

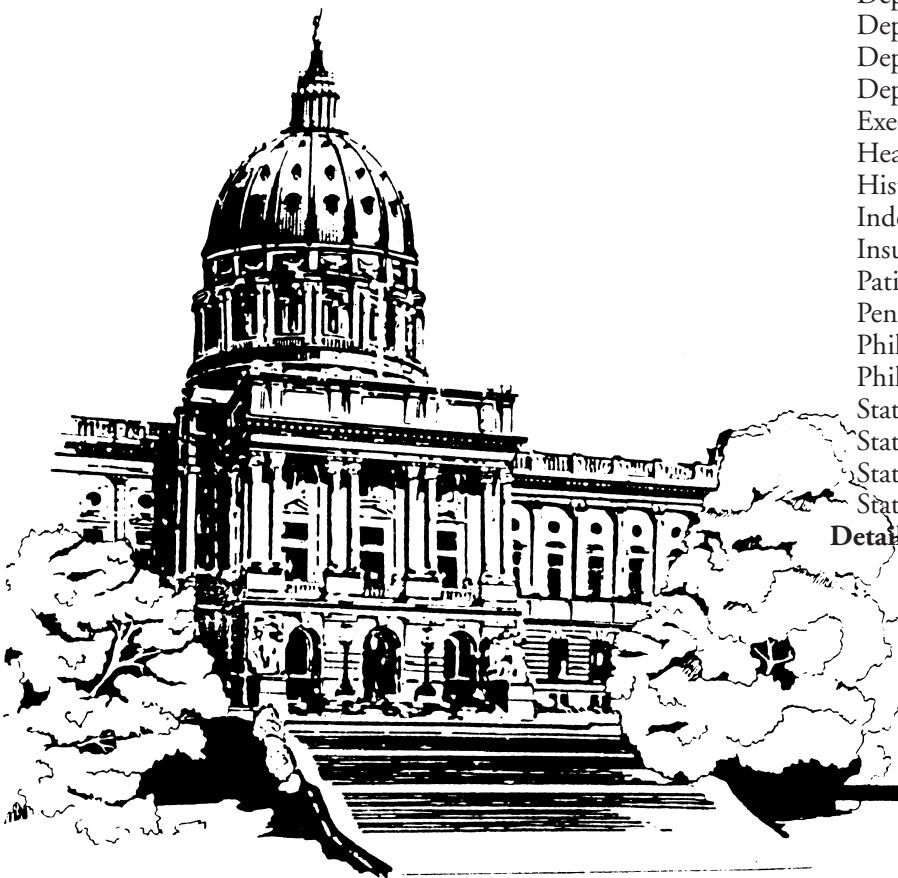
# PENNSYLVANIA BULLETIN

Volume 44  
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**Latest Pennsylvania Code Reporter  
(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](http://www.pacode.com).

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

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

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

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

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# THE COURTS

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### PART V. PROFESSIONAL ETHICS AND CONDUCT [ 204 PA. CODE CHS. 81 AND 83 ]

#### Proposed Amendments to the Pennsylvania Rules of Professional Conduct and the Rules of Disciplinary Enforcement to Reduce Loss Resulting from the Misappropriation of Client and Third Party Funds

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania (Board) is considering recommending to the Pennsylvania Supreme Court that the Court amend Pennsylvania Rules of Professional Conduct (RPC) 5.6, Comment (10) to RPC 1.7, Comment (1) to RPC 1.8, and Comment (4) to RPC 5.7, as set forth in Annex A; RPC 1.15 and Pennsylvania Rules of Disciplinary Enforcement (“Enforcement Rules” or “Pa.R.D.E.”) 208 and 221, as set forth in Annex B; Enforcement Rule 219, as set forth in Annex C; Enforcement Rule 213, as set forth in Annex D; and Enforcement Rules 215, 217 and 218, as set forth in Annex E.

The adverse effects of a lawyer’s theft of client funds can be felt on both a micro and a macro level. Typically, the client is misled and deprived of access to needed funds. When the dishonest lawyer is in charge of investing a client’s funds, the client’s life savings may be lost. Although victims may file a claim with the Pennsylvania Lawyers Fund for Client Security (Fund) for reimbursable losses resulting from the dishonest conduct of an attorney, many claimants are not fully compensated through the Fund because the maximum recovery by any one claimant is capped at \$100,000. In every instance, the reputation of the bar and the courts is tarnished. Thefts involving substantial sums oftentimes result in criminal prosecution, and the media attention generated by the arrest and conviction of the offender provides harm to the reputation of the profession.

The systemic financial effect of lawyer theft can be catastrophic. By rule, claims filed with the Fund are confidential. Nonetheless, Fund personnel can attest that from time to time, the number of claims filed against a single attorney will be in double digits and the total compensable loss will amount to millions of dollars. The common thread running through many of the cases is that the client victim trusted his or her attorney, the attorney told the client that the client needed either to give the attorney the money outright or to establish a trust designed by the attorney to “protect” the client’s assets, the attorney then raided the client’s funds or appointed himself or herself as trustee to convert the entrusted funds, and no banks were used by the attorney to help safeguard the client funds. In other instances, the attorney used forged documents to mislead a bank into believing that the client had authorized transfers of funds to the attorney. In January of this year, the Supreme Court amended Enforcement Rule 514(b) to place a \$1,000,000 cap on disbursements as a result of any one covered attorney, although the Court retained the discre-

tion to exceed the maximum when necessary to adequately compensate all victims provided that the excess does not unduly burden the Fund. Currently, every attorney who is required to pay an active annual fee must pay an additional annual fee of \$35.00 for use by the Fund. While the disciplinary system can revoke the lawyer’s license and order restitution, a restitution order is generally uncollectible, as all of the funds are gone and there is no insurance coverage.

As a result of multiple large thefts as of late, a working group (group) comprised of the Board Chair, the Chair of the Rules Committee, the Board Secretary and representatives of the Office of Disciplinary Counsel (ODC) began to examine whether there was a *disciplinary* mechanism, in addition to the general deterrent effect of future suspension or disbarment, and short of barring attorneys from handling fiduciary funds, that would *prevent* large-scale defalcations. The group reviewed the rules and procedures in other jurisdictions and considered the views expressed by an *ad hoc* committee on trust and estate practice that had convened for a meeting at the request of the Board Chair. No definitive prophylactic solution was found. The unfortunate reality is that there is no sure-fire method of thwarting a lawyer who has felonious intent, access to fiduciary funds, and a determination to steal.

The group then focused its attention on whether there were any substantive or procedural rule changes that could at least lessen the opportunity for client losses. The group concluded that some restrictions on investment activities by lawyers would be beneficial in preventing some forms of misappropriation, provided, of course, that the rules imposing the restrictions are followed. Furthermore, public awareness of the restrictions could cause a client or prospective client to report to disciplinary authorities a perceived violation *before* other clients are victimized by the investment activities of a lawyer who is operating outside the rules.

The group also concluded that prompt detection of the “red flags” of misappropriation—for example, a bounced check on a trust account, an inordinate delay in distribution of funds, failure to distribute the full amount of funds due, failure to account, failure to return inquiries regarding the funds, or continual absence from the law office or abandonment of practice when undistributed funds are due and owing—followed by prompt investigation to confirm or rule out that misappropriation has occurred, is the strongest weapon in combatting multiple thefts, as the key to limiting loss is to remove the offending attorney from the practice of law and from access to fiduciary funds as quickly as possible. In relation to prompt detection, the Board has, for many years, actively promoted the public’s awareness of the disciplinary rules and complaint procedures, by establishing a user-friendly website and by making informational brochures and complaint forms readily accessible to the public. The Board intends to revise its rules to permit the filing of disciplinary complaints electronically and by telephone. A system of mandatory overdraft notification has been in effect since 1995. *See* Pa.R.D.E. 221(h)—(p). Although the group noted that approximately twelve states have random audit programs, the group did not believe that current resources were adequate to establish and administer an effective random audit program in Pennsylvania. In addition, random audits do not deter or uncover all thefts.

In connection with prompt investigation, the group observed that a number of current procedural rules contain unnecessarily long due dates or have built-in delays that prevent ODC from obtaining quick access to the financial records that an attorney is required by paragraph (c) of RPC 1.15 (Safekeeping Property) and Enforcement Rule 221 (Funds of clients and third persons) to keep. A corollary observation based on experience is that some respondent-attorneys, for any variety of reasons—poor record keeping, ineffective record maintenance practices, substance abuse, or mental health issues—are, or claim to be, in the dark about a fiduciary account being “out of trust,” and, at times, are unable to comply in whole or even in part with a request or demand by ODC to produce required records. Of course, ODC’s inability to promptly obtain a respondent-attorney’s complete financial records impedes ODC’s ability to perform an audit and to discover the *full extent* of a respondent-attorney’s misappropriation. In a number of cases, the Board has observed that “[a] failure to maintain adequate financial records epitomizes the type of professional misconduct from which the public is to be protected.” *E.g., Office of Disciplinary Counsel v. Allen R. Washington*, No. 132 DB 1995, D.Bd. Rpt. 2/5/97 at p. 23, citing *In re Anonymous No. 10 DB 1991*, 20 Pa. D.&C.4th 159, 171 (1994).

Based on the significant investigative hardship and delay occasioned by an attorney’s inability or refusal to cooperate with ODC in its effort to conduct a financial audit, the group concluded that two practice scenarios were unacceptable: an attorney being unaware of the status of his or her fiduciary accounts; and an attorney being unable or unwilling to produce his or her financial records when ODC has a basis to request or demand production of those records. The group decided that the former practice could be remedied by requiring, as do some states, an attorney to perform monthly reconciliations and to maintain proof of having conducted the same. The group believed that the latter practice could be best addressed by amending Enforcement Rules 208(f)(5) (relating to temporary suspension) and 221 (relating to the handling of funds of clients and third persons) to permit ODC to immediately seek the temporary suspension of the respondent-attorney. The group also recommended that the “required records” provision of RPC 1.15, which is paragraph (c) of that Rule, be: 1) amended to include the writing memorializing the fee arrangement, which writing is already required by RPC 1.5(b); and 2) clarified by *expressly* including the fee agreement and distribution statement in a contingent fee matter, as the creation of these two documents is required by RPC 1.5(c) although their maintenance is only required at this time by an inconspicuous statement in the Note to D.Bd. Rules § 95.2 (Investigation of the conversion of funds).

The group observed that the annual financial-reporting requirements of Rule 219 (relating to the filing of the annual fee form) could be strengthened to assist ODC in its investigative effort, in particular ODC’s ability to issue subpoenas to banks and other financial institutions, and to provide a more complete record of fiduciary accounts that may be promptly frozen by an order of the Court issued pursuant to Enforcement Rule 208(f)(1)(i) (relating to emergency temporary suspension and the preservation of “funds, securities or other valuable property of clients or others which appear to have been misappropriated or mishandled . . .”). In addition, some respondent-attorneys fail to identify on their annual fee form all of the trust accounts maintained in Pennsylvania that held funds of a client or third person subject to PA RPC 1.15. Further-

more, currently there is no requirement that an attorney identify all trust accounts over which an attorney has sole or shared signature authority or authorization to transfer funds to or from the account, yet in misappropriation cases such accounts frequently hold or held the corpus of a theft. Nor is there a requirement that an attorney identify business operating accounts, yet such accounts frequently play a role in the maintenance or concealment of stolen funds.

Finally, in relation to the prompt removal of a respondent-attorney from practice after suspension or disbarment, the group determined that Enforcement Rules 215 (relating to voluntary resignation and disbarment on consent) and 217 (relating to formerly admitted attorneys) should be clarified and revised to: 1) ensure complete disengagement from the practice of law; 2) provide a respondent-attorney with an incentive to timely comply with the “wind up” and withdrawal provisions of Enforcement Rule 217; and 3) provide a consequence to the respondent-attorney for failure to fully and timely disengage. The group also decided to recommend that Enforcement Rule 217 be amended to give ODC more oversight of a respondent-attorney’s compliance with the withdrawal and disengagement provisions of Rule 217. The group believed that it would be highly beneficial to protecting the public if Rule 215 were amended to allow an attorney’s voluntary resignation to become public at the time that the resignation statement is filed with Disciplinary Counsel or the Secretary of the Board.

Based on the above analysis, the group recommended to the entire Rules Committee that the rules be revised to:

- impose certain restrictions on the brokering, offer or placement of investment products in relation to the provision of legal services;
- clarify the financial records required to be maintained, require account reconciliations on a monthly basis, require prompt availability and production of records upon request or demand, and allow for the temporary suspension of an uncooperative respondent-attorney;
- require attorneys to provide on the annual fee form additional account information that will assist ODC in the investigation of misappropriation cases and the preservation of fiduciary funds and other property;
- streamline unduly cumbersome procedures that impede investigations and that unnecessarily extend the time from initial detection of signs of theft to successful prosecution; and
- emphasize the importance of prompt and complete disengagement from the practice of law by a suspended or disbarred attorney, provide an incentive to timely disengage and consequence for failure to timely disengage, and give ODC enhanced oversight authority to ensure that a formerly admitted attorney has promptly and fully disengaged.

The Rules Committee reviewed and endorsed the above recommendations, and obtained the Board’s approval of those recommendations. The Rules Committee approved for publication the proposed rules set forth in the attached Annex A through Annex E. The highlights of the proposed rules are summarized below in sections that correspond to the above bullet points.

#### *Restrictions on Dealing in Investment Products (see Annex A)*

RPC 5.6 would be amended to add new paragraph (b), which would preclude a lawyer from dealing in investment products—such as securities and life insurance

products, including annuity policies—unless separately licensed to do so. Before offering or selling any investment product in relation to the provision of legal services, an attorney must consult all applicable federal and state laws to determine eligibility, licensing and regulatory requirements. Brokers, agents, salespersons and various types of investment advisors are regulated on the state level by the Pennsylvania Securities Commission of the Pennsylvania Department of Banking and Securities, and on the federal level by the Securities & Exchange Commission (SEC) and the Financial Industry Regulatory Authority (FINRA). Some securities licenses are administered by the North American Securities Administrators Association (NASAA). A person must be licensed through the Pennsylvania Insurance Department to sell or solicit life insurance or a fixed annuity, and the sale of variable annuities requires additional licensure through the Pennsylvania Securities Commission and FINRA.

Proposed paragraph (c) would be added to RPC 5.6 to preclude even a separately-licensed lawyer from offering a particular investment product to a client, former client, or others with whom the lawyer has or had a fiduciary relationship if the lawyer or a person related to the lawyer has an ownership interest in the entity that manages the investment product. “Related person” is defined within paragraph (c) and borrows from the definition of “related person” currently found within paragraph (c) of RPC 1.8 (Conflict of Interest: Current Clients: Specific Rules). New Comment (5) to RPC 5.6 provides three reasons for the specific prohibition: 1) potential for a conflict of interest; 2) opportunity on the part of the lawyer to control or unduly influence the use or management of the funds; and 3) loss of client trust if the investment results in a substantial loss. It is important to emphasize that separately licensed attorneys can broker, offer, sell and place investment products, just not those in which the lawyer or a related person has an ownership interest in the managing entity.

The addition of proposed paragraphs (b) and (c) to RPC 5.6 calls for language cross-referencing one or both of those paragraphs in Comment (10) to RPC 1.7 (Conflict of Interest: Current Clients), Comment (1) to RPC 1.8, and Comment (4) to RPC 5.7 (Responsibilities Regarding Nonlegal Services).

*Required Records and the Consequence of Failure to Produce (see Annex B)*

A heading would be added to paragraph (c) of RPC 1.15 to make clear that the records identified in that paragraph are “Required records” subject to the “Required Records Doctrine,” namely, that these records are “required by law to be kept in order that there may be suitable information of transactions which are the appropriate subjects of governmental regulation and the enforcement of restrictions validly established.” *State Real Estate Com. v. Roberts*, 441 Pa. 159, 164-165, 271 A.2d 246, 248 (1970), cert. denied, 402 U.S. 905 (1971), quoting *Shapiro v. United States*, 335 U.S. 1, 17 (1948) (stating that under the required records doctrine, no privilege exists with regard to business records that are required by law to be maintained). Proposed paragraph (c) also adds the requirement that a lawyer must maintain the writing required by RPC 1.5(b) (relating to the requirement of a writing memorializing the basis or rate of the fee) and clarifies that the lawyer must preserve a copy of the fee agreement and distribution statement in contingent fee matters required under RPC 1.5(c), which requirement can be found in the Note to D.Bd. Rules § 95.2 (Investigation of the conversion of funds).

Proposed subparagraph (2) of paragraph (c) provides that if a lawyer uses an account to hold funds of more than one client, the lawyer must maintain an individual client ledger for each trust client. Properly-maintained individual client ledgers facilitate a lawyer’s ability to conduct the monthly account reconciliations required by new subparagraph (c)(4) as well as an auditor’s ability to promptly gauge the integrity of the account. Subparagraph (c)(4) also requires that a lawyer preserve for a period of five years copies of all records and computations sufficient to prove that the required reconciliations were conducted. As explained in language added to Comment (2):

The requirement of monthly reconciliations should deter situations where an attorney’s Trust Account contains a shortfall for any significant period of time. Additionally, if a lawyer fails to maintain the records identified in paragraph (c) or to perform the required monthly reconciliations, later claims by the lawyer that a shortfall (i.e., misappropriation) resulted from negligence, even if credible, will necessarily be balanced against the lawyer’s abdication of responsibility to comply with essential requirements associated with acting as a fiduciary and serving in a position of trust.

Proposed subparagraph (c)(3)’s requirement that electronic data be backed up “at the end of any day on which entries have been entered into the records” is not burdensome because present-day computer programs have the ability to “save” data at regular intervals and routinely provide a “save” prompt at the time that the document is “closed.” Enforcement Rule 221(e) and (f) incorporate the foregoing changes. The current requirement of paragraph (c) that required records be maintained for five years after termination of the attorney-client relationship or disposition of the property, whichever is later, remains unchanged.

Proposed subparagraph (c)(3) of RPC 1.15 also provides that the required records be readily accessible and available for production to the Fund or ODC in a timely manner upon a request or demand by either agency made pursuant to the Enforcement Rules, the Disciplinary Board Rules, the Rules and Regulations of the Fund’s Board, agency practice, or subpoena. Subdivisions (g) and (g)(2) of Enforcement Rule 221 incorporate those duties. New subdivision (g)(1) of Rule 221 provides that Disciplinary Counsel’s request for records may take the form of a letter to the respondent-attorney briefly stating the basis for the request and identifying the type and scope of the records sought to be produced. Disciplinary counsel may serve the letter by personal service or by delivery of a copy of the letter to an employee, agent or responsible person at the respondent-attorney’s office, at which point the respondent-attorney has five days to produce the records. If neither form of service is available, the rule allows service by mail. As set forth in the amendment to new subdivision (g)(3) of Rule 221 and the last sentence of proposed Comment (2) to RPC 1.15, the failure to maintain or produce the records may serve as a basis for temporary suspension of the lawyer’s license under Pa.R.D.E. 208(f)(1) and 208(f)(5).

Rule 221(g)(1)’s letter-request procedure, when considered in combination with subdivision (g)(3) of Rule 221, satisfies any due process concerns. Administrative agencies typically obtain documents by search warrants or subpoenas; the subpoena process is preserved in RPC 1.15(c)(3) and Rule 221(g)(2). The Pennsylvania Supreme Court, however, has upheld the right to examine required

records without a subpoena. *Roberts, supra*. *Roberts'* lone dissenter's concern is negated by the fact that subdivision (g) requires production of records to ODC rather than a warrantless inspection by ODC on the business premises of the respondent-attorney. If the respondent-attorney does not comply with ODC's request, ODC may file a petition for temporary suspension, at which point the respondent-attorney, as stated in the proposed Note after subdivision (g)(3), may raise any claim of impropriety pertaining to ODC's request for required records. Review by a judicial officer, to the extent that such a review is required by law, is available to the respondent-attorney.

Although Enforcement Rule 221(g) does not incorporate a legal standard for production of required records, the standard is lax. Courts have upheld an administrative agency's request for production if the agency has some factual basis to support a suspicion or concern that the law has been violated even if the evidence does not establish a violation, or the circumstances justify the agency's seeking assurances that the law has not been violated; 2) the records sought are reasonably relevant to the inquiry; and 3) the demand is not too indefinite or overbroad. *United States v. Morton Salt Co.*, 338 U.S. 632, 642-643, 652 (1950), cited in *Roberts, supra*; *Unnamed Attorney v. Attorney Grievance Comm'n.*, 313 Md. 357, 364-365, 545 A.2d 685, 689 (1988).

Enforcement Rule 208(f)(5) (relating to temporary suspension) currently provides that if issues of fact are raised by the respondent-attorney's response to the rule to show cause, the Board Chair may direct that a hearing be held before a member of the Board. New subdivision (g)(3) of Rule 221 would provide that if a ground for temporary suspension is the respondent-attorney's alleged failure to maintain or produce RPC 1.15 records, the presiding Board member shall be a lawyer-Member. A similar requirement is found in proposed subdivision (d)(3) of Enforcement Rule 213 (relating to an appeal of a challenge to a subpoena). See Annex D, *infra*. The Board believes that having a lawyer preside at these hearings will facilitate the prompt resolution of what is largely a legal issue. The second sentence of Pa.R.D.E. 221(g)(3) refers to "208(f)" without further specification; hence, subdivision (g)(3) anticipates that if the Supreme Court were to remand a petition for emergency temporary suspension under 208(f)(1) to the Board for a fact-finding hearing (a procedure not specified in 208(f)(1)), that hearing would also be presided over by a lawyer-Member of the Board.

*Required Reporting of Additional Financial Information*  
(see Annex C)

Proposed amendments to Enforcement Rule 219 would require every attorney who files the annual fee form to provide additional trust and investment account information: 1) trust accounts in the Commonwealth in which the attorney, or law firm through which the attorney practiced, deposits funds of a client or third person subject to PA RPC 1.15, see proposed Rule 219(d)(1)(iii), even if the attorney does not have signature authority over the law firm's account, as explained in the Note after Rule 219(d)(1)(iii); 2) every other account that held fiduciary funds, and over which the attorney had sole or shared signature authority, *id.* (d)(1)(iv); and 3) every business operating account, *id.* (d)(1)(v). As previously stated, this additional information will assist ODC in investigating theft and preserving funds, securities and other property.

A small yet important change to the text of subdivision (d)(1)(iii) capitalizes the "f" and "i" in "financial institu-

tion" and cross-references that term of art to the definition of "Financial Institution" in RPC 1.15(a)(4).

An amendment to new subdivision (d)(1)(vi) would require the attorney to sign an averment stating that the information on the annual fee form is true and correct to the best of the attorney's knowledge, information and belief, and submitted subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities; and that the attorney is subject to discipline by the Supreme Court and/or criminal prosecution for any false statement. The purpose of this additional requirement is to compel each attorney to take seriously the provision of the information contained thereon and to review the information if the task of completing the form is delegated to a subordinate. Attorneys who omit or provide false information should be aware that they may be subject to discipline and/or criminal prosecution. If the attorney is unable to certify the accuracy of the statement that he or she is familiar and in compliance with Rule 1.15, the attorney should study the Rule and bring himself or herself into compliance before signing and filing the form; the attorney may want to consult with counsel about self-reporting or issues of unauthorized practice if the form is not going to be timely filed.

*Streamlining Unduly Burdensome Procedures* (see Annex D)

Under proposed Rule 208(f)(5), which is found in Annex B, the time for a respondent-attorney to respond to a rule to show cause issued by the Board is reduced from 30 to ten days. By way of comparison, under current Rule 208(f)(1), a respondent-attorney has ten days to respond to a similar rule to show cause issued by the Court. The Board sees no reason to have a disparity in the time to respond to a rule issued by the Board and a rule issued by the Court. To the extent that a party desires to file with the Supreme Court a challenge to the recommendation of the Board, language added to the last sentence of Rule 208(f)(5) would limit the time for filing a petition for review to 14 days after entry of the Board's recommendation, and any answer or responsive pleading would be due within ten days after service of the petition for review.

Currently, Enforcement Rule 213 (Subpoena power, depositions and related matters) allows a party to move to quash a subpoena before a hearing committee member, precludes an appeal to the Board, and permits an appeal as of right to the Supreme Court. Subdivision (g)(3) of the Rule requires the Court to issue a rule to show cause upon the party who is not challenging the determination, returnable within ten days. Experience has shown that some respondent-attorneys have issued subpoenas to irrelevant witnesses, then exercised their right to appeal, which action caused the trial of the charges to be delayed for several months, required the Board to assign new dates for trial, and required the parties to re-subpoena or otherwise re-secure the attendance of relevant witnesses.

Under the proposed amendments to subdivision (d)(3), an appeal of a hearing committee determination would be limited to a lawyer-Member of the Board, who would be required to decide the appeal within five business days. The revised rule would specifically provide that there shall be no right to appeal to the Supreme Court and that any request for review shall not serve to stay the hearing or proceeding before the hearing committee unless the Court enters an order staying the proceedings.

In connection with the initial challenge to a subpoena before a hearing committee or special master under subdivisions (d)(1) and (2) of Rule 213, the revised rule

refers the reader to “the procedure established by the Board” and makes citation to D.Bd. Rules § 91.3(b) (relating to procedure). If the Court adopts the proposed changes to Rule 213(d) as set forth in Annex D, the Rules Committee intends to recommend to the full Board that § 91.3(b) be amended to provide that an answer to a motion to quash be filed within five *business* days after receipt of service of the motion instead of the current rule’s requirement of an answer within five days. The slight enlargement of time to respond is designed to avoid instances where the party filing the motion to quash accomplishes service by mail on a Wednesday, the motion is received through the mails on a Friday or Saturday, and the response is due for filing in the Office of the Secretary to the Board the following Monday. On an appeal, the non-appealing party would also have five *business* days in which to file a response.

