships, **Lawrence County**, affecting 157.0 acres. Receiving streams: Four unnamed tributaries to Taylor Run and Taylor Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. This application includes a request for a post-mining landuse change from cropland, forestland, and unmanaged natural habitat to wildlife habitat, unmanaged water impoundment, and wetlands on the lands of Slippery Rock Materials, Inc. and John Venasco. Application received: August 18, 2014.

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

Permit No. 58990811. Dennis R. Bevin, (136 Barbour Lane, Hallstead, PA 18822), Stage I & II bond release of a quarry operation in Silver Lake Township, **Susquehanna County** affecting 1.0 acre on property owned by Joseph Nagy. Application received: August 15, 2014.

Permit No. 58020826. Dennis R. Bevin, (136 Barbour Lane, Hallstead, PA 18822), Stage I & II bond release of a quarry operation in Silver Lake Township, **Susquehanna County** affecting 2.0 acres on property owned by Joseph Nagy. Application received: August 15, 2014.

Permit No. 58070824. Courtland Birchard, (3065 Stone Street, Montrose, PA 18801), Stage I & II bond release of a quarry operation in Middletown Township, **Susquehanna County** affecting 5.0 acres on property owned by John Maloney and Ronald Powers. Application received: August 18, 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

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

NPDES No. PA0095966 (Mining Permit No. 32851601), P & N Coal Company, (PO Box 332, Punxsutawney, PA 15767). A revision to the NPDES and mining activity permit for the Hillman Tipple in Banks Township, **Indiana County** to discharge treated wastewater with a PH greater than 9.0, but not greater than 12.0. Surface Acres Affected 18.0. Receiving stream: Bear Run, classified for the following use: CWF. Bear Run Watershed TMDL. The application was considered administratively complete on June 23, 2014. Application received June 23, 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.

Outfall 001 discharges to: UNT Bear Run

The proposed effluent limits for Outfall 001 (Lat: 40° 54' 11" Long: 78° 50' 54") are:

Parameter	Minimum	30-Day Average	Instant. Maximum	Daily Maximum
Flow (mgd)		-	0.0011	-
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Osmotic Pressure (mos/kg)		50	100	125
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (mos/kg)		-	-	REPORT
Sulfates (mg/l)		-	-	REPORT
Total Dissolved Solids (mg/l)		-	-	REPORT
Chlorides (mg/l)		-	0.0011	-

Outfall 002 discharges to: Bear Run

The proposed effluent limits for Outfall 002 (Lat: 40° 54' 09" Long: 78° 50' 56") are:

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow (mgd)		-	0.0011	-
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Osmotic Pressure	(mos/kg)	50	100	125
Total Settleable Solids	(ml/l)	35	70	90
Sulfates	(mg/l)	-	-	REPORT
Total Dissolved Solids	(mg/l)	-	-	REPORT
Chlorides	(mg/l)	-	-	REPORT

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

NPDES No. PA0605891 (Mining Permit No. 56813050), Shade Mining Company, P. O. Box 130 118 Runway Road Friedens, PA 15541, renewal of an NPDES permit for treatment of a post mining discharge in Quemahoning, Shade, and Stonycreek Townships, **Somerset County**, affecting 150.7 acres. Receiving stream: unnamed tributary to Oven Run, classified for the following use: cold water fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: March 27, 2014.

The outfall(s) listed below discharge to an unnamed tributary to Oven Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
003 (WD-2)	N

The proposed effluent limit for the above listed outfall is as follows:

<i>Outfall: 003 (All Weather Conditions) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 10.0 standard units at all times			
Alkalinity must exceed acidity at all times			

NPDES No. PA0212300 (Mining Permit No. 56920113), Rosebud Mining Company, 1117 Shaw Mines Road Meyersdale, PA 15552, renewal of an NPDES permit for discharge to surface waters resulting from coal surface mining in Summit and Elk Lick Townships, **Somerset County**, affecting 108 acres. Receiving streams: unnamed tributaries to/and Casselman River, classified for the following uses: cold water fishery and warm water fishery. This receiving stream is included in the Casselman River TMDL. Application received: May 2, 2014.

The outfalls listed below discharge to unnamed tributaries to/and Casselman River:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
003	N
004	N
005	N
006	N
007	N

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 001 & 003 (All Weather Conditions) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	N/A	N/A	3.7
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			
<i>Outfalls: 004—007 (Dry Weather) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	N/A	N/A	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

Outfalls: 004—007 (≤10-yr/24-hr Precip. Event)
Parameter

Parameter	30-Day Average	Daily Maximum	Instant. Maximum
Iron (mg/l)	N/A	N/A	7.0
Total Settleable Solids (ml/l)	N/A	N/A	0.5

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

NPDES No. PA0109088 (Mining Permit No. 56733038), Geiger Development Corporation, 1207 Stoystown Road Friedens, PA 15541, renewal of an NPDES permit for treatment of a post mining discharge in Somerset Township, **Somerset County**. Receiving stream: unnamed tributary to the East Branch of Coxes Creek, classified for the following use: trout stocked fishery. This receiving stream is included in the Coxes Creek TMDL. Application received: August 1, 2014.

The outfall listed below discharges to an unnamed tributary to the East Branch of Coxes Creek.

Outfall No.	New Outfall (Y/N)
001	N

The proposed effluent limits for the above listed outfall is as follows:

Outfall: 001 (All Weather Conditions)

Parameter	30-Day Average	Daily Maximum	Instant. Maximum
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.75	1.5	1.8
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

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E13-179. The Lofts at Birch Wild, LLC, 474 Mulberry Drive, Walnutport, PA 18088, in East Penn Township, **Carbon County**, U.S. Army Corps of Engineers, Philadelphia District.

To fill 0.05 acre of PEM wetlands for the purpose of constructing a stormwater management facility associated with the expansion of an existing bed and breakfast. The project is located approximately 1.65 mile northeast of the intersection of S.R. 895 and Andreas Road (Nesquehoning, PA Quadrangle, Latitude: 40°45'49"; Longitude: -75°45'54").

District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E5829-084. 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 12 inch diameter steel natural gas pipeline and one 6 inch diameter waterline crossing impacting 511 square feet (0.01 acre) of a palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle: 41° 58' 45" N; -76° 05' 39" W),
2. One 12 inch diameter steel natural gas pipeline, one 6 inch diameter waterline, and a timber mat bridge crossing impacting 79 square feet (0.01 acre) of a

palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle: 41° 58' 44" N; -76° 05' 39" W),

3. One 12 inch diameter steel natural gas pipeline, one 6 inch diameter waterline, and a timber mat bridge crossing impacting 1,219 square feet (0.03 acre) of a palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle: 41° 58' 43" N; -76° 05' 37" W),

4. One 12 inch diameter steel natural gas pipeline, one 6 inch diameter waterline, and a timber bridge crossing impacting 105 lineal feet of an unnamed tributary to Apalachin Creek (CWF, MF) (Friendsville, PA Quadrangle: 41° 58' 42" N; -76° 05' 36" W),

5. One 12 inch diameter steel natural gas pipeline, one 6 inch diameter waterline, and a timber bridge crossing impacting 81 lineal feet of an unnamed tributary to Apalachin Creek (CWF, MF) (Friendsville, PA Quadrangle: 41° 58' 35" N; -76° 05' 32" W),

6. One 12 inch diameter steel natural gas pipeline, one 6 inch diameter waterline, and a timber bridge crossing impacting 28 lineal feet of an unnamed tributary to Apalachin Creek (CWF, MF) (Friendsville, PA Quadrangle: 41° 58' 34" N; -76° 05' 31" W),

7. One 12 inch diameter steel natural gas pipeline, one 6 inch diameter waterline, and a timber mat bridge crossing impacting 34 square feet (0.01 acre) of a palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle: 41° 58' 26" N; -76° 05' 33" W),

8. One 12 inch diameter steel natural gas pipeline, one 6 inch diameter waterline, and a timber mat bridge crossing impacting 10,007 square feet (0.23 acre) of a palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle: 41° 58' 24" N; -76° 05' 33" W),

9. One 12 inch diameter steel natural gas pipeline, one 6 inch diameter waterline, and a timber bridge crossing impacting 14 lineal feet of an unnamed tributary to Apalachin Creek (CWF, MF) (Friendsville, PA Quadrangle: 41° 58' 22" N; -76° 05' 33" W),

10. One 12 inch diameter steel natural gas pipeline, one 6 inch diameter waterline, and a timber mat bridge crossing impacting 1,366 square feet (0.03 acre) of a palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle: 41° 58' 22" N; -76° 05' 33" W).

The project consists of constructing approximately 0.94 mile of 12" steel natural gas gathering line and a 6" waterline connecting well sites located in Apolaccon Township, Susquehanna County, to connect the Thorne 080 well pad to the Hillis Field Riser. The project will result in 228 lineal feet of temporary stream impacts and 13,216 square feet (0.30 acre) of temporary wetland impacts all for the purpose of conveyance of Marcellus Shale natural gas to market.

E4129-093: Anadarko Marcellus Midstream, LLC, 33 West Third Street, Suite 200, Williamsport, PA 17701, McHenry Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 50-foot long, 5'-0" X 2'-7 1/2" bottomless arch culvert and associated fill, two 6-inch gas pipelines, one 12-inch water pipeline, two 6-inch water pipelines, and a fiber optic/electric line impacting 108 linear feet of an

unnamed tributary to Second Big Fork (HQ-CWF) and 630 square feet of adjacent palustrine emergent (PEM) wetlands (Slate Run, PA Quadrangle 41°23'59"N 77°32'21"W);

2) a 50-foot long, 5'-0" X 2'-2 1/2" bottomless arch culvert and associated fill, two 6-inch gas pipelines, one 12-inch water pipeline, two 6-inch water pipelines, and a fiber optic/electric line impacting 83 linear feet of Second Big Fork (HQ-CWF) and 1,279 square feet of adjacent palustrine emergent (PEM) wetland (Slate Run, PA Quadrangle 41°23'42"N 77°32'24"W).

The project will result in a total of 0.04 acre of wetland impacts and 191 linear feet of stream impacts all for the purpose of installing water line, natural gas gathering line, and a permanent access roadway to natural gas well sites for Marcellus well development.

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

EA43-08-001, Halcon Field Service LLC, 2984 Kirila Blvd., Hermitage, Pa 16148, Colpetzer Surface Site in Perry Township, **Mercer County**, ACOE Pittsburgh District (Jackson Center, PA Quadrangle, N: 41° 22' 16.878"; W: 80° 13' 22.64").

To reduce the overall length of a 298 feet stream enclosure to 100 feet, for the purpose of stabilizing and restoring 198 linear feet of stream bank on UNT 36280 to Little Shenango River (TSF). The remaining 100 feet of culvert will be used as permanent access to the site off of Pa State Route 19. No wetlands will be impacted by this project.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.

E22-605: Dauphin County Board of Commissioners, PO Box 1295 Harrisburg, PA 17108 in South Hanover Township and Hummelstown Borough, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District

To 1.) remove an existing structure; 2.) construct and maintain a 300.0-foot long, 34.67-foot wide three-span concrete spread box beam bridge with R-8 rip rap scour protection across Swatara Creek (WWF, MF) having an underclearance ranging from 4.3 feet to 14.2 feet; 3.) construct and maintain a gravel parking lot and geotextile boat ramp in the floodway of Swatara Creek (WWF, MF); and to install and maintain 1.) 82 feet of 24.0-inch diameter reinforced concrete pipe and R-6 rip rap scour protection; 2.) 34 feet of 24.0-inch diameter reinforced concrete pipe with R-6 rip rap scour protection; 3.) 35 feet of 18.0-inch diameter reinforced concrete pipe with R-6 rip rap scour protection; 4.) 57 feet of 24.0-inch diameter reinforced concrete pipe with R-6 rip rap scour protection; 5.) an 18.0-inch diameter reinforced concrete pipe outfall, all discharging to Swatara Creek (WWF, MF); and 6.) two temporary construction causeways in Swatara Creek (WWF, MF), all for the purpose of providing sustainable, safe and efficient crossing of Swatara Creek. The project is located near the intersection of N. Duke Street and N. Railroad Street (Latitude: 40° 16' 14.1"N, Longitude 76° 42' 57.9"W) in South Hanover Township and Hummelstown Borough, Dauphin County.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
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.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0265934— CAFO	David S. Morrow Farm 237 Briar Road Loysville, PA 17047	Perry County / Southwest Madison Township	Cisna Run / HQ-CWF / 7-A	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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0233722 (Sewage)	Richard Zerby SFTF 211 Wills Hollow Road Port Matilda, PA 16870	Centre County Worth Township	Wills Hollow Run (9-C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0025810 (Sewage)	Shade Central City Joint Authority SR 0160 Central City, PA 15926	Somerset County Shade Township	Dark Shade Creek (18-E)	N

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0222372 (Sewage)	VFW Post 740 10613 Route 98 Edinboro, PA 16412	Erie County Franklin Township	Unnamed Tributary to Little Elk Creek (15-A)	Y
PA0101800 (Industrial Waste)	Lord Saegertown 601 South Street Saegertown, PA 16433	Crawford County Saegertown Borough	French Creek (Outfall 001) Woodcock Creek (Outfalls 002 & 003) (16-A)	Y
PA0239381 (Sewage)	Silva SRSTP 680 Hilltop Drive, Pittsfield, PA 16340	Warren County Deerfield Township	Unnamed Tributary to the Rock Hollow Run (16-F)	Y
PA0104141 (Sewage)	Jay Township Weedville STP 1766 Redwood Avenue Weedville, PA 15868	Elk County Jay Township	Bennett Branch (8-A)	Y
PA0238988 (Sewage)	Greene Meadows STP 2500 Deer Run Trail Erie, PA 16509	Erie County Greene Township	Unnamed Tributary of East Branch LeBoeuf Creek (16-A)	Y
PA0100625 (Industrial Waste)	Brookville Travel Center 245 Allegheny Boulevard, Brookville, PA 15825	Jefferson County Brookville Borough	Clement Run (17-C)	Y
PA0104353 (Sewage)	Oakleaf Estates MHP 88 Mitchell Road West Middlesex, PA 15159	Mercer County Shenango Township	Unnamed Tributary to the Shenango River (20-A)	Y

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

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

PA0036994 A-1, Sewage, SIC Code 4952, **Pleasantville Borough**, 114 West State Street, Pleasantville, PA 16341-9741. Facility Name: Pleasantville Borough STP.

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

Description of Existing Activity: Amendment of an NPDES permit for an existing discharge of treated sewage. The amendment adds effluent limits for TRC to the permit.

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

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

WQM Permit No. WQG02461109, Sewage, **PA Air National Guard**, 617 Horsham Road, Horsham, PA 19044.

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

Description of Action/Activity: Construction of a new sanitary pump station along with the installation of a new force main.

WQM Permit No. 4614402, Sewage, **Worcester Township**, 1721 Valley Forge Road, P. O. Box 767, Worcester, PA 19490-0767.

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

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

Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.

WQM Permit No. 1114402, SIC Code 4952, **Stonycreek Township**, 1610 Bedford Street, Johnstown, PA 15902.

This proposed facility is located in Stonycreek Township, **Cambria County**.

Description of Proposed Action/Activity: Construction of sanitary sewer rehabilitation project in Stonycreek Township-Cambria County.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the Water Quality Management (Part II) Permit has not identified any significant environmental impacts resulting from this proposal.

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

WQM Permit No. 6286201, Industrial Waste, Amendment No. 6, **Waste Treatment Corporation**, P. O. Box 558, Washington, PA 15301-0558.

This existing facility is located in City of Warren, **Warren County**.

Description of Proposed Action/Activity: Amendment to existing Water Quality Management permit for the installation of an Evaporator System in order to treat high TDS and high chloride wastewater.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 0909003R	Mr. Joseph Bonargo 3461 Durham Road Doylestown, PA 18901	Bucks	Buckingham Township	Paunacussing Creek HQ—CWF
PAI01 0914003	The Municipal Authority of the Borough of Morrisville 35 Union Street Morrisville, PA 19067	Bucks	Falls Township	Delaware Canal WWF—MF
PAI01 1514023	TC NE Metro Development, Inc. 300 Conshohocken State Road Suite 250 Conshohocken, PA 19428	Chester	Tredyffrin Township	Valley Creek EV—MF
PAI01 1513030	Diament Building Corporation 144 Byers Road P. O. Box 471 Uwchland, PA 19480	Chester	West Pikeland Township	Unnamed Tributary to Pickering Creek HQ—TSF
PAI01 1514008	Upper Uwchlan Township 140 Pottstown Pike Chester Springs, PA 19425	Chester	Upper Uwchlan Township	Unnamed Tributary to Marsh Creek HQ—TSF—MF
PAI01 4612002	Montgomery County County Commissioners' Office Montgomery County Courthouse P. O. Box 311 Norristown, PA 19404	Montgomery	Norristown Borough and Plymouth Township	Schuylkill River Basin (Stony Creek to Unnamed Tributary to 00926) WWF—MF Diamond Run WWF—MF
PAI01 4613014	Jacksonville Green, LLC 260 West Walnut Lane Philadelphia, PA 19144	Montgomery	Hatboro Borough	Pennypack Creek TSF
PAI01 5114010	The Church of Jesus Christ of Latter-day Saints 50 East North Temple Street Salt Lake City, UT 84150	Philadelphia	City of Philadelphia	Schuylkill River WWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024814004	Pennsylvania American Water Company 4 Wellington Boulevard, Suite 2 Wyomissing, PA 19610	Northampton	Upper Mount Bethel Township	West Fork Martins Creek (CWF, MF), Wetlands (EV)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024813011	E&M Logistics, LLC 928 North Ninth Street Allentown, PA 18102	Northampton	Hanover Township	Monocacy Creek (HQ-CWF, MF)

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3574

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041414002	PA Dept of Transportation 2-0 PO Box 342 Clearfield PA 16830	Centre	Potter Township	UNT to Laurel Creek HQ-CWF, MF UNT to Potters Run HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041814004	PA Dept of Conservation & Natural Resources 15187 Renovo Rd Renovo PA 17764	Clinton	Gallagher Township	Lick Run EV

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

General Permit Type—PAG-02

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
West Bradford Township Chester County	PAG0200 1504014R	Sawmill Realty Associates, LP 1595 Paoli Pike West Chester, PA 19380	Sawmill Run, East Branch Brandywine Creek WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
East Caln Township Chester County	PAG0200 1512016-R	Skelp Level Associates 1171 Lancaster Avenue Berwyn, PA 19312	Tributary to East Branch Brandywine Creek WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Whiteland Township Chester County	PAG0200 1514010	Whitford Country Club 600 Whitford Hills Road Exton, PA 19341	Unnamed Tributary to Valley Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Goshen Township Chester County	PAG0200 1514012	West Chester Area School District 1181 McDermott Drive West Chester, PA 19380	Chester Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Phoenixville Borough Chester County	PAG0200 1512003-R	David H Moskowitz 1890 Rose Cottage Lane Malvern, PA 19355	French Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Kennett Township Chester County	PAG0200 1514006	Hionis Properties 780 Baltimore Pike Concordville, PA 19331	Burroughs Brook CWF Craigs Mill Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Oxford Township Chester County	PAG0200 1504016R	Woodstone Homes 70 Pottstown Pike P.O. Box 814 Uwchland, PA 19480	Unnamed Tributary to Leech Run, East Branch Octararo Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Newlin Township Chester County	PAG0200 1514011	Marlborough Farm 940 Marlborough Springs Road Kennett Square, PA 19348	Pocopson Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Goshen Township Chester County	PAG0200 1511039-R	Greystone South Property Corporation 101 W. Washington Street Conshohocken, PA 19428	Taylor Run TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Caln Township Chester County	PAG0200 1514013	Aaron E. Glick, Jr. 640 Old Wilmington Road Coatesville, PA 19320	Unnamed Tributary to West Branch Brandywine Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Valley Township Chester County	PAG0200 1506024(1)R	All County Partnership 2500 East High Street Suite 610 Pottstown, PA 19464	Sucker Run WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Caln Township Chester County	PAG0200 1503137-R	Rouse/Chamberlin LTD 500 Exton Commons Exton, PA 19341	Beaver Creek CWF Unnamed Tributary to Beaver Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Parkesburg Borough Chester County	PAG0200 1505036-R	David, Amberto & Gregory Mattioni 202 W. Uwchlan Drive Downingtown, PA 19335	Back Run TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Oxford Borough Chester County	PAG0200 1513012-R	PHI d/b/a Presbyterian Senior Living One Trinity Drive East Suite 201 Dillsburg, PA 17019	Unnamed Tributary to Tweed Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Whiteland Township Chester County	PAG0200 1514008	J. Lowe & Associates, Inc. 55 Country Club Drive Suite 200 Downingtown, PA 19355	Valley Creek CWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
City of Chester Delaware County	PAG0200 2314017	Covanta Delaware Valley, L.P. 10 Highland Avenue Chester, PA 19013	Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Media Borough Delaware County	PAG0200 2314013	Jefferson Street Associates, LLC 181 Dam View Drive Media, PA 19063	Ridley Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Concord Township Delaware County	PAG0200 2313030	Kwang Lee 175 Thompson Drive Hockessin, DE 19707	West Branch of Chester Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Radnor Township Delaware County	PAG0200 2314008	Enrico Partners, L.P. 795 E. Lancaster Avenue Villanova, PA 19085	Brown's Run CWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Chester Township Delaware County	PAG0200 2313027	MIM-Hayden Aston Development Partners, L.P. One Fayette Street, Suite 400 Conshohocken, PA 19428	Unnamed Tributary to Chester Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAG0200 4614042	Limerick Township 646 West Ridge Pike Limerick, PA 19438	Lodal Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Springfield Township Montgomery County	PAG0200 4614046	Saint Joseph Villa 110 W. Wissahickon Avenue Flourtown, PA 19031	Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511334	Paramount Realty 1195 Route 70, Suite 2000 Lakewood, NJ 08701	Tacony-Frankford Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511424	Girard Squarer, A NY LP 900 Seventh Street, NW Suite 900 Washington, DC 20001	Delaware River WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Cass Township Schuylkill County	PAG02005414007	Trillium CNG 2150 South 1300 East Suite 450 Salt Lake City, UT 84106	West Branch Schuylkill River (CWF, MF)	Schuylkill County Conservation District 570-622-3742
Washington Township Schuylkill County	PAG02005407005RR	High Builders 539 Woleber Road Myerstown, PA 17067	Lower Little Swatara Creek (CWF, MF)	Schuylkill County Conservation District 570-622-3742
Wayne Township Schuylkill County	PAG02005414006	Jarod Frantz 79 Stone Mountain Road Schuylkill Haven, PA 17972	Beaver Creek (CWF, MF)	Schuylkill County Conservation District 570-622-3742
Nicholson Township Wyoming County	ESCGP026614001	Oxbow Creek Energy LLC 6051 Wallace Road Ext. Suite 100 Wexford, PA 15090	Horton Creek (CWF, MF)	Wyoming County Conservation District 570-836-2589