New subdivision (g)(1) of Rule 213 would continue to allow both ODC and a respondent-attorney to petition the Supreme Court to enforce a subpoena. An amendment, however, would require the petitioning party to attach to the petition a certification, made in good faith, that: 1) the party exhausted reasonable efforts to secure the presence of the witness or the evidence within the witness’s custody or control, 2) the testimony, records or other physical evidence of the witness will not be cumulative of other evidence available to the party, and 3) the absence of the witness will substantially handicap the party from prosecuting or defending the charges, or from establishing a weighty aggravating or mitigating factor. Of course, Disciplinary Counsel or the respondent-attorney will be subject to discipline or other sanction by the Court if the certification contains a false statement.

*Prompt and Complete Withdrawal from Practice by Formerly Admitted Attorneys (see Annex E)*

There is a hiatus between the date that an attorney submits a resignation statement to ODC or the Board and the date that the Supreme Court enters the order disbarring the attorney on consent. An amendment to Enforcement Rule 215(c) (relating to confidentiality of resignation statement) would make the *fact of the submission* of the resignation statement public immediately upon delivery of the statement either to ODC or the Secretary of the Board. An addition to subdivision (a)(6) of Rule 215 would require the attorney to aver in the resignation statement that he or she is aware that the submission of the statement will become public upon delivery. The proposed changes do not affect current law requiring that the resignation statement itself not be publicly disclosed unless the statement loses its confidential status under one of the five exceptions to confidentiality enumerated in subdivision (c).

Additions to subdivisions (a), (b) and (c) of Rule 217 (relating to formerly admitted attorneys) emphasize to a newly-suspended or disbarred attorney the importance of providing the required notice of the suspension or disbarment to clients, third parties, and courts. The text of all three subdivisions provides some leeway in giving notice, in that notice “may be delivered by the most efficient method possible as long as the chosen method is successful and provides proof of receipt.” The Note after subdivision (a) and the cross-references to that Note in subdivisions (b) and (c) inform the formerly admitted attorney that notice can be made, for example, by certified mail return receipt requested, delivery in person, or electronic mailing, although the latter two methods require that the formerly admitted attorney secure some form of acknowledgement of *actual* receipt by the intended target.

Other additions to Rule 217 provide clear notice of additional action to be taken by the formerly admitted attorney. Subdivision (c)(3) requires the formerly admitted attorney to promptly give notice of the suspension or disbarment to all other tribunals and jurisdictions in which the attorney is admitted to practice.

Subdivision (d)(2) requires the formerly admitted attorney to promptly: resign all appointments of a fiduciary nature; close all bank accounts; relinquish possession, custody or control over all fiduciary funds; and cease and desist from using all forms of communication that expressly or implicitly convey eligibility to practice in the state courts of Pennsylvania.

New subdivision (e)(1) requires that at the time the formerly admitted attorney files the verified statement required by that subdivision, the formerly admitted attorney attach copies of the notices and proofs required by Rule 217 and serve a copy on ODC; aver in the statement itself that the formerly admitted attorney has attached the notices and proofs, and served ODC with a copy; and aver that the formerly admitted attorney has complied with all of the notice, withdrawal, disengagement, and cease-and-desist provisions of Rule 217. The formerly admitted attorney must aver that the statement is true and is being made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities. A formerly admitted attorney who files the verified statement without fully complying with Rule 217 should be aware that he or she may be subject to discipline and/or criminal prosecution. In addition, when an attorney resigns under Rule 215, the resigning attorney is required under subdivision (a)(7) of that Rule to aver in the resignation statement that the attorney will promptly comply with Rule 217’s notice, withdrawal, resignation, and cease-and-desist provisions.

Orders of *temporary* suspension direct a respondent-attorney to comply with all of the provisions of Rule 217. A new Note after Rule 217(e)(1) clarifies that an attorney who is placed on temporary suspension may have to file two verified statements of compliance: the first in response to the order of temporary suspension, and the second if and when the Court enters a final order of suspension or disbarment. The Note explains that the second statement is to supplement the first by including the information and documentation not applicable at the time of the filing of the initial statement, and will include all of the information and documentation required by subdivision (e)(1) if the respondent-attorney has failed to file the initial statement.

In relation to the disciplinary system’s desire to have a formerly admitted attorney fully comply with Rule 217, new subdivision (e)(3) provides both an incentive and a consequence. That subdivision states that in cases of disbarment or suspension exceeding one year, the waiting period for eligibility to apply for reinstatement to the practice of law shall not begin until the formerly admitted attorney files the verified statement of compliance. (The District of Columbia has similar filing and reinstatement-eligibility requirements. *See* D.C. Bar R. XI, §§ 14(g) and 16(c)) In addition, when an attorney resigns under Rule 215, the resigning attorney is required under subdivision (a)(9) of that Rule to aver in the resignation statement that the attorney is aware that the waiting period for eligibility to apply for reinstatement does not begin until the verified statement is filed. An amendment to subdivision (b) of Rule 218 (relating to reinstatement) reiterates that the eligibility-to-apply-for-reinstatement clock starts ticking when the verified statement is filed.

To ensure that a formerly admitted attorney does not lose “credit” where the Court enters an order of disbarment or suspension that has a retroactivity component, Rules 215(a)(9), 217(e)(3) and 218(b) provide that if the order of disbarment or suspension contains a provision that makes the discipline retroactive to an earlier date, the waiting period, once triggered by the filing of the verified statement, will be deemed to have begun on that earlier date. The Note after Rule 217(e)(1) warns, however, that a formerly admitted attorney who has failed to file a verified statement at the time of a *temporary* suspension should not expect a final order to include a reference to retroactivity.

The Board’s intent is to recommend to the Court that the waiting-period provision of Rule 217(e)(3) and the corresponding amendment to Rule 218(b), be prospective in nature, in that these amendments would apply only to suspension and disbarment orders entered *after* the amendments take effect. The Board also intends to recommend to the Court that orders of suspension for a period exceeding one year and disbarment include a provision that will provide specific notice to the formerly admitted attorney of the reinstatement-eligibility requirement of Rule 217(e)(3). *Cf., e.g., In re Poole*, 44 A.3d 959 (D.C. 2012) (disbarment order explaining when effective date for reinstatement purposes begins to run and directing the Clerk to transmit a copy of the order to the respondent, “thereby giving him notice of the [rules] . . . and the effect of failure to comply therewith.”).

New subdivision (e)(2) of Rule 217 provides that a formerly admitted attorney “shall” cooperate with Disciplinary Counsel and respond completely to questions by Disciplinary Counsel regarding compliance with the provisions of Rule 217. The primary purpose of this requirement is to allow ODC to obtain some assurance, beyond the verified statement itself, that the formerly admitted attorney has completed all of Rule 217’s “wind up” steps.

A formerly admitted attorney’s lack of cooperation could have consequences. If ODC were to move under Pa.R.D.E. 218(k) for injunctive relief based on “probable cause to believe that any formerly admitted attorney has failed to comply with . . . Rule 217 or is otherwise continuing to practice law,” the formerly admitted attorney’s lack of cooperation might be considered by a court as a factor in support of a finding of probable cause. Similarly, in a proceeding before the Supreme Court on a petition for contempt of the Court’s disbarment or suspension order, lack of cooperation could serve as evidence of a violation and as evidence in aggravation of the discipline. Conversely, cooperation with ODC could be viewed as a positive factor if and when the formerly admitted attorney seeks reinstatement.

Interested persons are invited to submit written comments by mail, email, or facsimile regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, Email address [Dboard.comments@pacourts.us](mailto:Dboard.comments@pacourts.us), Facsimile number (717-231-3382), on or before November 3, 2014.

*By The Disciplinary Board of the Supreme Court of Pennsylvania*

ELAINE M. BIXLER,  
*Secretary of the Board*

**Annex A**  
**TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS**  
**PART V. PROFESSIONAL ETHICS AND CONDUCT**  
**Subpart A. PROFESSIONAL RESPONSIBILITY**  
**CHAPTER 81. RULES OF PROFESSIONAL CONDUCT**  
**Subchapter A. RULES OF PROFESSIONAL CONDUCT**

**§ 81.4. Rules of Professional Conduct.**

The following are the Rules of Professional Conduct:

**CLIENT-LAWYER RELATIONSHIP**

**Rule 1.7. Conflict of Interest: Current Clients.**

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**Comment:**

\* \* \* \* \*

*Personal Interest Conflicts*

(10) The lawyer’s own interests should not be permitted to have an adverse effect on representation of a client. For example, if the probity of a lawyer’s own conduct in a transaction is in serious question, it may be difficult or impossible for the lawyer to give a client detached advice. Similarly, when a lawyer has discussions concerning possible employment with an opponent of the lawyer’s client, or with a law firm representing the opponent, such discussions could materially limit the lawyer’s representation of the client. In addition, a lawyer may not allow related business interests to affect representation, for example, by referring clients to an enterprise in which the lawyer has an undisclosed financial interest. **See Rule 5.6 for specific Rules that restrict or prohibit a lawyer’s involvement in the offer, sale, or placement of investment products regardless of an actual conflict or the potential for conflict.** See Rule 1.8 for specific Rules pertaining to a number of personal interest conflicts, including business transactions with clients. See also Rule 1.10 (personal interest conflicts under Rule 1.7 ordinarily are not imputed to other lawyers in a law firm).

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**Rule 1.8. Conflict of Interest: Current Clients: Specific Rules.**

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**Comment:**

*Business Transactions Between Client and Lawyer*

(1) A lawyer’s legal skill and training, together with the relationship of trust and confidence between lawyer and client, create the possibility of overreaching when the lawyer participates in a business, property or financial transaction with a client, for example, a loan or sales transaction or a lawyer investment on behalf of a client. The requirements of paragraph (a) must be met even when the transaction is not closely related to the subject matter of the representation, as when a lawyer drafting a will for a client learns that the client needs money for unrelated expenses and offers to make a loan to the client. The Rule applies to lawyers engaged in the sale of goods or services related to the practice of law, for example, the sale of title insurance or investment services to existing clients of the lawyer’s legal practice. See Rule 5.7. **But see Rule 5.6 for specific Rules that restrict or prohibit a lawyer’s involvement in the offer, sale,**

or placement of investment products regardless of an actual conflict or the potential for conflict. [ It ] Rule 1.8 also applies to lawyers purchasing property from estates they represent. It does not apply to ordinary fee arrangements between client and lawyer, which are governed by Rule 1.5, although its requirements must be met when the lawyer accepts an interest in the client's business or other nonmonetary property as payment of all or part of a fee. In addition, the Rule does not apply to standard commercial transactions between the lawyer and the client for products or services that the client generally markets to others, for example, banking or brokerage services, medical services, products manufactured or distributed by the client, and utilities services. In such transactions, the lawyer has no advantage in dealing with the client, and the restrictions in paragraph (a) are unnecessary and impracticable.

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**LAW FIRMS AND ASSOCIATIONS**

**Rule 5.6. Restrictions on Right to Practice.**

(a) A lawyer shall not participate in offering or making:

[ (a) ] (1) a partnership, shareholders, operating, employment, or other similar type of agreement that restricts the right of a lawyer to practice after termination of the relationship, except an agreement concerning benefits upon retirement or an agreement for the sale of a law practice consistent with Rule 1.17; or

[ (b) ] (2) an agreement in which a restriction on the lawyer's right to practice is part of the settlement of a client controversy.

(b) A lawyer shall not broker, offer to sell, sell, or place any investment product in relation to the provision of legal services unless separately licensed to do so.

(c) A lawyer shall not recommend or offer an investment product to a client, former client or any person with whom the lawyer has a fiduciary relationship, or invest funds belonging to such a person in an investment product, if the lawyer or a person related to the lawyer has an ownership interest in the entity that manages the investment product. For purposes of this paragraph, related persons include a spouse, child, grandchild, parent, grandparent or other relative or individual with whom the lawyer maintains a close familial relationship.

**Comment:**

(1) An agreement restricting the right of lawyers to practice after leaving a firm not only limits their professional autonomy but also limits the freedom of clients to choose a lawyer. Paragraph [ (a) ] (a)(1) prohibits such agreements except for restrictions incident to provisions concerning retirement benefits for service with the firm.

(2) Paragraph [ (b) ] (a)(2) prohibits a lawyer from agreeing not to represent other persons in connection with settling a claim on behalf of a client.

(3) This Rule does not apply to prohibit restrictions that may be included in the terms of the sale of a law practice pursuant to Rule 1.17.

(4) Paragraph (b) prohibits a lawyer from brokering, offering to sell, selling, or placing any investment product—such as securities and life insurance products, including annuity policies—unless sepa-

rately licensed to do so. Licensing and registration requirements vary by state. Before offering or selling any investment product in relation to the provision of legal services, a lawyer must consult all applicable federal and state laws to determine eligibility, licensing and regulatory requirements. Paragraph (b) neither addresses the giving of investment advice nor is intended to supplant or otherwise affect federal and state laws that require licensing and registration in order to give investment advice.

(5) Paragraph (c) prohibits investment situations that are fraught with a potential for a conflict of interest or that provide an opportunity for the lawyer to control or unduly influence the use or management of the funds throughout the course of the investment. Clients who place their trust in their lawyer and assume or expect that the lawyer will protect them from harm are likely to feel deceived if substantial sums of money are lost on investments pursued at the lawyer's recommendation or prompting and the lawyer or a person related to the lawyer has an ownership interest in the entity that manages the investment product, even when the reason for the loss is limited to unexpected market conditions. The prohibition of paragraph (c) is in addition to the restrictions imposed by Rules 1.7(a)(2), 1.8(a) and 5.7.

**Rule 5.7. Responsibilities Regarding Nonlegal Services.**

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**Comment:**

\* \* \* \* \*

*Providing Nonlegal Services that Are Not Distinct from Legal Services*

(3) Under some circumstances, the legal and nonlegal services may be so closely entwined that they cannot be distinguished from each other. In this situation, confusion by the recipient as to when the protection of the client-lawyer relationship applies [ are ] is likely to be unavoidable. Therefore, Rule 5.7(a) requires that the lawyer providing the nonlegal services adhere to all of the requirements of the Rules of Professional Conduct.

(4) In such a case, a lawyer will be responsible for assuring that both the lawyer's conduct and, to the extent required by Rule 5.3, that of nonlawyer employees, comply in all respects with the Rules of Professional Conduct. When a lawyer is obliged to accord the recipients of such nonlegal services the protection of those Rules that apply to the client-lawyer relationship, the lawyer must take special care to heed the proscriptions of the Rules addressing conflict of interest (Rules 1.7 through 1.11, especially Rules 1.7(b) and 1.8(a), (b) and (f)), and to scrupulously adhere to the requirements of Rule 1.6 relating to disclosure of confidential information. The promotion of the nonlegal services must also in all respects comply with Rule 5.6(b) and (c), relating to restrictions and prohibitions on dealing in investment products, and with Rules 7.1 through 7.3, dealing with advertising and solicitation.

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Annex B

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter A. RULES OF PROFESSIONAL CONDUCT

§ 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

CLIENT-LAWYER RELATIONSHIP

Rule 1.15. Safekeeping Property.

\* \* \* \* \*

(c) **Required records.** Complete records of the receipt, maintenance and disposition of Rule 1.15 Funds and property shall be preserved for a period of five years after termination of the client-lawyer or Fiduciary relationship or after distribution or disposition of the property, whichever is later. **A lawyer shall maintain the writing required by RPC 1.5(b) (relating to the requirement of a writing communicating the basis or rate of the fee) and the records identified in RPC 1.5(c) (relating to the requirement of a written fee agreement and distribution statement in a contingent fee matter).** A lawyer shall also maintain the following books and records for each Trust Account and for any other account in which Fiduciary Funds are held pursuant to Rule 1.15(l):

(1) all transaction records provided to the lawyer by the Financial Institution or other investment entity, such as periodic statements, cancelled checks **in whatever form**, deposited items and records of electronic transactions; and

(2) check register or separately maintained ledger, which shall include the payee, date, **purpose** and amount of each check, withdrawal and transfer, the payor, date, and amount of each deposit, and the matter involved for each transaction; **provided, however, that where an account is used to hold funds of more than one client, a lawyer shall also maintain an individual ledger for each trust client, showing the source, amount and nature of all funds received from or on behalf of the client, the description and amounts of charges or withdrawals, the names of all persons or entities to whom such funds were disbursed, and the dates of all deposits, transfers, withdrawals and disbursements.**

(3) The records required by this [ rule ] Rule may be maintained in [ electronic or ] hard copy form or by electronic, photographic, or other media provided that the records otherwise comply with this Rule and that printed copies can be produced. Whatever method is used to maintain required records must have a backup so that the records are secure and always available. If records are kept only in electronic form, then such records shall be backed up, on a separate electronic storage device, at least [ monthly on a separate electronic storage device ] at the end of any day on which entries have been entered into the records. These records shall be readily accessible to the lawyer and available for production to the Pennsylvania Lawyers Fund for

Client Security or the Office of Disciplinary Counsel in a timely manner upon a request or demand by either agency made pursuant to the Pennsylvania Rules of Disciplinary Enforcement, the Disciplinary Board Rules, the Pennsylvania Lawyers Fund for Client Security Board Rules and Regulations, agency practice, or subpoena.

(4) A regular trial balance of the individual client trust ledgers shall be maintained. The total of the trial balance must agree with the control figure computed by taking the beginning balance, adding the total of moneys received in trust for the client, and deducting the total of all moneys disbursed. On not less than a monthly basis, a lawyer shall conduct a reconciliation for each fiduciary account. The reconciliation is not complete if the reconciled total cash balance does not agree with the total of the client balance listing. A lawyer shall preserve for a period of five years copies of all records and computations sufficient to prove compliance with this requirement.

\* \* \* \* \*

(g) The responsibility for identifying an account as a Trust Account shall be that of the lawyer in whose name the account is held. **Only a lawyer admitted to practice law in this jurisdiction or a person under the direct supervision of the lawyer shall be an authorized signatory or authorize transfers from a Trust Account or any other account in which Fiduciary Funds are held pursuant to Rule 1.15(l).**

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Comment:

\* \* \* \* \*

(2) A lawyer should maintain on a current basis books and records in accordance with sound accounting practices consistently applied and comply with any recordkeeping rules established by law or court order, including those records identified in paragraph (c). **With little exception, funds belonging to a client or third party must be deposited into a Trust Account as defined in paragraph (a)(11), and funds belonging to the lawyer must be deposited in a business operating account maintained pursuant to paragraph (j).** Thus, unless the client gives informed consent, confirmed in writing, to a different manner of handling funds advanced by the client to cover fees and expenses, the lawyer must deposit those funds into a Trust Account pursuant to paragraph (i). If the lawyer pools such funds belonging to more than one client, under paragraph (c)(2) the lawyer must keep a ledger for each individual client, regularly recording all funds received from the client and their purpose, and all disbursements of earned fees and expenses incurred. As fees become earned, the lawyer must promptly transfer those funds to the operating account. If the lawyer pools client funds after settlement or verdict in a single Trust Account, the lawyer must maintain a ledger of receipts and disbursements for each individual client, regularly recording the dates of each transaction, the identity of payors and payees, and the purpose of each disbursement, withdrawal or transfer of funds. The requirement of monthly reconciliations should deter situations where an attorney's Trust Account contains a shortfall for any significant period of time. Additionally, if a lawyer fails to maintain the records identified in para-

graph (c) or to perform the required monthly reconciliations, later claims by the lawyer that a shortfall (i.e., misappropriation) resulted from negligence, even if credible, will necessarily be balanced against the lawyer's abdication of responsibility to comply with essential requirements associated with acting as a fiduciary and serving in a position of trust. The failure to maintain or timely produce the records required by paragraph (c) hampers rule-mandated or agency-promulgated investigative inquiries by the Pennsylvania Lawyers Fund for Client Security and the Office of Disciplinary Counsel and may serve as a basis for emergency temporary suspension of the lawyer's license to practice law. See Pa.R.D.E. 208(f)(1), 208(f)(5) and 221(g)(3).

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**Subpart B. DISCIPLINARY ENFORCEMENT**

**CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT**

**Subchapter B. MISCONDUCT**

**Rule 208. Procedure.**

\* \* \* \* \*

(f) *Emergency temporary suspension orders and related relief.*

\* \* \* \* \*

(5) The Board on its own motion, or upon the petition of Disciplinary Counsel, may issue a rule to show cause why the respondent-attorney should not be placed on temporary suspension whenever it appears that the respondent-attorney has disregarded an applicable provision of the Enforcement Rules, [ **refused** ] failed to maintain or produce the records required to be maintained and produced under RPC 1.15(c) and subdivisions (e) and (g) of Enforcement Rule 221 in response to a request or demand authorized by Rule 221(g) or any provision of the Disciplinary Board Rules, failed to comply with a valid subpoena, or engaged in other conduct that in any such instance materially delays or obstructs the conduct of a proceeding under these rules. The rule to show cause shall be returnable within [ **30** ] ten days. If the response to the rule to show cause raises issues of fact, the [ **Chairman of the** ] Board Chair may direct that a hearing be held before a member of the Board who shall submit a report to the Board upon the conclusion of the hearing. If the period for response to the rule to show cause has passed without a response having been filed, or after consideration of any response and any report of a Board member following a hearing under this paragraph, the Board may recommend to the Supreme Court that the respondent-attorney be placed on temporary suspension. The recommendation of the Board shall be reviewed by the Supreme Court as provided in subdivision (e) of this rule, although the time for either party to file with the Court a petition for review of the recommendation or determination of the Board shall be fourteen days after the entry of the Board's recommendation or determination, and any answer or responsive pleading shall be filed within ten days after service of the petition for review.

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**Rule 221. Funds of clients and third persons. Mandatory overdraft notification.**

\* \* \* \* \*

(e) An attorney shall maintain and preserve for a period of five years after termination of the client-lawyer or Fiduciary relationship or after distribution or disposition of the property, whichever is later, the writing required by RPC 1.5 (relating to the requirement of a writing communicating the basis or rate of the fee), the records identified in RPC 1.5(c) (relating to the requirement of a written fee agreement and distribution statement in a contingent fee matter), and the following books and records for each Trust Account and for any other account in which Rule 1.15 Funds are held:

(1) all transaction records provided to the attorney by the Financial Institution, such as periodic statements, canceled checks in whatever form, deposited items and records of electronic transactions; and

(2) check register or separately maintained ledger, which shall include the payee, date, purpose and amount of each check, withdrawal and transfer, the payor, date, and amount of each deposit, and the matter involved for each transaction; provided, however, that where an account is used to hold funds of more than one client, a lawyer shall also maintain an individual ledger for each trust client, showing the source, amount and nature of all funds received from or on behalf of the client, the description and amounts of charges or withdrawals, the names of all persons or entities to whom such funds were disbursed, and the dates of all deposits, transfers, withdrawals and disbursements.

(3) A regular trial balance of the individual client trust ledgers shall be maintained. The total of the trial balance must agree with the control figure computed by taking the beginning balance, adding the total of moneys received in trust for the client, and deducting the total of all moneys disbursed. On not less than a monthly basis, a lawyer shall conduct a reconciliation for each fiduciary account. The reconciliation is not complete if the reconciled total cash balance does not agree with the total of the client balance listing. A lawyer shall preserve for a period of five years copies of all records and computations sufficient to prove compliance with this requirement.

(f) The records required by this [ rule ] Rule may be maintained in [ **electronic or** ] hard copy form or by **electronic, photographic, or other media provided that the records otherwise comply with this Rule and that printed copies can be produced. Whatever method is used to maintain required records must have a backup so that the records are secure and always available.** If records are kept only in electronic form, then such records shall be backed up, on a separate electronic storage device, at least [ **monthly on a separate electronic storage device** ] at the end of any day on which entries have been entered into the records.

(g) [ The records required by this rule may be subject to subpoena and must be produced in connection with an investigation or hearing pursuant to these rules. ] The records required to be maintained by RPC 1.15 shall be readily accessible to the lawyer and available for production to the Pennsylvania Lawyers Fund for Client Security and the Office of Disciplinary Counsel in a timely manner upon request or demand by either agency made pursuant to these Enforcement Rules, the Rules of

the Board, the Pennsylvania Lawyers Fund for Client Security Board Rules and Regulations, agency practice, or subpoena.

(1) Upon a request by Disciplinary Counsel under this subdivision (g), which request may take the form of a letter to the respondent-attorney briefly stating the basis for the request and identifying the type and scope of the records sought to be produced, a respondent-attorney must produce the records within five business days after personal service of the letter on the respondent-attorney or after the delivery of a copy of the letter to an employee, agent or other responsible person at the office of the respondent-attorney as determined by the address furnished by the respondent-attorney in the last registration statement filed by the respondent-attorney pursuant to Rule 219(d), but if the latter method of service is unavailable, within eight days after the date of mailing a copy of the letter to the last registered address or addresses set forth on the statement.

(2) When Disciplinary Counsel’s request or demand for RPC 1.15 records is made under an applicable provision of the Disciplinary Board Rules or by subpoena under Enforcement Rule 213(a), the respondent-attorney must produce the records and must do so within the time frame established by those rules.