NOTICES

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Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3636

Facility Location:

Municipality & County

Municipality & County	Permit No.	Applicant Name & Address	Receiving Water / Use	Contact Office & Phone No.
Bradford County Canton Township	PAG02000814007	Jay Myer Canton Mennonite Church 13019 Route 414 Roaring Branch PA 17765	Mill Creek CWF	Bradford County Conservation District Stoll Natural Resource Ctr RR 5, Box 5030C Towanda PA 18848 (570) 265-5539, X 6
Centre County Ferguson Township	PAG02001410014R(1)	Johnson Farm Associates 2121 Old Gatesburg Rd State College PA 16801	Big Hollow CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte PA 16823 (814) 355-6817
Clearfield County Lawrence Township	PAG02001714004	NVP Inc 1401 Pontiac Ct Export PA 15632	Clearfield Creek WWF	Clearfield County Conservation District 650 Leonard St Clearfield PA 16830 (814) 765-2629
Clearfield County Bradford Township	PAG02001714005	Walker Lumber 148 Tipple Ln Woodland PA 16881	Roaring Run CWF	Clearfield County Conservation District 650 Leonard St Clearfield PA 16830 (814) 765-2629
Clearfield County Sandy Township	PAG02001714006	Russel Stone Products Inc 2640 Greenville Pike Grampian PA 16838	Sandy Lick Creek CWF	Clearfield County Conservation District 650 Leonard St Clearfield PA 16830 (814) 765-2629
Lycoming County Muncy Creek Twp	PAG02004114015	West Branch Regional Auth 117 Old Glade Run Rd PO Box 428 Muncy PA 17756	W B Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville PA 17754 (570) 433-3003
Lycoming County Wolf Township	PAG02004114017	Carlton Decker 872 Elm Dr Hughesville PA 17737	Muncy Creek TSF, MF Greggs Run CWF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville PA 17754 (570) 433-3003
Northumberland County Milton Borough	PAG02004912007R	Milton Regional Sewer Auth 5585 State Route 405 Milton PA 17847	W B Susquehanna River WWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury PA 17801 (570) 286.7114 X 4
Snyder County W Perry Twp	PAG02005514005	Dale Weaver 4370 Heister Valley Rd Richfield PA 17086	UNT of NB Mahantango TSF	Snyder County Conservation District 403 W Market St Middleburg PA 17842 (570) 837-0007, X 5
Snyder County Shamokin Dam Monroe Township	PAG02005514008	Sunbury Generation LP PO Box 514 Old Trail Shamokin Dam PA 17876	Susquehanna River WWF, MF	Snyder County Conservation District 403 W Market St Middleburg PA 17842 (570) 837-0007, X 5
Tioga County Blossburg Boro	PAG02005910002R(1)	Hydro Recovery LP 238 Main St Lobby 2 Blossburg PA 16912	Johnson Creek CWF	Tioga County Conservation District 50 Plaza Ln Wellsboro PA 16901 (570) 724-1801, X 3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Union County Kelly Township	PAG02006014009	Mark DiRocco, Superintendent Lewisburg School Dist 1951 Washington Ave Lewisburg PA 17837	UNT to Buffalo Creek CWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg PA 17837 (570) 524-3860
Chest Township, Cambria County	PAG2091114005	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Wyerough Run (CWF)	Attention: Patrick M. Webb PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

General Permit Type—PAG-03

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Scranton City Lackawanna County	PAR602215	Lackawanna Recycling Center Inc. 3400 Boulevard Avenue Scranton, PA 18512	Lackawanna River—5-A (CWF)	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Towanda Borough Bradford County	PAG034807 A-1	Jacam Chemicals, LLC P.O. Box 96 Sterling, KS 67579	Susquehanna River—4-D	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530
Millcreek Township Erie County	PAR808347	UPS Inc. 521 N Center Avenue New Stanton, PA 15672	Storm sewer leading to Walnut Creek 15	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-4

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Bedford County / Broad Top Township	PAG043567	Broad Top Township— Barton Residence 187 Municipal Road Defiance, PA 16633	UNT Longs Run / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Bedford County / Broad Top Township	PAG043636	Broad Top Township— Banco Residence 187 Municipal Road Defiance, PA 16633	UNT Sixmile Run / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Bedford County / Broad Top Township	PAG043666	Broad Top Township— Aller Residence 187 Municipal Road Defiance, PA 16633	UNT Sixmile Run / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Bedford County / Broad Top Township	PAG043663	Broad Top Township— Figard Residence 187 Municipal Road Defiance, PA 16633	UNT Longs Run / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Bedford County / Broad Top Township	PAG043653	Broad Top Township Morningstar Residence 187 Municipal Road Defiance, PA 16633	Sherman Valley Run / CWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Bedford County / Broad Top Township	PAG043639	Broad Top Township Kline Barton Residence 187 Municipal Road Defiance, PA 16633	Sandy Run / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Bedford County / Broad Top Township	PAG043667	Broad Top Township Grimes Residence 187 Municipal Road Defiance, PA 16633	UNT Sixmile Run / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Bedford County / Broad Top Township	PAG043647	Broad Top Township Foor Residence 187 Municipal Road Defiance, PA 16633	Sixmile Run	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Bedford County / Broad Top Township	PAG043665	Broad Top Township Fleck & Righenour Residence 187 Municipal Road Defiance, PA 16633	UNT Sixmile Run / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Bedford County / Broad Top Township	PAG043662	Broad Top Township Fisher Residence 187 Municipal Road Defiance, PA 16633	Sherman Valley Run / CWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Bedford County / Broad Top Township	PAG043717	Broad Top Township Snyder Residence 187 Municipal Road Defiance, PA 16633	Sandy Run / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Bedford County / Broad Top Township	PAG043677	Broad Top Township Weaver Residence 187 Municipal Road Defiance, PA 16633	UNT Shoup Run / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Bedford County / Broad Top Township	PAG043669	Broad Top Township Walk Residence 187 Municipal Road Defiance, PA 16633	UNT Coffee Run / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Bedford County / Broad Top Township	PAG043687	Broad Top Township Sibiriakoff Residence 187 Municipal Road Defiance, PA 16633	UNT Sixmile Run / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Bedford County / Broad Top Township	PAG043689	Broad Top Township Shuke Residence 187 Municipal Road Defiance, PA 16633	Sherman Valley Run / CWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Bedford County / Broad Top Township	PAG043628	Broad Top Township Rankin Residence 187 Municipal Road Defiance, PA 16633	UNT Sixmile Run / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Bedford County / Broad Top Township	PAG043661	Broad Top Township Russell Pittman Residence 187 Municipal Road Defiance, PA 16633	Sherman Valley Run / CWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Bedford County / Broad Top Township	PAG043659	Broad Top Township Pittman Residence 187 Municipal Road Defiance, PA 16633	Sherman Valley Run / CWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Bedford County / Broad Top Township	PAG043627	Broad Top Township Musser & Foor Residence 187 Municipal Road Defiance, PA 16633	Sandy Run / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Broad Top Township / Bedford County	PAG043589	Broad Top Township Williams Residence 187 Municipal Road Defiance, PA 16633	UNT Tub Mill Run / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

General Permit Type—PAG-10

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Carroll Township Washington County	PAG106182	Rice Poseidon Midstream LLC 400 Woodcliff Drive Canonsburg, PA 15317	Barneys Run, Browns Run, North Branch Fishpot Run, Unnamed Tributary of Pike Run, Unnamed Tributary of South Fork Tenmile Creek, Unnamed Tributary to Monongahela River—19-B and 19-C / WWF and TSF	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 appropri-

ate 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. 4014505MA, Public Water Supply.

Applicant **Hazleton City Authority**
400 E. Arthur Gardner Parkway
Hazleton, Pa 18201

[Borough or Township] City of Hazleton, Hazle
Township, Packer Township

County **Luzerne & Carbon**

Type of Facility PWS

Consulting Engineer John Synoski, PE
Hazleton City Authority
400 E. Arthur Gardner Parkway
Hazleton, Pa 18201

Permit to Construct August 24, 2014
Issued

Permit No. 4814503MA, Public Water Supply.

Applicant **Pennsylvania American
Water Company**
800 W. Hersheypark Dr.
Hershey, Pa 17033

[Borough or Township] Upper Mount Bethel Township

County **Northampton**

Type of Facility PWS

Consulting Engineer Jason Reichert, PE
Entech Engineering, Inc.
P. O. Box 32
Reading, Pa 19603

Permit to Construct August 25, 2014
Issued

Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 6714503 MA, Public Water Supply.

Applicant **Stewartstown Water
Authority**

Municipality Hopewell Township

County **York**

Responsible Official Gary S. Hook, Authority
Chairman
Borough Office
6 North Main Street
Stewartstown, PA 17363

Type of Facility Relocating of Route 851 chlorine
booster station equipment from a
pit to a prefabricated building.

Consulting Engineer Dennis E. Sarpen, P.E.
Holley & Assoc.
18 S. George St.
York, PA 17402

Permit to Construct 8/26/2014
Issued

Permit No. 6714504 MA, Minor Amendment, Public Water Supply.

Applicant **United Water Pennsylvania,
Inc.**

Municipality Fairview Township

County **York**

Responsible Official John D. Hollenbach, Vice
President
4211 East Park Circle
Harrisburg, PA 17111-0151

Type of Facility Rehabilitation of filter Nos. 1
and 2 at the Rabold Water
Treatment Plant.

Consulting Engineer Arthur C. Saunders, P.E.
United Water Pennsylvania
4211 East Park Circle
Harrisburg, PA 17111

Permit to Construct 8/19/2014
Issued

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

Operation Permit issued to **Pennsylvania American Water Company**, PWSID No. 5100012, Center Township, **Butler County**. Permit Number 1069502-T1-MA10 issued August 26, 2014 for the operation of the recently renovated "Butler Washwater Tank #1" and "Butler Washwater Tank #2" at the Butler District water treatment plant. This permit is issued in response to satisfactory VOC and bacteriological sample results and a Construction Completion/Modification Certificate which was received on August 20, 2014.

Operation Permit issued to **Pennsylvania American Water Company**, PWSID No. 6370011, Lancaster Township, **Butler County**. Permit Number 3713504 issued August 27, 2014 for the operation of the Butler District Route 19 Booster Station located near the intersection of Meinert Lane and S.R. 19 in Lancaster Township, Butler County, PA. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on August 19, 2014.

Permit No. 6105501-MA1 Public Water Supply

Applicant **Sugarcreek Borough**

Township or Borough Sugarcreek Borough

County **Venango**

Type of Facility Public Water Supply

Consulting Engineer Joseph A. Roddy, P.E.
Stiffler McGraw Northwest
16424 Route 62
P. O. Box Q
Tidioute, PA 16351

Permit to Construct August 28, 2014
Issued

Operation Permit issued to **John A. and Rebecca R. Venezia**, PWSID No. 5100301, Harrisville Borough, **Butler County**. Permit Number 1014501 issued August 29, 2014 for the operation of the water treatment system located within the "Venezia Building" at 106 South Main Street, Harrisville, Pennsylvania. This permit is issued in response to satisfactory VOC and bacteriological sample

results and a Construction Completion/Modification Certificate which was received on August 21, 2014 and site inspection conducted by the Department on August 26, 2014.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Fayette Township	181 Bunkertown Rd, McAlisterville, PA 17049	Juniata

Plan Description: The Component 1 planning module for William H. Fronk, DEP Code No. A3-34903-213-1, APS Id 850871, consisting of subdivision of one new single family residential lot using an on-lot sewage disposal system, is disapproved. The submission does not qualify as an exception to the requirement to revise your Official Sewage Facilities Plan because the subdivision proposes the use of on-lot sewage disposal systems in an area within 1/4 mile of water supplies documented to exceed 5 PPM nitrate-nitrogen as per Chapter 71, Section 71.55(a)(2) and Chapter 71, Section 71.62(c)(2)(iii), and Fayette Township's approved Official Plan. A Component 2 planning module with a preliminary hydrogeologic evaluation must be completed.

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:

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

Little Mountain Estates Lot 30 / Oyler Residence, 398 Kings Highway, Marysville, PA 17053, Marysville Borough, **Perry County.** Cardno MM&A, 2 Gunpowder Road, Mechanicsburg, PA 17050, on behalf of P. C. Sekhar Chadaga, d/b/a Little Mountain Estates, 110 Inverness Drive, Blue Bell, PA 19422-3202, and Property Management, Inc., 1300 Market Street, PO Box 622, Lemoyne, PA 17043-0622, 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.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the

presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

George Sultzaberger Property, 1716 Wayne Street, Harrisburg, PA 17104, City of Harrisburg, **Dauphin County**. Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, on behalf of George Sultzaberger, 1716 Wayne Street, Harrisburg, PA 17104, submitted a 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 August 25, 2014.

RH Crawford, Inc., Diesel Fuel Release, 6475 York Road, Spring Grove, PA 17362, Heidelberg Township, **York County**. Environmental Products and Services of Vermont, Inc., 5100 Paxton Street, Harrisburg, PA 17111, on behalf of RH Crawford, Inc., 341 Moulstown Road, Hanover, PA 17331, and Phillip A. and Lora A. Stambaugh, 6475 York Road, Spring Grove, PA 17362, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel and unleaded gasoline released in a vehicle accident. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on August 27, 2014.

RESIDUAL WASTE GENERAL PERMITS

Permit(s) issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

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

General Permit No. WMGR017SW001. Somerset County General Authority—Somerset County (Quemahoning) Water System, Somerset, PA 15501. Determination of Applicability for coverage under residual waste general coverage under WMGR017 for the beneficial use of water supply treatment plant sludge as a supplemental soil by land application on agricultural lands, generated by the Water Filter Plant, located at 458 Mastillo Road, PA 15935, in Jenner Township, **Somerset County**. Determination of Applicability for coverage under the permit was issued by the Regional Office on August 26, 2014.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit Issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401

General Permit No. WMGM044SE001. NDV Scrap Metal, Inc., 3630 North 2nd Street, Philadelphia PA 19140-4605. This Determination of Applicability is for the processing and beneficial use of unpainted and untreated wood waste; gypsum board; brick, block and concrete waste; non-asbestos containing asphalt shingles; pallets; skids; saw dust; source segregated paper; cardboard and newspaper; plastic waste; scrap metal; unused structural sound building materials; and architectural elements under General Permit No. (WMGM044SE001) at "NDV Scrap Metal, Inc." located in the City of Philadelphia, **Philadelphia County**. The application for determination of applicability was issued on August 21, 2014.

DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit Approved Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; 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. WMGR096. Program I.D. WMGR096-NE004. Bethlehem Earth LP, 491 Old York Road, Jenkintown, PA 19046. A General Permit Determination of Applicability (DOA) for the beneficial use of regulated fill as construction material at the former Bethlehem Steel site in Bethlehem City, **Northampton County**. The application for determination of applicability was approved by the Regional Office on July 28, 2014.

Persons interested in viewing the permit should contact William Tomayko, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401 Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920

GP3-09-0124: Miller Materials, Inc. (887 Mill Creek Road, Rushland, PA 18956) on August 22, 2014, was authorized to operate a Terex Pegson portable nonmetallic mineral processing plant in Wrightstown Township, **Bucks County**.

GP9-09-0054: Miller Materials, Inc. (887 Mill Creek Road, Rushland, PA 18956) on August 22, 2014, was authorized to operate a Caterpillar diesel fuel-fired engine in Wrightstown Township, **Bucks County**.

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

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

GP3-58-029: Pennsy Supply Inc. (PO Box 3331, 1001 Paxton Street, Harrisburg, PA 17105) on August 12, 2014, for installation and operation of a portable crushing operation at their site in Middletown Township, **Susquehanna County**.

GP11-58-006: Pennsy Supply Inc. (PO Box 3331, 1001 Paxton Street, Harrisburg, PA 17105) on August 12, 2014, for installation and operation of diesel engines at their site in Middletown Township, **Susquehanna County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

GP5-41-726: Anadarko Marcellus Midstream, LLC (1201 Lake Robins Drive, The Woodlands, TX 77380) on August 29, 2014, to authorize construction and operation of eight (8) gas-fired compressor engines, two (2) natural gas-fired micro turbines, one (1) natural gas-fired emergency generator, two (2) triethylene dehydrators and four (4) storage tanks pursuant to the General Plan Approval And/Or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP5) at the Duncan Compressor Station in Cascade Township, **Lycoming County**.

GP3-41-727: Simonds Excavating, Inc. (301 Shepard Road. Sayre, PA 18840) on August 26, 2014, to authorize relocation of a portable crushing and sizing operation pursuant to the General Plan Approval And/Or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP3) at HRI's Williamsport asphalt plant in City of Williamsport, **Lycoming County**.

GP3-19-205: Simonds Excavating, Inc. (301 Shepard Road. Sayre, PA 18840) on August 26, 2014, to authorize relocation of a portable crushing and sizing operation pursuant to the General Plan Approval And/Or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP3) at HRI's Bloomsburg asphalt plant in Hemlock Township, **Columbia County**.

GP4-19: Patriot Metal Products, Inc. (1005 North Vine Street Berwick, PA 18603) on August 29, 2014, to authorize construction and operation of a 2.0 MMBTU/hr natural gas fired JBI model BBO-10915 burn off oven pursuant to the General Plan Approval And/Or General Operating Permit for Burn Off Ovens (BAQ-GPA/GP4) at their facility in Berwick Borough, **Columbia County**.

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

GP3-26-00597F: Bullskin Stone & Lime, LLC (P.O. Box 528, Latrobe, PA 15650) on August 26, 2014, received authorization for construction and operation of additional sources and controls associated with a portable non-metallic mineral processing plant at the Bullskin No. 1 Mine in Bullskin Township, **Fayette County**.

GP9-26-00597F: Bullskin Stone & Lime, LLC (P.O. Box 528, Latrobe, PA 15650) on August 26, 2014, received authorization for construction and operation of a an additional diesel or #2 fuel-fired internal combustion engine associated with a portable non-metallic mineral processing plant at the Bullskin No. 1 Mine in Bullskin Township, **Fayette County**.

GP19-63-00154: MCC International Inc. (110 Centrifugal Court, McDonald PA-15057) on August 29, 2014, to allow installation and operation of a sandblasting booth controlled by dust collector rated at 10,000 ACFM at their facility in McDonald Township, **Washington County**.