(3) Failure to produce RPC 1.15 records in response to a request or demand for such records may result in the initiation of proceedings pursuant to Enforcement Rule [ 208(f) ] 208(f)(1) or (f)(5) (relating to emergency temporary suspension orders and related relief), the latter of which specifically permits disciplinary counsel to commence a proceeding for the temporary suspension of a respondent-attorney who [ refuses to comply with a valid subpoena ] fails to maintain or produce RPC 1.15 records after receipt of a request or demand authorized by subdivision (g) of this Rule or any provision of the Disciplinary Board Rules. If at any time a hearing is held before the Board pursuant to Rule 208(f) as a result of a respondent-attorney’s alleged failure to maintain or produce RPC 1.15 records, a lawyer-Member of the Board shall be designated to preside over the hearing.

*Official Note:* If Disciplinary Counsel files a petition for temporary suspension, the respondent-attorney will have an opportunity to raise at that time any claim of impropriety pertaining to the request or demand for records.

(h) An Eligible Institution shall be approved as a depository for Trust Accounts of attorneys if it shall be in compliance with applicable provisions of Rule 1.15 of the Pennsylvania Rules of Professional Conduct and the Regulations of the IOLTA Board and shall file with the Disciplinary Board an agreement (in a form provided by the Board) to make a prompt report to the Lawyers Fund for Client Security Board whenever any check or similar instrument is presented against a Trust Account when such account contains insufficient funds to pay the instrument, regardless of

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Annex C  
TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 219. Annual registration of attorneys.

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(d) On or before July 1 of each year all attorneys required by this rule to pay an annual fee shall file with the Attorney Registration Office a signed or electronically endorsed form prescribed by the Attorney Registration Office in accordance with the following procedures:

(1) The form shall set forth:

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(iii) The name of each [ financial institution ] **Financial Institution**, as defined in RPC 1.15(a)(4), in this Commonwealth in which the attorney or law firm through which the attorney practiced on May 1 of the current year or at any time during the preceding 12 months held funds of a client or a third person subject to Rule 1.15 of the Pennsylvania Rules of Professional Conduct. The form shall include the name and account number for each account in which the lawyer [ holds ] or law firm through which the lawyer practiced held such funds, and each IOLTA Account shall be identified as such. The form provided to a person holding a Limited In-House Corporate Counsel License or a Foreign Legal Consultant License need not request the information required by this subparagraph.

*Official Note:* If an attorney employed by a law firm receives fiduciary funds from or on behalf of a client and deposits or causes the funds to be deposited into a law firm account over which the attorney does not have signature authority, the attorney must nonetheless report the account of deposit under this subparagraph.

(iv) Every account not reported under subparagraph (iii), that held funds of a client or third party, and over which the attorney had sole or shared signature authority or authorization to transfer funds to or from the account, during the same time period specified in subparagraph (iii). For each account, the attorney shall provide the name of the financial institution (whether or not the entity qualifies as a “Financial Institution” under RPC 1.15(a)(4)), location, and account number.

(v) Every business operating account maintained or utilized by the attorney in the practice of law during the same time period specified in subparagraph (iii). For each account, the attorney shall provide the name of the financial institution, location and account number.

[ (iv) ] (vi) A statement that the attorney is familiar and in compliance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct regarding the handling of funds and other property of clients and others and the maintenance of IOLTA Accounts, and with Rule 221 of the Pennsylvania Rules of Disciplinary Enforcement regarding the mandatory reporting of overdrafts on fiduciary accounts; that the information is true and correct to

the best of the attorney’s knowledge, information and belief, and submitted subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities; and that the attorney is subject to discipline by the Supreme Court and/or criminal prosecution for any false statement.

[ (v) ] (vii) A statement that any action brought against the attorney by the Pennsylvania Lawyers Fund for Client Security for the recovery of monies paid by the Fund as a result of claims against the attorney may be brought in the Court of Common Pleas of Allegheny, Dauphin or Philadelphia County.

[ (vi) ] (viii) Whether the attorney is covered by professional liability insurance on the date of registration in the minimum amounts required by Rule of Professional Conduct 1.4(c). Rule 1.4(c) does not apply to attorneys who do not have any private clients, such as attorneys in full-time government practice or employed as in-house corporate counsel.

**Official Note:** The Disciplinary Board will make the information regarding insurance available to the public upon written or oral request and on its web site. The requirement of Rule 219(d)(3) that every attorney who has filed an annual fee form or elects to file the form electronically must notify the Attorney Registration Office of any change in the information previously submitted within 30 days after such change will apply to the information regarding insurance.

[ (vii) ] (ix) Such other information as the Attorney Registration Office may from time to time direct.

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**Annex D**

**TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS**

**PART V. PROFESSIONAL ETHICS AND CONDUCT**

**Subpart B. DISCIPLINARY ENFORCEMENT**

**CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT**

**Subchapter B. MISCONDUCT**

**Rule 213. Subpoena power, depositions and related matters.**

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(d) *Challenges; appeal of challenges to subpoena.* Any attack on the validity of a subpoena issued under this rule shall be handled as follows:

(1) A challenge to a subpoena authorized by subdivision (a)(1) shall be heard and determined by the hearing committee or special master before whom the subpoena is returnable **in accordance with the procedure established by the Board. See D.Bd. Rules § 91.3(b) (relating to procedure).**

(2) A challenge to a subpoena authorized by subdivision (a)(2) shall be heard and determined by a member of a hearing committee in the disciplinary district in which the subpoena is returnable **in accordance with the procedure established by the Board. See D.Bd. Rules § 91.3(b) (relating to procedure).**

(3) A determination under paragraph (1) or (2) may [ not ] be appealed to a lawyer-Member of the Board[ , but may be appealed to the Supreme Court under subdivision (g) ] within ten days after service pursuant to D.Bd. Rules §§ 89.21 and 89.24 of the determination

on the party bringing the appeal by filing a petition with the Board setting forth in detail the grounds for challenging the determination. The appealing party shall serve a copy of the petition on the non-appealing party by mail on the date that the appealing party files the appeal, and the non-appealing party shall have five business days after delivery to file a response. No attack on the validity of a subpoena will be considered by the Designated lawyer-Member of the Board unless previously raised before the hearing committee. The Board Member shall decide the appeal within five business days of the filing of the non-appealing party’s response, if any. There shall be no right of appeal to the Supreme Court. Any request for review shall not serve to stay any hearing or proceeding before the hearing committee or the Board unless the Court enters an order staying the proceedings.

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(g) *Enforcement of subpoenas [ ; appeal of challenges to subpoenas ] .*

(1) Either Disciplinary Counsel or a respondent-attorney may petition the Supreme Court to enforce a subpoena [ or to review a determination under subdivision (d)(1) or (2) on the validity of a subpoena. No attack on the validity of a subpoena will be considered by the Court unless previously raised as provided in subdivision (d) ] that was not the subject of a challenge pursuant to subdivision (d)(1) or (2), or that was the subject of a challenge and has not been finally quashed by either the hearing committee or the Board Member designated to hear the appeal, provided that the party filing the petition to enforce attaches a certification in good faith that: a) the party exhausted reasonable efforts to secure the presence of the witness or the evidence within the witness’s custody or control, b) the testimony, records or other physical evidence of the witness will not be cumulative of other evidence available to the party, and c) the absence of the witness will substantially handicap the party from prosecuting or defending the charges, or from establishing a weighty aggravating or mitigating factor. See also Enforcement Rule 208(f)(5) (relating to emergency temporary suspension orders and related relief).

**Official Note:** The reference to Enforcement Rule 208(f)(5) is intended to make clear that, where the person who is resisting complying with a subpoena is the respondent-attorney, the provisions of this rule are cumulative of those in Enforcement Rule 208(f)(5).

(2) Upon receipt of a petition for enforcement of a subpoena, the Court shall issue a rule to show cause upon the person to whom the subpoena is directed, returnable within ten days, why the person should not be held in contempt. If the period for response has passed without a response having been filed, or after consideration of any response, the Court shall issue an appropriate order.

[ (3) A petition for review of a determination made under subdivision (d)(1) or (2) must set forth in detail the grounds for challenging the determination. Upon timely receipt of a petition for review, the Court shall issue a rule to show cause upon the party to the proceeding who is not challenging the determination, returnable within ten days, why the determination should not be reversed. If the period

for response has passed without a response having been filed, or after consideration of any response, the Court shall issue an appropriate order. ]

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### Annex E

## TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT

#### Subpart B. DISCIPLINARY ENFORCEMENT

### CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

#### Subchapter B. MISCONDUCT

#### Rule 215. Discipline on consent.

(a) *Voluntary resignation.*—An attorney who is the subject of an investigation into allegations of misconduct by the attorney may submit a resignation, but only by delivering to **Disciplinary Counsel or the Secretary of the Board** a verified statement stating that the attorney desires to resign and that:

(1) the resignation is freely and voluntarily rendered; the attorney is not being subjected to coercion or duress; the attorney is fully aware of the implications of submitting the resignation; and whether or not the attorney has consulted or followed the advice of counsel in connection with the decision to resign;

(2) the attorney is aware that there is a presently pending investigation into allegations that the attorney has been guilty of misconduct the nature of which the verified statement shall specifically set forth;

(3) the attorney acknowledges that the material facts upon which the complaint is predicated are true; [ **and** ]

(4) the resignation is being submitted because the attorney knows that if charges were predicated upon the misconduct under investigation the attorney could not successfully defend against them[ . ];

(5) the attorney is fully aware that the submission of the resignation statement is irrevocable and that the attorney can only apply for reinstatement to the practice of law pursuant to the provisions of Enforcement Rule 218(b) and (c);

(6) the attorney is aware that pursuant to subdivision (c) of this Rule, the fact that the attorney has tendered his or her resignation shall become a matter of public record immediately upon delivery of the resignation statement to Disciplinary Counsel or the Secretary of the Board;

(7) upon entry of the order disbaring the attorney on consent, the attorney will promptly comply with the notice, withdrawal, resignation and cease-and-desist provisions of subdivisions (a), (b), (c) and (d)(2) of Enforcement Rule 217;

(8) after the entry of the order disbaring the attorney on consent, the attorney will file a verified statement of compliance as required by subdivision (e)(1) of Enforcement Rule 217; and

(9) the attorney is aware that the waiting period for eligibility to apply for reinstatement to the practice of law under Enforcement Rule 218(b) shall not begin until the attorney files the verified statement of compliance required by Enforcement Rule 217(e)(1), and if the order of disbarment con-

tains a provision that makes the disbarment retroactive to an earlier date, then the waiting period will be deemed to have begun on that earlier date.

(b) *Order of disbarment.*—Upon receipt of the required statement, the **Secretary of the Board** shall file it with the Supreme Court and the Court shall enter an order disbaring the attorney on consent.

(c) *Confidentiality [ or ] of resignation statement.*—**The fact that the attorney has submitted a resignation statement to Disciplinary Counsel or the Secretary of the Board for filing with the Supreme Court shall become a matter of public record immediately upon delivery of the resignation statement to Disciplinary Counsel or the Secretary of the Board.** The order disbaring the attorney on consent shall be a matter of public record. If the statement required under the provisions of subdivision (a) of this rule is submitted before the filing and service of a petition for discipline and the filing of an answer or the time to file an answer has expired, the statement shall not be publicly disclosed or made available for use in any proceeding other than a subsequent reinstatement proceeding except:

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#### Rule 217. Formerly admitted attorneys.

(a) A formerly admitted attorney shall promptly notify, or cause to be **promptly notified, [ by registered or certified mail, return receipt requested, ]** all clients being represented in pending matters, other than litigation or administrative proceedings, of the disbarment, suspension, administrative suspension or transfer to inactive status and the consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status and shall advise said clients to seek legal advice elsewhere. **The notice required by this subdivision (a) may be delivered by the most efficient method possible as long as the chosen method is successful and provides proof of receipt. At the time of the filing of the verified statement of compliance required by subdivision (e)(1) of this Rule, the formerly admitted attorney shall file copies of the notices required by this subdivision and proofs of receipt with the Secretary of the Board and shall serve a conforming copy on the Office of Disciplinary Counsel. See D.Bd. Rules § 91.92(b) (relating to filing of copies of notices).**

*Official Note:* Notice may be accomplished, for example, by delivery in person with the lawyer securing a signed receipt, electronic mailing with some form of acknowledgement from the client other than a “read receipt,” and mailing by registered or certified mail return receipt requested.

(b) A formerly admitted attorney shall promptly notify, or cause to be **promptly notified, [ by registered or certified mail, return receipt requested, ]** all clients who are involved in pending litigation or administrative proceedings, and the attorney or attorneys for each adverse party in such matter or proceeding, of the disbarment, suspension, administrative suspension or transfer to inactive status and consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status. The notice to be given to the client shall advise the prompt substitu-

tion of another attorney or attorneys in place of the formerly admitted attorney. In the event the client does not obtain substitute counsel before the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status, it shall be the responsibility of the formerly admitted attorney to move in the court or agency in which the proceeding is pending for leave to withdraw. The notice to be given to the attorney or attorneys for an adverse party shall state the place of residence of the client of the formerly admitted attorney. **The notice required by this subdivision (b) may be delivered by the most efficient method possible as long as the chosen method is successful and provides proof of receipt. See Note after subdivision (a), *supra*. At the time of the filing of the verified statement of compliance required by subdivision (e)(1) of this Rule, the formerly admitted attorney shall file copies of the notices required by this subdivision and proofs of receipt with the Secretary of the Board and shall serve a conforming copy on the Office of Disciplinary Counsel. See D.Bd. Rules § 91.92(b) (relating to filing of copies of notices).**

(c) A formerly admitted attorney shall promptly notify, or cause to be **promptly** notified, of the disbarment, suspension, administrative suspension or transfer to inactive status[ , by registered or certified mail, return receipt requested ]:

(1) all persons or their agents or guardians, **including but not limited to wards, heirs and beneficiaries**, to whom a fiduciary duty is or may be owed at any time after the disbarment, suspension, administrative suspension or transfer to inactive status[ , and ];

(2) all other persons with whom the formerly admitted attorney may at any time expect to have professional contacts under circumstances where there is a reasonable probability that they may infer that he or she continues as an attorney in good standing[ . ]; and

(3) any other tribunal, court, agency or jurisdiction in which the attorney is admitted to practice.

**The notice required by this subdivision (c) may be delivered by the most efficient method possible as long as the chosen method is successful and provides proof of receipt. See Note after subdivision (a), *supra*. At the time of the filing of the verified statement of compliance required by subdivision (e)(1) of this Rule, the formerly admitted attorney shall file copies of the notices required by subdivision (c) and proofs of receipt with the Secretary of the Board and shall serve a conforming copy on the Office of Disciplinary Counsel.** The responsibility of the formerly admitted attorney to provide the notice required by this subdivision shall continue for as long as the formerly admitted attorney is disbarred, suspended, administratively suspended or on inactive status.

[ (d) ] (d)(1) Orders imposing suspension, disbarment, administrative suspension or transfer to inactive status shall be effective 30 days after entry. The formerly admitted attorney, after entry of the disbarment, suspension, administrative suspension or transfer to inactive status order, shall not accept any new retainer or engage as attorney for another in any new case or legal matter of any nature. However, during the period from the entry date of the order and its effective date the formerly admitted attorney may wind up and complete, on behalf of any client, all matters which were pending on the entry date.

(2) In addition to the steps that a formerly admitted attorney must promptly take under other provisions of this Rule to disengage from the practice of law, a formerly admitted attorney shall promptly:

(i) resign all appointments as personal representative, executor, administrator, guardian, conservator, receiver, trustee, agent under a power of attorney, or other fiduciary position;

(ii) close every IOLTA, Trust, client and fiduciary account;

(iii) properly disburse or otherwise transfer all client and fiduciary funds in his or her possession, custody or control;

(iv) cease and desist from using all forms of communication that expressly or implicitly convey eligibility to practice law in the state courts of Pennsylvania, including but not limited to professional titles, letterhead, business cards, signage, websites, and references to admission to the Pennsylvania Bar; and

(v) in cases of disbarment or suspension exceeding one year, take all necessary steps to cancel or discontinue the next regular publication of all advertisements and telecommunication listings that expressly or implicitly convey eligibility to practice law in the state courts of Pennsylvania.

The attorney shall maintain records to demonstrate compliance with the provisions of this paragraph (2) and shall provide proof of compliance at the time the attorney files the verified statement required by subdivision (e)(1) of this Rule.

[ (e) ] (e)(1) Within ten days after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status order, the formerly admitted attorney shall file with the Secretary of the Board a verified statement [ showing ] and serve a copy on Disciplinary Counsel. In the verified statement, the formerly admitted attorney shall:

[ (1) ] (i) aver that the provisions of the order and these rules have been fully complied with; [ and ]

[ (2) ] (ii) list all other state, federal and administrative jurisdictions to which such person is admitted to practice[ . Such statement shall also set forth the residence or other address of the formerly admitted attorney where communications to such person may thereafter be directed. ], aver that he or she has fully complied with the notice requirements of paragraph (3) of subdivision (c) of this Rule, and aver that he or she has attached copies of the notices and proofs of receipt required by (c)(3); or, in the alternative, aver that he or she was not admitted to practice in any other tribunal, court, agency or jurisdiction;

(iii) aver that he or she has attached copies of the notices required by subdivisions (a), (b), (c)(1) and (c)(2) of this Rule and proofs of receipt, or, in the alternative, aver that he or she had no clients or third persons to whom a fiduciary duty was owed;

(iv) in cases of disbarment or suspension for a period exceeding one year, aver that he or she has attached his or her attorney registration certificate for the current year, certificate of admission, any certificate of good standing issued by the Prothonotary, and any other certificate required by subdivi-

sion (h) of this Rule to be surrendered; or, in the alternative, aver that he or she has attached all such documents within his or her possession, or that he or she is not in possession of any of the certificates required to be surrendered;

(v) aver that he or she has complied with the requirements of paragraph (2) of subdivision (d) of this Rule, and aver that he or she has attached proof of compliance, including resignation notices, evidence of the closing of accounts, copies of cancelled checks and other instruments demonstrating the proper distribution of client and fiduciary funds, evidence of the destruction or removal of indicia of Pennsylvania practice, and requests to cancel advertisements and telecommunication listings; or, in the alternative, aver that he or she has no applicable appointments, accounts, funds, or indicia of Pennsylvania practice;

(vi) aver that he or she has served a copy of the verified statement and its attachments on the Office of Disciplinary Counsel;

(vii) set forth the residence or other address where communications to such person may thereafter be directed; and

(viii) sign the statement.

The statement shall contain an averment that all statements contained therein are true and correct to the best of the formerly admitted attorney's knowledge, information and belief, and are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

*Official Note:* A respondent-attorney who is placed on temporary suspension is required to comply with subdivision (e)(1) and file a verified statement. Upon the entry of a final order of suspension or disbarment, the respondent-attorney must file a supplemental verified statement containing the information and documentation not applicable at the time of the filing of the initial statement, or all of the information and documentation required by subdivision (e)(1) if the respondent-attorney has failed to file the initial statement. Although the grant of retroactivity is always discretionary, a respondent-attorney who fails to file a verified statement at the time of temporary suspension should not expect a final order to include a reference to retroactivity.

(2) A formerly admitted attorney shall cooperate with Disciplinary Counsel and respond completely to questions by Disciplinary Counsel regarding compliance with the provisions of this Rule.

(3) After the entry of an order of disbarment or suspension for a period exceeding one year, the waiting period for eligibility to apply for reinstatement to the practice of law shall not begin until the formerly admitted attorney files the verified statement required by subdivision (e)(1) of this Rule. If the order of disbarment or suspension contains a provision that makes the discipline retroactive to an earlier date, the waiting period will be deemed to have begun on that earlier date.

(f) The Board shall cause a notice of the suspension, disbarment, administrative suspension or transfer to inactive status to be published in the legal journal and a newspaper of general circulation in the county in which

the formerly admitted attorney practiced. **The cost of publication shall be assessed against the formerly admitted attorney.**

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**Rule 218. Reinstatement.**

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(b) A person who has been disbarred may not apply for reinstatement until the expiration of at least five years from the effective date of the disbarment, except that a person who has been disbarred pursuant to Rule 216 (relating to reciprocal discipline and disability) may apply for reinstatement at any earlier date on which reinstatement may be sought in the jurisdiction of initial discipline. **Pursuant to Rule 217(e)(3), the waiting period for eligibility to apply for reinstatement to the practice of law shall not begin until the person files the verified statement required by subdivision (e)(1) of Rule 217. If the order of disbarment contains a provision that makes the disbarment retroactive to an earlier date, the waiting period will be deemed to have begun on that earlier date.**

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[Pa.B. Doc. No. 14-1988. Filed for public inspection September 26, 2014, 9:00 a.m.]

**Title 207—JUDICIAL CONDUCT**

**PART II. CONDUCT STANDARDS  
[ 207 PA. CODE CH. 33 ]  
Formal Opinion 2014-1**

Notice is hereby given that the Ethics Committee of the Pennsylvania Conference of State Trial Judges has adopted its Formal Opinion 2014-1 which is set forth as follows.

EDWARD D. REIBMAN,  
*Chairperson  
Ethics Committee  
Pennsylvania Conference of State Trial Judges*

**Annex A  
TITLE 207. JUDICIAL CONDUCT  
PART II. CONDUCT STANDARDS  
CHAPTER 33. CODE OF JUDICIAL CONDUCT  
Subchapter B. FORMAL OPINIONS**

**§ 14-1. Social Activities.**

The Ethics Committee of the Pennsylvania Conference of State Trial Judges (the "Committee") regularly receives inquiries regarding the propriety of judges attending social activities.<sup>1</sup> By order of the Supreme Court of Pennsylvania, a new Code of Judicial Conduct (the "new Code") became effective on July 1, 2014. Although the new Code is more expansive than, and in some respects significantly different from, the prior Code of Judicial Conduct ("the old Code"), many of the relevant provisions of the old Code have been incorporated into the new Code. The Committee has issued a body of informal opinions under the old Code. It now issues this Formal

Opinion to provide broad guidance to those subject to the new Code as they transition to its provisions.<sup>ii</sup>

As is always the case, if a judge has a specific question concerning the application of these general guidelines to his or her prospective behavior, and wishes to enjoy the rule of reliance on the Committee's advice,<sup>iii</sup> the judge should make a written request for advice from the Committee.

#### *Social Activities<sup>iv</sup>*

In general, inquiries to the Committee concerning social activities have involved (A) attorneys, law firms and attorney associations; (B) charitable organizations; and (C) other types of events.

#### *A. Social Activities Involving Attorneys, Law Firms and Attorney Associations*

The Committee has approved attendance at the following social activities sponsored by attorneys, law firms and attorney organizations under the old Code; and, as a general matter, the result would be the same under the new Code:<sup>v</sup>

- A ceremonial and social function held by a plaintiffs' bar association. (2/21/01)
- A bar association event held at a private law firm. (4/16/01)
- A summer associate reception at a law firm where the judge's spouse is a partner. No clients will be in attendance; and all spouses/significant others are invited. (5/27/07)
- A plaintiffs' bar association awards dinner which is a fund raising event. (10/1/09)
- A CLE program conducted by a criminal defense organization where the program has been approved for CLE credit, is open to the general bar, is held in a public forum, and is free to judges. (4/28/10)
- A charity concert at a public venue when the tickets were purchased for the judge and the judge's spouse by the spouse's firm. The judge will not be sitting with the firm's clients. (5/7/10)
- The wedding of a former law clerk, who is now a local lawyer not currently involved in litigation before the judge. (9/19/12)
- A public event in a law firm's sky box suite where the firm has not appeared before the judge in any civil/criminal matter. (2/28/13)

The Committee has advised attendance at the following events could be violative of the old Code; and, as a general matter, the result would be the same under the new Code:

- Judge may not serve as a keynote speaker before an insurance industry group. (9/8/03)
- A legal seminar conducted solely for the members of the sponsoring firm. (9/8/04)
- A seminar given only for members of a certain law firm at the firm's office. (6/20/05)
- A spouse's firm retreat (including dinners and social events), even where the judge pays for his/her own airfare, lodging, and food.
- The retreat includes a dinner where the spouse would entertain clients and the judge would attend as the spouse's guest. (4/5/06)

- A private firm event featuring a well-known political commentator. The event is not held at the firm, but clients and prospective clients of the firm will be present. (9/15/08)

- A private party following a charity concert where the party is held by a spouse's firm for the purpose of entertaining clients. (5/7/10)

- An event open to the general bar, sponsored by a nonprofit, and held at a private law firm. The title of the event indicates that judges will be featured attendees. (8/26/10)

- An award breakfast honoring a retired U. S. Supreme Court Justice where clients of the firm will attend. (5/28/13)

In deciding whether to attend social functions sponsored by attorneys, law firms, and attorney associations, a judge should review the following non-exhaustive list of considerations implicated by the Code:

1. Is the event intended to improve the law, the legal system, or the administration of justice, or is it purely a social function?
2. Are the sponsoring attorneys currently involved or likely to be involved in litigation before the judge?
3. Is the event held at a law firm or off site?
4. Is attendance limited to attorneys in the sponsoring firm or is it open to other attorneys and/or the general public?
5. Will the firm's clients or potential clients attend the event?
6. Will an appearance at the social event convey the impression that the sponsors are in a special position to influence the judge?
7. Will the judge's presence be advertised in advance of the event or will the judge be recognized during the event?
8. In the case of an event sponsored by an attorney association, is the function limited to one sector of the bar, such as the plaintiffs' bar, defense counsel, prosecutors, etc.?
9. Will attendance at the function call into question the judge's impartiality?
10. Will attendance interfere with the performance of the judge's judicial duties?

#### *B. Social Activities Sponsored by Charitable Organizations*

The old Code stated judges were not permitted to ". . . solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of their office for that purpose . . . [or] . . . be a speaker or the guest of honor at an organization's fundraising events, but they may attend such events."<sup>vi</sup> Accordingly, under the old Code the Committee approved attendance at the following social events sponsored by charitable organizations while, in some cases, noting particular concerns about the event:<sup>vii</sup>

- A nonprofit organization's fundraising event; however, where the judge would be given a free ticket to the event, there was concern that the organization intended to showcase the judge, which would be prohibited. (2/5/99)
- A charitable event if the judge is not being showcased as a means to encourage others to contribute. (4/11/05)



- A charitable event including a free ticket, if doing so would not reflect adversely on impartiality, interfere with the judge's ability to perform, or give the appearance of impropriety. (4/11/05)

- A Citizens' Crime Commission (a 501(c)(3) nonprofit) cocktail party as long as the judge is neither listed in the program nor an honoree. (2/28/06)

- A "Dancing with the Stars" event, when the judge's name is not used in advance publicity; the judge is identified at the dance by name, not title; the judge will be identified in the program as "guest dancer;" the judge will purchase his own ticket; and attendees will not bid on the judge's dance or pay extra because the judge is participating. (1/21b/2009)

Under the new Code, Rule 3.7(B)(2) permits judges to be a guest speaker or guest of honor at fundraising dinners or events that are for the advancement of the legal system, and have their name listed in the program; but, otherwise, the new Code continues to prohibit judges from being the guest speaker or guest of honor at fundraising dinners or events for other causes.

With respect to a judge receiving a free ticket to an event, or receiving other things of value, Rule 3.13(A) of the new Code prohibits such acceptance if "... prohibited by law or would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality." However, subject to Rule 3.13(A) and the reporting requirements of Rule 3.15, Rule 3.13(C) permits judges to accept "... invitations to the judge and the judge's spouse, domestic partner, or guest to attend without charge: (a) an event associated with a bar-related function or other activity relating to the law, the legal system, or the administration of justice; or (b) an event associated with any of the judge's educational, religious, charitable, fraternal or civic activities permitted by this Code, if the same invitation is offered to nonjudges who are engaged in similar ways in the activity as is the judge. . . ."

Faced with reduced budgets and shrinking charitable contributions, organizations have turned to novel and creative fundraising efforts to swell the crowd or otherwise raise money by involving judges. Examples of using a judge as an attraction or celebrity participant include "Dancing with the Stars" events, competing with judges in sporting events, and the judge as a celebrity auctioneer. While celebrities and other government officials may lend their personal or professional status to an organization's fundraising efforts, a judge is prohibited from doing so. A judge may not permit an organization to capitalize on or exploit his or her attendance at or participation in such an event by advertising that fact on invitations or other promotional materials in advance of an event that is not for the advancement of the legal system. A judge who allows himself or herself to be used in this manner is engaged in the solicitation of funds in direct violation of the Code. These prohibitions apply regardless of the worthiness of the charity. See Formal Opinion 2011-1 (Certain Fundraising Activities).

Most importantly, the judge must determine whether he/she is the "draw" for the charitable activity and, if so, decline the invitation. If the judge will be "showcased," thus allowing the prestige of the office to be used for the benefit of a charity that is not for the advancement of the legal system, the judge is prohibited from attending.

### C. Other Types of Social Activities

Many social events fall outside the basic categories outlined in this Formal Opinion and can only be ad-

ressed on a case-by-case basis. Attendance at the following events was permitted by the Committee under the old Code based upon the specific facts represented in the inquiry:

- The inauguration of a university president and related social events. (9/6b/00)

- An elected official's inaugural ball. (12/17/01)

- A judicial symposium held by a nonpartisan group including lodging, meals, and money to defray transportation costs. (12/14b/04)

- A privately funded seminar with a partisan agenda, if the identity of the sponsors is publicized. (12/14b/04)

However, the Committee advised against accepting dinner at a private club as the guest of a senior judge whom the inquiring judge recently appointed in several cases. (12/12/13)

### Conclusion

Judges must expect to be the subject of constant public scrutiny. They must freely and willingly accept restrictions on their conduct that might be viewed as burdensome by the ordinary citizen. This does not mean, however, that judges must isolate themselves from society or decline all social invitations. Indeed, the new Code continues to encourage judges to be involved in the communities in which they serve. However, the need to maintain an impartial and independent judiciary gives rise to special concerns. Accordingly, judges must carefully consider the ramifications of all social activities, both personal and judicial, to ensure that they uphold the independence, integrity, and impartiality of the judiciary, avoid impropriety and the appearance of impropriety, and do not lend the prestige of their office to advance the private interests of others. To that end, therefore, judges must be attentive to strictures that continue to be imposed by the new Code in relation to social activities. These include factors to be considered in deciding whether to attend social functions sponsored by attorneys, law firms, and attorney associations as well as social events sponsored by charitable organizations.

This Formal Opinion is intended to provide judges with broad guidance regarding one of the Ethics Committee's most frequent areas of inquiry. And judges are reminded that to enjoy the rule of reliance on the Committee's advice, they should make a written request for advice from the Committee tailored to the particular situation confronted. If a judge has a question concerning the application of these guidelines, the judge should make a written request for advice from a member of the Committee. The new Code provides that, although such opinions are not *per se* binding on the Judicial Conduct Board, the Court of Judicial Discipline, or the Supreme Court of Pennsylvania, action taken in reliance thereon shall be considered in determining whether discipline should be recommended or imposed.

<sup>i</sup> This Formal Opinion does not purport to address political events.

<sup>ii</sup> While the entire new Code is relevant, the following are the particularly relevant provisions of the new Code:

**Canon 3: A judge shall conduct the judge's personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office.**

**Rule 3.1. Extrajudicial Activities in General.**

Judges shall regulate their extrajudicial activities to minimize the risk of conflict with their judicial duties and to comply with all provisions of this Canon. However, a judge shall not:

(A) Participate in activities that will interfere with the proper performance of the judge's judicial duties;

(B) Participate in activities that will lead to frequent disqualification of the judge;

- (C) Participate in activities that would reasonably appear to undermine the judge's independence, integrity, or impartiality;
- (D) Engage in conduct that would reasonably appear to be coercive; or

(E) Make use of court premises, staff, stationery, equipment, or other resources, except for incidental use for activities that concern the law, the legal system, or the administration of justice, or unless such additional use is permitted by law.

*Comment [1]:* To the extent that time permits, and judicial independence and impartiality are not compromised, judges are encouraged to engage in appropriate extrajudicial activities that concern the law, the legal system, and the administration of justice, such as by speaking, writing, teaching, or participating in scholarly research projects. In addition, judges are permitted and encouraged to engage in educational, religious, charitable, fraternal or civic extrajudicial activities not conducted for profit, even when the activities do not involve the law. See Rule 3.7.

*Comment [2]:* Participation in both law-related and other extra-judicial activities helps integrate judges into their communities, and furthers public understanding of and respect for courts and the judicial system.

*Comment [3]:* . . . a judge's extrajudicial activities must not be conducted in connection or affiliation with an organization that practices invidious discrimination. See Rule 3.6.

*Comment [4]:* While engaged in permitted extrajudicial activities, judges must not coerce others or take action that would reasonably be perceived as coercive.

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**Rule 3.4. Appointments to Governmental Positions and Other Organizations.**

(A) judge shall not accept appointment to a governmental committee, board, commission, or other governmental position, unless it is one that concerns the law, the legal system, or the administration of justice.

(B) A judge may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. A judge shall not personally solicit funds but may attend fundraising events for such organizations.

(C) Senior judges eligible for recall to judicial service may accept extrajudicial appointments not permitted by Rule 3.4(B) but during the term of such appointment shall refrain from judicial service.

*Comment [1]:* Rule 3.4 implicitly acknowledges the value of judges accepting appointments to entities that concern the law, the legal system, or the administration of justice. Even in such instances, however, a judge should assess the appropriateness of accepting an appointment, paying particular attention to the subject matter of the appointment and the availability and allocation of judicial resources, including the judge's time commitments, and giving due regard to the requirements of the independence and impartiality of the judiciary.

*Comment [2]:* A judge may represent his or her country, state, or locality on ceremonial occasions or in connection with historical, educational, or cultural activities. Such representation does not constitute acceptance of a governmental position.

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**Rule 3.6. Affiliation with Discriminatory Organizations.**

(A) A judge shall not hold membership in any organization that practices invidious discrimination on the basis of race, sex, gender, religion, national origin, ethnicity, disability or sexual orientation.

(B) A judge shall not use the benefits or facilities of an organization if the judge knows or should know that the organization practices invidious discrimination on one or more of the bases identified in paragraph (A). A judge's attendance at an event in a facility of an organization that the judge is not permitted to join is not a violation of this Rule when the judge's attendance is an isolated event that could not reasonably be perceived as an endorsement of the organization's practices.

*Comment [1]:* A judge's public manifestation of approval of invidious discrimination on any basis gives rise to the appearance of impropriety and diminishes public confidence in the integrity and impartiality of the judiciary. A judge's membership in an organization that practices invidious discrimination creates the perception that the judge's impartiality is impaired.

*Comment [2]:* An organization is generally said to discriminate invidiously if it arbitrarily excludes from membership on the basis of race, sex, gender, religion, national origin, ethnicity, disability or sexual orientation persons who would otherwise be eligible for admission. Whether an organization practices invidious discrimination is a complex question to which judges should be attentive. The answer cannot be determined from a mere examination of an organization's current membership rolls, but rather, depends upon how the organization selects members, as well as other relevant factors, such as whether the organization is dedicated to the preservation of religious, ethnic, or cultural values of legitimate common interest to its members, or whether it is an intimate, purely private organization whose membership limitations could not constitutionally be prohibited.

*Comment [3]:* When a judge learns that an organization to which the judge belongs engages in invidious discrimination, the judge must resign immediately from the organization.

*Comment [4]:* A judge's membership in a religious organization as a lawful exercise of the freedom of religion is not a violation of this Rule.

*Comment [5]:* The Rule does not apply to national or state military service.

**Rule 3.7. Participation in Educational, Religious, Charitable, Fraternal or Civic Organizations and Activities.**

(A) Avocational activities. Judges may write, lecture, teach, and speak on non-legal subjects and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of their office or interfere with the performance of their judicial duties.

(B) Civic and Charitable Activities. Judges may participate in civic and charitable activities that do not reflect adversely upon their impartiality or interfere with the performance of their judicial duties. Judges may serve as an officer, director, trustee, or nonlegal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) A judge shall not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

(2) A judge shall not personally solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of the judicial office for that purpose, but may be listed as an officer, director, or trustee of such an organization. A judge shall not be a speaker or the guest of honor at an organization's fundraising events that are not for the advancement of the legal system, but may attend such events.

(3) A judge shall not give investment advice to such an organization.

(C) Notwithstanding any of the above, a judge may encourage lawyers to provide *pro bono publico* legal services.

*Comment [1]:* The nature of many outside organizations is constantly changing and what may have been innocuous at one point in time may no longer be so. Cases in point are boards of hospitals and banks. Judges must constantly be vigilant to ensure that they are not involved with boards of organizations that are often before the court.

*Comment [2]:* Judges are also cautioned with regard to organizations of which they were members while in practice, and/or in which they remain members, such as the District Attorney's organization, the Public Defender's organization, and MADD, as examples only. Review should be made to make sure that a reasonable litigant appearing before the judge would not think that membership in such an organization would create an air of partiality on the part of the tribunal.

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**Rule 3.13. Acceptance of Gifts, Loans, Bequests, Benefits, or Other Things of Value.**

(A) A judge shall not accept any gifts, loans, bequests, benefits, or other things of value, if acceptance is prohibited by law or would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality.

(B) Unless otherwise prohibited by law, or by paragraph (A), a judge may accept the following without publicly reporting such acceptance:

\* \* \* \* \*

(3) ordinary social hospitality

\* \* \* \* \*

(8) gifts, awards, or benefits associated with the business, profession, or other separate activity of a spouse, a domestic partner, or other family member of a judge residing in the judge's household, but that incidentally benefit the judge.

(C) Unless otherwise prohibited by law or by paragraph (A), a judge may accept the following items, and must report such acceptance to the extent required by Rule 3.15:

- (1) gifts incident to a public testimonial;
- (2) invitations to the judge and the judge's spouse, domestic partner, or guest to attend without charge:

(a) an event associated with a bar-related function or other activity relating to the law, the legal system, or the administration of justice; or

(b) an event associated with any of the judge's educational, religious, charitable, fraternal or civic activities permitted by this Code, if the same invitation is offered to nonjudges who are engaged in similar ways in the activity as is the judge; and

(3) gifts, loans, bequests, benefits, or other things of value, if the source is a party or other person, including a lawyer, who has come or is likely to come before the judge, or whose interests have come or are likely to come before the judge.

(D) A judge must report, to the extent required by Rule 3.15, gifts, loans, bequests, benefits, or other things of value received by the business, profession, or other separate activity of a spouse, a domestic partner, or other family member of a judge residing in the judge's household, if the source is a party or other person, including a lawyer, who has come or is likely to come before the judge, or whose interests have come or are likely to come before the judge.

*Comment [1]:* Whenever a judge accepts a gift or other thing of value without paying fair market value, there is a risk that the benefit might be viewed as a means to influence the judge's decision in a case. Rule 3.13 restricts the acceptance of such benefits, according to the magnitude of the risk. Paragraph (B) identifies circumstances in which the risk that the acceptance would appear to undermine the judge's independence, integrity, or impartiality is low, and explicitly provides that such items need not be publicly reported. As the value of the benefit or the likelihood that the source of the benefit will appear before the judge increases, the judge is prohibited under para

\* \* \* \* \*

*Comment [4]:* Rule 3.13 applies only to acceptance of gifts or other things of value by a judge. Nonetheless, if a gift or other benefit is given to the judge's spouse, domestic partner, or member of the judge's family residing in the judge's household, it may be viewed as an attempt to evade Rule 3.13 and influence the judge indirectly. This concern is reduced if the judge merely incidentally benefits from a gift or benefit given to such other persons. A judge should, however, inform family and household members of the restrictions imposed upon judges, and urge them to consider these restrictions when deciding whether to accept such gifts or benefits.

\* \* \* \* \*

In addition, the following are over-arching principles implicated generally in determining whether a judge may attend or otherwise participate in social functions: Canon 1 ("[a] judge shall uphold and promote the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety"); Rules 1.1 (judge to comply with the law) and 1.2 (judge to promote public confidence in the judiciary); and Comments 1 (principles apply to both the professional and personal conduct of a judge), 2 (judge to accept restrictions that might be viewed as burdensome if applied to other citizens), 3 (rule necessarily cast in general terms), 4 (judge to promote ethical conduct and support professionalism within the judiciary and legal profession), 5 (test for appearance of impropriety is whether conduct "would create in reasonable minds a perception" that the judge violated Code or engaged in "other conduct that reflects adversely on the judge's honesty, impartiality, temperament, or fitness to serve as judge," and 6 (judge to act in manner

consistent with Code while participating in outreach activities), Rule 1.3 (judge not to abuse the prestige of judicial office to advance personal or economic interests of the judge or others, or allow others to do so), and Comment 1; and Canon 2 (“A judge shall perform the duties of judicial office impartially, competently, and diligently”); Rule 2.1 (duties of judicial office ordinarily take precedence over judge’s personal and extrajudicial activities), and Comments 1 (judge to arrange personal and extrajudicial activities to minimize interference with judge’s duties) and 2 (judge to minimize risk of conflicts that would result in frequent disqualification), Rule 2.4 (B) (judge not to permit social interests or relationships to influence judicial conduct or judgment), and Rule 2.4 (C) (judge not to convey or permit others to convey impression judge can be influenced) and Comment (confidence in judiciary eroded if judicial decision-making is perceived to be subject to inappropriate outside influences).

The Terminology section of the new Code provides the following definitions:

*Impartial, impartiality, impartially*—Absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintenance of an open mind in considering issues that may come before a judge.

\* \* \* \* \*

*Impropriety*—includes conduct that violates the law, court rules, or provisions of this Code, and conduct that undermines a judge’s independence, integrity, or impartiality.

*Independence*—A judge’s freedom from influence or controls other than those established by law or Rule.

*Integrity*—Probity, fairness, honesty, uprightness, and soundness of character.

<sup>iii</sup> Under both the old Code and the new Code, the Committee is designated by the Supreme Court “as the approved body to render advisory opinions regarding ethical concerns involving judges . . . subject to the Code of Judicial Conduct.” As both Codes further provide, “Although such opinions are not, *per se*, binding upon the Judicial Conduct Board, the Court of Judicial Discipline or the Supreme Court of Pennsylvania,” action taken in reliance thereon and pursuant thereto “shall be taken into account in determining whether discipline should be recommended or imposed.”

<sup>iv</sup> For purposes of this Opinion, the words “activities,” “events,” and “functions” are used interchangeably.

<sup>v</sup> Each Ethics Committee Opinion is based on a specific set of facts outlined by the inquiring judge. These facts may not be fully set forth in the Digest version of the Opinion (for example, to maintain the confidentiality of the inquirer). *Readers are cautioned* that the Judicial Conduct Board, the Court of Judicial Discipline, and/or the Supreme Court will only consider a judge’s reliance on an advisory opinion rendered in response to *that judge’s personal inquiry* (not an Opinion rendered to another judge) in determining whether discipline should be recommended or imposed.

<sup>vi</sup> Canon 5B(2) of the old Code.

<sup>vii</sup> See Footnote 2, graph (A) from accepting the gift, or required under paragraph (C) and (D) to publicly report it.

[Pa.B. Doc. No. 14-1989. Filed for public inspection September 26, 2014, 9:00 a.m.]

## Title 237—JUVENILE RULES

### PART I. RULES

[ 237 PA. CODE CHS. 1 AND 11 ]

#### Order Adopting New Rules 182 and 182 of the Rules of Juvenile Court Procedure; No. 647 Supreme Court Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 11th day of September, 2014, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been published for public comment before adoption at 43 Pa.B. 2306 (April 27, 2013), in the *Atlantic Reporter* (Third Series Advance Sheets, Vol. 62, No. 3, May 3, 2013), and on the Supreme Court’s web-page, and an Explanatory Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the adoption of new Rules 182 and 1182 of the Rules of Juvenile Court Procedure are approved in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and the rules herein shall be effective October 1, 2016.

## Annex A

### TITLE 237. JUVENILE RULES

#### PART I. RULES

##### Subpart A. DELINQUENCY MATTERS

#### CHAPTER 1. GENERAL PROVISIONS

##### PART D. MASTERS

#### Rule 182. Qualifications of Master.

A. *Education, Experience, and Training.* To be eligible to be appointed as a master to preside over cases governed by the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*, an individual shall:

- 1) be a member, in good standing, of the bar of this Commonwealth;
- 2) have been licensed to practice law for at least five consecutive years; and
- 3) have completed six hours of instruction, approved by the Pennsylvania Continuing Legal Education Board prior to hearing cases, which specifically addresses all of the following topics:

- a) the Juvenile Act;
- b) the Pennsylvania Rules of Juvenile Court Procedure;
- c) the penal laws of Pennsylvania;
- d) the Child Protective Services Law;
- e) evidence rules and methodology;
- f) child and adolescent development; and
- g) the collateral consequences of an adjudication of delinquency.

B. *Continuing Education.* A master shall complete six hours of instruction from a course(s) designed by the Juvenile Court Judges’ Commission, in juvenile delinquency law, policy, or related social science research every two years from the initial appointment as master.

#### C. *Compliance.*

1) A master shall sign an affidavit attesting that he or she has met the requirements of this rule.

2) Prior to appointment as a master, the affidavit shall be sent to the President Judge or his or her designee of each judicial district where the attorney is seeking appointment as a master.

3) After submission of the initial affidavit pursuant to paragraph (C)(2), masters shall submit a new affidavit every two years attesting that the continuing education requirements of paragraph (B) have been met.

#### Comment

Pursuant to paragraphs (A)(1) & (2), masters are to be in good standing and have at least five consecutive years of experience as an attorney. It is best practice to have at least two years of experience in juvenile law.

Pursuant to paragraph (A)(3), the initial training program(s) is to be approved by the Pennsylvania Continuing Legal Education Board (Board). The program may be one course or multiple courses with at least six hours of instruction, equivalent to at least six CLE credits. When the Board is approving courses designed to address the requirements of this rule, it should consult with the Juvenile Court Judges’ Commission to ensure proper course requirements are being met. Additionally, for this

initial training course(s), training already provided by the Juvenile Court Judges' Commission or the Office of Children and Families in the Courts may meet the requirements of this Rule.

For continuing education under paragraph (B), masters are to attend six hours of instruction from a course or multiple courses designed by the Juvenile Court Judges' Commission. This is to ensure uniform training among masters.

These requirements are additional requirements to the Pa.R.C.L.E. because they mandate specific training in juvenile delinquency law. However, the credit hours received do count towards the total maximum required under Pa.R.C.L.E. 105.

Pursuant to paragraph (C), a master is to certify to the court that the requirements of this rule have been met prior to the appointment as master, and submit new affidavits every two years thereafter.

**Official Note:** Rule 182 adopted September 11, 2014, effective October 1, 2016.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 182 published with the Court's Order at 44 Pa.B. 6087 (September 27, 2014).

**Subpart B. DEPENDENCY MATTERS**

**CHAPTER 11. GENERAL PROVISIONS**

**PART D. [ PROCEEDINGS IN CASES BEFORE MASTER ] MASTERS**

**Rule 1182. Qualifications of Master.**

*A. Education, Experience, and Training.* To be eligible to be appointed as a master to preside over cases governed by the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*, an individual shall:

- 1) be a member, in good standing, of the bar of this Commonwealth;
- 2) have been licensed to practice law for at least five consecutive years; and
- 3) have completed six hours of instruction, approved by the Pennsylvania Continuing Legal Education Board prior to hearing cases, which specifically addresses all of the following topics:
  - a) the Juvenile Act;
  - b) the Pennsylvania Rules of Juvenile Court Procedure;
  - c) the Child Protective Services Law;
  - d) evidence rules and methodology; and
  - e) child and adolescent development.

*B. Continuing Education.* A master shall complete six hours of instruction from a course(s) designed by the Office of Children and Families in the Courts, in juvenile dependency law, policy, or related social science research every two years from the initial appointment as master.

*C. Compliance.*

1) A master shall sign an affidavit attesting that he or she has met the requirements of this rule.

2) Prior to appointment as a master, the affidavit shall be sent to the President Judge or his or her designee of each judicial district where the attorney is seeking appointment as a master.

3) After submission of the initial affidavit pursuant to paragraph (C)(2), masters shall submit a new affidavit every two years attesting that the continuing education requirements of paragraph (B) have been met.

**Comment**

Pursuant to paragraphs (A)(1) & (2), masters are to be in good standing and have at least five consecutive years of experience as an attorney. It is best practice to have at least two years of experience in juvenile law.

Pursuant to paragraph (A)(3), the initial training program(s) is to be approved by the Pennsylvania Continuing Legal Education Board (Board). The program may be one course or multiple courses with at least six hours of instruction, equivalent to at least six CLE credits. When the Board is approving courses designed to address the requirements of this rule, it should consult with the Office of Children and Families in the Courts to ensure proper course requirements are being met. Additionally, for this initial training course(s), training already provided by the Office of Children and Families in the Courts or the Juvenile Court Judges' Commission may meet the requirements of this Rule.

For continuing education under paragraph (B), masters are to attend six hours of instruction from a course or multiple courses designed by the Office of Children and Families in the Courts. This is to ensure uniform training among masters.

These requirements are additional requirements to the Pa.R.C.L.E. because they mandate specific training in juvenile dependency law. However, the credit hours received do count towards the total maximum required under Pa.R.C.L.E. 105.

Pursuant to paragraph (C), a master is to certify to the court that the requirements of this rule have been met prior to the appointment as master, and submit new affidavits every two years thereafter.

**Official Note:** Rule 1182 adopted September 11, 2014, effective October 1, 2016.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 182 published with the Court's Order at 44 Pa.B. 6087 (September 27, 2014).

**EXPLANATORY REPORT  
September 2014**

The Supreme Court of Pennsylvania has adopted new Rules 182 and 1182. The Rules are effective October 1, 2016.

These new rules were prompted by the Recommendation of the Interbranch Commission on Juvenile Justice (ICJJ). On page 46 of the ICJJ Report, the ICJJ recommended the need for "masters to be properly educated about the Juvenile Act, child development, and problems unique to the relationship between children and their families." Further, the ICJJ recommended that the Supreme Court develop mandatory continuing education standards for juvenile masters. *See* ICJJ Report at pg. 46.

In addition to the recommended educational requirements by the ICJJ for "delinquency" matters of juvenile court, the Committee believes educational requirements are just as important and necessary for "dependency" matters.

The purpose of these rule additions is to provide a minimum standard for education, experience, and train-

ing of masters. Judicial districts are encouraged to provide additional educational and training courses for its masters.

*Rules 182 and 1182—Qualifications of Master*

These new rules govern the qualifications of masters. Prior to presiding over juvenile cases, these attorneys must be a member, in good standing, of the Bar of this Commonwealth, have been licensed to practice law for five consecutive years, and have completed the initial basic training course(s). This basic knowledge of juvenile law and experience as an attorney is essential before an attorney may be appointed as a master.