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

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

GP5-43-351B: South Mercer Pipeline System (24 Rock School Rd., Greenville, PA 16125) on August 26, 2014, for authorization to construct and/or operate one (1) rich burn 4 stroke natural gas engine (Waukesha Model F1197G rated 163 bhp), one (1) 4200 gal produced water/residual compressor oil storage tank (Source ID SM 100 bb), and one (1) TJS Natural Gas Dehydrator (SN 5489 Triethylene Glycol) which is associated with a .15 mmBtu/hr Reboiler (BAQ-GPA/GP5) in Delaware Township, **Mercer County**.

GP4-62-150A: Superior Tire & Rubber Co. (1818 Pennsylvania Avenue West, Warren, PA 16365) on August 25, 2014, for authorization to use a burn off oven (Model 565 BA-R) (BAQ-GPA/GP4) in the City of Warren, **Warren 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

46-0283A: Danco General Contracting, Inc. (485 Texas Road, Morganville, NJ 07751) on August 27, 2014, for installation of a replacement diesel-fired engine to power a portable crusher that will be operated at the Silvi Concrete facility in Limerick Township, **Montgomery County**. The Plan Approval will contain recordkeep-

ing and operating restrictions designed to keep the facility operating within allowable emissions and 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

54-00022B: SAPA Extrusions, Inc. (53 Pottsville Road, Cressona, PA 17929) on August 26, 2014, to install Oxy-Fire burners on M5 at their facility in Cressona Borough, **Schuylkill County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

12-00011A: GrafTech International (PO Box 269, Emporium, PA 15834-0269) on August 19, 2014, to construct eleven (11) natural gas fired carbon bake furnaces and one (1) double arm mixer with associated fabric collector at their facility in Shippen Township, **Cameron County**.

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

03-00151A: Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201) on August 26, 2014, to allow continuing operation of the previously installed sources at their Dutch Run Plant, a coal preparation facility in Plumcreek Township, **Armstrong County**.

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) on August 29, 2014, to issue a plan approval for 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.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

09-0024H: Waste Management of Pennsylvania (1000 New Ford Mill Road, Morrisville, PA 19067) on August 26, 2014, to operate landfill gas fired 2233 hp IC engine in Tullytown Borough, **Bucks County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

59-00005G: Dominion Transmission, Inc. (501 Martindale St. Suite 400, Pittsburgh, PA 15212-5817) on August 28, 2014, to extend authorization for the construction of a 2370 horsepower, natural-gas fired reciprocating

internal combustion compressor engine controlled by a prechambered combustion system, an LE-54C air/fuel ratio controller and an EAS model EN4YE28 oxidation catalyst, for the construction of a 5810 horsepower (49.98 million Btu per hour heat input), natural-gas fired compressor turbine, controlled by a dry low NO_x (SoLoNO_x) combustion system and a Universal Silencer oxidation catalyst and for the construction of eight 65 kilowatt model C65 NG Low NO_x Capstone MicroTurbines, at the Sabinsville Station located in Clymer Township, **Tioga County**. The plan approval has been extended to February 25, 2015

55-00001E: Sunbury Generation, LP (Old Trail Road, PO Box 517, Shamokin Dam, PA 17876) on August 25, 2014, to extend authorization for the repowering of their facility. The project consists of the construction of three (3) natural gas fired combined cycle turbines controlled by a selective catalytic reduction units and oxidation catalyst, a natural gas fired auxiliary boiler to assist with start-up and shut down and a natural gas fired heater at their facility located in Shamokin Dam Borough, **Snyder County**. The plan approval has been extended to March 31, 2017

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

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

25-00006: Russell Standard Corporation—Waterford Plant (PO Box 86, Union City, PA 16438) on August 29, 2014, issued an administrative amendment to the State Only Operating Permit for their facility in Le Beouf Township, **Erie County**. The amendment incorporates the change of the responsible official and permit contact.

25-00929: Russell Standard Corporation—Millcreek Plant (PO Box 86, Union City, PA 16438) on August 29, 2014, issued an administrative amendment to the State Only Operating Permit for their facility in Millcreek Township, **Erie County**. The amendment incorporates the change of the responsible official and permit contact.

37-331A: RWE Holding Co.—West Pittsburgh Plant (535 Rundle Road, New Castle, PA 16101) on August 25, 2014, effective September 30, 2014, will issue a plan approval extension for post-construction of a slag handling, anti-skid mining, coke screening, bulk carbon loading and graphite drying operation. This facility is located in Taylor Township, **Lawrence County**. The plan approval has been extended.

Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

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

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

46-00162: Hammond Lead Products, Inc. (10 South Grosstown Road, Pottstown, PA 19464) on August 27, 2014, for operation of a lead oxide manufacturing plant in West Pottsgrove Township, **Montgomery County**. Particulate matter and lead emissions from each source are collected by baghouses and then controlled by high efficiency particulate air (HEPA) filter systems. The existing facility is considered a Title V facility as of March 21, 2013 due to a National Emission Standard for Hazardous

Air Pollutants (NESHAP) requirement. All sources located at the facility are subject to the requirements of 40 CFR Part 63, Subpart VVVVVV—National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources (producing NAICS Code 325 materials). The facility is an area source for Hazardous Air Pollutants (HAP). The Title V Operating Permit will supersede the Natural Minor Operating Permit in its entirety. There are no new sources at this facility; however, new source identification numbers have been created in order to separate grouped sources. The permit contains all applicable requirements including monitoring, recordkeeping and reporting. The Compliance Assurance Monitoring (CAM) requirements of 40 CFR Part 64 do not apply to sources located at Hammond according to 40 CFR § 64.2(b)(1)(i). The NEHSAP standard for lead (a metal HAP) emissions applicable to Hammond (40 CFR Part 63 Subpart VVVVVV) was proposed by the Administrator after November 15, 1990 pursuant to Section 112 of the Act. The source is not a major source for Greenhouse Gases (GHG).

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

09-00127: Bracalente Manufacturing Co., Inc. (P.O. Box 570, Trumbauersville, PA 18970) on August 27, 2014, for renewal of a State-Only Operating Permit for cold cleaning machines in Trumbauersville Township, **Bucks 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.

46-00239: SEI Investments Co. (100 Cider Mill Road, Oaks, PA 19456) On August 27, 2014, for Renewal of a State Only, Synthetic Minor Operating Permit in Upper Providence Township, **Montgomery County**. The company has 3 emergency generators less than 750 KW and 2 emergency generators of 1,250 kW operated using No. 2 fuel oil. Each of two 1,250-kW emergency generators shall be limited to 200 hours of operation for a 12-month rolling basis. The facility is limited to NO_x emissions of 7.77 tons per ozone season and 11.62 tons per year on a 12-month rolling basis. The permit will include monitoring, record keeping and reporting requirements designed to address 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

40-00125: Sunlight Crematory of Wilkes-Barre, LLC (628 C Nanticoke Street, Hanover Township, PA 18706) on August 26, 2014, to operate two (2) crematories in Hanover Township, **Luzerne County**. This is a new State-Only operating permit. The State-Only operating permit includes emission limits, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

40-00038: Lion Brewing Company (700 North Pennsylvania Avenue, Wilkes-Barre, PA 18705) on August 26, 2014, to operate a malt beverage manufacturing facility in the City of Wilkes-Barre, **Luzerne County**. The sources consist of two (2) boilers, parts washer, generator and raw material unloading. This is a renewal of a State-Only operating permit. The State-Only operating permit includes emission limits, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

39-00103: Bosch Rexroth Corp. (2315 City Line Road, Bethlehem, PA 18017-2131) on August 27, 2014, to operate a surface coating facility in the City of Bethlehem, **Lehigh County**. The sources consist of four (4) paint booths and (4) four particulate filters for the booths. This is an initial State-Only operating permit. The State-Only operating permit includes emission limits, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

39-00035: Allentown City WWTP (112 West Union Street, Allentown, PA 18102-4912) on August 26, 2014, issued a renewal State only operating permit for a wastewater treatment plant in the City of Allentown, **Lehigh 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.

67-03013: Georgia Pacific Corp. (25 Walnut Street, PO Box 906, Mount Wolf, PA 17347) on August 25, 2014, for their corrugated cardboard box manufacturing facility in Mount Wolf Borough, **York County**. The State-only permit was renewed.

21-03029: Pennsy Supply, Inc. (1001 Paxton Street, PO Box 3331, Harrisburg, PA 17105-3331) on August 25, 2014, for their sandstone crushing plant at the Mt. Holly Quarry in Dickinson Township, **Cumberland County**. The State-only permit was renewed.

28-03026: Gish Logging, Inc. (PO Box 282, Fort Loudon, PA 17224-9732) on August 22, 2014, for their bundled, kiln-dried firewood manufacturing facility in Metal Township, **Franklin County**. The State-only permit was renewed.

01-05040: Texas Eastern Transmission LP (PO Box 1642, Houston, TX 77251-1642) on August 26, 2014, for their Heidlersburg Compressor Station in Tyrone Township, **Adams County**. The State-only permit was renewed.

36-03187: Allied Veterinary Cremation, Ltd. (1966 Mastersonville Road, Manheim, PA 17545) on August 28, 2014, for their four (4) veterinary cremation units at the facility in Rapho Township, **Lancaster County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

47-00011: Hanson Aggregates (PA) Inc. (7660 Imperial Way Allentown, PA 18195) on August 27, 2014, for the Milton Quarry in Limestone and Liberty Townships, **Montour County**. The State Only operating permit contains requirements including monitoring, recordkeep-

ing, and reporting conditions to ensure compliance with applicable Federal and State regulations.

12-00011: GraffTech International (PO Box 269 Emporium, PA 15834-0269) on August 21, 2014, for their facility in Shippen Township, **Cameron County**. The State Only operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

08-00017: Northern Tier Solid Waste Authority (PO Box 269 Burlington, PA 18814-0010) on August 22, 2014, for the Bradford County Landfill in West Burlington Township, **Bradford County**. The State Only operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

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

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

03-00050: Creekside Mushrooms Ltd. (One Moonlight Drive, Worthington, PA 16262) on August 28, 2014, to issue the State Only Operating Permit for the a mushroom processing facility, known as the Creekside Mushrooms, located in West Franklin Township, **Armstrong County**.

The facility contains air contamination sources consisting of two NG-fired boilers with heat input capacities of 12.8 and 25.1 MMBtu/hr each, a 1,700-bhp diesel powered emergency electrical generator, and a 23.7 MMBtu/hr NG fired soil pasteurizer and blender. Facility emissions are 37.2 tons of NO_x, 25.0 tons of CO, 2.4 tons of PM₁₀, 1.8 tons of VOC and 33,100 tons of CO_{2e} per year.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SOOP have been derived from the applicable requirements of 40 CFR Parts 52 and 63 and Pa. Code Title 25, Article III, Chapters 121 through 145.

63-00943: Dominion Transmission, Inc. (5000 Dominion Blvd.—2NW, Glenn Allen, VA 23060) on August 28, 2014, to issue a Natural Minor Operating Permit for the operation of a bulk propane terminal, known as the Charleroi Propane Station, located in Fallowfield Township, **Washington County**.

The facility contains air contamination sources consisting of six, 90,000 gallon, pressurized storage tanks and two truck loading racks. Fuel throughput is limited to a maximum of 4,000 truck load-outs per year. Facility emissions are 5.0 tons per year of VOC. The facility is limited to a maximum opacity from any processing equipment of 20 percent.

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 Part 52 and PA Code Title 25, Article III, Chapters 121 through 145.

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

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

43-00037: Development of Sharpsville Furnace LTD (2 North 6th Street, Sharpsville, PA 16150-0257) on August 26, 2014, issued a renewal of the State Only

Operating Permit for the non-metallic mineral processing operations located in Sharpsville Boro, **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 PM₁₀ 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 for screening and processing were 4.67 TPY (PM) and 2.24 TPY (PM₁₀). Emissions from vehicular traffic at the site based on actual emissions are 17.48 and 3.5 TPY, respectively for PM and PM₁₀ emissions.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southcentral Region: Air Quality Program, 909 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.

36-05146: PPL Renewable Energy, LLC (2 North Ninth Street, GENPL2, Allentown, PA 18101-1139) on August 19, 2014, for their landfill gas-to-energy facility associated with the Frey Farm landfill in Manor Township, **Lancaster County**. The Title V permit was administratively amended to incorporate the requirements of Plan Approval No. 36-05146B.

36-03085: Goodhart Sons, Inc. (2515 Horseshoe Road, Lancaster, PA 17601-5939) on August 22, 2014, for their metal products manufacturing facility in Upper Leacock Township, **Lancaster County**. The State-only permit was administratively amended to correct an error in the reporting requirements.

34-05001: AC Products, Inc. (12393 William Penn Highway, Thompsettown, PA 17094-8649) on August 26, 2014, for their wood cabinet manufacturing facility in Delaware Township, **Juniata County**. The Title V permit was administratively amended to incorporate the requirements of Plan Approval No. 34-05001D5.

67-03052: Bimax, Inc. (158 Industrial Road, Glen Rock, PA 17327-8626) on August 26, 2014, for their specialty chemicals manufacturing facility in Springfield Township, **York County**. The State-only permit was administratively amended to incorporate the requirements of Plan Approval No. 67-03052B.

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

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

04-00013: Jewel Acquisition, LLC (100 River Road, Brackenridge, PA 15014) on August 26, 2014, for a modification to Title V operating Permit to include the replacement of the ozone generator with an SCR to control NO_x emissions from the existing DRAP Line mixed acid pickling process at Jewel Acquisition located in Midland, **Beaver County**.

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

65-00207: OMNOVA Solutions, Inc. (1001 Chambers Avenue, Jeanette, PA 15644). Per 25 Pa. Code § 127.449(i), this Notice is for the following de minimis emission increase at the Omnova Solutions, Inc., Jeanette Plant located in Jeanette, **Westmoreland County**.

The project consists of the installation and operation of an inkjet printing system on the existing Embosser/Laminator line at the above referenced facility. Authorized de minimis emissions over the term of the permit do not exceed 0.4 tpy VOC from a single source; authorized de minimis emissions over the term of the permit total 0.4 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 includes only this project.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

Coal Permits Issued

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724.769.1100

30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC, (1525 Pleasant Grove Road, PO Box J, Claysville, PA 15323). To revise the permit for the Bailey Mine and Prep Plant in Richhill Township, **Greene County** to install three gob degasification boreholes. Surface Acres Proposed 18.7. No additional discharges. The application was considered administratively complete on March 18, 2014. Application received January 10, 2014. Permit issued August 21, 2014.

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

Permit No. 11020202 and NPDES No. PA0249254. Ebensburg Power Company, 2840 New Germany Road, P.O. Box 845, Ebensburg, PA 15931, permit renewal for the continued operation and restoration of a bitumi-

nous coal refuse reprocessing surface mine in Nanty Glo Borough and Jackson Township, **Cambria County**, affecting 48.2 acres. Receiving streams: Tributary to South Branch Blacklick Creek to Blacklick Creek to Two Lick Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: April 2, 2014. Permit issued: August 19, 2014.

New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500

63130101 and NPDES Permit No. PA0252395. S & K Energy, Inc. (5945 Pudding Stone Lane, Bethel Park, PA 15102). Permit issued for commencement, operation and restoration of a bituminous surface mine, located in Smith Township, **Washington County**, affecting 72.0 acres. Receiving streams: unnamed tributaries to Raccoon Creek and Little Raccoon Creek. Application received: January 29, 2014. Permit issued: August 28, 2014.

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

04070101. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) Renewal of an existing bituminous surface mine in North Sewickley Township, **Beaver County**, affecting 151.7 acres. Receiving streams: Unnamed tributary to Beaver River. This renewal is issued for reclamation only. Application received: July 10, 2014. Permit Issued: August 26, 2014.

33140104 and NPDES Permit No. PA0259489. MSM Coal Company, Inc. (P.O. Box 243, DuBois, PA 15801) Commencement, operation and restoration of a bituminous surface and auger mine and associated NPDES permit in Pine Creek Township, **Jefferson County**, affecting 197.5 acres. Receiving streams: Unnamed tributary to Sandy Lick Creek. Application received: April 11, 2014. Permit Issued: August 26, 2014.

Noncoal Permits Issued

New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500

65930601 and NPDES Permit No. PA0200379. Hoover Stone Quarry LLC (3497 Route 981, Saltsburg, PA 15681). Revision permit issued for incidental boundary correction and change post mining land use to unmanaged natural habitat to an existing large noncoal surface mine, located in Loyalhanna Township, **Westmoreland County**, affecting 77.4 acres. Receiving stream: unnamed tributary to Conemaugh River. Application received: March 18, 2014. Permit revision issued: August 28, 2014.

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

Permit No. 7974SM1C7. Hanson Aggregates PA, LLC, (7660 Imperial Way, Allentown, PA 18195), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in East Rockhill Township, **Bucks County** affecting 103.2 acres, receiving stream: unnamed tributary to Thicken Creek. Application received: February 19, 2013. Renewal issued: August 26, 2014.

Permit No. 7974SM2A2C11 and NPDES Permit No. PA0611999. Hanson Aggregates BMC, Inc., (7660 Imperial Way, Allentown, PA 18195), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Nockamixon Township, **Bucks County** affecting 83.5 acres, receiving stream: Rapp Creek. Application received: August 16, 2013. Renewal issued: August 26, 2014.

Permit No. 8173SM1C17 and NPDES Permit No. PA0594148. Hanson Aggregates PA, LLC, (7660 Imperial Way, Allentown, PA 18195), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in East Caln and West Whiteland Townships, **Chester County** affecting 355.0 acres, receiving stream: East Branch Brandywine Creek. Application received: September 13, 2013. Renewal issued: August 26, 2014.

Permit No. 6275SM2C12 and NPDES Permit No. PA0594539. Hanson Aggregates PA, LLC, (7660 Imperial Way, Allentown, PA 18195), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Limestone & Liberty Townships affecting 285.5 acres, receiving streams: unnamed tributary to Chillisquaque Creek and Chillisquaque Creek. Application received: January 13, 2014. Renewal issued: August 26, 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

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

Permit No. 22144109. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Millstone Development in West Hanover Township, **Dauphin County** with an expiration date of August 22, 2015. Permit issued: August 26, 2014.

Permit No. 36144147. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Bent Creek in Manheim and East Hempfield Townships, **Lancaster County** with an expiration date of August 21, 2015. Permit issued: August 26, 2014.

Permit No. 46144109. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Northgate in Upper Hanover Township, **Montgomery County** with an expiration date of August 19, 2015. Permit issued: August 26, 2014.

Permit No. 58144163. Midstream Explosives, LLC, (289 Southside Drive, Newville, PA 17241), construction blasting for Union Dale lateral pipeline in Union Dale Borough, Herrick and Clifford Townships, **Susquehanna County** with an expiration date of August 19, 2015. Permit issued: August 26, 2014.

Permit No. 45144102. Holbert Explosives, Inc., (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Pocono Substation in Coolbaugh Township, **Monroe County** with an expiration date of August 22, 2015. Permit issued: August 28, 2014.

Permit No. 45144104. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for SRI Development in Jackson Township, **Monroe County** with an expiration date of August 31, 2015. Permit issued: August 28, 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

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E60-220, Buffalo Valley Recreational Authority, 220 Brookpark Circle, Suite #9, Lewisburg, PA 17837. Buffalo Valley Rail Trail in Lewisburg Borough, **Union County**, ACOE Baltimore District (Lewisburg, PA Quadrangle; Latitude: 40°57'49"N; Longitude: -76°53'23"W).

To construct and maintain: 1) a glued laminated timber deck with a length of 35.25 feet on new timber railing on the existing steel I-beam bridge, 2) concrete repairs to the existing abutments, 3) removing existing earthen approaches next to the bridge and replacing the material with pedestrian trail materials, 4) 360 cubic yards of fill placed within the FEMA 100 year flood fringe of Bull Run due to slight widening of the trail in order to create a pedestrian trail in the location of the abandoned West Shore Railroad bed located on the Buffalo Valley Trail (Lewisburg, PA Quadrangle; Latitude: 40°57'49"N; Longitude: -76°53'23"W) in Lewisburg Borough, Union County. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E5829-081: Springville Township, PVR NEPA Gas Gathering, LLC; 101 West Third Street, Williamsport, PA 17701; Springville Township, **Susquehanna County;** ACOE Baltimore District.

To construct, operate, and maintain:

1. an 8 inch diameter natural gas pipeline and temporary timber mat crossing impacting 3,686 square feet (0.08 acre) of a palustrine emergent wetland (PEM) (Springville, PA Quadrangle, N 41° 41' 36", W -75° 56' 18"),
2. an 8 inch diameter natural gas pipeline and temporary timber mat crossing impacting 3,301 square feet (0.08 acre) of a palustrine emergent wetland (PEM) (Springville, PA Quadrangle, N 41° 41' 37", W -75° 56' 16"),
3. an 8 inch diameter natural gas pipeline and temporary timber mat crossing impacting 13,615 square feet (0.31 acre) of a palustrine emergent wetland (PEM) (Springville, PA Quadrangle, N 41° 41' 40", W -75° 56' 06"),
4. an 8 inch diameter natural gas pipeline and temporary timber bridge crossing impacting 62 lineal feet of unnamed tributary to White Creek (CWF, MF) (Springville, PA Quadrangle, N 41° 41' 43", W -75° 55' 53").