In addition, these attorneys should have experience in diverse cases. It would be beneficial if the attorney handled juvenile cases prior to becoming a master with experience with several different types of allegations and at different stages of the process, including detention or shelter-care hearings, adjudicatory hearings, transfer or permanency hearings, dispositional hearings, and dispositional review hearings.

After the initial training requirement has been met, attorneys are required to continue their legal education by attending a mandatory course(s) offered by the Juvenile Court Judges' Commission or the Office of Children and Families in the Courts. Because masters are judicial officers, this requirement is an additional requirement to the Pa.R.C.L.E. because it mandates education specifically in juvenile delinquency or dependency law; whereas the Pa.R.C.L.E. do not mandate specific training areas. See paragraph (B). Six hours of this specific education must be completed every two years. However, these hours will count towards the twelve hours of continuing legal education mandated each year by Pa.R.C.L.E. 105.

Pursuant to paragraph (C), attorneys must attest that they have met the requirements of this rule prior to appointment as master to preside over juvenile matters. Every two years after the initial appointment as master, masters must submit a new affidavit attesting that they have met the continuing education requirements of paragraph (B).

[Pa.B. Doc. No. 14-1990. Filed for public inspection September 26, 2014, 9:00 a.m.]

all individuals on supervision as of that date. Payments of any and all Court-imposed financial obligations must be allocated to satisfy the payment of this fee, on a monthly basis.

This Administrative Fee shall be deposited into the County General Fund and then tracked into the Adult Probation and Parole Department Administrative Fee Account established by the Chief Adult Probation Officer. Disbursement of the funds collected from the assessment of this fee shall be allocated first to the salary and benefits of the Collection Unit of the Adult Probation and Parole Department Office, and second, to supplement any reduction in the Grant In Aid Revenues. Any excess revenues shall be disbursed only at the direction of the President Judge.

An accounting of this administrative fee shall be made quarterly to the President Judge.

It is *Further Ordered* that in accordance with Pa.R.Crim.P. 105(E) and (F), the District Court Administrator of Chester County shall:

1. Distribute two certified paper copies of the Administrative Order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

2. Distribute to the Legislative Reference Bureau a copy of the Administrative Order on a computer diskette or on a CD-ROM, that complies with the requirements of 1 Pa. Code § 13.11(b).

3. Contemporaneously with publishing the Administrative Order in the *Pennsylvania Bulletin*, shall:

a. File one certified copy of the Administrative Order with the Administrative Office of Pennsylvania Courts; and

b. Publish a copy of the Administrative Order on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

*By the Court*

JAMES P. MacELREE, II,  
*President Judge*

[Pa.B. Doc. No. 14-1991. Filed for public inspection September 26, 2014, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CHESTER COUNTY

#### Imposition of Monthly Adult Probation and Parole Administrative Fee

##### Administrative Order No. 14-2014

*And Now*, this 26th day of August, 2014, it is hereby *Ordered* and *Decreed* that a monthly administrative fee of Ten dollars (\$10.00) shall be imposed on any offender whom this Court sentences and for whom the Chester County Adult Probation and Parole Department is charged with the collection of Court imposed fines, costs, and restitution. Assessment of this fee will commence thirty (30) days after publication in the *Pennsylvania Bulletin*, and the monthly fee will be assessed on all individuals placed on supervision after that date and on

### CRAWFORD COUNTY

#### Modification of a Local Civil Rule of Procedure and the Rescinding of a Local Civil Rule of Procedure; No. AD 2014 621

##### Order

*And Now*, September 5, 2014, it is *Ordered* and *Decreed* that Cra.R.C.P. L212.1(5) is modified to include additional paragraphs adopted this date the language of which follows to be effective January 1, 2015 and is further modified to include Exhibit L212.1(5)(A) and Exhibit L212.1(5)(B).

Further, Cra.R.C.P. L230.2 regarding termination of inactive cases is rescinded in light of the fact Pa.R.C.P. 230.2 was suspended by the Pennsylvania Supreme Court as of April 23, 2014 and further, in light of the fact this Court will be following the procedures set forth in Pa.R.J.A. No. 1901 and Cra.Rule LJA1901 for termination of inactive cases.

The District Court Administrator is *Ordered* and *Directed* to:

1. Provide one certified copy of the local rule changes to the Administrative Office of Pennsylvania Courts.

2. Provide two (2) certified copies of the local rule changes and a computer diskette containing the text of the local rule changes to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* in a manner that complies with the requirements of 1 Pa. Code § 13.11(b).

3. Provide one (1) certified copy of the local rule changes to the Supreme Court of Pennsylvania Civil Procedural Rules Committee.

4. Make the local rule continuously available for public inspection and copying in the Office of the Prothonotary. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rules.

5. Provide one (1) certified copy of the local rule changes to the Crawford County Law Library.

6. Keep such local rule changes, as well as all local civil rules available for the public on the Crawford County website at [www.crawfordcountypa.net](http://www.crawfordcountypa.net).

*By the Court*

ANTHONY J. VARDARO,  
*President Judge*

**Cra.R.C.P. L212.1(5) modification and added paragraphs**

*(5) Status Conferences*

(a) Status conferences may be ordered by the Court on its own or upon written motion of a party, which motion shall set forth reasons in support of a request for a status conference. The Court may enter appropriate orders at the conclusion of the status conference.

(b) The Prothonotary in conjunction with the District Court Administrator shall enter an "Order Setting Mandatory Status Conference for Docket Inactivity" for the Court scheduling a mandatory status conference for any case for which there has been no docket activity for a period of 90 consecutive days. The order shall be in a form consistent with Exhibit L212.1(5)(A).

Each counsel of record or any party for which there is not counsel of record shall be given at least thirty (30) days written notice of the mandatory status conference in a manner consistent with Pa.R.Civ.P. 440 and Rule L440.

The Prothonotary shall not be required to schedule a mandatory status conference pursuant to this Rule for any case that is pending for termination pursuant to Cra.Rule LJA1901.

At least ten (10) days prior to the scheduled mandatory status conference, a party may file a "Motion for Cancellation of Mandatory Status Conference" in a form consistent with Exhibit L212.1(5)(B) which shall include a certification consistent with Exhibit 208.3(a) of the Local Rules that notice has been provided to all other parties through counsel of record or directly to any party that is unrepresented.

The Prothonotary, upon receiving any such "Motion for Cancellation of Mandatory Status Conference" shall promptly transmit that motion to the Court for consideration as to whether the mandatory status conference shall be cancelled by an Order of the Court.

If the Court enters an order cancelling a mandatory status conference pursuant to a "Motion for Cancellation of Mandatory Status Conference" any other party may move to reschedule that mandatory status conference in a manner consistent with Cra.R.C.P. L208-3a.

**Exhibit L212.1(5)(A)**

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA  
Civil Action—Law

Plaintiff :  
: vs. : A.D. No.  
: :  
Defendant :

**ORDER SETTING MANDATORY STATUS CONFERENCE FOR DOCKET INACTIVITY**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, consistent with Cra.R.C.P. L212.1(5)(b) a mandatory status conference is set for the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ .M., in Courtroom No. \_\_\_\_ of the Crawford County Court-house.

Counsel of record for each party and any unrepresented parties shall be prepared at the mandatory status conference to indicate how they intend to promptly move this case forward to allow trial to occur as quickly as possible.

FOR THE COURT

**Exhibit L212.1(5)(B)**

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA  
Civil Action—Law

Plaintiff :  
: vs. : A.D. No.  
: :  
Defendant :

**MOTION FOR CANCELLATION OF MANDATORY STATUS CONFERENCE**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, \_\_\_\_\_ moves to cancel the mandatory status conference scheduled in this matter for the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, at \_\_\_\_\_ o'clock, \_\_\_\_ .M., in Courtroom No. \_\_\_\_\_ of the Crawford County Court-house for the following reason(s):

- 1. There has been ongoing active discovery in this case during the past 90 days, the pleadings are closed and a party has provided notice that discovery must be completed within 75 days pursuant to Cra.R.C.P. L212.1(4)(a). It is anticipated that a certificate of readiness pursuant to Cra.R.C.P. L212.1(4)(b) will be filed on or before the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_.
- 2. All pleadings are closed, discovery has been completed and a certificate of readiness has been filed so that this matter is currently scheduled for trial during the \_\_\_\_\_ term of civil court.

- 3. The parties are awaiting a determination by the Court on a motion for \_\_\_\_\_, which was submitted to the Court for disposition on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.
- 4. The only active matter at this docket number is a child custody case and the parties are currently satisfied with the existing custody order so there has been no recent docket activity.
- 5. (Please state any other reason for docket inactivity)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 6. While there has been no activity in this case for the last 90 days, the following activity has begun to occur or will be occurring so that this case is moved forward promptly to trial.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attorney for \_\_\_\_\_

[Pa.B. Doc. No. 14-1992. Filed for public inspection September 26, 2014, 9:00 a.m.]

**CRAWFORD COUNTY**

**Termination of Inactive Cases Pursuant to Pa.R.J.A. No. 1901 and Cra.Rule LJA1901; A.D. 1997-702**

**Civil Action—Misc. Order**

*And Now*, September 5, 2014, the Court enters the following Administrative Order entered this day. The District Court Administrator is *Ordered* and *Directed* to:

1. Provide one certified copy of the Administrative Order dated September 5, 2014 to the Administrative Office of Pennsylvania Courts.
2. Provide two (2) certified copies of the Administrative Order and a computer diskette containing the text of the Administrative Order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* in a manner that complies with the requirements of 1 Pa. Code § 13.11(b).
3. Provide one (1) certified copy of the Administrative Order to the Supreme Court of Pennsylvania Civil Procedural Rules Committee.
4. Make the Administrative Order continuously available for public inspection and copying in the Office of the Prothonotary. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rules.
5. Provide one (1) certified copy of the Administrative Order to the Crawford County Law Library.
6. Keep such local rule changes, as well as all local civil rules available for the public on the Crawford County website at [www.crawfordcountypa.net](http://www.crawfordcountypa.net).

*By the Court*

ANTHONY J. VARDARO,  
*President Judge*

**Civil Action—Law Administrative Order**

*And Now*, September 5, 2014, pursuant to Pa.R.J.A. No. 1901 and Cra.Rule LJA1901 the Prothonotary of Crawford County is directed to compile a list of inactive cases as of January 1, 2015 and by the first day of January of each year thereafter comprised of all civil actions in which no steps or proceedings have been taken for two years or more prior thereto.

Each year commencing with 2015 the Crawford County Court Administrator shall at the beginning of each calendar year, consistent with Cra.R.C.P. L302, publish in the *Crawford County Legal Journal* the date of June 1 of that year or if the courthouse is not open on that date the next date the courthouse is open for business thereafter as the termination date for inactive cases.

The Prothonotary shall follow all notice requirements set forth in Cra.Rule LJA1901(B)(C)(D).

The Prothonotary shall refer any objections and responses to the notice of termination of inactive cases that have been filed pursuant to Cra.Rule LJA1901(E)(G) to the Court for disposition consistent with Cra.Rule LJA 1901(H).

On the date scheduled for termination of inactive cases, the Prothonotary shall provide to the Court a list of those inactive cases for which notice has been provided as aforesaid and no objection to the termination of the case has been filed with the Prothonotary.

Likewise, on that same date the Prothonotary shall provide to the Court a list of those inactive cases for which notice has been provided as aforesaid, together with any objections and responses to objection that have been filed so that the Court may enter an order pursuant to Cra.Rule LJA 1901(H) disposing of the matter either on the pleadings, or after hearing or argument.

*By the Court*

ANTHONY J. VARDARO,  
*President Judge*

[Pa.B. Doc. No. 14-1993. Filed for public inspection September 26, 2014, 9:00 a.m.]

**MERCER COUNTY**

**Local Rules of Court; Case No. 2014-2774**

*And Now*, this 8th day of September, 2014, The Court Hereby *Approves, Adopts and Promulgates* Mercer County Local Rules of Court L-317; L-319; L-320 and L-1920.60, and Amendments to Local Rules L-208.3(a), and L-309. L-317; L-319; L-320 and L-1920.60 shall become effective thirty (30) days after the date of publication of these orders in the *Pennsylvania Bulletin*, pursuant to Rule 103(c) of the Pennsylvania Rules of Judicial Procedure, and Rule 239 of the Pennsylvania Rules of Civil Procedure. L-208.3(a) shall become effective upon publication on the UJS Portal, pursuant to Rule 239.8 of the Pennsylvania Rules of Civil Procedure.

It is further *Ordered and Directed* that the Court Administrator of Mercer County shall file one (1) certified copy each of these orders with the Administrative Office of Pennsylvania Courts, furnish two (2) certified copies each to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and file one certified copy each with the Civil Procedural Rules Committee and one

copy of Local Rule L-1920.60 with the Domestic Relations Procedural Rules Committee.

It is further *Ordered and Directed* that these Local Rules shall be kept continuously available for public inspection and copying in the Offices of the Prothonotary of Mercer County. Upon request and payment of reasonable costs of reproduction and mailing, these offices shall furnish to any person a copy of these Local Rules.

These Rules and Amendments shall be published in the *Mercer County Law Journal*.

*By the Court*

THOMAS R. DOBSON,  
*President Judge*

**Amendment to Mercer County Local Rule of Civil Procedure L-208.3(a)**

2(b) shall be amended to read:

Matters placed on Motions Court must be filed no later than 4:30 p.m. on the preceding Tuesday with the Court Administrator.

**Amendment to Local Rule of Civil Procedure L-309**

(c) add “this subsection shall only apply to cases filed on or before December 31, 2014, so that it reads:

(c) Unless an extension of time is agreed to in writing by all parties or allowed by the court upon cause shown, all discovery shall be completed within sixty (60) days after any party has given notice to do so. Such notice may be given at any time after a case is at issue, shall specifically refer to the time limitation provided herein, and shall be filed in the office of the Prothonotary with copies served upon all other parties. **This subsection shall only apply to cases filed on or before December 31, 2014.**

**Proposed Local Rule of Civil Procedure L-317**

(A) The Prothonotary of Mercer County shall notify the Mercer County Court Administrator within five (5) days of the filing of every new civil complaint.

(B) The Mercer County Court Administrator shall assign the case to a judge on a rotating basis.

(C) A status conference shall be held no sooner than 60 days after the filing of the complaint nor later than 90 days.

(1) At said conference, the Court shall, after consultation with the parties, designate whether the matter is an arbitration case, regular case or a complex case. Each party shall present to the Court at said conference a summary of their case. Said summary shall be no longer than 3 pages in length (double spaced).

(2) If the matter is designated an arbitration case, the Court shall enter a case management order requiring that all discovery be completed within three (3) months of the order and the matter listed for an arbitration hearing within 60 days of the end of discovery. The parties may agree to forego discovery prior to the arbitration hearing and do discovery only if there is an appeal from the Board of Arbitrator’s decision. If this option is chosen, the Court shall immediately refer the case to arbitration.

(i) The parties shall notify the assigned judge no later than one (1) month whether or not the parties have settled their dispute. If the dispute is not settled, the court will enter an order requiring a Board of Arbitrators be appointed.

(ii) If an appeal is taken from the decision of the Board of Arbitration, the Prothonotary shall notify the assigned judge who will enter an order placing the matter on the next available trial term.

(3) If the matter is designated a regular case, the court shall enter a case management order requiring that all discovery be completed within six (6) months of the order, that all summary judgment motions be filed within seven (7) months of the date of the order and placing the matter on the trial list for a month no sooner than eight (8) months nor more than ten (10) months from the date of the order.

(i) A review conference shall be held before the assigned judge no sooner than four (4) months nor more than five (5) months of the initial conference, or earlier if a party requests.

(ii) If a summary judgment is filed, the court shall enter an order resolving the motion within thirty (30) days of argument on said motion.

(4) If the matter is designated a complex case, the court shall enter a case management order requiring that all discovery be completed within fifteen (15) months of the date of the order; that all summary judgments be filed within seventeen (17) months of the date of that order and placing the matter on the trial list for a month no sooner than nineteen (19) months nor more than twenty-one (21) months from the date of the order.

(i) Review conferences shall be held every five (5) months before the assigned judge, or earlier if a party requests.

(ii) If a summary judgment motion is filed, the court shall enter an order resolving the motion within forty-five (45) days of oral argument on said motion.

(D) Case designations shall be in accordance with the following:

(1) Arbitration case—a case shall be designated as an arbitration case where the demand for relief is \$25,000.00 or less;

(2) Complex case—a case shall be any case involving a mass tort, professional malpractice, more than four (4) parties, any case where the demand for relief exceeds \$500,000.00 or any case the parties and the court agree should be designated a complex case;

(3) Regular case—any case that is not designated either an arbitration case or a complex case.

(E) All times for discovery, filing summary judgment motions or placing the matter on the trial list may only be modified by court order.

(F) All expert reports shall be provided to opposing counsel no later than the time set for the end of discovery under the terms of this Rule.

(G) All motions filed in the case shall be heard by the assigned judge unless that judge is not available and need not be heard at Motion’s Court.

**Proposed Local Rule of Civil Procedure L-319**

(A) On or before the 31st day of January each year, the Prothonotary shall provide to the President Judge a list of all cases filed on or before December 31, 2014, that are over 12 months old as of that date and that are still active.

(B) A review conference shall be held before the President Judge or his designee on or before the 30th day of September of that year. The conference shall be used to



determine whether or not to dismiss the matter for lack of prosecution and enter a case management order or amend an existing case management order.

#### **Proposed Local Rule of Civil Procedure L-320**

On or before March 31 of each year starting March 31, 2015, the Prothonotary of Mercer County shall send out notices pursuant to Pa.R.J.A. 1901 in the form herein set below to each party in all cases over 2 years old as of December 31 of the preceding year.

Where a hearing is requested, it shall be scheduled in due course.

#### **Proposed Local Rule of Court L-1920.60**

On or before the 31st day of January of each year, the Prothonotary of Mercer County shall provide a list of all pending divorce cases as of December 31st of the prior year and that were filed more than 18 months prior to said December 31st to the President Judge. The President Judge or his designee shall hold a review conference for each case on or before October 31st of each year.

[Pa.B. Doc. No. 14-1994. Filed for public inspection September 26, 2014, 9:00 a.m.]

### **WASHINGTON COUNTY**

#### **Rule L-552: Administrative Processing and Identification; No. 2014-1**

##### **Order**

*And Now*, this 5th day of September, 2014; *It Is Hereby Ordered* that the previously-stated Washington County Local Criminal Rule is adopted as follows.

These rules will become effective thirty days after publication in the *Pennsylvania Bulletin*.

*By the Court*

DEBBIE O'DELL SENECA,  
*President Judge*

#### **Rule L-552. Administrative Processing and Identification.**

The Washington County Court of Common Pleas created a countywide booking center program to comply with criminal processing and Megan's Law/Adam Walsh Act registry requirements, and recognizes the value to the law enforcement community of the operation of the Booking Center Program.

(a) The Central Booking Center of Washington County is located on the second floor of the Family Court Center, 29 West Cherry Avenue, Washington, PA, 15301.

(b) An Interim Booking Center is located in the Washington County Correctional Facility, 100 West Cherry Avenue, Washington, PA 15301. It is operational to process adult offenders from 4:30 p.m. to 7:00 a.m. Monday through Friday, and on weekends and holidays. During the hours of operation of the Interim Booking Center, adult offenders may be delivered to the Washington County Correctional Facility prior to preliminary arraignment conditioned upon the simultaneous delivery of a copy of the criminal complaint and affidavit. Arresting officers are responsible for the delivery of the criminal complaint and affidavit via facsimile to the on-call Magisterial District Judge prior to the preliminary arraignment.

(c) The purpose of the Booking Center Program is to efficiently process defendants charged with criminal actions with the express intent of returning officer(s) to their communities. The processing shall include, but not be limited to, fingerprinting, photographing and determining prior records of defendants being processed.

(d) Pursuant to 18 Pa.C.S.A. § 9112, an arresting authority shall be responsible for taking the fingerprints of persons arrested for misdemeanors, felonies or summary offenses which become misdemeanors on a second arrest after conviction of a summary offense. The Booking Centers shall serve as the designated fingerprinting sites for all arresting authorities in Washington County.

(e) All persons arrested for any misdemeanor or felony, or summary offenses which become misdemeanors on a second arrest after conviction of a summary offense (e.g., retail theft, library theft, or scattering rubbish) under the following:

(1)(e) 18 Pa.C.S.A. § 106(a) (all felonies and misdemeanors),

(2)(e) 35 Pa.C.S.A. Chapter 6 (relating to a violation of The Controlled Substance, Drug, Device and Cosmetic Act),

(3)(e) 75 Pa.C.S.A. § 3735 (relating to homicide by vehicle while driving under influence),

(4)(e) 75 Pa.C.S.A. § 3802 (relating to driving under influence of alcohol or controlled substance), or

(5)(e) 23 Pa.C.S.A. § 6113 or § 6114 (relating to Indirect Criminal Contempt for violation of a Protection From Abuse Order)

whether by warrant, arrest without warrant, or by summons, shall be processed at the Booking Center.

(f) Pursuant to the Juvenile Act, 42 Pa.C.S.A. § 6308 and § 6309, juvenile offenders will be fingerprinted and photographed at the Central Booking Center. Juveniles will only be fingerprinted and photographed upon an adjudication of delinquency; except in cases where the juvenile's case is to be transferred for criminal proceedings pursuant to 42 Pa.C.S.A. § 6355, or is otherwise to be prosecuted under the criminal law and procedures pursuant to 42 Pa.C.S.A. § 6355, or a magisterial district judge directs the fingerprinting and photographing of a juvenile in a case which includes summary offenses which become misdemeanors on a second arrest after conviction of a summary offense (e.g., retail theft, library theft, or scattering rubbish).

(g) A booking center fund fee of two hundred dollars (\$200.00) shall be assessed and collected by the Washington County Clerk of Courts to an offender who receives Accelerated Rehabilitative Disposition (ARD) or probation without verdict, pleads guilty to or nolo contendere to or is convicted of a crime under the following:

(1)(g) 18 Pa.C.S.A. § 106(a) (all felonies and misdemeanors),

(2)(g) 35 Pa.C.S.A. Chapter 6 (relating to a violation of The Controlled Substance, Drug, Device and Cosmetic Act),

(3)(g) 75 Pa.C.S.A. § 3735 (relating to homicide by vehicle while driving under influence), and

(4)(g) 75 Pa.C.S.A. § 3802 (relating to driving under influence of alcohol or controlled substance).

The fee shall be collected and deposited into the Booking Center Fund Account which shall be under the sole supervision of the Court of Common Pleas. The Court

hereby establishes the Booking Center Fund Account, the moneys in which shall be used to maintain and operate the Booking Centers.

(h) The fee established in paragraph (f) shall not apply to those Defendants whose cases are dismissed by the Magisterial District Judge, withdrawn or nolle prossed by the Commonwealth or who enter a guilty plea to a summary offense at the time of the preliminary hearing.

(i) At the end of the preliminary arraignment, if the adult offender is not then incarcerated at the Washington County Correctional Facility, the Magisterial District Judge shall order, as a condition of bond, the defendant to appear at the Central Booking Center to be fingerprinted and photographed within 48 hours, or the next business day if the 48 hour period expires on a non-business day. When an issuing authority issues a summons rather than an arrest warrant, the issuing authority shall send a notice with the summons directing recipient to appear at the Central Booking Center prior to his/her preliminary hearing. The Magisterial District Judge shall order, as a condition of bond, any person required to be fingerprinted and photographed pursuant to paragraph (d) above, who has not been fingerprinted prior to his/her preliminary hearing, to appear at the Central Booking Center within five (5) days of the preliminary hearing for the purpose of being fingerprinted and photographed.

(k) In cases of private prosecutions, except retail theft prosecutions, the defendant may only be fingerprinted and photographed after conviction of the alleged offense. An order shall be issued from the Court of Common Pleas after such conviction directing the Defendant to report to the Central Booking Center to be fingerprinted and photographed.

(l) This expansion of the Booking Center operation shall commence on July 7, 2014.

[Pa.B. Doc. No. 14-1995. Filed for public inspection September 26, 2014, 9:00 a.m.]

### WASHINGTON COUNTY

#### **Rule 117—Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail; No. 2014-1**

##### **Order**

*And Now*, this 3rd day of September, 2014; *It Is Hereby Ordered* that the previously-stated Washington County Local Criminal Rule be adopted as follows.

These rules will become effective thirty days after publication in the *Pennsylvania Bulletin*.

*By the Court*

DEBBIE O'DELL SENECA,  
*President Judge*

#### **Local Criminal Rule L-117. Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail.**

(A)(1) Magisterial district judges shall provide continuous coverage for the issuance of search warrants (pursuant to Rule 203) and arrest warrants (pursuant to Rule 513).

(A)(2) Magisterial district judges shall remain on-call during non-regular business hours for the issuance of emergency orders under the Protection From Abuse Act,

and to provide the services set forth in 117(A)(2)(a)(b)(c) and (d), in accordance with the rotation schedule set forth by the District Court Administrator.

(A)(3) Magisterial district judges shall be available during normal business hours for all other business, as set by the president judge.

(B) The designated on-call magisterial district judge shall be available during weekdays at 11:00 p.m. and 7:30 a.m., and during weekends and holidays at 7:30 a.m., 3:30 p.m., and 11:00 p.m., pursuant to Pennsylvania Rule of Criminal Procedure 117(B).

(C) Magisterial district judges, the clerk of courts and the warden of the appropriate Correctional family, or his designee, shall be authorized to accept bail in accordance with the provisions, and subject to the limitations, of the Pennsylvania Rules of Criminal Procedure.

[Pa.B. Doc. No. 14-1996. Filed for public inspection September 26, 2014, 9:00 a.m.]

## **DISCIPLINARY BOARD OF THE SUPREME COURT**

### **Notice of Administrative Suspension**

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated August 6, 2014, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective September 5, 2014 for Compliance Group 3.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Bennie, Joseph John  
Cherry Hill, NJ

Berger, Karen Renee  
West Orange, NJ

Brent, Adam Luke  
Franklinville, NJ

Bridge, William Joseph  
Dallas, TX

Bryant, Stephanie J.  
Washington, DC

Burnicki, Caroline N.  
Boston, MA

Causey, Sara Elizabeth  
Wilmington, DE

Chernosky, David Joseph  
Fairview Park, OH

Connell, Janine Marie  
New Brunswick, NJ

Davis, Ellen Terry  
New York, NY

Dorn, Susan E.  
Washington, DC

Doroghazi, Stephen R.  
Houston, TX

Friedman, Jonathan Michael  
Cherry Hill, NJ

Gebauer, Jay A.  
Princeton, NJ

Gelston, Fred H.  
West Palm Beach, FL

Grueneberg, Rudi  
Marlton, NJ

Jensen, James Clark  
Morristown, NJ

Jones, Sheryl Williams  
Alexandria, VA

Koonz, Barbara Jane  
Chesterfield, NJ

Lewandowski, Mark C.  
Montclair, NJ

Massinger, Douglas William  
Ocala, FL

McGonigle, Thomas P.  
Wilmington, DE

Menking, Bonner  
Gaithersburg, MD

Mitchell, Jaclyn L.  
North Bellmore, NY

Mitnick, Craig R.  
Voorhees, NJ

Moore, Sr., Marc Alan  
East Liverpool, OH

Morris, Stefanie LaDawn  
Newark, DE

Paradise, Leigh Ivory Clark  
Bear, DE

Parise, Michael John  
Mount Laurel, NJ

Pasker, Leon E.  
San Francisco, CA

Rhodus, Jennifer Louise  
Redlands, CA

Rivera, Orlando Mitchel  
Cherry Hill, NJ

Russo, John Francis  
Ridgewood, NJ

Schober, Alison Elizabeth  
Egg Harbor Township, NJ

Schwartz, Glenn Facher  
Short Hills, NJ

Shanahan, William Conner  
Haddonfield, NJ

Shults, David A.  
Hornell, NY

Spivak, Gayl Cheryl  
Westmont, NJ

Tark, Lori Ross  
Sagamore Hills, OH

Teresinski, Laura Katherine  
Alexandria, VA

Tribone, Thomas Anthony  
Arlington, VA

Turco, Victoria Ann  
Potomac, MD

Weiner, Paul I.  
Morristown, NJ

Wiessner, Jr., Dennis E.  
Falls Church, VA

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

[Pa.B. Doc. No. 14-1997. Filed for public inspection September 26, 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 Transportation

The Executive Board approved a reorganization of the Department of Transportation effective September 8, 2014.

The organization chart at 44 Pa.B. 6097 (September 27, 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*).

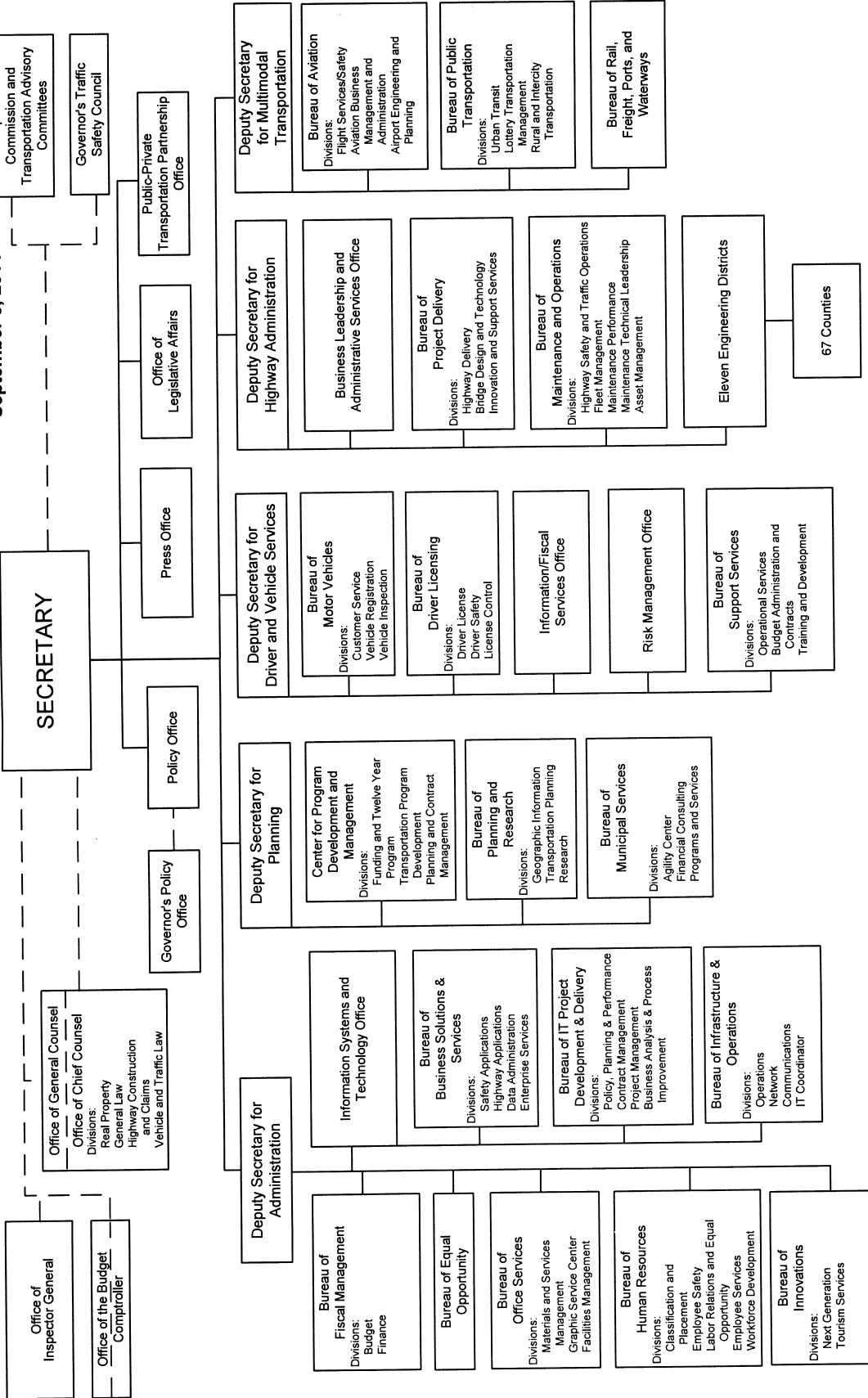
*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 14-1998. Filed for public inspection September 26, 2014, 9:00 a.m.]

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OR-14-017  
September 8, 2014

DEPARTMENT OF TRANSPORTATION



# Title 10—BANKING AND SECURITIES

## DEPARTMENT OF BANKING AND SECURITIES [ 10 PA. CODE CH. 5 ] Implementation Schedule

The Department of Banking and Securities (Department) issues § 5.6a (relating to implementation schedule—statement of policy) under the authority of sections 202(C) and (D) and 204(A) of the Department of Banking and Securities Code (71 P. S. §§ 733-202(C) and (D) and 733-204(A)).

### *Purpose*

The purpose of § 5.6a is to provide notice to all Commonwealth State-chartered banks, State-chartered bank and trust companies, State-chartered savings banks and State-chartered trust companies that the implementation schedule in § 5.6(b)(1)—(3) (relating to implementation schedule), as published at 44 Pa.B. 5010 (July 26, 2014) and corrected at 44 Pa.B. 5463 (August 16, 2014), will be effective beginning with Fiscal Year 2014-2015. Therefore, the Department will read the blanks in § 5.6(b)(1)—(3) as containing the date July 1, 2014.

### *Explanation of Regulatory Requirements*

There are no new regulatory requirements as a result of the issuance of this statement of policy. This statement of policy notifies the regulated community of the dates applicable to the implementation schedule in § 5.6(b)(1)—(3).

### *Affected Parties*

This statement of policy applies to Commonwealth State-chartered banks, State-chartered bank and trust companies, State-chartered savings banks and State-chartered trust companies.

### *Fiscal Impact*

The statement of policy does not fiscally impact local governments, the State government or the regulated community.

### *Paperwork*

This statement of policy eliminates the need for the Department to send letters to each member of the regulated community regarding the implementation schedule for the 3 fiscal-year phase-in outlined in the approved assessments regulation.

### *Effectiveness Date*

This statement of policy is effective upon publication in the *Pennsylvania Bulletin*.

### *Contact Person*

The contact person for this statement of policy is the Department of Banking and Securities, Office of Chief Counsel, (717) 787-1471.

GLENN E. MOYER,  
*Secretary*

(*Editor's Note:* Title 10 of the *Pennsylvania Code* is amended by adding a statement of policy in § 5.6a to read as set forth in Annex A.)

**Fiscal Note:** 3-53. No fiscal impact; (8) recommends adoption.

### Annex A

## TITLE 10. BANKING AND SECURITIES PART I. GENERAL PROVISIONS CHAPTER 5. ASSESSMENTS

### § 5.6a. Implementation schedule—statement of policy.

The Department is providing notice to all Commonwealth State-chartered banks, State-chartered bank and trust companies, State-chartered savings banks and State-chartered trust companies that the implementation schedule in § 5.6(b)(1)—(3) (relating to implementation schedule) will be effective beginning with Fiscal Year 2014-2015. Therefore, the Department will read the blanks in § 5.6(b)(1)—(3) as containing the date July 1, 2014.

[Pa.B. Doc. No. 14-1999. Filed for public inspection September 26, 2014, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking and Securities Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending September 16, 2014.

Under section 503.E of the Department of Banking and Securities Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking and Securities, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-10-2014	Royal Bank America Narberth Montgomery County	20 Nassau Street Princeton Mercer County, NJ (Limited Service Facility)	Approved

##### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
8-31-2014	Huntingdon Valley Bank Huntingdon Valley Montgomery County	900 Pine Valley Boulevard Philadelphia Philadelphia County	Closed
9-1-2014	William Penn Bank Levittown Bucks County	8150 Bristol Pike Levittown Bucks County	Closed

##### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-5-2014	Royal Bank America Narberth Montgomery County	<i>To:</i> 151 York Road Willow Grove Montgomery County  <i>From:</i> 600 Old York Road Jenkintown Montgomery County	Filed

##### Branch Consolidations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-5-2014	Wayne Bank Honesdale Wayne County	<i>Into:</i> 308 Stroud Mall Road Stroudsburg Monroe County  <i>From:</i> 334 North Ninth Street Stroudsburg Monroe County	Filed

## CREDIT UNIONS

## Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-11-2014	<p><i>From:</i> M-C Federal Credit Union Danville Montour County</p> <p><i>To:</i> Members Choice Financial Credit Union Danville Montour County</p> <p>Application for approval to convert from a Pennsylvania Federal credit union to Pennsylvania State-chartered credit union.</p>	Approved

## Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-10-2014	<p>TruMark Financial Credit Union Trevose Bucks County</p> <p>Application for approval to merge Norsco Federal Credit Union, Norristown, with and into TruMark Financial Credit Union, Trevose.</p>	Approved

The Department's web site at [www.dobs.state.pa.us](http://www.dobs.state.pa.us) includes public notices for more recently filed applications.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 14-2000. Filed for public inspection September 26, 2014, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Request for Bids

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

*FDC-008-100141.2—Heating System Upgrade Clarion RMC, Forest District #8, Clarion Township, Clarion County.* Work included under this contract consists of installing a condensing boiler/pump to the existing buffer tank. Control modifications consist of making HP-1 and 2 demand ventilation and programming the interlocks with the installation of the new boiler. A new updated version of the software will be installed and made available through the internal network.

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

*FDC-316-7098.1—Roof Replacement, Oar House and Campground Contact Station, Codorus State Park, West Manheim Township, York County.* Work included under this contract consists of the following at the Campground Contact Station: remove and install new cedar roof shakes; remove and install new gutter and downspout; remove and install exterior plywood sub roof; install new cedar fascia boards, fascia, drip edge and felt underlayment; paint plywood interior; and remove existing heating roof stack. Work also consists of the following at Oar House: replace exterior roof rafters; remove and install

new exterior plywood roof sheathing; replace wood furring; remove and install new cedar roof shakes; and install new drip edge system.

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

Bid documents will be available on or after September 29, 2014. The bid opening will be held on October 30, 2014.

ELLEN FERRETTI,  
*Secretary*

[Pa.B. Doc. No. 14-2001. Filed for public inspection September 26, 2014, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application for University Status by Delaware Valley College

Under the act of June 18, 2014 (P. L. 769, No. 67), the Department of Education (Department) is publishing the application by Delaware Valley College to become a university.

The Department received notification of the intent to make the change to university status on September 2, 2014. The effective date of the change to university status is December 1, 2015. The Department has reviewed and accepted the notification.

CAROLYN C. DUMARESQ, Ed.D.,  
*Acting Secretary*

[Pa.B. Doc. No. 14-2002. Filed for public inspection September 26, 2014, 9:00 a.m.]



# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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

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

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

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

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

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

#### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PAS802204 (Storm Water)	Lehigh & Northampton Transportation Authority 1060 Lehigh Street Allentown, PA 18103	Lehigh County Allentown City	Little Lehigh Creek (2-C)	Y

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone: 412.442.4000.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0041289 (Sewage)	Franklin Elementary School STP Road #1 Box 141 Vanderbilt, PA 15486	Fayette County Franklin Township	Unnamed Tributary to Virgin Run (19-C)	Y
PA0218201 Sewage	Agustus Deep Mine Portal 1499 Gahagen Road Central City, PA 15535	Somerset County Shade Township	Coal Run (18-E)	Y
PA0219487 (Sewage)	Mine 84 Hallam Portal STP Hallam Road (T-477) Amity, PA 15331	Washington County Amwell Township	Unnamed tributary to Redd Run (19-B)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0239372 (Sewage)	Harry J & Norma J Stafford SFTF 4467 Ivanhoe Road Sharpsville, PA 16150	Mercer County South Pymatuning Township	Un-named tributary of McCullough Run (20-A)	Y
PA0034592 (Sewage)	Laurel Jr./Sr. High School 2497 Harlansburg Road New Castle, PA 16101	Lawrence County Hickory Township	Unnamed Tributary of Big Run (20-A)	Y

## II. NPDES Renewal Applications

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone: 412.442.4000.*

**PA0026841**, Sewage, SIC Code 4952, **Borough of Oakmont**, P. O. Box 206, Oakmont, PA 15139-0206. Facility Name: Oakmont Borough WWTP. This existing facility is located in Oakmont Borough, **Allegheny County**.

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

The receiving stream(s), Allegheny River, is located in State Water Plan watershed 18-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.63 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	335	540	XXX	25	40	50
		Wkly Avg				
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	405	610	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX

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

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

The EPA Waiver is not in effect.

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

**PA0042048**, Sewage, SIC Code 4952, **Conyngham Borough Authority**, P. O. Box 469, Conyngham, PA 18219. Facility Name: Conyngham Borough Authority WWTP. This existing facility is located in Sugarloaf Township, **Luzerne 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, Little Nescopeck Creek, is located in State Water Plan watershed 05D 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 0.350 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	1.0	XXX	2.0
CBOD <sub>5</sub>	73	117	XXX	25	40	50
		Wkly Avg				
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	87	131	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Nitrite-Nitrate as N	Report	XXX	XXX	Report	XXX	XXX
	Annl Avg			Annl Avg		
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
	Annl Avg			Annl Avg		
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	Report
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
	Annl Avg			Annl Avg		
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
	Annl Avg			Annl Avg		

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570.826.5472.

The EPA Waiver is in effect.

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

**Application No. PA0246468**, Concentrated Animal Feeding Operation (CAFO), **Virgil Gutshall Jr** (Beaver Ridge Farm), 1400 Fowler Hollow Road, Blain, PA 17006-9447.

Virgil Gutshall Jr has submitted an application for an Individual NPDES permit for an existing CAFO known as Beaver Ridge Farm, located in Jackson Township, **Perry County**.

The CAFO is situated near Unnamed Stream and Unnamed Tributary to Sherman Creek in Watershed 7-A, which is classified for High Quality Waters—Cold Water Fishes. The CAFO is designed to maintain an animal population of approximately 386.15 animal equivalent units (AEUs) consisting of 3,000 swine, 2 steer, and one horse. Manure is collected in an under-barn pit and is then gravity fed to two circular concrete storage tanks. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

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

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

**PA0083771**, SIC Code 2024, **Turkey Hill Dairy Inc.**, 2601 River Road, Conestoga, PA 17516-9630. Facility Name: Turkey Hill Dairy. This existing facility is located in Manor Township, **Lancaster County**.

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

The receiving stream(s), Manns Run, 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 0.15 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>	31	63	XXX	25	50	62.5
Total Suspended Solids	38	75	XXX	30	60	75
Total Dissolved Solids	Report Annl Avg	XXX	XXX	Report Annl Avg	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
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
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	1.9	3.8	XXX	1.5	3.0	3.75
Nov 1 - Apr 30	5.6	11.3	XXX	4.5	9.0	11.25
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	1.25	2.5	XXX	2.0	4.0	5.0
UV Dosage (mjoules/cm <sup>2</sup> )	XXX	XXX	Report Daily Min	XXX	XXX	XXX

The proposed effluent limits for Outfall 100 are based on a design flow of 0.025 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	Report	Report	XXX
Total Dissolved Solids	Report Annl Avg	XXX	XXX	Report Annl Avg	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report Annl Avg	XXX	XXX	Report Annl Avg	XXX	XXX

-No major special conditions are included in Part C of the permit.

-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.

**PA0265900**, SIC Code 4952, **Messner Jennifer L & Messner Larry G**, 1954 Bowmansville Road, Adamstown, PA 19501. Facility Name: Messner Res. This proposed facility is located in Adamstown Borough, **Lancaster County**.

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

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

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

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Minimum	Minimum	Average Monthly	Geo Mean	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	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.

**PA0254835**, Sewage, **Joseph B Fay Co.**, PO Box 66, Russellton, PA 15076. Facility Name: Somerset Township Sewage Lagoons. This proposed facility is located in Somerset Township, **Somerset County**.

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

The receiving stream(s), Kimberly Run, is located in State Water Plan watershed 19-F 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 0.5 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	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
Total Residual Chlorine	XXX	XXX	XXX	0.2	XXX	0.5
CBOD <sub>5</sub>	104	167	XXX	25	40	50
Total Suspended Solids	125	188	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Ammonia-Nitrogen				Geo Mean		
May 1 - Oct 31	4	XXX	XXX	1.0	XXX	2.0
Nov 1 - Apr 30	13	XXX	XXX	3.0	XXX	6.0

The EPA Waiver is in effect.

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

**PA0272876**, Sewage, SIC Code 8800, **Hull Donald**, 58 Hamlin Street, Smethport, PA 16749. Facility Name: Donald Hull SRSTP. This proposed facility is located in Keating Township, **McKean County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage from a single family dwelling.

The receiving stream, Ice Pond Brook, is located in State Water Plan watershed 16-C and is classified for high quality 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 0.0004 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Minimum	Minimum	Average Monthly	Geo Mean	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	XXX
CBOD <sub>5</sub>	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	XXX

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

- Septic Tank Pumping Requirement
- Abandonment of the Treatment System
- Annual Submittal of an AMR
- Chlorine Minimization

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. 1514402**, Sewage, **Upper Uwchlan Township Municipal Authority**, 140 Pottstown Pike, Chester Springs, PA 19425.

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

Description of Action/Activity: Construction of a gravity sewer system, two collection and conveyance pumping stations and a combined force main.

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

**WQM Permit No. 5000405, Amendment No. 1**, Sewerage, **TJ's, Inc.**, 2620 Susquehanna Trail, Newport, PA 17074.

This proposed facility is located in Buffalo Township, **Perry County**.

Description of Proposed Action/Activity: Seeking permit amendment approval for addition of additional equalization, adding equalization capacity to better control throughput at existing TJ's Restaurant.

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

**WQM Permit No. 2514403**, Sewage, **PA DCNR Bureau of State Parks**, 400 Market Street, Harrisburg, PA 17105-8551.

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

Description of Proposed Action/Activity: Connect Presque Isle State Park sewerage to Millcreek Township Sewer Authority sewerage collection system.

**WQM Permit No. WQG02251402**, Sewage, **Fairview Township Sewer Authority**, 7485 McCray Road, Fairview, PA 16415.

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

Description of Proposed Action/Activity: Sewage extension along Route 20 W from Dobler Road to Maple Drive.

**WQM Permit No. 2503414**, Sewage, Amendment, **David J. Tomczak**, 9485 Old Waterford Road, Erie, PA 16509.

This existing facility is located in Greene Township, **Erie County**.

Description of Proposed Action/Activity: Replace a malfunctioning subsurface sand filter.

### 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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1514032	Mr. Leon K. King 1775 Walnut Road Honey Brook, PA 19344	Chester	Honey Brook Township	Unnamed Tributary to West Branch Brandywine Creek HQ—TSF—MF
PAI01 1514029	Mr. Benue S. Stoltzfus 140 Birdell Road Honey Brook, PA 19344	Chester	Honey Brook Township	East Branch Brandywine Creek HQ—TSF—MF
PAI01 1514026	Mr. Scott Hirst 609 Marshallton Thorndale Road West Chester, PA 19380	Chester	West Bradford Township	Unnamed Tributary to Broad Run EV

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI026409004R	Middle Creek Quarry, Inc. 2893A Owego Turnpike Hawley, PA 18428	Wayne County	Palmyra Township	Middle Creek (HQ-CWF, MF)

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

Permit No.	Applicant & Address	County	Municipality	Stream Name
PAI055614002	Global Tower, LLC. 750 Park of Commerce Blvd, Suite 300 Boca Raton, FL 33487	Somerset	Allegheny Township	Panther Run (HQ-CWF)
PAI056514009	James Tobin 322 Unity Plaza Latrobe, PA 15650	Westmoreland	Murrysville Municipality	Haymaker Run (HQ-CWF)

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

PAG-12 CAFOs

**CAFO Notices of Intent Received**

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

**PAG123791, CAFO, Mike Cassel, 259 Auction Road, Manheim, PA 17545.**

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

Description of Size and Scope of Proposed Operation/Activity: Broiler/Swine operation with a total AEU of 475.42.

The receiving stream, Chiques Creek, is in watershed 7-G, and classified for: WWF.

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

**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**

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448*

**Application No. 1914502—Construction** Public Water Supply.

Applicant	<b>United Water Pennsylvania, Inc.</b>
[Township or Borough]	Town of Bloomsburg
County	<b>Columbia</b>

Responsible Official John D. Hollenbach, VP & General Manager  
United Water Pennsylvania, Inc.  
4211 East Park Circle  
Harrisburg, PA 17111

Type of Facility Public Water Supply

Consulting Engineer Michael A. Schober, P.E.  
CDM Smith, Inc.  
205 Granite Run Drive,  
Suite 350  
Lancaster, PA 17601

Application Received September 10, 2014

Description of Action Phase 2 membrane filtration plant replacement. Modification of the raw water intake & pump station, membrane filtration system, filtered water storage tank, finished water pumps, associated chemical feed systems and ancillary facilities.

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

**Permit No. 0214539**, Public Water Supply.

Applicant **Pennsylvania American Water Company**  
800 West Hersheypark Drive  
Hershey, PA 17033

[Township or Borough] North Strabane Township

Responsible Official David R. Kaufman, P.E.,  
Vice-President Engineering  
Pennsylvania American Water Company  
800 West Hersheypark Drive  
Hershey, PA 17033

Type of Facility Water system

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

Application Received Date September 8, 2014

Description of Action Installation of the Sunset Point booster station.

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

**Permit No. 2514503**, Public Water Supply

Applicant **Majestic Heights Mobile Home Park**

Township or Borough Washington Township

County **Erie**

Responsible Official Steve A. Hurley

Type of Facility Public Water Supply

Consulting Engineer Steven R. Halmi, P.E.  
Deiss & Halmi Engineering, Inc.  
105 Meadville Street  
Edinboro, PA 16412

Application Received Date September 5, 2014

Description of Action Modification of public water supply treatment to add sequestering and alter chlorine contact capacity and minimum entry point chlorine residual.

#### 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. 5614505MA, Minor Amendment.

Applicant **Hooversville Borough Council**  
PO Box 176  
Hooversville, PA 15936

[Township or Borough] Hooversville Borough

Responsible Official Kenneth Karashowsky,  
Council President  
Hooversville Borough Council  
PO Box 176  
Hooversville, PA 15936

Type of Facility Water system

Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA15501

Application Received Date September 8, 2014

Description of Action Replacement of the existing filter media in two existing multi-media pressure filters.

#### 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 con-



tamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Former Farmer and the Dell**, 85 West Wellsboro Street, Borough of Mansfield, **Tioga County**. United Environmental Services, Inc., 86 Hillside Drive, Drums, Pa 18222, on behalf of MBC Development LP, 950 E. Main Street, Schuylkill Haven, PA 17972 has submitted a Notice of Intent to Remediate. Petroleum hydrocarbon constituents were found in the soils and groundwater at the site. The site has been remediated, and the selected cleanup standard is the Statewide Health Standard. The proposed future use of the property is commercial for use as a retail fueling facility. The Notice of Intent to Remediate was published in *The Wellsboro Gazette* on March 19, 2014.