The Kupscznk D. Well Connect Pipeline consists of approximately 3,670 feet (0.70 mile) of 8" steel natural gas gathering line located in Springville Township, Susquehanna County. The project will result in 62 lineal feet of temporary stream impacts and 20,602 square feet (0.47 acre) of temporary wetland impacts all for the purpose of development and conveyance of Marcellus Shale natural gas.

E5729-073: Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY, 14845 Cherry Township, **Sullivan County,** USACE Baltimore District.

To construct, operate, and maintain:

- (1) A temporary road crossing using timber mats and a 6-inch diameter well line impacting 2,624 square feet of an exceptional value palustrine forested (EV-PFO) wetland, 168 linear feet of an unnamed tributary to Mill Creek (EV), and 345 square feet of an exceptional value palustrine scrub-shrub and emergent (EV-PSS/PEM) wetland (Dushore Quadrangle 41°31'12"N, 76°28'15"W);
- (2) A temporary road crossing using timber mats and a 6-inch diameter well line impacting 633 square feet of an

exceptional value palustrine emergent (EV-PEM) wetland (Dushore Quadrangle 41°31'11"N, 76°28'19"W);

(3) A temporary road crossing using timber mats and a 6-inch diameter well line temporarily impacting 840 square feet of a palustrine emergent (PEM) wetland, and 139 linear feet of an unnamed tributary to Mill Creek (EV) (Dushore Quadrangle 41°31'10"N, 76°28'21"W);

(4) A temporary road crossing using timber mats and a 6-inch diameter well line impacting 7,194 square feet of an exceptional value palustrine forested (PFO) wetland (Dushore Quadrangle 41°31'10"N, 76°28'23"W);

(5) A temporary road crossing using timber mats and a 6-inch diameter well line impacting 203 linear feet of Mill Creek (EV) (Dushore Quadrangle 41°31'10"N, 76°28'29"W);

(6) A temporary road crossing using timber mats and a 6-inch diameter well line impacting 74 square feet of an exceptional value palustrine emergent (PEM) wetland (Dushore Quadrangle 41°31'11"N, 76°28'29"W);

(7) A temporary road crossing using timber mats and a 6-inch diameter well line impacting 207 linear feet of an unnamed tributary to Mill Creek (EV) (Dushore Quadrangle 41°31'07" N, 76°28'39"W);

(8) A temporary road crossing using timber mats and a 6-inch diameter well line impacting 142 linear feet of an unnamed tributary to Mill Creek (EV) (Dushore Quadrangle 41°31'07"N, 76°28'41"W).

The project will result in approximately 11,710 square feet of temporary wetland impacts and approximately 859 linear feet of temporary stream impacts for the purpose of installing a well line for Marcellus Shale gas development in Cherry Township, Sullivan County. The permittee will provide 0.85 acre of compensatory mitigation at the Wilmot Mitigation Site (Colley, PA Quadrangle 41°36'44"N 76°17'27"W) in Wilmot Township, Bradford County.

E4129-085: Anadarko Marcellus Midstream, L.L.C., 33 West Third Street, Suite 200, Williamsport, PA 17701, Cogan House and Cummings Townships, **Lycoming County,** ACOE Baltimore District.

To construct, operate, and maintain:

- 1) two 6-inch natural gas lines, two 6-inch water lines, one 12-inch water line, one fiber optic/ electric line, and a timber mat bridge impacting 95 linear feet of an unnamed tributary to Little Pine Creek (EV, MF) and 23 square feet of adjacent palustrine emergent (PEM) wetland (English Center, PA Quadrangle 41°28'21"N, 77°15'12"W);
- 2) two 6-inch natural gas lines, two 6-inch water lines, one 12-inch water line, one fiber optic/ electric line, and a timber mat bridge impacting 62 linear feet of an unnamed tributary to Texas Creek (EV, MF) and 232 square feet of adjacent palustrine emergent (PEM) wetland (English Center, PA Quadrangle 41°28'23"N, 77°15'07"W);
- 3) two 6-inch natural gas lines, two 6-inch water lines, one 12-inch water line, one fiber optic/ electric line, and a timber mat bridge impacting 70 linear feet of Texas Creek (EV, MF) (English Center, PA Quadrangle 41°28'24"N, 77°15'05"W);
- 4) two 6-inch natural gas lines, two 6-inch water lines, one 12-inch water line, and one fiber optic/ electric line impacting 18 linear feet of an unnamed tributary to Blockhouse Creek (EV, MF) and 1931 square feet of adjacent palustrine emergent (PEM) wetland (White Pine, PA Quadrangle 41°28'27"N, 77°14'56"W).

The project will result in a total of 245 linear feet of stream impacts and 0.05 acre of wetland impacts all for the purpose of installing a natural gas gathering line, water line, and temporary access roadways for Marcellus well development.

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460

E0514-002, Department of General Services, Bureau of Engineering and Architecture, 18th and Herr Streets, Harrisburg, PA 17125. Hyndman Borough, **Bedford County**, ACOE Baltimore District. Final Action.

To repair, improve and maintain the Hyndman Borough Flood Protection Project in and along approximately 1,250 linear feet of Wills Creek (CWF) including the construction and maintenance of: (1) nine (9) stream channel grade control structures; (2) 3,370 square yards of grouted riprap bank protection; (3) 115 feet of permanent project access ramp; (4) 203 linear feet of reinforced concrete wall with grouted riprap protection; (5) two (2) temporary ford crossings to provide construction access; (6) 700 linear feet of a 15-foot wide temporary causeway; and (7) 1,100 square yards of erosion control matting and 150 square yards of turf reinforcement matting to the project channel banks. The project begins at the upstream end of the existing flood protection project (Hyndman, PA Quadrangle N: 13.95 inches; W: 14.10 inches) and ends approximately 1,250 linear feet downstream (Hyndman, PA Quadrangle N: 13.70 inches; W: 19.9 inches).

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 #ESX14-019-0040—Superior Metering Station
Applicant NiSource Midstream Services, LLC.
Contact Mr. Clifford Abbott
Address 5151 San Felipe, Suite 2500

City Houston State TX Zip Code 77056
County Butler Township(s) Clinton(s)
Receiving Stream(s) and Classification(s) Lardintown Run, TSF (Trout Stocking)

ESCGP-2 #ESG13-019-0062A—Bergbigler Well Pad Major Modification
Applicant XTO Energy Inc.
Contact Ms. Melissa Breitenbach
Address 502 Keystone Drive
City Warrendale State PA Zip Code 15086-7537
County Butler Township(s) Clearfield(s)
Receiving Stream(s) and Classification(s) UNT Littler Buffalo Run (HQ-CWF) HQ,
Secondary Receiving Water Buffalo Creek (HQ-TSF)

ESCGP-2 #ESG14-053-0002—Monross C-2 Lease and Fogle Lease
Applicant Titusville Oil & Gas Associates
Contact William Henderson
Address 16899 Jerusalem Corners Road
City Pleasantville State PA Zip Code 16341
County Forest Township(s) Harmony(s)
Receiving Stream(s) and Classification(s) McArthur Run & West Hickory Creek—EV

ESCGP-2 #ESX14-019-0052—Guiher to Patton Gas Pipeline
Applicant Mountain Gathering, LLC.
Contact Mr. Dewey Chalos
Address 810 Houston Street
City Fort Worth State TX Zip Code 76102
County Butler Township(s) Connoquenessing Twp.(s)
Receiving Stream(s) and Classification(s) Semiconon Run/Connoquenessing Creek CWF,
Secondary Receiving Water Little Connoquenessing Creek, Connoquenessing Creek, Beaver River

ESCGP-2 #ESG14-047-0012—EO8-D Access Road
Applicant Seneca Resources Corporation
Contact Mr. Doug Kepler
Address 5800 Corporate Drive, Suite 300
City Pittsburgh State PA Zip Code 15237
County McKean & Elk Township(s) Sergeant and Jones Twp(s)
Receiving Stream(s) and Classification(s) County Line Run & 2 UNTS to same, Doe Run, Lukes Run & UNT to same, Straight Creek, UNT to N Fork Straight Creek, Ospeck Hollow, and E Branch Clarion River Lake/Upper Clarion River (HQ), CWF,
Secondary Receiving Water East Br Clarion River.

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-2 # ESX29-015-14-0059
Applicant Name Talisman Energy USA, Inc.
Contact Person Joseph Katruska
Address 50 Pennwood Drive
City, State, Zip Warrendale, PA 15086
County Bradford County
Township(s) Troy Township
Receiving Stream(s) and Classification(s) Northern Branch Towanda Creek (CWF/MF)

ESCGP-2 # ESG29-115-14-0048
Applicant Name Regency Marcellus Gas Gathering
Contact Person Nicholas Bryan
Address 101 West Third Street
City, State, Zip Williamsport, PA 17701
County Susquehanna County
Township(s) Lenox Township
Receiving Stream(s) and Classification(s) UNT to Utlely Brook, Millard Creek, UNT to Tower Branch (All

- CWF/MF);
Secondary: Tunkhannock Creek (CWF/MF)
- ESCGP-2 # ESX11-033-0013 (01)
Applicant Name Carrizo (Marcellus), LLC
Contact Person Gary Byron
Address PO Box 231
City, State, Zip Drifting, PA 16834
County Clearfield County
Township(s) Woodward Township
Receiving Stream(s) and Classification(s) UNT to Goose Run (CWF/MF);
Secondary: Clearfield Creek (8C)
- ESCGP-2 # ESX29-015-14-0037
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 14 Chesapeake Lane
City, State, Zip Sayre, PA 18840
County Bradford County
Township(s) Tuscarora Township
Receiving Stream(s) and Classification(s) Mill Creek (CWF/MF), UNT to Wyalusing Creek (WWF);
Secondary: Susquehanna River, Tuscarora Creek (Both WWF/MF)
- ESCGP-2 # ESX11-033-0012 (01)
Applicant Name Carrizo (Marcellus), LLC
Contact Person Gary Byron
Address PO Box 231
City, State, Zip Drifting, PA 16834
County Clearfield County
Township(s) Beccaria Township
Receiving Stream(s) and Classification(s) Turner Run, Blain Run (CWF/MF);
Secondary: Clearfield Creek
- ESCGP-2 # ESX29-115-14-0034 (01)
Applicant Name Williams Field Services Company, LLC
Contact Person Julie Nicholas
Address 310 State Route 29 North
City, State, Zip Tunkhannock, PA 18657
County Susquehanna County
Township(s) Meshoppen Township
Receiving Stream(s) and Classification(s) UNT to Dority Creek, Dority Creek and UNT to Little Meshoppen Creek (CWF);
Secondary: Little Meshoppen Creek, Dority Creek
- ESCGP-2 # ESG29-015-14-0048
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 14 Chesapeake Lane
City, State, Zip Sayre, PA 18840
County Bradford County
Township(s) Overton Township
Receiving Stream(s) and Classification(s) Black Creek, Trib to Little Loyalsock Creek (EV), UNT to Level Branch Lick Creek, Trib to Loyalsock Creek (EV);
Secondary: Loyalsock Creek (EV), Little Loyalsock Creek (EV)
- ESCGP-2 # ESX11-081-0055(01)
Applicant Name Anadarko E&P Onshore, LLC
Contact Person Rane Wilson
Address 33 W. Third Street, Suite 200
City, State, Zip Williamsport, PA 17701
County Lycoming County
Township(s) Cummings Township
Receiving Stream(s) and Classification(s) UNT First Fork Larry's Creek (EV);
Secondary: First Fork Larry's Creek (EV)
- ESCGP-2 # ESG29-081-14-0020
Applicant Name Anadarko E&P Onshore, LLC
Contact Person Rane Wilson
Address 33 W. Third Street, Suite 200
City, State, Zip Williamsport, PA 17701
County Lycoming County
Township(s) McIntyre Township
Receiving Stream(s) and Classification(s) Lycoming Creek (EV)
- ESCGP-2 # ESG29-115-14-0059
Applicant Name Williams Field Services Company, LLC
Contact Person Julie Nicholas
Address 310 State Route 29 North
City, State, Zip Tunkhannock, PA 18657
County Susquehanna County
Township(s) Gibson Township
Receiving Stream(s) and Classification(s) Rock Creek (HQ, CWF/MF) and UNTs thereto
- ESCGP-2 # ESG29-015-14-0053
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 to Lick Creek (EV/MF);
Secondary: Loyalsock Creek
- ESCGP-2 # ESX29-115-14-0069
Applicant Name Cabot Oil and Gas Corporation
Contact Person Kenneth Marcum
Address Five Penn Center West, Suite 401
City, State, Zip Pittsburgh, PA 15276
County Susquehanna County
Township(s) Brooklyn Township
Receiving Stream(s) and Classification(s) East Branch Martins Creek and Martins Creek (CWF/MF)
- ESCGP-2 # ESX29-115-14-0078
Applicant Name Williams Field Services Company, LLC
Contact Person Lauren Miladinovich
Address 2000 Commerce Drive
City, State, Zip Pittsburgh, PA 15276
County Susquehanna County
Township(s) Brooklyn Township
Receiving Stream(s) and Classification(s) UNT Horton Creek (CWF/MF); Watersheds: Horton Creek (CWF/MF);
Secondary: Tunkhannock Creek
- ESCGP-2 # ESG13-113-0010 (01)
Applicant Name Appalachia Midstream Services, LLC
Contact Person Randy DeLaune
Address 100 IST Center
City, State, Zip Horseheads, NY 14845
County Sullivan County
Township(s) Fox Township
Receiving Stream(s) and Classification(s) Trib 20070 to Porter Creek (EV), Trib 20083 to Hoagland Branch (EV), Porter Creek (EV) Hoagland Branch (EV);
Secondary: Elk Creek
- ESCGP-2 # ESG29-015-14-0033
Applicant Name Appalachia Midstream Services, LLC
Contact Person Randy DeLaune
Address 100 IST Center
City, State, Zip Horseheads, NY 14845
County Bradford County
Township(s) Overton Township
Receiving Stream(s) and Classification(s) UNT to Black Creek (EV/MF)

ESCGP-2 # ESG29-113-14-0011
 Applicant Name Chief Oil & Gas, LLC
 Contact Person Jeffrey Deegan
 Address 6051 Wallace Road Ext., Suite 300
 City, State, Zip Wexford, PA 15090
 County Sullivan County
 Township(s) Elkland Township
 Receiving Stream(s) and Classification(s) UNT Elk Creek
 (CWF);
 Secondary: Elk Creek

*Southwest Region: Oil & Gas Program Mgr: 400 Water-
 front Dr. Pittsburgh PA*

ESCGP-2 No.: ESX14-059-0037
 Applicant Name: EQT Production Company
 Contact Person Mr Todd Klaner
 Address: 455 Racetrack Road Suite 101
 City: Washington State: PA Zip Code: 15301
 County: Greene Township: Morgan
 Receiving Stream (s) And Classifications: UNT Castile
 Run (WWF)/ Tenmile Creek (Watershed); Other WWF

ESCGP-2 No.: ESX11-051-0038
 Applicant Name: Chevron Appalachia LLC
 Contact Person: Mr Branden Weimer
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Fayette Township(s): Franklin
 Receiving Stream(s) and Classifications: UNT to
 Crabapple Run, Crabapple Run/Middle Monongahela
 River Watershed; Other WWF; Siltation-Impaired

ESCGP-2 No.: ESX14-125-0046
 Applicant Name: EQT Production Company
 Contact Person: Mr Todd Klaner
 Address: 455 Racetrack Road
 City: Washington State: PA Zip Code: 15301
 County: Washington Township(s): Deemston Boro & East
 Bethlehem Twp
 Receiving Stream(s) and Classifications: Tenmile Creek &
 UNT to Tenmile Creek; Other TSF

ESCGP-2 No.: ESG13-125-0084
 Applicant Name: MarkWest Liberty Midstream &
 Resources LLC
 Contact Person: Mr Rick Lowry
 Address: 4600 J Barry Court Suite 500

City: Canonsburg State: PA Zip Code: 15317
 County: Washington Township(s): Donegal
 Receiving Stream(s) and Classifications: UNTs to Dutch
 Fork; HQ

ESCGP-2 No.: ESX13-125-0089 Major Revision
 Applicant Name: Rice Drilling B LLC
 Contact Person: Mr Joe Mallow
 Address: 171 Hillpointe Drive Suite 301
 City: Canonsburg State: PA Zip Code: 15317
 COUNTY Washington Township(s): West Pike Run
 Receiving Stream(s) and Classifications: #28665 Pike Run
 and #26576 UNT to Pike Run/Lower Monongahela
 River; Other TSF (Trout Stocking)

ESCGP-2 No.: ESG14-059-0025
 Applicant Name: PA Land Resources LLC DBA PL
 Resources LLC
 Contact Person: Mr Nick Mongelluzzo
 Address: PO Box 247
 City: Waynesburg State: PA Zip Code: 15370
 County: Greene Township(s): Franklin
 Receiving Stream(s) and Classifications: UNT to Smith
 Creek (WWF) South Fork Ten Mile Creek; Stewart Run
 (HQ-WWF) South Fork Ten Mile Creek; HQ; Other
 WWF

ESCGP-2 No.: ESX14-129-0005
 Applicant Name: Chevron Appalachia LLC
 Contact Person: Mr Branden Weimer
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code 15478
 County: Westmoreland Township(s): South Huntingdon
 Receiving Stream(s) and Classifications: UNT to
 Sewickley Creek/Lower Youghiogheny River Watershed;
 Other WWF

ESCGP-2 No.: ESX14-005-0005
 Applicant Name: Snyder Brothers Inc
 Contact Person: Mr Carl Rose
 Address: PO Box 1022
 City: Kittanning State: PA Zip Code: 16201
 County: Armstrong Township(s): East Franklin
 Receiving Stream(s) and Classifications: Tributary 46963
 to Allegheny River; Tributary 46964 to Allegheny River;
 Other WWF; Siltation-Impaired

SPECIAL NOTICES

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of August 2014 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. Sections 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Carl Allison, II Liberty Inspections, LLC	627 Old Hickory Flats Somerset, PA 15501	Testing
Michael Biechler	2466 Roundtop Rd. Middletown, PA 17057	Testing
Gregory Ferguson	762 Ferguson Dr. Altoona, PA 16601	Testing
Raymond Fonos	1216 Edgewood Drive West Homestead, PA 15120	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Steven Haslam	3650 Concorde Pkwy., Ste. 100 Chantilly, VA 20151	Testing
Daniel Keogh	518 Kimberton Rd., Ste. 311 Phoenixville, PA 19460	Testing
Russell Knarr	707 Sutton St. Punxsutawney, PA 15767	Testing
Christopher Marshall	4638 Curly Hill Rd. Doylestown, PA 18902	Testing
Karen Quick	2643 Eldridge Ave. Easton, PA 18045	Testing
Radon Testing Corporation of America	2 Hayes St. Elmsford, NY 10523	Laboratory Analysis
Troy Rudy	PO Box 4214 Lancaster, PA 17603	Mitigation
Jon Shaffer	1115 Cornell St. Pittsburgh, PA 15212	Testing
Dennis Skladanowski	5140 Amherst Rd. Erie, PA 16506	Testing
Jeffrey Smith	PO Box 223 Altoona, PA 16603	Testing
John Staz, III	1738 N. 3rd St. Harrisburg, PA 17102	Testing
Robert Wills	877 Williams Pl. Warminster, PA 18974	Testing

Water Quality Management Permit; Notice of Public Hearing

The Pennsylvania Department of Environmental Protection has scheduled a public hearing to receive testimony and comments on the Water Quality Management Permit (WQM No. 2914201) application submitted by CFC Fulton Properties. The proposal is for the Bivouac Sow Farm for the construction of a new swine facility which includes three (3) barns with underneath storages for a 2,978.55 Animal Equivalent Unit sow/nursery swine operation located at 15197 Great Cove Road, Big Cove Tannery, PA 17212. Bivouac Sow Farm is proposed to be located in Ayr Township, Fulton County. The hearing will be held on Wednesday, October 22, 2014 at 7:00 pm at the McConnellsburg Fire Hall, 112 E Maple St, McConnellsburg, PA 17233.