**June Roupp Residence**, 3093 Woodward Avenue Lot #74 Mountain View Estates, Pine Creek Township, **Clinton County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of State Farm Insurance, P. O. Box 106110, Atlanta, GA 30348-6110, submitted a Notice of Intent to Remediate. Ms. Roupp noticed petroleum odors outside the residence. A leak of fuel oil was located behind the residence. The present and intended future use of the property is residential. The Notice of Intent to Remediate was published in *The Lock Haven Express* on July 22, 2014.

**Mill Hall Group, LLC**, 136 Hogan Boulevard, Bald Eagle Township, **Clinton County**. ECS Mid-Atlantic, 56 Grumbacher Road, Suite D, York, PA 17504, on behalf of Mill Hall Group, LLC, 3000-G Henkle Drive, Lebanon, Ohio 45036 has submitted a Notice of Intent to Remediate. In 2014, site characterization work revealed the

presence of buried waste (i.e. tires, brick, concrete, and a large amount of glass waste believed to be associated with the manufacture of radio vacuum tubes). The subject property is being developed for future commercial retail use. The Notice of Intent to Remediate was published in *The Lock Haven Press* on August 27, 2014.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Harvey Unit No. 1H**, 501 Howes Run Road, Buffalo 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 release of produced water from a containment basin occurred at the site. The proposed remediation for the site is a combination of Site-Specific & Statewide Health Standards. The intended future use of the property will be agriculture. The Notice of Intent to Remediate was published in the *Valley News Dispatched* on August 14, 2014.

**Jones Lease**, Approximately 2,870 feet West of the Intersection of SR 2002 and Bear Run Road, Richland Township, **Venango County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, on behalf of Roilwell, Inc., 11607 Riverside Drive, Oil City, PA 16301, submitted a Notice of Intent to Remediate. The proposed remediation standard is the Statewide Health Standard. Future use of the property will be residential. The Notice of Intent to Remediate was published in *The Progress News* on August 19, 2014.

#### DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

**Application(s) for Determination of Applicability for General Permit 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 Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.**

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

**General Permit Application No. WMGM044-NE001. Thomas J. Kazmierczak, Sr.**, 1000 Union Street, Taylor, PA 18517. A General Permit Determination of Applicability for the processing of wood and construction/demolition material for beneficial use as an alternative fuel at the Taylor Recycling site located in Taylor Borough, **Lackawanna County**. The application for determination of applicability was received on August 28, 2014, additional information was received on September 15, 2014 and the application was deemed administratively complete by the Regional Office on September 15, 2014.

Comments concerning the application should be directed to 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. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

## OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

### Application(s) received Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA17701*

**Permit Application No. 101243. Northern Tier Solid Waste Authority**, P. O. Box 10, Burlington, PA 18814, West Burlington Township, **Bradford County**. Major permit modification for the addition of a treated leachate evaporation unit. The application was received by Northcentral Regional Office on September 15, 2014. An LMIP meeting will be scheduled.

Comments concerning the application should be directed to Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

## 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. 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 type of 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 Chapter 127, Subchapter 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 applicable 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.

### PLAN APPROVALS

#### Plan Approval Applications Received under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

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

*Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**30-00072J: Consol PA Coal Co., LLC** (1000 Consol Energy Drive, Canonsburg, PA 15317) to expand the annual throughput of the coal preparation plant and hours of annual operation at the Bailey Prep Plant in Richhill Township, **Greene County**. This is a major facility Plan Approval application submittal.

**30-00218B: Bayles Energy, LLC** (6051 Wallace Road Extension, Wexford, PA 15090) for an electric generating station in Greene Township, **Greene County**. This is a minor facility Plan Approval application submittal.

**63-00936H: MarkWest Liberty Midstream & Resources, LLC** (1515 Arapahoe Street, Tower 1, Suite 1600, Denver, CO 80202-2137) for a fractionator flare at the Houston Gas Plant in Chartiers Township, **Washington County**. This is a major facility Plan Approval application submittal.

**63-00988A: Amity Energy, LLC** (6051 Wallace Road Extension, Wexford, PA 15090) for an electric generating station in Amwell Township, **Washington County**. This is a minor facility Plan Approval application submittal.

**63-00989A: Ten Mile Energy, LLC** (6051 Wallace Road Extension, Wexford, PA 15090) for an electric generating station in Amwell Township, **Washington County**. This is a minor facility Plan Approval application submittal.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA16335-3481*

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

**43-034B: Dunbar Asphalt Products, Inc.,—Wheatland Plant** (P. O. Box 477, Wheatland, PA 16161) for the replacement C202B (Plant 4 Baghouse) which controls particulate matter emissions for source 202 (Rotary Dryer, McCarter Plant 4 BMA Plant) and 202F (Horizontal Rotary Mixing Drum). This facility is located on Ohio Street Extension in Hermitage City, **Mercer County**. This facility is permitted under Synthetic Minor Operating Permit 43-00034, which was issued on October 7, 2011 and expires on September 30, 2016. This application was determined to be administratively complete on September 11, 2014.

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

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

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

**46-0025L: Johnson Matthey, Inc.** (900 River Road, Conshohocken, PA 19428) for the removal of an Odex Scrubber & liquid seal pot at an existing facility 1. The company manufactures fine organic chemicals used in pharmaceutical industry. The Plan Approval and Operating permit will include monitoring, record keeping & reporting requirements designed to address all applicable air quality requirements.

**15-0009D: AGC Chemicals America, Inc.** (255 South Bailey road, Downingtown, PA 19335) for the transition of a pilot plant from Research & Development to production at the existing facility at an existing facility in Caln Township, **Chester County**. The system will be controlled by the cartridge filters which control 98% of particulate matters. The company manufactures plastic powders & fillers. This project will emit 0.14 tpy of PM emissions & 2.15 tpy of VOC. The Plan Approval and Operating permit will include monitoring, record keeping & reporting requirements designed to address all applicable air quality requirements.

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

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

**22-05057A: Michels Corp.—West Hanover** (817 West Main Street, Brownsville, WI 53006) to construct a cured-in-place pipe (CIPP) wetout operation which will include resin storage tanks, catalyst drums, mix tank, injection metering pump, conveyor and rollers used to produce a polyester resin-saturated felt tube which will be used in repairing offsite pipe(s) in West Hanover Township. The expected facility emissions are: 9.85 tons per year (tpy) HAPs and 9.85 tpy of VOC. 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. 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.

**67-05005H: PPL Brunner Island, LLC** (2 North Ninth Street, Allentown, PA 18101) for the addition of natural gas as a fuel firing option for the three existing utility boilers (Source IDs 031A, 032 and 033A) and their associated coal mill heaters that will involve the tying in of a natural gas pipeline (Source ID 301), as well as the construction of two natural gas-fired pipeline heaters (Source ID 050) at the Brunner Island Steam Electric Station in East Manchester Township, **York County**. The maximum expected increases in facility emissions as a result of the changes proposed are: 39.90 TPY VOC, 22.57 TPY CO, and 0.01 TPY lead. The facility is a Title V 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 (BAT) requirement of 25 Pa. Code §§ 127.1 and 127.12, and 40 CFR Part 63, Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters (re: Source ID 050). 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 specifications of the application for plan approval, the requirements established in the plan approval will be incorporated into a Title V Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450(a)(5).

**67-05047B: Republic Services of PA, LLC** (4400 Mt. Pisgah Road, York, PA 17406-8240) for a landfill gas flare project, as described below, at the Modern Landfill in Lower Windsor Township, **York County**. Plan Approval No. 67-05047B will authorize installation of a new landfill gas (LFG) firing enclosed ground flare to control LFG, rated at 5,000 cfm and a backup open (candle) flare, rated at 1,000 cfm. The two flares will have the potential emission of: VOC 4.1 tpy, NO<sub>x</sub> 61.5 tpy, CO 180 tpy, SO<sub>x</sub> 51.5 tpy, PM<sub>10/2.5</sub> of 13.4 tpy, and HAPs 3.3 tpy. The facility is a Title V 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 will be subject to 40 CFR Part 60 Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills and 40 CFR Part 63, Subpart AAAA—National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills. 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.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**18-00009F: Clinton County Solid Waste Authority** (264 Landfill Lane, McElhattan, PA 17748-0209) has submitted an application for the proposed construction and operation of the Northside municipal solid waste landfill expansion located in Wayne Township, **Clinton County**. The respective facility is a major facility for which a Title V operating permit 18-00009 has been issued.

The Department's review of the information submitted by Clinton County Solid Waste Authority indicates that the proposed Northside municipal solid waste landfill expansion will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the Best Available Technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Northside municipal solid waste landfill expansion will meet the requirements of Title V operating permit #18-00009 and Subpart WWW of the Standards of Performance for Municipal Solid Waste Landfills, 40 CFR Sections 60.750 through 60.759. Based on these findings, the Department intends to approve the application and issue plan approval for the proposed installation and operation of a 4,000 standard cubic foot per minute (scfm) enclosed flare. Additionally, if the Department determines that all equipment constructed are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit #18-00009 via an administrative amendment pursuant to 25 Pa. Code § 127.450.

The following is a summary of the conditions that the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements:

1. All conditions contained in the Title V operating permit (TVOP #18-00009) remain in effect unless superseded or amended by conditions contained herein. If there is a conflict between a condition or requirement contained in this plan approval and a condition or requirement contained in TVOP #18-00009, the permittee shall comply with the condition or requirement contained in this plan approval.

2. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the air contaminant emissions from Control Device C001 associated with Sources P200 and P201 shall not exceed the following limitations:

a. nitrogen oxides (NO<sub>2</sub>, expressed as NO<sub>2</sub>)—3.72 pounds per hour and 16.30 tons in any 12 consecutive month period

b. carbon monoxide (CO)—20.20 pounds per hour and 88.50 tons in any 12 consecutive month period

3. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and 40 CFR Section 60.752(b)(2)(iii)(B), Control Device C001 associated with Sources P200 and P201 shall either achieve a non-methane organic compound destruction efficiency of at least 98%, by weight, or a non-methane organic compound outlet concentration (expressed as hexane) of no greater than 20 parts per million, by volume, dry basis, corrected to 3% oxygen.

4. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, The piping incorporated in the landfill gas collection system incorporated in Source P200 shall be sized to accommodate the maximum gas generation rate to be associated with the respective field(s). The gas collection rate shall at no time be less than the gas generation rate of the respective field.

5. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, a measurable vacuum shall be maintained within the gas collection system associated with Source P200 at all times.

6. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the vertical gas wells associated with Source P200 shall be located no more than 150 feet apart. The Department reserves the option to require the installation of additional wells and/or a Department approved geosynthetic cap over Department designated areas in Source P200 in the event that well spacing does not bring the system into full compliance with the limitations and requirements specified in, or established pursuant to all applicable rules and regulations contained in 25 Pa. Code Chapters 121—145.

7. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Each gas well incorporated in the landfill gas extraction, collection and control system associated with Source P200 shall be equipped with a throttling valve to enable the adjustment of gas collection. Additional wells shall be added if the throttle valve adjustment cannot bring the system into full compliance with the limitations and requirements specified in, or established pursuant to, all applicable rules and regulations contained in 25 Pa. Code Chapters 121—145.

8. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Gas collection and destruction in a field incorporated in Source P200 shall commence no later than two (2) years after refuse has first been deposited within that field. At that time all wells within the field shall be tied into the gas collection system associated with Source P200. No gas well shall be vented directly to the atmosphere from a field at any time after gas collection is required to commence.

9. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the area of exposed waste at the active working face of Source P200 shall be kept to a minimum at all times.

10. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, A leak-tight landfill capping system shall be placed over the gas collection system associated with Source P200 in a manner that will prevent gas leakage to the ambient air.

11. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Control Device C001 associated with Sources P200 and P201 shall be equipped with a continuous temperature monitoring and recording system having an accuracy of +/- 1% of the

temperature being monitored and which will log the temperature of the flue gas exiting the flare at all times using a temperature sensor positioned at a location where the landfill gas has been in the flare for at least 0.89 second.

12. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, At such time as the landfill gas collection rate reaches a sustained rate of 1,850 standard cubic feet per minute from both Sources P200 and P201, the permittee shall submit an application for plan approval to either replace the existing landfill gas flare (C001) with a new flare to adequately control the maximum combined landfill gas flow rates from Source P200 and P201. For the purpose of complying with this requirement, the sustained rate is the arithmetic average of all existing flare inlet landfill gas volumetric flow rate measurements taken over a 24-hour period.

13. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall routinely conduct inspections of the gas extraction and collection system associated with Source P200 to ensure that no leaks of landfill gas are occurring from the system. Any such leaks shall be immediately repaired.

14. Pursuant to 40 CFR Section 60.759(a)(3)(i), any segregated area of asbestos or non-degradable material located in Source ID P201 shall be excluded from the landfill gas collection system, if documented pursuant to 40 CFR 60.758(d). The documentation shall provide the nature, date of deposition, location and amount of asbestos or non-degradable material deposited in the area and shall be provided to the Department upon request.

15. The permittee shall maintain accurate and comprehensive records of the following:

a. The number of tons of waste disposed of each month in Source P200.

b. All landfill gas flow rate records generated by the flare inlet landfill gas flow rate monitoring and recording system.

c. All flue gas temperature records generated by the continuous flare temperature monitoring and recording system.

d. All ambient organic compound concentration data obtained during the field surface monitoring performed.

e. The location, depth, area, and quantity (cubic yards) of potential asbestos-containing waste material within the disposal site on a map or diagram of Source P200.

All records generated pursuant to this condition shall be retained for a minimum of five (5) years and shall be made available to the Department upon request.

16. The permittee shall perform non-methane organic compound stack tests upon Control Device C001 associated with Source P200 within 120 days from the initial operation to verify compliance with the emission limitation for non-methane hydrocarbon emissions from Control Device C001 associated with Sources P200 and P201.

a. The performance test shall consist of three (3) separate test runs and each run shall last at least in one (1) hour in duration.

b. All testing is to be done using reference method test procedures acceptable to the Department and all testing is to be performed while Control Device C001 is operating at maximum normal operational conditions.

17. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, all leachate generated in Source P200 facility shall be collected and stored in the leachate storage tanks at the facility until shipped off-site. Each tank vent shall be equipped with carbon canisters to control the air contaminant emissions.

18. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, An operable water truck equipped with a pressurized spray mechanism shall be kept on-site and filled with water at all times (except when refilling the truck) and shall be used for the prevention and control of fugitive air contaminant emissions from site haul roads and construction/operation activities associated with the landfill. The permittee shall water each site haul road and construction/operation area at the facility when the facility is in operation at least every two hours during months of June through September and at least twice per day during rest of the calendar year. The permittee may not water each site haul road and construction/operation area at the facility if the ground is frozen or the freezing rain has fallen during the day. If at any time the fugitive dust emissions exceed the limitations of 25 Pa. Code § 123.1, the permittee shall take such control measures as are necessary to reduce the air contaminant emissions to within the acceptable limitations.

19. The permittee shall implement any effective winterization measure necessary to render this water truck capable of use under all weather conditions.

20. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall post speed limit signs indicating the speed limit on haul roads to be 15 miles per hour for the prevention and control of fugitive air contaminant emissions from site haul roads.

21. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall maintain a permanent truck wash station, which all vehicles must pass through prior to exiting the facility property. Tires and undercarriage of each vehicle shall be washed as needed to prevent carry out from the facility onto public roadways.

22. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, All trucks entering or exiting the site via a public roadway, which contain either waste of a potentially dusty material such as crushed stone, dirt, sand, ash, wood mulch, etc. shall have their truck beds completely tarped or otherwise covered unless empty. This requirement shall be posted in readily visible locations throughout the site.

23. Source P200 is subject to the requirements of 40 CFR 60.750—60.759. The permittee shall comply with all applicable requirements of 40 CFR Sections 60.750 through 60.759.

A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-0550. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

*Department of Public Health, Air Management Services:  
321 University Avenue, Philadelphia, PA 19104*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426*

**AMS 10476: ARCA Advanced Processing, LLC** (4301 North Delaware Ave, Philadelphia, PA 19137) for shredding of approximately 500,000 domestic and light commercial appliances per year (37,000 total tons appliances per year) in the City of Philadelphia, **Philadelphia County**. Emissions from the facility are limited to the following:

- Particulate Matter (PM) shall be less than 9.03 lb/hr and 0.11 ton/yr.

The plan approval will contain operating, monitoring, testing, recordkeeping, and reporting 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.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA19428*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**23-00082: Liberty Electric Power, LLC** (1000 Industrial Highway, Eddystone, PA 19022) for renewal of the facility's Phase II (Title IV) Acid Rain Permit (ORIS No. 55231) in Eddystone Borough, **Delaware County**. The affected units at the facility consist of two (2) combined cycle gas turbines with duct burners. The affected units shall hold sufficient SO<sub>2</sub> allowances in accordance with 40 CFR § 72.9(c)(1). This renewal issuance of the Title IV Operating Permit does not authorize any increase in emissions. All monitoring, recordkeeping, and reporting shall be in conformance with 25 Pa. Code § 127.531 and the Acid Rain Permit application.

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

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

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**46-00101: Ball Aerosol & Specialty Container, Inc.** (431 Privet Road, Horsham, PA 19044-1220) submitted a renewal for a Non-Title V Facility, State-Only, Synthetic Minor Permit in Horsham Township, **Montgomery County**. Ball Aerosol & Specialty Container Inc is a metal can manufacturing facility. The sources of emissions include: side seam stripe lines (6), stripe cleaning, and parts washers. The facility took voluntary total VOC and total HAP emission limits to be less than 25 tpy. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

**09-00213: DeNucci Excavating, Inc.** (2807 Old Rodgers Road, Bristol, PA 19007) for an initial State Only Operating Permit located in Bristol Township, **Bucks County**. DeNucci Excavating operates a portable crusher and screener that are each powered by diesel-fired engines and controlled by a water spray dust suppression

system. These sources were previously approved under Plan Approval 09-0213A in April 2012. The primary pollutant of concern is particulate matter due to the processing of aggregate materials. The facility is categorized as a natural minor facility. The permit includes monitoring, recordkeeping and reporting requirements designed to address all applicable air quality requirements.

**15-00059: Paulsonbilt Ltd** (1000 W. 11th Ave., Coatesville, PA 19320; Attn: Mr. Jacob Paulson) for the renewal of a Natural Minor Operating Permit in Valley Township, **Chester County**. The initial operating permit was issued on January 29, 2004, and was effective March 1, 2004. Paulsonbilt fabricates commercial dumpsters and similar containers. The primary source of air emissions from the facility is a spray booth. The spray booth is subject to the requirements of 25 Pa. Code § 129.52. Requirements are already incorporated in the operating permit. Insignificant sources include a 1.0 MMBtu/hr natural gas heater, portable kerosene heaters (approximately 10 heaters), operations for shearing, bending, and cutting of sheet metal, and welding of sheer metal. Potential emissions from the facility are less than the following emission rates: 11.0 tpy for VOCs, 2.0 tpy for HAP, 2.0 tpy for PM, and 1.0 tpy for NO<sub>x</sub>, SO<sub>x</sub>, and CO. The permit will continue to include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**15-00086: Griffin Industries LLC—dba Bakery Feeds** (97 Westbrook Drive, Honey Brook, PA 19344) for an animal feed processing facility in Honey Brook Township, **Chester County**. Bakery Feeds is a non-Title V (State only) facility. The major operation at the facility is drying of processed bakery products by heat from a biomass burner, which is controlled for volatile organic compounds (VOC) by a regenerative thermal oxidizer (RTO) with the efficiency of 98%. Natural gas, sawdust and bakery product packaging materials are approved as fuels for the biomass burner.

The facility's permit is proposed to undergo a significant modification pursuant to Section B, Condition #011 (d) of State Only Operating Permit 15-00086. A modification that does not qualify as a minor permit modification or an administrative amendment pursuant to 25 Pa. Code §§ 127.462 and 127.450 is treated as a significant modification subject to the public notification requirements of 25 Pa. Sections 127.424 and 127.425. The following changes are proposed with the modification. Limitations for concentration of hydrogen chloride (HCl) in the stack effluent of the RTO are removed and replaced with limitations for facility wide hazardous air pollutants (HAP) of 10 tons per 12-month rolling period for a single pollutant and 25 tons per 12-month rolling period for all pollutants. HCl is a HAP pursuant to Section 112(b) of the Clean Air Act. In addition, monthly limitations are added for sawdust and bakery product packaging fuels of 660 tons per month for both fuels, with bakery packaging fuel not to exceed 430 tons per month. These limits have been shown through the Department of Environmental Protection's (DEP) Air Modeling and Risk Analysis methodology not to present an unacceptable inhalation risk from HCl, that might be emitted from the bakery product processing. The once in 5 years testing requirement for HCl in the bakery process line stack is removed. The applicable test method, EPA Method 26, has known interferences from chlorides, other than hydrogen chloride, that may occur in bakery products.

Emission limits for criteria pollutants are not proposed to be changed and will remain at the following levels from the RTO stack: nitrogen oxides (NO<sub>x</sub>): 5 lbs/hr and less than 25.0 tons per 12-month rolling period from the facility; particulate matter (PM) the more stringent of 0.04 grain/dscf or 8.4 lb/hr and 37.0 tons per 12-month rolling period; carbon monoxide (CO): 1.1 lb/hr and 4.8 tons per 12-month rolling period; VOC: 2.5 lb/hr and less than 25.0 tons per 12-month rolling period from the facility. Minor wording changes in standard facility wide conditions and names of process streams are made. The operating permit will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements and limitations.

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

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

**67-03071: PA State Pet Memorial at Golden Lake** (210 Andersontown Rd., Mechanicsburg, PA 17055) to issue a State Only Operating Permit for operation of a pet crematory facility in Monaghan Township, **York County**. The estimate potential emissions in year are: 0.6 ton per year of CO, 2.8 tons per year of NO<sub>x</sub>, 0.1 ton per year of PM, 0.02 ton per year of SO<sub>2</sub>, and 0.2 ton per year of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

**11-00306: Penn Cambria School District**, (201 6th St., Cresson, PA, 16630-1363) for a renewal Air Quality Synthetic Minor State Only Operating Permit (SOOP) to authorize the operation of the Penn Cambria High School located in Cresson Boro, **Cambria County**. Equipment at this facility includes one tri-fuel boiler which burns primarily coal, a natural gas-fired boiler, a natural gas-fired hot water boiler, and an emergency generator fired on natural gas. Potential emissions from the facility are based on a limit of burning 2,150 tons of coal per consecutive 12-month period in the tri-fuel boiler, 8,760 hours of operation for the natural gas boiler and hot water boiler, and 500 hours of operation per consecutive 12-month period for the emergency generator. Potential emissions are estimated to be 13.8 tons NO<sub>x</sub>, 1.6 tons VOCs, 14.8 tons CO, 5.9 tons particulate matter, and 76.6 tons SO<sub>2</sub>. Emissions from the tri-fuel boiler are controlled with a Breslove Separator. No emission or equipment changes are being proposed by this action. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The proposed SOOP renewal includes conditions relating to applicable emissions restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements.

**03-00224: McVile Mining Co.** (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 Clementine Mine Coal Preparation Plant, in South Buffalo Township, **Armstrong County**. The facility contains air contamination sources consisting of coal stockpiles, conveyers,

crusher, screens, gravimetric separation, froth flotation, loadout, 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 1,300,000 tons of cleaned coal per year. Facility emissions are 17.6 tons of VOC, 8.3 tons of PM<sub>10</sub>, and 0.8 ton of NO<sub>x</sub> 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*

**10-00148: Ervin Industries Incorporate / Amasteel Division** (681 East Butler Road, Butler, PA 16001-9238), to issue a renewal State Only Operating Permit for the manufacturing abrasive products facility in Summit Township, **Butler County**. The facility is a Natural Minor. The primary sources at the facility include two electric arc furnaces (EAFs), 34 quench and draw furnaces, a shot processing line, a grit processing line, ladle heaters, a parts washer, 4 dryers and space heating. The EAFs are each controlled by a baghouse, the shot processing and grit lines each are controlled by separate baghouses. The facility is subject to 40 CFR Part 60 Subpart AA—Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983 and 40 CFR Part 63 Subpart ZZZZZ—National Emissions Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources. The actual NO<sub>x</sub>, TSP, CO, PM<sub>10</sub>, SO<sub>x</sub>, and VOC emissions from the facility are less than 45 TPY, 60 TPY, 5 TPY, 3 TPY, 9 TPY, and 2 TPY, respectively based on production ranging from 57,000 TPY to 71,000 TPY. The TSP emissions include the fugitive emissions from the facility.

**16-00152: Pennkraft Building Systems** (PO Box 640 Knox, PA 16232) to issue the renewal of the State Only Operating Permit for the modular home manufacturing facility in the Borough of Knox, **Clarion County**. The primary sources at the facility include 2 paint booths; woodworking operations; 16—80,000 Btu/hr natural gas fueled heaters for building heat; and a 150,000 Btu/hr natural gas fueled forced air furnace for building heat. The facility is a Natural Minor. Potential emissions are 24 tpy VOC, 6.4 tpy for all HAPs combined, and less than 1 tpy for CO, PM, SO<sub>x</sub>, & NO<sub>x</sub>. 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.

**20-00979: National Fuel Gas Supply Corporation—Eldred Compressor Station** (12797 Fisher Road, Eldred Township, PA) for a Natural Minor Permit to operate a natural gas compressor station located in Eldred Township, **Jefferson County**. The primary emissions are from the two 150 Hp compressor engines at the facility.