Any person intending to testify at the hearing should register by Wednesday, October 15, 2014 by contacting Ms. Eileen Bitting at 717.705.4703 or eilbitting@pa.gov. If DEP does not receive any testimony registration requests by 4:00 pm on Wednesday, October 15, 2014, the public hearing will be cancelled.

All testimony should be to the point and pertain to the WQM permit application. Each individual will have up to five (5) minutes for his/her presentation. To ensure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time will be prohibited. DEP will respond in writing to relevant testimony provided during the public hearing and submitted written comments. Further details relating to the procedures to be followed at the hearing will be outlined at the beginning of the proceedings.

For those who prefer to only present their comments in writing or are unable to attend the hearing, written testimony may be submitted by 4:00 pm on October 22, 2014 to Maria Bebenek, P.E., Clean Water Program Manager, DEP Southcentral Regional Office, 909 Elmerton Ave., Harrisburg, PA 17110.

An appointment may be scheduled to review the permit application at the Southcentral Regional Office in Harrisburg by contacting the file room at 717.705.4732 between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. If you are unable to schedule an appointment with our file room to review the application, other accommodations can be made by contacting Eileen.

If you are a person with a disability and you wish to attend the hearing but you require an auxiliary aid, service or other accommodations to participate in the proceedings, please contact the Eileen at the number above for assistance. TDD users may use the AT&T Relay Services at 1.800.654.5984.

[Pa.B. Doc. No. 14-1913. Filed for public inspection September 12, 2014, 9:00 a.m.]

Chesapeake Bay Management Team Meeting

The Department of Environmental Protection (Department) will hold a meeting of the Chesapeake Bay Management Team on Thursday, September 18, 2014, at 9:30 a.m. at the Department's Bureau of Laboratories, 2575 Interstate Drive, Harrisburg, PA.

Questions concerning the meeting can be directed to Rhonda Manning at (717) 772-4472 or rmanning@pa.gov. The agenda and meeting materials for the meeting will be available through the Department Interstate Waters Office web site at www.dep.state.pa.us (DEP Keywords: "Interstate Waters Office").

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. 14-1914. Filed for public inspection September 12, 2014, 9:00 a.m.]

Small Business Compliance Advisory Committee Change in Meeting Location

The October 22, 2014, meeting of the Small Business Compliance Advisory Committee will convene at an alternate location than originally published at 43 Pa.B. 7503 (December 21, 2013). The meeting will be held at 10 a.m. at the Emerging Technology Applications Center, Northampton Community College, 511 East Third Street, Bethlehem, PA 18105.

Questions concerning the meeting can be directed to Susan Foster at (717) 787-7019 or sufoster@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.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) 787-7019 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. 14-1916. Filed for public inspection September 12, 2014, 9:00 a.m.]

Municipal Waste Disposal Capacity and Optional Integrated Waste and Recycling Program Support; Solicitation of Interest

McKean County, in northwest Pennsylvania, is updating its County Municipal Waste Management Plan in accordance with the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) (Act 101). As required in Act 101, the County has prepared a Solicitation of Interest (SOI) for the purpose of obtaining 10-year commitments (beginning on or about July 1, 2015, and continuing through June 30, 2025, including renewal options) for disposal capacity for the municipal waste (MSW) generated within McKean County during that period. The waste facilities to be considered in the McKean County Plan Update must be permitted and fully available for use prior to July 1, 2015. SOI respondents are also asked to consider supporting the sustainability of integrated waste and recycling programs in McKean County. Transfer stations handling MSW from McKean County during this time period should also visit the web page listed as follows to find their submission requirements, to be included in the McKean County Plan Update. Further SOI details can be found at www.bartonandloguidice.com/McKeanCountyMWMP.htm. To obtain a hard copy or electronic copy of the SOI, contact Terry Keene, PE, in writing, at Barton & Loguidice, 3901 Hartzdale Drive, Suite 101, Camp Hill, PA 17011, tkeene@bartonandloguidice.com. Submittals are due to the previously listed address no later than 4 p.m. on Friday, October 10, 2014.

E. CHRISTOPHER ABRUZZO,
Secretary

[Pa.B. Doc. No. 14-1915. Filed for public inspection September 12, 2014, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Geisinger Health System for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger Health System has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Health Care Facilities 2010*. The facility specifically requests exemption from the following standards contained in this publication: 2.1-8.5.3.1 (relating to size of technology distribution rooms (TDRs)).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously

listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1917. Filed for public inspection September 12, 2014, 9:00 a.m.]

Application of Grand View Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Grand View Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Health Care Facilities 2010*. The facility specifically requests an exemption from the following standards contained in this publication: 3.12-3.2.2.1(5) (relating to sinks).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1918. Filed for public inspection September 12, 2014, 9:00 a.m.]

Application of Holy Redeemer Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Holy Redeemer Hospital has requested exceptions 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. 14-1919. Filed for public inspection September 12, 2014, 9:00 a.m.]

Application of Nazareth Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Nazareth Hospital has requested exceptions 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. 14-1920. Filed for public inspection September 12, 2014, 9:00 a.m.]

Application of Penn Highlands DuBois Internal Medicine (St. Marys) for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Penn Highlands DuBois Internal Medicine, 757 Johnsonburg Road, Suite 100, St. Marys, 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 3.2-6.3(1) (relating to corridors; and support areas for staff).

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. 14-1921. Filed for public inspection September 12, 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: 3.1-3.6.5.1, 3.1-3.2.4.2(1) and 3.1-3.6.6 (relating to hand-washing stations; area; and medication distribution 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. 14-1922. Filed for public inspection September 12, 2014, 9:00 a.m.]

Application of Somerset Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Somerset Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Health Care Facilities 2010*. The facility specifically requests an exemption from the following standards contained in this publication: 2.2-3.1.4.4(2) (relating to secure holding 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 Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1923. Filed for public inspection September 12, 2014, 9:00 a.m.]

Application of St. Mary Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Mary Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Health Care Facilities 2010*. The facility specifically requests exemption from the following standards contained in this publication: 2.2-2.6.2.2(2) and 2.1-8.5.3.2 (relating to clearances; and size of technology distribution rooms (TDRs)).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1924. Filed for public inspection September 12, 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):

Ephrata Manor
99 Bethany Road
Ephrata, PA 17522
FAC ID # 053502

Golden LivingCenter—Gettysburg
741 Chambersburg Road
Gettysburg, PA 17325
FAC ID # 132802

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(j) (relating to prevention, control and surveillance of tuberculosis (TB)):

Masonic Village at Elizabethtown
One Masonic Drive
Elizabethtown, PA 17022-2119
FAC ID # 131502

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 201.3 (relating to definitions):

Gettysburg Lutheran Nursing and Retirement Care
1075 Old Harrisburg Road
Gettysburg, PA 17325
FAC ID # 124402

Lutheran Retirement Village at Utz Terrace
2100 Utz Terrace
Hanover, PA 17331
FAC ID # 17620201

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) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1925. Filed for public inspection September 12, 2014, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Prevailing Wage Appeals Board; Constructors Association of Western Pennsylvania, Inc.; Doc. No. PWAB-3G-2014

Notice to Potential Interested Parties

This serves to provide notification, under 34 Pa. Code § 213.8(e) (relating to grievances arising from administration of the act), that the Prevailing Wage Appeals Board (Board) received a grievance in the previously-referenced matter regarding application of the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17) to survey work performed by Mosites Construction Company on the Mon Fayette Expressway Project—Bridge Construction (S-006-3-04), Washington County, Serial No. 13-05562. A copy of this grievance can be obtained by contacting Gina Meckley, Administrative Assistant for the Board at (717) 783-9276.

Persons claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the act should file a petition to intervene under 1 Pa. Code §§ 35.27—35.32 (relating to intervention) by September 29, 2014.

Petitions to intervene shall be filed with the Prevailing Wage Appeals Board, Department of Labor and Industry, 901 North 7th Street, 3rd Floor North, Harrisburg, PA 17102. Copies of all petitions to intervene shall be served on counsel of the parties of record as follows:

*Bureau of Labor Law
Compliance*

Richard C. Lengler
Deputy Chief Counsel
Office of Chief Counsel
Department of Labor and
Industry
651 Boas Street, 10th Floor
Harrisburg, PA 17121

*Constructors Association of
Western Pennsylvania, Inc.*

William Bevan, III, Esquire
Reed Smith, LLP
Reed Smith Centre
225 Fifth Avenue
Pittsburgh, PA 15222-2716

Answers to petitions to intervene shall be filed with the Board, at the address listed previously, by October 9, 2014.

JULIA K. HEARTHWAY,
Secretary

[Pa.B. Doc. No. 14-1926. Filed for public inspection September 12, 2014, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Final Fee Schedule Rates for Personal Assistance Services (Agency) in the Medical Assistance Aging, Attendant Care, COMMCARE, Independence and OBRA Waivers and the Act 150 Program

This notice announces the Department of Public Welfare's (Department) final fee schedule rates for Personal Assistance Services (Agency) in the Medical Assistance (MA) Aging, Attendant Care, COMMCARE, Independence and OBRA Waivers and the Act 150 Program under 55 Pa. Code § 52.45(a) and (b) (relating to fee schedule rates). Under 55 Pa. Code § 52.42(b) (relating to payment policies), the Department is also announcing the waivers in which Personal Assistance Services (Agency) are provided. The final rates for this service will be effective July 1, 2014.

Rate-Setting Methodology

The Department will use the same rate methodology for the fee schedule rates as that used in the public notice published at 42 Pa.B. 3343 (June 9, 2012).

Personal Assistance Services (Agency) Final Fee Schedule Rates

Region	Aging	Attendant Care	Act 150	CC	IW	OW	Procedure Code	Rate	Unit
1	X	X	X	X	X	X	W1793	\$4.38	15 min
2	X	X	X	X	X	X	W1793	\$4.87	15 min
3	X	X	X	X	X	X	W1793	\$4.58	15 min
4	X	X	X	X	X	X	W1793	\$4.88	15 min

CC = COMMCARE IW = Independence OW = OBRA

Public Process

The Department published a notice announcing its proposed fee schedule rates for Personal Assistance Services (Agency) in the MA Aging, Attendant Care, COMMCARE, Independence and OBRA Waivers and the Act 150 Program at 44 Pa.B. 4058 (June 28, 2014) and invited interested persons to submit comments. The Department received one comment through the public comment process in favor of the rate change.

Fiscal Impact

The Department anticipates that this change will result in a cost of \$8.911 million (\$4.214 million in State funds) in Fiscal Year 2014-2015: Aging Waiver—\$4.896 million (\$2.240 million in State funds); Attendant Care Waiver—\$0.867 million (\$0.414 million in State funds); Act 150 Program—\$0.220 million (\$0.220 million in State funds); COMMCARE Waiver—\$0.199 million (\$0.091 million in State funds); OBRA Waiver—\$0.457 million (\$0.209 million in State funds); and Independence Waiver—\$2.272 million (\$1.040 million in State funds).

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Elaine Smith, P. O. Box 8025, Harrisburg, PA 17105-8025, RA-waiverstandard@pa.gov. Comments received within 30 days will be considered in subsequent revisions to the fee schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users).

BEVERLY D. MACKERETH,
Secretary

Fiscal Note: 14-NOT-900. (1) General Fund;

(7) Home and Community-Based Services; (2) Implementing Year 2014-15 is \$2,240,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$2,240,000; (4) 2013-14 Program—\$225,008,000; 2012-13 Program—\$184,500,000; 2011-12 Program—\$175,162,000;

(7) Attendant Care; (2) Implementing Year 2014-15 is \$634,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$634,000; (4) 2013-14 Program—\$116,084,000; 2012-13 Program—\$107,830,000; 2011-12 Program—\$102,704,000;

(7) Services to Persons with Disabilities; (2) Implementing Year 2014-15 is \$1,340,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$1,340,000; (4) 2013-14 Program—\$233,104,000; 2012-13 Program—\$195,135,000; 2011-12 Program—\$163,987,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 14-1927. Filed for public inspection September 12, 2014, 9:00 a.m.]

Final Fee Schedule Rates for Personal Assistance Services (Consumer) in the Medical Assistance Aging, Attendant Care, COMMCARE, Independence and OBRA Waivers and the Act 150 Program

This notice announces the Department of Public Welfare's (Department) final fee schedule rates for Personal Assistance Services (Consumer) in the Medical Assistance (MA) Aging, Attendant Care, COMMCARE, Independence and OBRA Waivers and the Act 150 Program under 55 Pa. Code § 52.45(a) and (b) (relating to fee schedule rates). Under 55 Pa. Code § 52.42(b) (relating to payment policies), the Department is also announcing the waivers in which Personal Assistance Services (Consumer) are provided. The final rates for this service will be effective July 1, 2014.

Rate-Setting Methodology

The Department will use the same rate methodology for the fee schedule rates as that used in the public notice published at 42 Pa.B. 3343 (June 9, 2012).

Personal Assistance Services (Consumer) Final Fee Schedule Rates

<i>Region</i>	<i>Aging</i>	<i>Attendant Care</i>	<i>Act 150</i>	<i>CC</i>	<i>IW</i>	<i>OW</i>	<i>Procedure Code</i>	<i>Rate</i>	<i>Unit</i>
1	X	X	X	X	X	X	W1792	\$3.41	15 min
2	X	X	X	X	X	X	W1792	\$3.26	15 min
3	X	X	X	X	X	X	W1792	\$3.57	15 min
4	X	X	X	X	X	X	W1792	\$4.01	15 min

CC = COMMCARE IW = Independence OW = OBRA

Public Process

The Department published a notice announcing its proposed fee schedule rates for Personal Assistance Services (Consumer) in the MA Aging, Attendant Care, COMMCARE, Independence and OBRA Waivers and the Act 150 Program at 44 Pa.B. 4059 (June 28, 2014) and invited interested persons to submit comments. No comments were received by the Department in response to the proposed rate notice.

Fiscal Impact

The Department anticipates that this change will result in a cost of \$7.094 million (\$3.396 million in State funds) in Fiscal Year 2014-2015: Aging Waiver—\$2.449 million (\$1.121 million in State funds); Attendant Care Waiver—\$1.930 million (\$0.883 million in State funds); Act 150 Program—\$0.277 million (\$0.277 million in State funds); COMMCARE Waiver—\$0.159 million (\$0.073 million in State funds); OBRA Waiver—\$0.515 million (\$0.235 million in State funds); and Independence Waiver—\$1.764 million (\$0.807 million in State funds).

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Elaine Smith, P. O. Box 8025, Harrisburg, PA 17105-8025, RA-waiverstandard@pa.gov. Comments received within 30 days will be considered in subsequent revisions to the fee schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users).

BEVERLY D. MACKERETH,
Secretary

Fiscal Note: 14-NOT-899. (1) General Fund;

(7) Home and Community-Based Services; (2) Implementing Year 2014-15 is \$1,121,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$1,121,000; (4) 2013-14 Program—\$225,008,000; 2012-13 Program—\$184,500,000; 2011-12 Program—\$175,162,000;

(7) Attendant Care; (2) Implementing Year 2014-15 is \$1,160,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$1,160,000; (4) 2013-14 Program—\$116,084,000; 2012-13 Program—\$107,830,000; 2011-12 Program—\$102,704,000;

(7) Services to Persons with Disabilities; (2) Implementing Year 2014-15 is \$1,115,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$1,115,000; (4) 2013-14 Program—\$233,104,000; 2012-13 Program—\$195,135,000; 2011-12 Program—\$163,987,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 14-1928. Filed for public inspection September 12, 2014, 9:00 a.m.]

Final Fee Schedule Rates for Service Coordination Services in the Medical Assistance Aging, Attendant Care, COMMCARE, Independence and OBRA Waivers and the Act 150 Program

This notice announces the Department of Public Welfare's (Department) final fee schedule rates for Service Coordination Services in the Medical Assistance (MA) Aging, Attendant Care, COMMCARE, Independence and OBRA Waivers and the Act 150 Program under 55 Pa. Code § 52.45(a) and (b) (relating to fee schedule rates). Under 55 Pa. Code § 52.42(b) (relating to payment policies), the Department is also announcing the waivers in which Service Coordination Services are provided. The final rates for this service will be effective July 1, 2014.

Rate-Setting Methodology

The Department will use the same rate methodology for the fee schedule rates as that used in the public notice published at 42 Pa.B. 3343 (June 9, 2012).

Service Coordination Final Fee Schedule Rates

<i>Region</i>	<i>Aging</i>	<i>Attendant Care</i>	<i>Act 150</i>	<i>CC</i>	<i>IW</i>	<i>OW</i>	<i>Procedure Code</i>	<i>Rate</i>	<i>Unit</i>
1	X	X	X	X	X	X	W1011	\$18.49	15 min
2	X	X	X	X	X	X	W1011	\$20.21	15 min
3	X	X	X	X	X	X	W1011	\$18.78	15 min
4	X	X	X	X	X	X	W1011	\$21.47	15 min

CC = COMMCARE

IW = Independence

OW = OBRA

Public Process

The Department published a notice announcing its proposed fee schedule rates for Service Coordination Services in the MA Aging, Attendant Care, COMMCARE, Independence and OBRA Waivers and the Act 150 Program at 44 Pa.B. 4060 (June 28, 2014) and invited interested persons to submit comments. No comments were received by the Department in response to the proposed rate notice.

Fiscal Impact

The Department anticipates that this change will result in a cost of \$4.978 million (\$2.351 million in State funds) in Fiscal Year 2014-2015: Aging Waiver—\$2.673 million (\$1.223 million in State funds); Attendant Care Waiver—\$0.802 million (\$0.367 million in State funds); Act 150 Program—\$0.136 million (\$0.136 million in State funds); COMMCARE Waiver—\$0.090 million (\$0.041 million in State funds); OBRA Waiver—\$0.229 million (\$0.105 million in State funds); and Independence Waiver—\$1.048 million (\$0.479 million in State funds).

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Elaine Smith, P. O. Box 8025, Harrisburg, PA 17105-8025, RA-waiverstandard@pa.gov. Comments received within 30 days will be considered in subsequent revisions to the fee schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users).

BEVERLY D. MACKERETH,
Secretary

Fiscal Note: 14-NOT-901. (1) General Fund;

(7) Home and Community-Based Services; (2) Implementing Year 2014-15 is \$1,223,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$1,223,000; (4) 2013-14 Program—\$225,008,000; 2012-13 Program—\$184,500,000; 2011-12 Program—\$175,162,000;

(7) Attendant Care; (2) Implementing Year 2014-15 is \$503,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$503,000; (4) 2013-14 Program—\$116,084,000; 2012-13 Program—\$107,830,000; 2011-12 Program—\$102,704,000;

(7) Services to Persons with Disabilities; (2) Implementing Year 2014-15 is \$625,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$625,000; (4) 2013-14 Program—\$233,104,000; 2012-13 Program—\$195,135,000; 2011-12 Program—\$163,987,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 14-1929. Filed for public inspection September 12, 2014, 9:00 a.m.]

Payment for Nursing Facility Services Provided by County Nursing Facilities; County Nursing Facility Supplementation Payment for Fiscal Year 2014-2015

This announcement provides advance notice that the Department of Public Welfare (Department) intends to continue to make an additional payment to certain county nursing facilities in Fiscal Year (FY) 2014-2015.

Background

The act of July 18, 2013 (P. L. 574, No. 71), among other things, directed the Department to distribute \$2 million in additional funds from the funds appropriated for Medical Assistance—Long-Term Care to certain county nursing facilities in FY 2013-2014. The act of July 10, 2014 (P. L. 1053, No. 126) (Act 126) directs the Department to continue to make an additional payment to qualified county nursing facilities for FY 2014-2015.

Proposed Payment

The Department will make a county nursing facility supplementation payment to each qualified county nursing facility. As directed by Act 126, a county nursing facility must have a Medical Assistance (MA) occupancy rate of at least 85% and be located in a home rule county that was formerly a county of the second class A to qualify for this supplementation payment. The MA occupancy rate will be determined using the latest acceptable annual cost report as of September 30, 2014, in accordance with 55 Pa. Code § 1189.71(b) (relating to cost reporting).

The Department will calculate each qualified county nursing facility's supplementation payment for FY 2014-2015 by dividing total funds by the number of qualified county nursing facilities.

The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare and Medicaid Services (CMS). If the CMS approves the SPA, the total funds will consist of both State and Federal funding. The Depart-

ment will use its best efforts to process this supplementation payment within 30 days of the date it receives notice from the CMS.

Fiscal Impact

This change will result in a cost of \$4.151 million (\$2 million in State funds) for FY 2014-2015.

Public Comment

Interested persons are invited to submit written comments regarding these proposed changes to the Department of Public Welfare, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P. O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

BEVERLY D. MACKERETH,
Secretary

Fiscal Note: 14-NOT-897. (1) General Fund; (2) Implementing Year 2014-15 is \$2,000,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$0; (4) 2013-14 Program—\$820,409,000; 2012-13 Program—\$770,903,000; 2011-12 Program—\$737,356,000; (7) MA—Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 14-1930. Filed for public inspection September 12, 2014, 9:00 a.m.]

Payment for Nursing Facility Services Provided by Nonpublic Nursing Facilities; Medical Assistance Day One Incentive Payments to Nonpublic Nursing Facilities for Fiscal Year 2014-2015

This announcement provides advance notice that the Department of Public Welfare (Department) intends to continue to make Medical Assistance Day One Incentive (MDOI) payments to qualified nonpublic nursing facilities for Fiscal Year (FY) 2014-2015. The MDOI payments to nonpublic nursing facilities will provide incentives to nonpublic nursing facilities to provide services to individuals who are Medical Assistance (MA) eligible on the day of admission. The MDOI payments are intended to encourage nonpublic nursing facilities to increase access to care for the poor and indigent citizens of this Commonwealth.

Background

The act of July 9, 2013 (P. L. 369, No. 55), among other things, directed the Department to make quarterly MDOI payments for FY 2013-2014 to qualified nonpublic nursing facilities. The act of July 10, 2014 (P. L. 1053, No. 126) directs the Department to continue to make quarterly MDOI payments to qualified nonpublic nursing facilities for FY 2014-2015. The Department will use the Total Pennsylvania Medical Assistance (PA MA) days and Total Resident Days as reported by nonpublic nursing facilities under Article VIII-A of the Public Welfare Code (62 P. S. §§ 801-A—815-A), regarding nursing facility assessments, to determine eligibility and calculate payments.

To qualify for MDOI payments, the nursing facility must be a nonpublic nursing facility for the full Resident

Day quarter prior to the applicable quarterly reporting due dates of October 31, January 31, April 30 and July 31. In addition, the nonpublic nursing facility shall have an overall occupancy rate of at least 85% and an MA occupancy rate of at least 65% during the Resident Day quarter. A nursing facility's overall occupancy rate for these payments will be determined as follows: Overall occupancy rate = (Total Resident Days ÷ (licensed bed capacity at the end of the quarter x the number of calendar days in the quarter)). A nursing facility's MA occupancy rate for these payments will be determined as follows: MA occupancy rate = Total PA MA days ÷ Total Resident Days.

Using the nursing facility assessment quarterly resident day reporting forms available on October 31, January 31, April 30 and July 31, the Department will calculate each qualified nonpublic nursing facility's MDOI quarterly payment based on the following formula:

(i) The MDOI quarterly per diem will be 1/4 of the total funds appropriated for the rate year divided by the Total PA MA days as reported by all qualifying nonpublic nursing facilities.

(ii) Each qualified nonpublic nursing facility's quarterly MDOI payment will be the quarterly per diem multiplied by a nonpublic nursing facility's Total PA MA days.

The MDOI payments for each quarter of the rate year will be paid in the following quarter. The Department will not retroactively revise an MDOI payment amount based on a nursing facility's late submission or revision of its report related to the previously listed dates. The Department may recoup payments based on an audit of a nursing facility's report.

The Department will submit a Medicaid State Plan Amendment (SPA) to the Centers for Medicare and Medicaid Services (CMS). If the CMS approves the SPA, the Department will have the authority to make MDOI payments to nonpublic nursing facilities for FY 2014-2015.

Fiscal Impact

The fiscal impact of this change is estimated at \$16.604 million (\$8 million in State funds) for FY 2014-2015.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P. O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using 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-898. (1) General Fund; (2) Implementing Year 2014-15 is \$8,000,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$0; (4) 2013-14 Program—\$820,409,000; 2012-13 Program—\$770,903,000; 2011-12 Program—\$737,356,000; (7) MA—Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 14-1931. Filed for public inspection September 12, 2014, 9:00 a.m.]

Preventable Serious Adverse Events in Nonpublic and County Nursing Facilities

The purpose of this notice is to announce the issuance of the following final bulletin by the Department of Public Welfare (Department) under section 4(d) of the Preventable Serious Adverse Events Act (Act 1) (35 P. S. § 449.94(d)). In addition, the Department intends to amend its methods and standards for payment of Medical Assistance (MA) to nonpublic and county nursing facilities for preventable serious adverse events (PSAE) beginning October 1, 2014.

Background

The Department announced its intent to issue a bulletin addressing PSAEs in nonpublic and county nursing facilities at 40 Pa.B. 6042 (October 16, 2010). In developing this proposed bulletin, the Department consulted representatives of the nursing facility trade associations, representatives of individual nursing facilities and the Long-Term Care Delivery System Subcommittee of the Medical Assistance Advisory Committee (LTC Subcommittee). There were 35 commentator responses to the proposed bulletin during the 30-day public comment period.

Subsequent to the publication of the proposed bulletin, the Centers for Medicare and Medicaid Services (CMS) published a final rule at 76 FR 32816 (June 6, 2011) that included, among other things, the addition of 42 CFR 447.26 (relating to prohibition on payment for provider-preventable conditions). This new Federal regulation requires that no MA will be paid for provider-preventable conditions (PPC) as defined in 42 CFR 447.26. The PPCs are divided into two parts, health care-acquired conditions and other provider-preventable conditions (OPPCs). OPPCs apply to nursing facilities. The three mandatory OPPCs (wrong surgical or other invasive procedure performed on a patient; surgical or other invasive procedure performed on the wrong body part; surgical or other invasive procedure performed on the wrong patient) are included in the Commonwealth's currently approved State Plan effective July 1, 2011. The State Plan will be amended so that nonpublic and county nursing facility payment policies and procedures for the three mandatory OPPCs align with the PSAEs for nonpublic and county nursing facilities. All other PSAE events listed in Appendix A will be considered "additional OPPCs" for nonpublic and county nursing facilities under the Commonwealth's State Plan.

In addition, the Department met with the nursing facility trade associations again in 2012, 2013 and 2014 for further discussion and review and comment on the final bulletin. The Department considered those comments and Federal regulations in developing the following final bulletin.

Public Comment—Discussion of Comments and Major Changes

Following is a summary of the major comments received within the public comment period following publication of the proposed bulletin and the Department's response to those comments.

PSAEs—Criteria

Numerous commentators contended that the definition and criteria of a PSAE is broad and subjective and determining if an event is a PSAE is not a task that will be easily accomplished. Commentators requested the Department provide specific examples of PSAEs like the screening codes, ICD-9 and E-codes, found in MA Bulletin

01-07-11, Preventable Serious Adverse Events, which addresses PSAEs in acute care hospitals. In addition, several commentators questioned what constitutes a system failure and what is within the control of a nursing facility.

Response

An event qualifies as a PSAE if it was preventable, serious, within the control of the nursing facility and a result of an error or other system failure within the nursing facility. Each nursing facility has policies and procedures in place to assure appropriate resident treatment and safety based on Nationally accepted standards of care, such as The Joint Commission, the National Quality Forum, the Centers for Disease Control and Prevention (CDC) and the CMS. The nursing facility is responsible for the development, review and revision of individual resident care plans and for the actions of staff. If an event occurs, because of a breakdown in the nursing facility's policies or procedures or because the nursing facility fails to follow the individual resident's care plan while providing care for the resident, this would constitute a system failure.

Hospitals are very dependent on Diagnosis Related Groups and ICD-9 codes for billing. E-codes permit the classification of environmental events, circumstances and conditions as the cause of injury, poisoning and other adverse effects. The specificity required for hospitals made defining their PSAEs by code easier. Nursing facilities, however, are not required to use ICD-9 codes and E-codes as extensively. For any incident or accident, the nursing facility is required to investigate the circumstances internally for the Quality Assurance process. For instance, if a resident is given insulin intended for the roommate with resultant unconsciousness and hospitalization, the event may be a PSAE, but no code would be used by a nursing facility.

PSAEs—Events

The Department received numerous comments inquiring if a particular event listed in Appendix A in a specific set of circumstances would be considered a PSAE. In addition, commentators asked for certain events to be eliminated or modified in Appendix A, as some stated that these events may be unpreventable even under the best of circumstances and when given proper medical care. Others asked for further clarification of the events listed. In addition, a commentator stated that Act 1 is one in a series of similar legislation that affect patient safety and provider accountability and recommended that the PSAE list be combed to eliminate redundant reviews covered under the act of July 20, 2007 (P. L. 331, No. 52), regarding health care-associated infections, and other legislation. Also, a few commentators asked if certain events were on the list of PSAEs for hospitals. Another commentator requested that when the National Quality Forum serious reportable events (SRE) in health care list is updated that the Department consider reconvening the stakeholder workgroup to compare the National Quality Forum SREs list to the Department's PSAE list for nursing facilities and modify as deemed appropriate.

Response

The Department recognizes that not every event listed in Appendix A will be a PSAE. The Department cannot list every possible set of circumstances that would result in an event being a PSAE. The Department will consider if the event listed in Appendix A was: (1) preventable; (2) serious; (3) within the control of the nursing facility; and (4) a result of an error or other system failure within the nursing facility.

All four of these criteria must be met for the event to be considered a PSAE. The list of PSAEs was developed in accordance with the requirements of Act 1. The Department will consult with representatives of the nursing facility trade associations, representatives of individual nursing facilities and the LTC Subcommittee and provide a 30-day public comment period prior to any future modifications to the list of events.

After considering all the viewpoints, the National Quality Forum SREs list as of November 4, 2013, and in consultation with a panel of physicians representing the Department, the LTC Subcommittee, the Pennsylvania Health Care Association and the Pennsylvania Association of County Affiliated Homes, Appendix A has been modified with major changes as follows:

The following events were deleted from the proposed PSAE events list:

- Under Surgical Events, (1)(D) Unintended retention of a foreign object in a resident after surgery or other procedure.
- Under Care Management Events:
 - o (4)(B) Severe allergic reaction.
 - o (4)(C) A hemolytic reaction due to the administration of ABO/HLA-incompatible blood or blood products.
 - o (4)(E) Catheter-associated Urinary Tract Infection.
 - o (4)(F) An event related to spinal manipulative therapy.
 - o (4)(G) Vascular catheter-associated infection.
 - o (4)(H) An event related to hyper- or hypoglycemia (Diabetic ketoacidosis, Nonketotic hyperosmolar coma, Diabetic coma, Hypoglycemic coma) the onset of which occurs while the resident is being cared for in a nursing facility.
- Under Environmental Events, (5)(B), An event related to a fall (fractures/dislocations/intracranial injuries/crush injuries/burns) while being cared for in a nursing facility.

The following event was added under Care Management Events—"resident death or serious injury resulting from failure to follow up or communicate laboratory, pathology, or radiology test results."

The Department also made several modifications to the events list. The surgical events were modified to mirror the Federal regulation in 42 CFR 447.26(b)(v). The Department also added "resident death or serious injury" at the beginning of most events.

Under Patient Protection Events relating to suicide, the Department added "or self-harm that results in serious injury" and relating to elopement deleted "for more than four hours" for a disappearance. Under Care Management Events relating to ulcers, the Department added "any preventable" before Stage 3, "unstageable" before pressure ulcers and "/presentation" after "admission."

Under Environmental Events, relating to oxygen or other gas delivered to a patient, the Department added "no gas" to the list and relating to restraints added "physical" before restraints.

Under Potential Criminal Events the following changes were made: for the event relating to sexual assault added "abuse/" before "assault" and "within or on the grounds of a nursing facility" after "resident" and for the event

relating to physical assault added "within or on the grounds of a nursing facility" after "battery."

The scope of this bulletin does not include hospitals. Two MA Bulletins (01-07-11, Preventable Serious Adverse Events and 01-08-11, Preventable Serious Adverse Events) were issued for hospitals on January 14, 2008, and November 26, 2008. Another MA Bulletin (01-12-30, Provider Preventable Conditions) was issued for multiple providers including hospitals on June 15, 2012. These MA Bulletins are available on the Department's web site at <http://www.dpw.state.pa.us/publications/bulletinsearch/index.htm>.

Identification and Review of a PSAE and Services Required to Correct or Treat a PSAE—Appeals

A commentator questioned how the Bureau of Hearings and Appeals (BHA) will interact with the Department regarding decision processes and how many appeals are anticipated. Two commentators asked what the time frame is for filing an appeal. Another commentator recommended the Department better define the review and adjudication process that will be followed in addressing alleged violations.

Response

The Department will include appeal information in the final notification letter likewise found within nursing facility audit and rate letters. If the nursing facility does not agree with the Department's determination, the nursing facility may appeal to the BHA under 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures). The appeal must be filed within 33 days of the date of the final notification letter. The Department anticipates the number of confirmed PSAEs to be minimal; therefore, costs and the number of appeals should also be minimal.

Identification and Review of a PSAE and Services Required to Correct or Treat a PSAE—Existing Departmental Reviews

One commentator stated that it is unclear when claims reviews, utilization management reviews and Department integrity reviews will occur. Another commentator contended that the bulletin duplicates some of the utilization medical reviews of the resident assessments submitted by each nursing facility.

Response

This bulletin does not change the routine of these existing reviews. Further, PSAE reviews will not duplicate reviews completed by staff in the Division of Nursing Facility Field Operations. They may coincidentally review the same resident record; however, the review criteria are different. When Field Operations reviews a resident assessment, they are looking to see if the documentation in the resident's clinical record supports the Minimum Data Set (MDS) item response. When the PSAE team reviews a record, they will be looking to see if an adverse event is a PSAE. On occasion, Field Operations has made a referral to the Department of Health (DOH) or the Ombudsman regarding quality care issues (for example, suspected abuse) after discussion with the nursing facility.

Identification and Review of a PSAE and Services Required to Correct or Treat a PSAE—Reporting

Commentators stated that the method to report a PSAE is not identified. Another commentator questioned if PSAE reporting should apply for a resident in a nursing

facility whose care is being paid for by private pay, Medicare or other third-party payment.

Response

Instructions for reporting a PSAE will be posted on the Department's web site at <http://www.dpw.state.pa.us/provider/doingbusinesswithdpw/longtermcarecasemixinformation/index.htm>. PSAE reporting applies to any resident receiving MA.

Identification and Review of a PSAE and Services Required to Correct or Treat a PSAE—Residents' Rights

Commentators asserted that the bulletin fails to recognize that residents often make choices that are not in their best interest medically, including the right to refuse professional intervention.

Response

The Department agrees that residents have rights and can make their own choices assuming they have decision making capacity; thus, nursing facilities should ensure that residents' decisions are documented on their care plans in the event a PSAE review occurs.

Identification and Review of a PSAE and Services Required to Correct or Treat a PSAE—Review Determination Process

A few commentators recommended that the review process be included as an appendix to the PSAE bulletin. One commentator asserted that facilities should have the ability to discuss Department findings before a final determination is rendered. A commentator asked who is responsible when determining that an event qualifies as a PSAE, whether it is done by a person, committee, panel or physician. Another commentator suggested the Department have an arbitrary panel of geriatricians review PSAEs, because from a provider's perspective, a Medical Director hired by the Commonwealth may be in conflict with the overall determination.

Response

The nursing facility's representative will have an opportunity to discuss the initial findings with the Department before a final notification letter is sent as referenced in the PSAE review and determination process posted on the Department's web site at <http://www.dpw.state.pa.us/provider/doingbusinesswithdpw/longtermcarecasemixinformation/index.htm>. All potential PSAEs will be investigated by a panel of physicians to include a review of the resident's care plans and whether the established care plans were followed. The Department will review events from a quality control perspective, as a result of care protocols including those supported by The Joint Commission, the National Quality Forum, the CDC and the CMS. The PSAE review process will be posted on the Department's web site. The Department will notify all nursing facilities when revisions to the review process have been posted on its web site. As with other instances regarding an audit, review or survey, a provider may appeal if the provider does not agree with the Department's determination.

Claims—Bed Hold

One commentator requested clarification on whether the bed hold requirement is 15 days or if it is held indefinitely if a PSAE occurs. Another commentator asked how the bed hold calculations would be impacted.

Response

The hospital bed hold requirement is 15 days per hospitalization whether a PSAE is identified or not. In

accordance with 55 Pa. Code § 1187.104(b)(1)(i) (relating to limitations on payment for reserved beds), a resident receiving nursing facility services is eligible for a maximum of 15 consecutive reserved bed days per hospitalization. The final bulletin does not infringe on the bed hold occupancy percentage calculation.

Claims—Billing

The Department received numerous comments about billing procedures and billing questions for a specific set of circumstances. Commentators questioned submissions and processing in PROMISE, computer programming changes, billing to Medicare and Medicaid, billing after a hospital stay, services for a PSAE and comorbidity, Case Mix Index (CMI) changes, MA-11 reporting requirements and the procedures for resident assessments. Several commentators recommended that the Department include billing procedures in the final bulletin or post the procedures on the Department's web site. A few commentators expressed concerns with Medicaid rates not being current and the potential for incorrect billing.

Response

The Department will post billing instructions on its web site at <http://www.dpw.state.pa.us/provider/doingbusinesswithdpw/longtermcarecasemixinformation/index.htm> pertaining to submission of claims relating to PSAEs and claims relating to services to correct or treat a PSAE as referenced in the final bulletin. Section 2 of the final bulletin (relating to guidelines: claims relating to PSAEs and to services to correct or treat the PSAE) provides minimum claims guidelines for compliance with Act 1. For example, a claim may not be submitted for a PSAE involving an MA resident and if a claim is incorrectly billed, a claim adjustment may be processed by the Department. In addition, the day of the event and hospital reserve bed days related to a PSAE shall be recorded as a private pay and other day for purposes of Pennsylvania's Nursing Facility Assessment Program and as a noncovered day or days on the resident census. Also, exceptional durable medical equipment costs related to a PSAE shall be reported as nonallowable costs on the cost report. The Department does not anticipate that any computer programming changes related to the billing process will be necessary for nursing facility providers or the Department. In addition, the requirements for submitting a resident assessment have not changed.

Claims—Eligibility

A commentator asked whether the bulletin is strictly for Medicaid residents or if it pertains to Medicare dual eligible and managed care providers as well. Some commentators asked how the county nursing facilities and State veterans homes would adjust the resident care portion of their rate since their rates are calculated differently than the nonpublic nursing facilities.

Response

This bulletin only applies to MA residents, including MA managed care and dual eligibles, within general, hospital-based, special rehabilitation and county nursing facilities.

In addition, the final bulletin does not direct a nursing facility to adjust the resident care portion of the MA per diem rate related to a PSAE or for services to correct or treat a PSAE.

Claims—Estimate

A commentator asked for an estimate of the number of PSAE claims expected within the first few years of implementation.

Response

The Department anticipates the number of confirmed PSAEs to be minimal, but currently cannot provide future projections on PSAE claims.

Claims—Payment Reduction

A commentator supported the proposed provision that only the resident care portion of the MA payment will be affected rather than the full per diem amount. In time, the commentator hopes that this approach may be refined for determining what a facility should or should not be paid. A commentator also recommended PSAEs fall under the process similar to the imposition of a civil monetary penalty or overpayment recoupment. As a result, it would keep the process simple, avoids costly computer programming for either the provider or the Commonwealth and avoids patient day reconciliation issues on audits.

Response

The Department agrees and will continue discussions with the nursing facility trade associations looking for opportunities to improve the methodology. Under section 3 of Act 1 (35 P. S. § 449.93), a health care provider may not knowingly seek payment from a health payor or patient for a PSAE or any services required to correct or treat the problem created by a PSAE. In addition, 42 CFR 447.26 also directs the payment policy for PPCs which impacts OPPCs and PSAEs. No MA will be paid for PPCs. The final bulletin reflects significant changes to the guidelines related to claims thus simplifying the process for PSAE-related claims. Also, the Department does not anticipate any computer programming changes related to the billing process will be necessary for nursing facility providers or the Department. In addition, the final bulletin does not change the requirements for reporting patient days on the cost report.

Claims—Refunds by Provider

Several commentators claimed that 30 days is not sufficient time to resolve and administer PSAE refunds, both for the provider and the Department. One commentator asserted that it is unfair to require a facility to refund money prior to a PSAE review process. Another commentator contended that the Department is holding providers to a higher than reasonable standard and asked whether there are additional penalty provisions when at first an incident does not qualify as a PSAE, but then at a later date the Department cites the event as a PSAE.

Response

The Department disagrees. Once a nursing facility concludes that a PSAE has occurred, section 3(b) of Act 1 requires that payment shall be refunded within 30 days of discovery or receipt of payment for a PSAE or services to correct or treat a PSAE, whichever is later. The bulletin does not increase standards for quality nursing home care and does not address any additional penalty provisions.

Claims—Refunds by the Department

A commentator requested a retrospective reimbursement within 15 days if the Department determines the PSAE did not occur. Another commentator stated that the timing of reimbursement payments is unclear.

Response

Retrospective reimbursements will be processed when the nursing facility submits a claim adjustment. The usual time frame for the processing of claim adjustments is 30 days.

Duration of Payment—Clinical Reviews and Redetermination

Several commentators stated that nursing facilities should be allowed to request a clinical review any time it is necessary, instead of every 90 days. The commentators asked for more flexibility and requested a clinical review be permitted whenever the facility's Medical Director or the resident's attending physician determines that the resident's condition warrants a clinical review. A commentator stated that if a resident's higher CMI is no longer due to the PSAE, the payment restriction should be retroactive to the date of the facility's written request for a clinical review. Another commentator questioned how the Department will determine if the post-PSAE score is attributable to reasons other than the PSAE and if the facility will be reimbursed at a higher rate if the resident's health condition is not related to a PSAE. One commentator contended that trying to figure out decline, preventable or not, is extremely difficult to determine as it is a normal part of the aging trajectory. A commentator asked if an algorithm exists for determining a significant change on the MDS. One commentator requested the Department clarify the standards to be used to identify the duration for which the facility will see a reduction in payment for the event.

Response

After careful consideration of the comments and further discussion with the nursing facility trade associations, the Department made significant changes to the bulletin, including deleting section 2(b)(v) in the proposed bulletin (relating to duration of payment restrictions). Section 2(b) in the final bulletin (relating to claims relating to services to correct or treat a PSAE) provides minimum guidelines for purposes of determining the value of claims relating to services to correct or treat problems caused by the PSAE.

Duration of Payment—Payment Standards

Some commentators stated the duration of payment standards for nursing facilities are inconsistent with those of acute care hospitals, as acute care hospitals are not penalized beyond the time period of the PSAE or the treatment of the PSAE. One commentator requested clarification regarding the time limit for a review. A few commentators asked the Department to identify the duration for which the facility will see a reduction in payment and suggested changing the time limit from using its best efforts to complete the process within 30 days to no longer than 30 days, while another commentator believes the 30-day process is too long.

Response

The Department agrees that circumstances relating to a PSAE in an acute care hospital are significantly different than in a nursing facility regarding payment and rate setting; therefore, the bulletin reflects this difference.

Further, as mentioned previously, the Department made significant changes to the bulletin, including deleting section 2(b)(v) in the proposed bulletin (relating to duration of payment restrictions). Section 2(b) in the final bulletin provides minimum guidelines for purposes of determining the value of claims relating to services to correct or treat problems caused by the PSAE.

Fiscal Impact

One commentator asked if any cost analysis data was completed to determine whether there is a fiscal impact. Several commentators also remarked that the bulletin indicates no fiscal impact to the Commonwealth, but

believe there will be resulting from added care staff, appeals, education, trainings and meetings. Commentators are also concerned that there will be a financial burden due to an increase in administrative costs to comply with the requirement to not “knowingly seek payment for a PSAE, or for any services required to correct or treat a PSAE,” as well as for the additional requirement to recalculate Resource Utilization Group (RUG) scores after the PSAE or if hospitalized.

Response

The provisions of this bulletin should not increase the nursing facility’s staff time. Participating nursing facilities are required to address quality assessments and assurances as an established requirement of participation in the MA Program. The Department is authorized to request and review medical and fiscal records, including a facility’s policies and procedures, under 55 Pa. Code §§ 1101.71 and 1187.22(9) (relating to utilization control; and ongoing responsibilities of nursing facilities), section 1402(b) of the Public Welfare Code (62 P. S. § 1402(b)) and 42 CFR Part 483 (relating to requirements for states and long term care facilities). The DOH licensure regulations also include provisions for quality assurance and patient safety. In addition, section 3 of Act 1 directs the payment policy for PSAEs. A health care provider may not knowingly seek payment from a health payor or patient for a PSAE or any services required to correct or treat the problem created by a PSAE. See section 3(a) of Act 1. The bulletin does not require any additional resident assessment requirements or the recalculation of the RUG scores.

Department functions related to PSAEs will be handled by the existing staff complement.

General—Care Protocols and Policies

One commentator recommended the Department develop a list of care protocols and policies, create a list of best practices and make the information available to nursing facility providers to help minimize potential PSAEs.

Response

The nursing facility is responsible for developing a care plan that is appropriate for the resident’s conditions and needs and reflects the resident’s choices regarding their care. For example, the Resident Assessment Instrument (RAI) manual contains care protocols and current practices and is available on the CMS’s web site at <http://www.cms.gov/Medicare/Quality-Initiatives-Patient-Assessment-Instruments/NursingHomeQualityInits/MDS30RAIManual.html>. The RAI manual is currently used by nursing facilities to assist with the development of policies and procedures that assure appropriate resident treatment and safety. A nursing facility is responsible to determine the root cause and review their protocols, processes, policies and procedures and revise as necessary to prevent recurrences if there is an incident, accident or event involving a resident. As a courtesy, references pertaining to care protocols and current practices that can be used to assist nursing facilities with the development of policies and procedures will be posted on the Department’s web site at <http://www.dpw.state.pa.us/provider/doingbusinesswithdpw/longtermcarecasemixinformation/index.htm>.

General—Compliance

Commentators expressed concerns over compliance with the Health Insurance Portability and Accountability Act (HIPAA) and corporate compliance regulations during the review process.

Response

The Department issued the PSAE bulletin in accordance with Act 1. The bulletin does not infringe on HIPAA provisions or jeopardize compliance with HIPAA requirements and compliance with Federal participation requirements.

General—Resident Outcomes

A commentator contested that the proposed PSAE bulletin does not focus on improved resident outcomes, but instead towards more unnecessary paperwork.

Response

In an effort to improve quality of care, Act 1 was enacted on June 10, 2009. Act 1 directed the Department to issue a PSAE bulletin for nursing facilities, which was developed in accordance with this act. See section 4 of Act 1.

The final bulletin includes a list of events, based on those adopted by the National Quality Forum, which occur in a health care facility and are within the health care provider’s control to avoid. If a PSAE occurs, nursing facilities should take appropriate actions when there is an incident, accident or event involving a resident. The facility should determine the root cause of the event and review their protocols, processes, policies and procedures and revise as necessary to prevent recurrences. The Department expects the number of PSAEs to be minimal; however, if a potential PSAE is identified, paperwork is a necessity for the review and determination process. Under 55 Pa. Code §§ 1101.71 and 1187.22(9), section 1402(b) of the Public Welfare Code and 42 CFR Part 483, the Department is authorized to request and review medical and fiscal records, including policies and procedures, from the facility.

General—Litigations and Consequences

Commentators asserted that PSAEs will put a burden on facilities, expose them to lawsuits and create a time-consuming process. Another commentator asked if the information requested will be used for any consequences or targeting.

Response

Under section 3(d) of Act 1, “Any information provided to any health payor or health care provider, in compliance with subsections (b) and (c), shall not be discoverable or admissible in any civil or administrative action related to the act of March 20, 2002 (P. L. 154, No. 13), known as the Medical Care Availability and Reduction of Error (Mcare) Act.”

General—Services to MA Residents

A few commentators questioned whether these new procedures contain flaws that jeopardize services to MA individuals and seniors, potentially inhibiting their access to long-term care. In addition, several commentators expressed concern that consumers may be denied access to care because of their likelihood to develop an event. Another commentator suggested that there may be costs to consumers as a result of the bulletin. One commentator claimed their costs will soar because hospitals will not be able to find placement for residents with histories of falls, infections and wounds. A commentator contended that the Department needs to deal with problem facilities directly. Another commentator asserted that the bulletin is being used to penalize facilities and not as an enhancement to quality.

Response

The Department disagrees. Under section 4 of Act 1, the Department is required to issue a PSAE bulletin for

nursing facilities that specifies PSAEs. The bulletin does not specifically direct or recommend any preclusion for admission and does not affect access decisions by nursing facilities. In addition, the event must meet all four PSAE criteria. The Department will review the records of the nursing facility to determine if the event was preventable, serious, within the control of the nursing facility and a result of an error or other system failure within the nursing facility.

General—Stakeholder Guidance

Commentators suggested that further reviews and additional meetings be held to stay in constant communication, to share data related to retrospective reviews and screening methodologies and to fully incorporate the stakeholders' suggestions because opportunities were missed relating to such issues as billing, quality assurance, collaborative effort, Appendix A and self-reporting, among others.

Response

The Department agrees it is important to be transparent with its stakeholders. The Department held numerous meetings with stakeholders regarding the proposed bulletin and has carefully considered all public comments received in response to the proposed bulletin. The Department will continue to review the National Quality Forum list to determine if the bulletin should be revised. Before making any PSAE modifications, the Department will consult with representatives of the nursing facility trade associations, representatives of individual nursing facilities and the LTC Subcommittee. Further, under section 7(c) of Act 1 (35 P. S. § 449.97(c)), any modifications to the bulletin require a 30-day comment period. The Department intends to monitor the program and share data as appropriate with both providers and the nursing facility trade associations by means of the LTC Subcommittee.

General—Training

Several commentators requested that the Department provide education and technical training to providers. A commentator stated that most nurses do not have the training or desire to understand Medicaid and CMI, but instead are focused on communication and resident needs. Other commentators stated the importance of allocating a sufficient implementation time frame. Also, commentators questioned the costs associated with training.

Response

The Department will provide training and a provider hotline is available at (800) 932-0939 for technical assistance. Training information will be e-mailed to nonpublic and county nursing facility providers by the Bureau of Quality and Provider Management. Further, the DOH licensure regulations include provisions for quality assurance and patient safety.

Fiscal Impact

There is no cost to MA recipients as a result of this bulletin. The costs associated with this bulletin apply to MA nursing facility providers. The fiscal impact is specific to the PSAE within a specific MA nursing facility. The nursing facility will not be paid for the PSAE or for services required to correct or treat the problem created by a PSAE.

Effective Date

This final bulletin is effective October 1, 2014, and is contingent upon approval of a related State Plan Amendment by the CMS.

Public Comment

Interested persons are invited to submit written comments regarding this bulletin to the Department of Public Welfare, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P. O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the bulletin.

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-896. No fiscal impact; (8) recommends adoption.

FINAL PSAE BULLETIN

SUBJECT

Preventable Serious Adverse Events in Nonpublic and County Nursing Facilities

PURPOSE

The purpose of this bulletin is to identify Preventable Serious Adverse Events (PSAEs) for nursing facilities that are enrolled in the Medical Assistance (MA) Program and to notify those facilities how they may fulfill the obligations not to knowingly seek payment from the MA Program for PSAEs or for services required to correct or treat PSAEs.

SCOPE

This bulletin applies to MA-enrolled county and nonpublic (including hospital-based and special rehabilitation) nursing facilities.

BACKGROUND/INTRODUCTION

In 2009, the General Assembly enacted legislation that imposed payment restrictions on health care providers when a PSAE occurs. See Act of June 10, 2009 (P. L. 1, No. 1), codified at 35 P. S. §§ 449.91—449.97 (Act 1). As a general principle, a health care provider may not knowingly seek payment from a health payor or from a patient for a PSAE or for any corrective services. 35 P. S. § 449.93(a). Additionally, if the health care provider unknowingly seeks payment for the PSAE or for any corrective services and, later, discovers the issue, then the provider is further obligated to notify the health payor or patient and to pay a refund. 35 P. S. § 449.93(c). The phrase "health payor" includes the MA Program. With respect to the MA Program specifically, Act 1 directs the Department of Public Welfare ("the Department") to issue a bulletin that contains a list of PSAEs for nursing facilities. 35 P. S. §§ 449.94(a) and 449.97(g).

Subsequent to the codification of Act 1, the Centers for Medicare and Medicaid Services (CMS) published a final rule at 76 FR 32816 (June 6, 2011) that includes, among other things, the addition of 42 CFR § 447.26 (relating to prohibition on payment for provider-preventable conditions). These new Federal regulations require that no Medical Assistance will be paid for "provider-preventable conditions" (PPCs) as defined in 42 CFR § 447.26. The PPCs are divided into two parts, health care-acquired conditions and other provider-preventable conditions (OPPCs). OPPCs apply to nursing facilities. The three mandatory OPPCs (wrong surgical or other invasive procedure performed on a patient; surgical or other invasive procedure performed on the wrong body part; surgical or other

invasive procedure performed on the wrong patient) are included in the Commonwealth's currently approved State Plan effective July 1, 2011. The State Plan will be amended so that all other PSAE events listed in Appendix A will be considered additional OPPCs for nonpublic and county nursing facilities for purposes of the Commonwealth's State Plan.

This bulletin sets forth guidance for purposes of nursing facility compliance with Act 1 and 42 CFR § 447.26 as it relates to the MA Program. If an MA-enrolled nursing facility follows the guidelines in this bulletin, then the Department will consider the MA-enrolled nursing facility as having met its obligations to the Department under Act 1. However, the nursing facility should not construe satisfactions of the guidelines as compliance with other requirements under Act 1 or any other law.

PSAEs

The events listed in Appendix A qualify as a PSAE if all of the following criteria are satisfied:

1. The event was preventable. To be preventable, the event could have been anticipated and prepared for, but, nonetheless, occurred because of an error or other system failure.
2. The event was serious. The event is serious if the event subsequently results in death or loss of body part, disfigurement, disability or loss of bodily function lasting more than 7 days or still present at the time of discharge from a nursing facility.
3. The event was within the control of the nursing facility. Control means that the nursing facility had the power to avoid the error or other system failure.
4. The event occurred as a result of an error or other system failure within the nursing facility.

The Department may modify both the list of PSAEs identified in Appendix A and its payment policies and procedures in the future subject to receiving an approved State Plan Amendment. Before making any modification to the PSAEs, the Department will consult with representatives of the nursing facility trade associations, representatives of individual nursing facilities, and the Long-Term Care Delivery System Subcommittee of the Medical Assistance Advisory Committee. The Department will also provide for a 30-day public comment period.

COMPLIANCE WITH ACT 1:

1. Identification and Review of a PSAE and of the Services Required to Correct or Treat a PSAE

a. Responsibilities of the Nursing Facility

As a general principle, a health care provider may not knowingly seek payment from a health payor or from a patient for a PSAE or for any corrective services. 35 P. S. § 449.93(a). Therefore, whenever an event listed in Appendix A occurs in a nursing facility, the nursing facility must independently determine whether the event satisfies the PSAE criteria specified above and whether it has complied with the requirements of Act 1.

If the nursing facility concludes that the event constitutes a PSAE, the nursing facility may not submit a claim for payment of services associated with the PSAE or for payment of any services required to correct or treat the PSAE.

If the nursing facility discovers that payment has unknowingly been sought for a PSAE or for services required to correct or treat problems created by the PSAE, then the nursing facility shall immediately notify

the MA Program. Information relating to such reports can be found on the Department's website.

In the event that the nursing facility received payment for the PSAE or for any services that were required to correct or treat the problems created by the PSAE, then the nursing facility shall refund any payment received within 30 days of discovery or receipt of payment, whichever is later.

b. Authority of the Department

The Department may identify potential PSAEs or the services required to correct or treat PSAEs and seek recovery of money through its existing claims review process, its utilization management review process, or its program integrity review process. See 55 Pa. Code §§ 1101.71, 1101.77 and 1101.83 (relating to utilization control; enforcement actions by the Department; and restitution and repayment).

With both facility-reported PSAEs and Department-identified PSAEs, the Department will determine whether the event meets the criteria of a PSAE and whether the guidelines of the bulletin have been satisfied.

In the event the Department initiates a review of an event, the Department will notify the nursing facility, in writing, that it has initiated its review. As part of its review, the Department may request medical and fiscal records, including policies and procedures, from the facility concerning the resident or the event, or both. Based on its review, the Department may recover or adjust MA payments or return money already refunded by the nursing facility. The Department's review process, including how the Department's physicians will be involved in the case review and the opportunities that a nursing facility's designated staff will have to interact with the Department through the review process is available on the Department's website at <http://www.dpw.state.pa.us/provider/doingbusinesswithdpw/longtermcarecasemixinformation/index.htm>.

The Department will send a written notice of its determination to the nursing facility. In the event of an adverse determination, the Department's notice to the nursing facility will outline the reasons for the determination and whether the Department will recover or adjust MA payments. If the nursing facility does not agree with the Department's determination, the nursing facility may appeal to the Bureau of Hearings and Appeals under 55 Pa. Code Chapter 41 (relating to medical assistance provider appeal procedures).

2. Guidelines: Claims Relating to PSAEs and to Services to Correct or Treat the PSAE

The Department pays MA-enrolled nursing facilities for services provided to MA-eligible persons through a prospective per diem rate and other additional payments (for example, allowable cost payment related to Pennsylvania's Nursing Facility Assessment Program and supplemental payments in accordance with the Commonwealth's Medicaid State Plan). In the context of this payment system, the Department sets forth the following minimum claims guidelines for compliance with Act 1.

a. Claims relating to PSAEs

In those instances where a PSAE occurs, the nursing facility may not submit a claim for payment of the MA per diem rate for the day of the event and shall record the day as a non-covered day on the resident census. In addition, the nursing facility shall record the day of the event as a private pay and other day on the quarterly Resident Day Reporting Form (RDR Form) related to

Pennsylvania's Nursing Facility Assessment Program. Further, the nursing facility shall not seek payment from any other payor source, including the resident, for the day of the event.

b. Claims Relating to Services to Correct or Treat a PSAE

For purposes of determining the value of claims relating to services to correct or treat problems caused by the PSAE, the nursing facility must satisfy the following minimum guidelines:

i. Hospital Reserve Bed Days

If the resident is transferred to a hospital or other institution as a result of the PSAE, then the nursing facility may not submit a claim to the Department, or otherwise receive payment, to reserve the resident's nursing facility bed during the resident's absence (the nursing facility remains obligated to reserve the bed in accordance with Federal and State Medicaid participation requirements). The nursing facility shall record any PSAE-related hospital reserve bed days as non-covered days on the resident census. In addition, the nursing facility shall record those days as private pay and other days on the quarterly Resident Day Reporting Form (RDR Form) related to Pennsylvania's Nursing Facility Assessment Program.

ii. Durable Medical Equipment

In any circumstance, the nursing facility may not seek any payment through an exceptional durable medical equipment (DME) grant for equipment or services required to correct or treat a problem created by a PSAE. In addition, the nursing facility shall report those exceptional DME costs as nonallowable costs on their cost report.

If an MA-enrolled nursing facility follows the guidelines in this bulletin, the Department will consider the nursing facility as having satisfied its Act 1-related obligations to the Department. Nonetheless, Act 1 specifically directs the health care providers to not knowingly seek payment for PSAEs and for corrective services. Therefore, the nursing facility remains obligated not to seek or to receive payments for the PSAE or for services to correct or treat problems caused by the PSAE, to provide appropriate notice and to refund applicable payments.

Appendix A

Preventable Serious Adverse Events ("PSAEs") for Nursing Facilities Enrolled in the Medical Assistance Program

If an event listed below occurs in a nursing facility, then the event is a PSAE when all of the following criteria are satisfied:

1. The event was preventable. To be preventable, the event could have been anticipated and prepared for, but, nonetheless, occurred because of an error or other system failure.
2. The event was serious. The event is serious if the event subsequently results in death or loss of body part, disfigurement, disability or loss of bodily function lasting more than 7 days or still present at the time of discharge from a nursing facility.
3. The event was within the control of the nursing facility. Control means that the nursing facility had the power to avoid the error or other system failure.
4. The event is the result of an error or other system failure within the nursing facility.

1. Surgical or Invasive Procedure Events
 - A. Wrong surgical or other invasive procedure performed on a patient
 - B. Surgical or other invasive procedure performed on the wrong body part
 - C. Surgical or other invasive procedure performed on the wrong patient
2. Product or Device Events
 - A. Resident death or serious injury associated with the use of contaminated drugs, devices, or biologics provided by the nursing facility
 - B. Resident death or serious injury associated with the use or function of a device in patient care, in which the device is used or functions other than as intended
 - C. Resident death or serious injury associated with intravascular air embolism that occurs while being cared for in a nursing facility
3. Patient Protection Events
 - A. Resident death or serious injury associated with resident elopement (disappearance)
 - B. Resident suicide, attempted suicide, or self-harm that results in serious injury, while being cared for in a nursing facility
4. Care Management Events
 - A. Resident death or serious injury associated with a medication error (such as, errors involving the wrong drug, wrong dose, wrong patient, wrong time, wrong rate, wrong preparation, or wrong route of administration)
 - B. Any preventable Stage 3, Stage 4, and unstageable pressure ulcers acquired after admission/presentation to a nursing facility
 - C. Resident death or serious injury resulting from failure to follow up or communicate laboratory, pathology, or radiology test results
5. Environmental Events
 - A. Resident death or serious injury associated with an electric shock in the course of a patient care process in a nursing facility
 - B. Any incident in which systems designated for oxygen or other gas to be delivered to a patient contains no gas, the wrong gas, or are contaminated by toxic substances
 - C. Resident death or serious injury associated with a burn incurred from any source in the course of a patient care process in a nursing facility
 - D. Resident death or serious injury associated with the use of physical restraints or bedrails while being cared for in a nursing facility
6. Potential Criminal Events
 - A. Any instance of care ordered by or provided by someone impersonating a physician, nurse, pharmacist, or other licensed healthcare provider
 - B. Abduction of a resident of any age
 - C. Sexual abuse/assault on a resident within or on the grounds of a nursing facility
 - D. Death or serious injury of a resident resulting from a physical assault (i.e., battery) that occurs within or on the grounds of a nursing facility

[Pa.B. Doc. No. 14-1932. Filed for public inspection September 12, 2014, 9:00 a.m.]

DEPARTMENT OF STATE

Commonwealth of Pennsylvania, Bureau of Charitable Organizations v. Brecht Forum, Respondent; File No. 14-98-03557; Doc. No. 0003-98-14

Notice to Brecht Forum, Matt Birkhold, Executive Director:

On March 24, 2014, Respondent, Brecht Forum, filed an appeal from a Cease and Desist Order issued by the Secretary of the Commonwealth in the matter captioned: *Commonwealth of Pennsylvania, Bureau of Charitable Organizations v. Brecht Forum*. The Department of State Prothonotary has attempted unsuccessfully to serve a copy of the Notice of Hearing on Respondent at the last registered address on file with the Secretary of the Commonwealth. Therefore, pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, providing for service of process upon you by publication.

Notice

Please take notice that a hearing will be conducted before Hearing Examiner Marc A. Moyer, Esquire, at 9:30 a.m. on October 17, 2014 at 2601 N. Third Street, One Penn Center, Harrisburg, PA 17110.

The hearing will be conducted in accordance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1—35.251. You have the right and opportunity to appear in person at the hearing, to be represented by an attorney, and to have an interpreter provided should you request it. A request for an interpreter shall be made in writing no later than 20 days prior to the hearing and shall specify the language required.

Requests for continuance of hearings shall be in writing, timely filed, stating the facts on which the application rests and whether the other participants agree or disagree. Requests for continuance should be made no later than 10 days prior to the hearing except in emer-

gency circumstances. No request for continuance will be granted except for good cause shown. All motions or requests shall be filed with the Prothonotary, P. O. Box 2649, Harrisburg, PA 17105-2649.

CAROL AICHELE,
Secretary

[Pa.B. Doc. No. 14-1933. Filed for public inspection September 12, 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 the property available for sale by the Department.

Athens Township, Bradford County. Location of property—approximately 0.7 mile north of SR 220/SR 4014 intersection and ± 200 feet east of the SR 220 cartway. The parcel contains 1.34 acres of unimproved land. The estimated fair market value is \$3,000.

Interested public agencies are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Jeffrey M. Wenner, R/W Administrator, Department of Transportation, P. O. Box 218, Montoursville, PA 17754.

BARRY J. SCHOCH, PE,
Secretary

[Pa.B. Doc. No. 14-1934. Filed for public inspection September 12, 2014, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the dates noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from the web site at www.irrc.state.pa.us.

<i>Final Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
#125-170	Pennsylvania Gaming Control Board Table Games Rules of Play	8/26/14	10/9/14
#16A-6807	State Board of Examiners in Speech-Language and Hearing Continuing Education	8/27/14	10/9/14
<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Resubmitted</i>	<i>Public Meeting</i>
#16A-4937	State Board of Medicine Genetic Counselors	8/29/14	9/18/14

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Tolled/Resubmitted</i>	<i>Public Meeting</i>
#7-480	Environmental Quality Board Regulated Medical and Chemotherapeutic Waste	8/29/14	9/18/14

JOHN F. MIZNER, Esq.,
Chairperson

[Pa.B. Doc. No. 14-1935. Filed for public inspection September 12, 2014, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; John Albert Funari, Jr.; Doc. No. SC14-01-005

Notice is hereby given of the Order to Show Cause issued on July 3, 2014, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: section 6(a)(5), (12) and (13) of the act of December 20, 1983 (P. L. 260, No. 72) (63 P. S. § 1606(a)(5), (12) and (13)).

Respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If the respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 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) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

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 Fleischauer, Agency ADA Coordinator at (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-1936. Filed for public inspection September 12, 2014, 9:00 a.m.]

Application and Request for Plan Approval of a Mutual-to-Stock Conversion and Subsequent Acquisition of Control

Saucon Mutual Insurance Company (Saucon), a Pennsylvania domiciled mutual property insurance company, submitted a plan of conversion which provides for conversion from a mutual property insurance company to a stock property insurance company. The filing, received on September 2, 2014, was made under the Insurance Company Mutual-to-Stock Conversion Act (40 P. S. §§ 911-A—929-A).

In conjunction with the mutual-to-stock conversion, Saucon Holding Company, a Pennsylvania domiciled stock corporation, submitted a request for approval to acquire

control of all of the capital stock of Saucon upon consummation of the previously-referenced conversion. Included within the request was the identity of three individuals anticipated to hold a controlling interest in Saucon Holding Company upon completion of the conversion and acquisition. The acquisition filing, received on September 2, 2014, was made under Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1413).

The filings are available on the Insurance Department's (Department) web site www.insurance.pa.gov. After first scheduling an appointment, consumers may also view the application and supplemental documents at the Department's Harrisburg office at (717) 787-0877.

Persons wishing to comment on the grounds of public or private interest are invited to submit a written statement to the Department within 45 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@pa.gov.

Comments received will be part of the public record regarding the filing and will be forwarded to the applicant for appropriate response.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-1937. Filed for public inspection September 12, 2014, 9:00 a.m.]

Pennsylvania Compensation Rating Bureau; Filing for Rate and Rule Manual Revisions

On August 28, 2014, the Insurance Department received from the Pennsylvania Compensation Rating Bureau (Bureau) a filing proposing revisions to their rate and rule manual. The filing includes the following proposed changes:

- * Revisions to mapping of direct employment classifications into temporary staffing classifications, Codes 520—529.

- * Clarification of Code 892 language pertaining to early intervention services.

- * Use of published decennial census data only as the basis for populations of areas served by volunteer fire companies subject to Code 994.

* Revision of manual language pertaining to tips for premium computations purposes in recognition of IRS ruling regarding "Service Charges."

* Other manual revisions intended to make the manual language clearer and less ambiguous.

The filing is available for review on the Bureau's web site at www.pcrb.com in the "Filings" section.

Interested parties are invited to submit written comments, suggestions or objections to James Di Santo, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, jadisanto@pa.gov within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-1938. Filed for public inspection September 12, 2014, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application For Merger

A-2014-2440466. DQE Communications Network Services, LLC. Application of DQE Communications Network Services, LLC for all necessary authority, approvals and certificates of public convenience to merge with and into DQE Communications, LLC as part of the reorganization of Duquesne Light Holdings, Inc.'s communications businesses.

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 September 29, 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.pa.gov and at the applicant's business address.

Applicants: DQE Communications Network Services, LLC

Through and By Counsel: Michael W. Gang, Esquire, Anthony D. Kanagy, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

Lisa M. Meyer, Esquire, Duquesne Light Company, 411 Seventh Avenue, 16th Floor, Pittsburgh, PA 15219

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-1939. Filed for public inspection September 12, 2014, 9:00 a.m.]

Investigation of Pennsylvania's Retail Natural Gas Supply Market; Doc. No. I-2013-2381742

Tentative Order

Chapter 22 of 66 Pa.C.S. (relating to Natural Gas Choice and Competition Act), effective July 1, 1999, requires the Pennsylvania Public Utility Commission

(Commission) to convene stakeholders and explore avenues to encourage increased competition in the natural gas supply market. See 66 Pa.C.S. § 2204(g) (relating to implementation). On September 12, 2013, the Commission issued an Order at Docket No. I-2013-2381742 initiating the Investigation of Pennsylvania's Retail Natural Gas Supply Market.

In a Tentative Order adopted at its August 21, 2014, public meeting at this Docket number, the Commission summarizes comments filed in response to the Commission's September 12, 2013 Order, disposes of some issues, and seeks to identify any additional issues in the retail natural gas supply market to facilitate improvements and encourage competition for the benefit of consumers in this Commonwealth. A copy of the Tentative Order can be found on the Commission's website at http://www.puc.pa.gov/utility_industry/natural_gas/natural_gas_rmi.aspx.

Upon review of the comments to the September 12, 2013 Order, the Commission announces specific topics and issues in the August 21, 2014 Tentative Order that the Commission intends to pursue in this Investigation. The Commission also invites interested parties to further comment on any issues or market enhancements that have not already been discussed or identified as matters to be addressed in this Investigation, or both. Interested parties have 30 days from the date of the publication of this notice to file written comments with the Secretary of the Commission, referencing Docket No. I-2013-2381742.

The Commission's Office of Competitive Markets Oversight will consider all positions of interested parties in developing recommendations for the Commission's consideration.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-1940. Filed for public inspection September 12, 2014, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by September 30, 2014. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2014-2428632. Billtown Cab Co., Inc. (357S West Fourth Street, Williamsport, PA 17701)—a corporation of the Commonwealth of Pennsylvania—for the right to begin to transport, by motor vehicle, persons in the experimental service of Transportation Network Service for passenger trips from Lycoming County to points in

Pennsylvania, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. (*Attorney: Lloyd R. Persun, P. O. Box 659, Mechanicsburg, PA 17055-0659.*)

A-2014-2428671. MTR Transportation, Inc., t/a K-Cab Co. (P. O. Box 274, Mifflinville, PA 18631)—a corporation of the Commonwealth of Pennsylvania—for the right to begin to transport, by motor vehicle, persons in the experimental service of Transportation Network Service for passenger trips from points in the Counties of Columbia and Montour, the Townships of Salem and Nescopeck and the Borough of Nescopeck, Luzerne County and the Borough of Riverside, Northumberland County to points in Pennsylvania, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. (*Attorney: Lloyd R. Persun, P. O. Box 659, Mechanicsburg, PA 17055-0659.*)

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-1941. Filed for public inspection September 12, 2014, 9:00 a.m.]

Transfer of Telephone System Assets

A-2014-2440493; A-2014-2440526; A-2014-2440527; A-2014-2440528; A-2014-2440529; A-2014-2440530; A-2014-2440531; A-2014-2440532; A-2014-2440533; A-2014-2440534; A-2014-2440535; A-2014-2440536. Cavalier Telephone Mid-Atlantic, LLC, Intellifiber Networks, Inc., LDMI Telecommunications, Inc., McLeodUSA Telecommunications Services, LLC, PAETEC Communications, Inc., Talk America, Inc., US LEC of Pennsylvania, LLC, Windstream Communications, Inc., Windstream D&E Systems, Inc., Windstream KDL, Inc., Windstream Norlight, Inc. and Windstream NTI, Inc. Joint general rule application of Cavalier Telephone Mid-Atlantic, LLC, Intellifiber Networks, Inc., LDMI Telecommunications, Inc., McLeodUSA Telecommunications Services, LLC, PAETEC Communications, Inc., Talk America, Inc., US LEC of Pennsylvania, LLC, Windstream Communications, Inc., Windstream D&E Systems, Inc., Windstream KDL, Inc., Windstream Norlight, Inc. and Windstream NTI, Inc. for approval of the transfer of telephone system assets to Communications Sales and Leasing, Inc.

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 September 29, 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.pa.gov and at the applicant's business address.

Joint Applicants: Cavalier Telephone Mid-Atlantic, LLC, Intellifiber Networks, Inc., LDMI Telecommunications, Inc., McLeodUSA Telecommunications Services, LLC, PAETEC Communications, Inc., Talk America, Inc., US LEC of Pennsylvania, LLC, Windstream Communications, Inc., Windstream D&E Systems, Inc., Windstream KDL, Inc., Windstream Norlight, Inc., Windstream NTI, Inc.

Through and By Counsel: Thomas T. Niesen, Esquire, Charles E. Thomas, Esquire, Thomas, Niesen & Thomas, LLC, 212 Locust Street, Suite 600, Harrisburg, PA 17101
ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-1942. Filed for public inspection September 12, 2014, 9:00 a.m.]

Wastewater Service

A-2014-2439909 and A-2014-2439910. Aqua Pennsylvania Wastewater, Inc. and Bunker Hill Sewer Company, Inc. Joint application of Aqua Pennsylvania Wastewater, Inc. and Bunker Hill Sewer Company, Inc. for approval of: 1) the acquisition by Aqua Pennsylvania Wastewater, Inc. of the wastewater system assets of the Bunker Hill Sewer Company, Inc. situated in a portion of Clinton Township, Wyoming County; 2) the right of Aqua Pennsylvania Wastewater, Inc. to begin to supply wastewater service to the public in a portion of Clinton Township, Wyoming County; and 3) the abandonment by Bunker Hill Sewer Company, Inc. of public wastewater service in a portion of Clinton Township, Wyoming 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 Monday, September 29, 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 www.puc.pa.gov, and at the applicant's business address.

Applicant: Aqua Pennsylvania Wastewater, Inc., Bunker Hill Sewer Company, Inc.

Through and By Counsel: Thomas T. Niesen, Esquire, Thomas, Niesen and Thomas, 212 Locust Street, Suite 600, P. O. Box 9500, Harrisburg, PA 17108-9500

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-1943. Filed for public inspection September 12, 2014, 9:00 a.m.]

Water Service

A-2014-2439880 and A-2014-2439883. Aqua Pennsylvania, Inc. and Factoryville Bunker Hill Water Company, Inc. Joint application of Aqua Pennsylvania, Inc. and Factoryville Bunker Hill Water Company, Inc. for approval of: 1) the acquisition by Aqua Pennsylvania, Inc. of the water system assets of Factoryville Bunker Hill Water Company, Inc. situated in a portion of Clinton Township, Wyoming County; 2) the right of Aqua Pennsylvania, Inc. to begin to supply water service to the public in a portion of Clinton Township, Wyoming County; and 3) the abandonment by Factoryville Bunker Hill Water Company, Inc. of public water service in a portion of Clinton Township, Wyoming County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utili-

ties). 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 Monday, September 29, 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 www.puc.pa.gov, and at the applicant's business address.

Applicant: Aqua Pennsylvania, Inc., Factoryville Bunker Hill Water Company, Inc.

Through and By Counsel: Thomas T. Niesen, Esquire, Thomas, Niesen and Thomas, 212 Locust Street, Suite 600, P. O. Box 9500, Harrisburg, PA 17108-9500

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-1944. Filed for public inspection September 12, 2014, 9:00 a.m.]

Water Service

A-2014-2440042 and A-2014-2440043. Aqua Pennsylvania, Inc. and Robin Hood Lakes Water Company, Inc. Joint application of Aqua Pennsylvania, Inc. and Robin Hood Lakes Water Company, Inc. for approval of: 1) the acquisition by Aqua Pennsylvania, Inc. of the water system assets of Robin Hood Lakes Water Company situated in a portion of Polk Township, Monroe County; 2) the right of Aqua Pennsylvania, Inc. to begin to supply water service to the public in a portion of Polk Township, Monroe County; and 3) the abandonment by Robin Hood Lakes Water Company of public water service in a portion of Polk Township, Monroe 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 Monday, September 29, 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 www.puc.pa.gov, and at the applicant's business address.

Applicant: Aqua Pennsylvania, Inc., Robin Hood Lakes Water Company

Through and By Counsel: Thomas T. Niesen, Esquire, Thomas, Niesen and Thomas, 212 Locust Street, Suite 600, P. O. Box 9500, Harrisburg, PA 17108-9500

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-1945. Filed for public inspection September 12, 2014, 9:00 a.m.]

Water Service

A-2014-2440523. The York Water Company. Application of The York Water Company for approval to begin to offer, render, furnish or supply water service to the public in an additional portion of Paradise Township, York 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 September 29, 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.pa.gov, and at the applicant's business address.

Applicant: The York Water Company

Through and By Counsel: Michael W. Hassell, Esquire, Devin T. Ryan, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-1946. Filed for public inspection September 12, 2014, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Motor Carrier Transfer Application for Limousine Service in the City of Philadelphia

Permanent authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant at Docket No. A-14-08-03 and published on September 13, 2014, in the *Pennsylvania Bulletin*. The company has applied to transfer the rights held by Aspire Limousine Service, Inc. (CPC No. 1014999-07) to transport persons in luxury limousine service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

Zaman Enterprises, LLC, 105 Paoli Pike, Malvern, PA 19355, registered with the Commonwealth on December 31, 2007.

Attorney for Applicant: David P. Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148 by September 29, 2014. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 14-1947. Filed for public inspection September 12, 2014, 9:00 a.m.]

Notice of Citation Complaints

Pursuant to § 1001.51, Service by the Authority:

Tyree Nesmith, Last Known Address: 5020 Greene Street, Philadelphia, PA 19144; Doc. No. C-14-08-012

Citation T-17526, Taxicab and Limousine Regulations; § 1021.12, Operating or Soliciting while outside of Rights—penalty of \$350.00

Citation T-17527, Taxicab and Limousine Regulations; § 1021.2, Certification Required—penalty of \$350.00

On August 1, 2014, Enforcement Officers of the Taxicab and Limousine Division (TLD) observed G-91 respond to a hail while outside of Germantown Cab Co.'s (Germantown) operating authority. The officers observed you transport these passengers to a point that was also outside of Germantown's operating authority for a metered fair. Further investigation revealed that you are not a properly certified driver, as required to operate a taxicab in Philadelphia. As a result of this investigation, the above referenced citations were mailed to your address of record as it appeared on your Pennsylvania Driver's License, via proof of US Mail on August 1, 2014. This mailing was returned to the Authority by the post office as undeliverable, unable to forward on August 18, 2014.

If you wish to contest these citations, you must file a written request for a hearing to the Office of the Clerk at the address below within 15 days after the date of this publication. Otherwise, payment of the aforementioned penalties must be submitted to the Office of the Clerk in the form of a money order or certified bank check payable to the Philadelphia Parking Authority.

Office of the Clerk
Taxicab & Limousine Division
The Philadelphia Parking Authority
2415 S. Swanson Street
Philadelphia, PA 19148
T (215) 683-9498
F (215) 683-9568

By William P. Schmid, Deputy Director of the TLD
VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 14-1948. Filed for public inspection September 12, 2014, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 14-049.1, Roof Replacement at the Port Administration Building, until 2 p.m. on Thursday, October 16, 2014. Information (including mandatory prebid information) can be obtained from the web site at www.philaport.com under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 14-1949. Filed for public inspection September 12, 2014, 9:00 a.m.]

STATE BOARD OF CHIROPRACTIC

**Bureau of Professional and Occupational Affairs v.
James Laborde, DC; Doc. No. 1662-43-13; File
No. 12-43-11714**

On July 25, 2014, James Laborde, DC, license number DC004160L, of DuBois, Clearfield County, was suspended for no less than 3 years based on findings that he is unable to practice chiropractic with reasonable skill and safety.

Individuals may obtain a copy of the adjudication by writing to Jason E. McMurry, Board Counsel, State Board of Chiropractic, P. O. Box 2649, Harrisburg, PA 17105-2649.

KATHLEEN G. McCONNELL, DC,
Chairperson

[Pa.B. Doc. No. 14-1950. Filed for public inspection September 12, 2014, 9:00 a.m.]

THADDEUS STEVENS COLLEGE OF TECHNOLOGY

Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for project 14-0011A for Baykal press brake or approved equal and press brake tooling for the metals fabrication and welding technology labs. Bid documents can be obtained from Carrie Harmon, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, harmon@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 14-1951. Filed for public inspection September 12, 2014, 9:00 a.m.]

Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for project 14-1458 for a center pivot tilting melting furnace or approved equal for the metal casting technology lab. Bid documents can be obtained from Carrie Harmon, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, harmon@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 14-1952. Filed for public inspection September 12, 2014, 9:00 a.m.]

Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for project 14-0002A for electro-mechanical technology equipment to complete the lab and training center. Bid documents can be obtained from Carrie Harmon, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, harmon@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 14-1953. Filed for public inspection September 12, 2014, 9:00 a.m.]

Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for project 14-0004A for Haas MiniMill Vertical Machining Center or other approved equal. Bid documents can be obtained from Carrie Harmon, Thaddeus

Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, harmon@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 14-1954. Filed for public inspection September 12, 2014, 9:00 a.m.]

Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for project 14-0003A for Haas ST-10 CNC Turning Center or other approved equal. Bid documents can be obtained from Carrie Harmon, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, harmon@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 14-1955. Filed for public inspection September 12, 2014, 9:00 a.m.]