Source ID: 101—150 Hp Compressor Engine 11 and Source ID: 102—150 Hp Compressor Engine 12 are subject to the newly promulgated requirements of 40 CFR 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The latest revisions of that subpart have been attached to those sources.

Source ID: 103—Emergency Generator (97.5 Hp) was replaced in September 2010. Based on the language contained in 40 CFR § 63.6590(c), a new RICE source located at an area source must meet the requirements of Subpart ZZZZ by meeting the requirements of 40 CFR Part 60, Subpart JJJJ, for spark ignition engines. The requirements of Subpart JJJJ have been attached to this source.

The potential emissions from this facility are as follows. (All values are in tons/year.) PM = 0.20, PM<sub>10</sub>/PM<sub>2.5</sub> = 0.20, SO<sub>x</sub> = 0.02, NO<sub>x</sub> = 71.80, VOC = 12.30, CO = 8.20, CO<sub>2e</sub> = 1915.00, and Total HAPs = <1.00.

**33-00147: Dominion Transmission, Inc.**, (501 Martindale St., Suite 400, DL Clark Bldg, Pittsburgh, PA 15212) to issue the renewal of the State Only Operating Permit for the natural gas compressor station located in Gaskill Township, **Jefferson County**. The primary sources at the facility include a 1,775 hp natural gas fueled compressor engine and a glycol dehydrator equipped with a 500,000 Btu/hr natural gas fueled burner. The facility is a Natural Minor. Potential emissions are 12.1 tpy VOC; 42.91 tpy CO; 12.1 tpy NO<sub>x</sub>; 8.0 tpy for all HAPs combined; and less than 1 tpy SO<sub>x</sub>. The compressor engine is subject to 40 CFR Part 63 Subpart ZZZZ, the NESHAP for Stationary RICE. 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.

**43-152C: John Maneely Co.—Wheatland Tube Division** (P. O. Box 608, Wheatland, PA 16161) for reactivation of the previously existing Hot Mill Coating Line at their Mill Street facility in Wheatland Borough, **Mercer County**.

Pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 43-152C to John Maneely Co.—Wheatland Tube Division for the reactivation of the previously existing Hot Mill Coating Line (Source ID 101H) at the company's facility located at 134 Mill St., Wheatland Borough, Mercer County.

The facility currently has a State Only Operating Permit No. 43-00152. The Plan Approval will subsequently be incorporated into the State Only Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Based on the information provided by the applicant and DEP's own analysis, the subject source will result in potential emissions not to exceed 20.0 tons per year of volatile organic compounds (VOC), calculated as a 12-month rolling total.

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

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the address shown below. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the name, address, and telephone number of the person

submitting comments, identification of the proposed Plan Approval; No. 43-152C and concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Edward Orris, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6636.

## 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 renew a Minor State Only Operating Permit for the following facility:

**S13-018: LaSalle University** (1900 West Olney Avenue, Philadelphia, PA 19141-1199) for the operation of a university in the City of Philadelphia, **Philadelphia County**. The facility's air emissions sources include (4) four Emergency Generators firing diesel and (1) one fire pump, and (2) two Boilers each 12.6 MMBTU/hr firing either natural gas or No. 2 fuel oil and (2) two 14.47 MMBTU/hr boilers firing either natural gas or No. 2 fuel oil and (45) forty-five small boilers less than 10 MMBTU/hr firing either natural gas or No. 2 fuel oil.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in



response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

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

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

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

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

#### *Coal Applications Received*

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

**03870701 and NPDES No. PA0214558. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Coal Refuse Disposal No. 2 in Plumcreek Township, **Armstrong County** and related NPDES permit. No additional discharges. The application was considered administratively complete on September 8, 2014. Application received: February 10, 2014.

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724.925.5500*

**26773025 and NPDES Permit No. PA0079031. Charles L. Swenglish & Sons Coal Co., Inc.** (2 Swenglish Lane, Smithfield, PA 15478). Renewal application for continued mining to an existing bituminous surface mine, located in German Township, **Fayette County**, affecting 166.2 acres. Receiving stream: South Branch Browns Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: September 8, 2014.

**03130102 and NPDES Permit No. PA0278084. Reichard Contracting, Inc.** (212 Olean Trail, New Bethlehem, PA 16242). Application for commencement, operation and restoration of bituminous surface mine, located in Boggs and Wayne Township, **Armstrong County**, affecting 112 acres. Receiving streams: unnamed tributaries to Scrubgrass Creek and Scrubgrass Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: August 27, 2014.

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

**17663037 and NPDES PA0611328. RES Coal LLC** (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Permit renewal for the continued operation and restoration of a bituminous surface mine in Decatur and Woodward Townships, **Clearfield County**, affecting 405.5 acres. Receiving stream(s): Goss Run and Little Beaver Run classified for the following use(s): Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: September 8, 2014.

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

**Permit No. 54040101R2. Char-Pac Coal Company**, (PO Box 81, Minersville, PA 17954), renewal of an existing anthracite surface mine operation in Foster Township, **Schuylkill County** affecting 200.5 acres, receiving stream: Hans Yost Creek, classified for the following uses: cold water fishes and migratory fishes. Application received: September 3, 2014.

#### *Noncoal Applications Received*

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

**Permit No. 21900301 and NPDES No. PA0595055. E.E. Kough Sons, Inc.**, P. O. Box 134, 195 Green Spring Road, Newville, PA 17241-0134, transfer of an existing noncoal surface mine from E.E. Kough Sons, P. O. Box 134, 195 Green Spring Road, Newville, PA 17241-0134 located in North Newtown Township, **Cumberland County**, affecting 117.4 acres. Receiving stream: unnamed tributary to Conodoguinet Creek classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 3, 2014.

**Permit No. 6478NC4 and NPDES No. PA0121606. David H. Martin Excavating, Inc.**, 4961 Cumberland Highway, Chambersburg, PA 17202, commencement, operation and restoration of a noncoal surface mine in Antrim Township, **Franklin County** affecting 21.0 acres. Receiving streams: unnamed tributaries to/and Muddy Run classified for the following uses: high quality cold water fishery and migratory fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 4, 2014.

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

**Permit No. 5273SM1C5 and NPDES Permit No. PA0594261. Haines & Kibblehouse, Inc.**, (PO Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Aston Township, **Delaware County** affecting 37.08 acres, receiving stream: Chester Creek, classified for the following use: trout stock fishes. Application received: September 2, 2014.

**Permit No. 58100801. Jeb's Pennsylvania Blue-stone Quarry**, (850 Baptist Hill Road, Hallstead, PA 18822), Stage I & II bond release of a quarry operation in Great Bend Township, **Susquehanna County** affecting 1.0 acres on property owned by Jeb's Pennsylvania Bluestone Quarry. Application received: September 5, 2014.

**Permit No. 58080828. John Maloney**, (293 Beacon Light Road, Towanda, PA 18848), Stage I & II bond release of a quarry operation in Middletown Township, **Susquehanna County** affecting 5.0 acres on property owned by Powers Stone. Application received: September 8, 2014.

### MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

#### *Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

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

\* The parameter is applicable at all times.

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

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

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

#### *Effluent Limits for Noncoal Mining Activities*

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

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

\* The parameter is applicable at all times.

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

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

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

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

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

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

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

#### Coal NPDES Draft Permits

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

**NPDES No. PA0236217 (Mining Permit No. 32131302), Rayne Energy Inc.**, (410 Franklin Street, Clymer, PA 15728-1182). A new NPDES and mining activity permit for the Rayne No. 1 Mine in Pine Township, **Indiana County** for a passive water treatment system for a post-mining discharge. Surface Acres Affected 16.7. Receiving stream: Little Yellow Creek, classified for the following use: HQ-CWF. Kiskiminetas-Conemaugh River Watersheds TMDL. The application was considered administratively complete on May 14, 2014. Application received December 6, 2013.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

Outfall 003 is subject to the following numeric effluent limits if the non-degrading narrative limits are exceeded:

*Outfall 003* discharges to: Little Yellow Creek

The proposed effluent limits for *Outfall 003* (Lat: 40° 34' 23.0" Long: 78° 55' 17.7") are:

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow (mgd)		-	0.252	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.75	0.75	0.75
Suspended Solids (mg/l)		35	70	90
Sulfates (mg/l)		-	-	Report
Osmotic Pressure (mos/kg)		-	-	Report
Total Dissolved Solids (mg/l)		-	-	Report

Outfall 003 is subject to the following narrative effluent limits when the non-degrading option is being utilized:

*Outfall 003* discharges to: Little Yellow Creek

The proposed effluent limits for *Outfall 003* (Lat: 40° 34' 23.0" Long: 78° 55' 17.7") are:

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow (mgd)		-	-	Report
Iron (mg/l)		-	-	Report
Manganese (mg/l)		-	-	Report
Aluminum (mg/l)		-	-	Report
Suspended Solids (mg/l)		-	-	Report
Sulfates (mg/l)		-	-	Report
Osmotic Pressure (mos/kg)		-	-	Report
Total Dissolved Solids (mg/l)		-	-	Report

**NPDES No. PA0215520 (Mining Permit No. 63723707), Maple Creek Mining, Inc.** (683 State Route 7 North, Burlile Building, PO Box 278, Gallipolis Ohio 45631). A revision to the NPDES and mining activity permit for the Ginger Hill Refuse Area II in Carroll and Nottingham Townships, **Washington County**. This NPDES draft permit is also being published in compliance with 25 Pa. Code § 92a.88, as the result of a settlement of an Environmental Hearing Board appeal at EHB Docket No. 2012-053-R. Surface Acres Affected: 254. Receiving stream: Unnamed Tributary to Pigeon Run, classified for the following use: WWF. Monongahela River Watershed. Receiving stream: Dry Run, classified for the following use: WWF. Monongahela River Watershed. The application was considered administratively complete on August 5, 2014. Application received August 5, 2014.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

*Outfall 003* discharges to: UNT to Pigeon Creek

The proposed effluent limits for *Outfall 003* (Lat: 40° 11' 06" Long: 79° 58' 44") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	-	Report
Iron (mg/l)		1.52	2.38	-
Manganese (mg/l)		0.65	1.02	-
Aluminum (mg/l)		0.49	0.76	-
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (mos/kg)		50	50	-
Sulfate (mg/l)		-	250	-
Total Dissolved Solids (mg/l)		-	-	Report

*Outfall 004* discharges to: UNT to Pigeon Creek

The proposed effluent limits for *Outfall 004* (Lat: 40° 11' 17" Long: 79° 58' 36") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	-	Report
Iron (mg/l)		1.52	2.38	-
Manganese (mg/l)		0.65	1.02	-
Aluminum (mg/l)		0.49	0.76	-
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (mos/kg)		50	50	-
Sulfate (mg/l)		-	250	-
Total Dissolved Solids (mg/l)		-	-	Report

*Outfall 012* discharges to: UNT to Pigeon Creek

The proposed effluent limits for *Outfall 012* (Lat: 40° 11' 15" Long: 79° 58' 35") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	Report	-
Iron (mg/l)		1.52	2.38	-
Manganese (mg/l)		0.65	1.02	-
Aluminum (mg/l)		0.49	0.76	-
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (mos/kg)		50	50	-
Sulfate (mg/l)		-	250	-
Total Dissolved Solids (mg/l)		-	-	Report

*Outfall 017* discharges to: Dry Run

The proposed effluent limits for *Outfall 017* (Lat: 40° 37' 55" Long: 79° 30' 21") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	Report	-
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		1.0	2.0	2.5
Total Suspended Solids (mg/l)		35	70	90
Sulfate (mg/l)		-	-	Report
Total Dissolved Solids (mg/l)		-	-	Report
Osmotic Pressure (mos/kg)		-	-	Report

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

**NPDES No. PA0598372 (Mining Permit No. 56890102), Svonavec, Inc.**, 2555 New Centerville Road Rockwood, PA 15557, renewal of an NPDES permit for treatment of a post mining discharge in Lower Turkeyfoot Township, **Somerset County**, affecting 92.5 acres. Receiving stream: unnamed tributary to Casselman River, classified for the following use: warm water fishery. This receiving stream is included in the Casselman River TMDL. Application received: June 20, 2014.

The outfall listed below discharges to an unnamed tributary to Casselman River:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
006 (TF4, formerly 002)	N

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

<i>Outfalls: 006 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	2.5	5.0	6.2
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	1.0	2.0	2.5
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			

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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### Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

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#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900*

**E46-1109. Worcester Township**, 1721 Valley Forge Road, Worcester, PA 19490-0767, Worcester Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain an 8-foot wide and 120-foot long pedestrian bridge over the wetland (PEM, PPA) and across an unnamed tributary to the Zacharias Creek (TSF, MF). This bridge construction will complete the trail connection from the Township's Heebner Park with the Evansburg State Park.

The site is located about 1,000 feet northeast of the intersection of Heebner Road and Hollow Road (Latitude: 40.1998; Longitude: -75.3623).

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E18-490. Enterprise Products Operating, LLC**, PO Box 4324, Houston, TX 77210-4324. Enterprise Products Operating P-40/Segment 696 Gas Transmission Inspection, Repair, Operation and Maintenance Project, **Clinton County**, ACOE Baltimore District (Hammersley Fork, PA Quadrangle, Southwest Termini Latitude: 41° 25' 51.06"; Longitude: -77° 59' 20.19" and Northeast Termini Latitude: 41° 28' 31.48"; Longitude -77° 57' 14.22").

The applicant is seeking authorization to repair, operate and maintain 3.65-miles of the existing P-40/Segment 696 pipeline. Annual inspection, repair, modification, section replacement and maintenance activities along the existing gas transmission pipeline and within the 35-foot maintained right-of-way will require the following four (4) wetland and/or stream encroachments at the given location:

<i>Feature ID</i>	<i>Regulated Feature</i>	<i>Activity</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Activity Length</i>	<i>Water Quality</i>
27SA	Unnamed Tributary Wykoff Branch	Temporary Construction Access	41° 27' 22.42"	77° 58' 07.24"	12'	EV, MF
27WA	Wetland	Temporary Construction Access	41° 27' 39.57"	77° 57' 55.21"	271'	EV, MF

Feature ID	Regulated Feature	Activity	Latitude	Longitude	Activity Length	Water Quality
27WB	Wetland	Temporary Construction Access	41° 27' 21.42"	77° 58' 07.93"	463'	EV, MF
27WB	Wetland	Pipeline Inspection & Repair (Dig 25)	41° 27' 21.42"	77° 58' 07.93"	11'	EV, MF
27WC	Wetland	Temporary Construction Access	41° 27' 07.20"	77° 58' 19.20"	380'	EV, MF

All temporary construction accesses crossing streams and wetlands shall be performed by temporary bridges, timber mats or an equally effective low impact crossing method. No ford crossing of streams or construction equipment traversing directly through wetlands is granted by this authorization. Any pipeline repair, modification or section replacement activities being conducted in-stream shall be performed in dry work conditions by dam and pumping or fluming stream flow around the section where activities are to be conducted. Since all P-40 pipeline crossings of streams in Clinton County are wild trout fisheries, no present or future in-stream pipeline repair, modification, replacement or maintenance activities shall be conducted between October 1 and December 31 without prior written approval of the Pennsylvania Fish & Boat Commission. As proposed, annual repair, modification, section replacement and maintenance activities along the Enterprise P-40 pipeline will incur 0.31-acre of temporary wetland impact and 12-feet of temporary stream impact. This annual pipeline repair, modification, replacement or maintenance activity is location along the northern right-of-way of Wykoff Road approximately 1-mile east of Montour and Wykoff Road intersection.

**E41-658. Family Dollar Williamsport PA Lycoming Creek Road LLC**, 2016 Lycoming Creek Road, Williamsport, PA 17701-1207. Family Dollar Retail Store in Old Lycoming Township, **Lycoming County**, ACOE Baltimore District (Cogan Station, PA Quadrangle Lat: 41° 15' 29"; Long: -77° 02' 35").

To construct and maintain a new commercial retail store in Old Lycoming Township—Lycoming County, which is located within the floodway/floodplain of Unnamed Tributary to Lycoming Creek. The scope is to construct a new 9,226 SF commercial retail store.

The proposed modifications will not permanently impact wetlands, cultural or archaeological resources, national/state/local parks, forests recreational areas, landmarks wildlife refuge or historical sites. UNT to Lycoming Creek is classified with a designated use of Cold Water Fishery (CWF).

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**E02-1700. Haysville Borough**, 24 River Road; Sewickley, PA 15143; Haysville Borough, **Allegheny County**; ACOE Pittsburgh District.

The applicant is proposing to construct and maintain two sections of 9 foot high gabion wall, one 19 LF, one 46 LF along an Unnamed Tributary to the Ohio River (WWF), for the purpose of stabilizing River Road located along the unnamed tributary, approximately 450 feet northeast of the intersection of River Road and Redgate

Road (Ambridge, PA USGS topographic quadrangle, N: 5.4 inches; W: 4.4 inches; Latitude: 40° 31' 46"; Longitude: -80° 9' 23"), in Haysville Borough, Allegheny County.

*Wilkes-Barre: Environmental Program Manager, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18701*

**EA4011-003. Pennsylvania Department of Environmental Protection, Bureau of Abandoned Mine Reclamation**, Wilkes-Barre Office, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18701. Abandoned Mine Land Reclamation Project, in Foster Township, **Luzerne County**, Philadelphia ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 1,892 linear feet of dangerous highwall. The project will also fill in 5.12 acres of open water and 0.34 acre of wetland. (Hazleton and Weatherly Quadrangles 40° 58' 29.0 6", -75° 52'58.01")

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460*

**D20-007EA**. Edward E. Raptosh, P.E., Civil Engineer Manager, **Bureau of Facility Design and Construction, Pennsylvania Department of Conservation and Natural Resources**, 8th Floor RCSOB, 400 Market Street, P. O. Box 8451, Harrisburg, PA 17101. West and South Shenango Townships, **Crawford County**, USACOE Pittsburgh District.

Project proposes to perform repair/maintenance work at Pymatuning Dam including the gatehouse, spillway, and dam embankment. In addition, the project proposes removal of a gravel bar, installation of rip-rap, and construction of a j-hook rock vein in the outlet channel and river below the dam. The project will impact approximately 200 feet of river-bank and a de minimus area of wetland (PEM) less than 0.01 acre. The dam is located across the Shenango River (WWF) (Greenville West, PA Quadrangle; Latitude: 41.5002; Longitude: -80.4601).

**D67-480EA**. Bradley D. Martin, Environmental Engineer, **P.H. Glatfelter Company**, 228 South Main Street, Spring Grove, PA 17632. North Codorus Township, **York County**, USACOE Baltimore District.

Project proposes to breach Lake Lehman Dam for the purpose of eliminating a threat to public safety and restoring the stream to a free-flowing condition. The project is located across Powder Mill Run (WWF) (Seven Valleys, PA Quadrangle, Latitude: 39.8607; Longitude: -76.8592).

## ACTIONS

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

## FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

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

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

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

## I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0070220 (Sewage)	Nis Hollow Estates STP Nis Hollow Estates (East Section) Cherokee Lane Lehighton, PA 18235	Carbon County Mahoning Township	Unnamed Tributary to Lehigh River (2-B)	Y
PA0062294 (Sewage)	Coolbaugh Township WWTP 5800 B Memorial Boulevard Tobyhanna, PA 18466-8942	Monroe County Coolbaugh Township	Tobyhanna Creek (2-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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0233641 (Sewage)	John & Kristen Gresh SFTF 198 Bennett Road Julian, PA 16844	Centre County Union Township	Unnamed Tributary to Brower Hollow Run (9-C)	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0113743 (Sewage)	Grove Township Bd Of Supv Crestline STP Sr 2001 Sinnemahoning, PA 15861	Cameron County Grove Township	Sinnemahoning Creek (8-A)	Y
<i>Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745</i>				
<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0025852 (Industrial Waste)	Marathon Petroleum Company, L.P. 1100 Glasshouse Road Jefferson Hills, PA 15025	Allegheny County Jefferson Hills Borough	Lobbs Run and Monongahela River (19-C)	Y

## II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5970*

**NPDES Permit No. PA0057363**, Sewage, **Penns Park Master Association**, 2288 Second Street Pike, Penns Park, PA 18943.

This proposed facility is located in Wrightstown Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as ARRC Wastewater Treatment Facility to Drainage Swale to an Unnamed Tributary to Neshaminy Creek in Watershed 2-F.

**NPDES Permit No. PA0036897**, Sewage, **Borough of South Coatesville**, 136 Modena Road, South Coatesville, PA 19320.

This proposed facility is located in South Coatesville Borough, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as South Coatesville STP to West Branch Brandywine Creek in Watershed 3-H.

**NPDES Permit No. PA0025917**, Sewage, **Chalfont-New Britain Township Joint Sewer Authority**, 1645 Upper State Road, Doylestown, PA 18901.

This proposed facility is located in Doylestown Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as Chalfont New Britain STP to Neshaminy Creek in Watershed 2-F.

**NPDES Permit No. PA0013714**, Industrial Waste, **Exelon Generation Co. LLC**, 300 Exelon Way, Kennett Square, PA 19348-2473.

This proposed facility is located in Eddystone Borough, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit for discharge of treated industrial wastewater, cooling water and stormwater from a facility known as Eddystone Generating Station to Delaware River Estuary Zone 4 and Crum Creek in Watershed 3-G.

**NPDES Permit No. PA0040991**, Industrial Waste, **MIPC, LLC**, 920 Cherry Tree Road, Aston, PA 19014-1570.

This proposed facility is located in the City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit for discharge of treated stormwater runoff from a facility known as Philadelphia Terminal G Street Facility to Frankford Creek in Watershed 3J.

**NPDES Permit No. PA0012572**, Industrial Waste, **Paperworks Industries, Inc.**, 5000 Flat Rock Road, Philadelphia, PA 19127-2004.

This proposed facility is located in the City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit for discharge of treated wastewater from a facility known as Paperworks Industries, Inc. to Schuylkill River in Watershed 3-F.

**NPDES Permit No. PA00243957**, Storm Water, **Fizzano Bros Concrete Products**, 201 S Phoenixville Pike, Malvern, PA 19355-1996.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated Storm Water from a facility known as Fizzano Bros Concrete Malvern Plant to Valley Creek in Watershed 3-F.



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**III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law**


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

**WQM Permit No. 4614403**, Sewage, **Frederick Mennonite Community, d.b.a. Frederick Living**, 2849 Big Road, P. O. Box 498, Frederick, PA 19435-0498.

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

Description of Action/Activity: Sanitary sewer extension 8" PVC and pumping station to serve new housing unit adjacent to the existing units.

**WQM Permit No. WQG0246141109**, Sewage, Amendment, **PA Air National Guard**, 1120 Fairchild Street, Horsham, PA 19044.

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

Description of Action/Activity: Construction and operation of a new sanitary pump station along with the installation of a new force main on the site of the Horsham Air Guard station.

**WQM Permit No. 0914404**, Sewage, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

This proposed facility is located in Bensalem Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a wastewater pump station.

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

**WQM Permit No. 0207404**, SIC Code 4952, **West Elizabeth Sanitary Authority**, 125 Lower First Street, P. O. Box 503, West Elizabeth, PA 15088-0503.

This existing facility is located in West Elizabeth Borough, **Allegheny County**.

Description of Proposed Action/Activity: This application is for the rehab of the existing Ferry Street Lift Station that is owned and operated by the West Elizabeth Sanitary Authority. The construction activity will include conversion of the existing dry well / wet well configuration sewage lift station into a new submersible pumping station.

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

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

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

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

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**IV. NPDES Stormwater Discharges from MS4 Permit Actions**


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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI132218	Hanover Township Northampton County, 3630 Jacksonville Road, Bethlehem, PA 18017	Northampton	Hanover Township	Monocacy Creek, Unnamed Tributary to Catasauqua Creek and Unnamed Tributary to Monocacy Creek / CWF, MF, HQ-CWF and MF
PAI132202	Moore Township Northampton County, 2491 Community Drive, Bath, PA 18014-8841	Northampton	Moore Township	East Branch Monocacy Creek, Hokendauqua Creek, Monocacy Creek, Unnamed Tributary to Bushkill Creek, Unnamed Tributary to East Branch Monocacy Creek, Unnamed Tributary to Hokendauqua Creek and Unnamed Tributary to Monocacy Creek / CWF, MF, HQ-CWF and MF
PAI132203	Scranton City Lackawanna County, 340 N Washington Avenue, Scranton, PA 18503	Lackawanna	Scranton City	Keyser Creek, Lackawanna River, Leggetts Creek, Roaring Brook and Leach Creek / CWF, MF, TSF and MF

**VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 0907022R	Milford Acquisitions, Inc. 1590 Canary Road Quakertown, PA 18951	Bucks	Richland Township	Morgan Creek to Tohikon Creek TSF Barrel Run to Unnamed Tributary HQ—CWF
PAI01 1514022	The Vanguard Group 1041 West Valley Road, 415 Wayne, PA 19087	Chester	Tredyffrin Township	Little Valley Creek EV
PAI01 1514016	Mr. John Golden 1320 Rose Glen Road Gladwyne, PA 19035	Chester	Tredyffrin Township	Unnamed Tributary to Valley Creek EV
PAI01 151115	Matthews Road Associates, L.P. 2701 Renaissance Boulevard 4th Floor King of Prussia, PA 19406	Chester	East Whiteland Township	Little Valley Creek/ Lower Schuylkill River EV—MF
PAI01 4612002-1	Montgomery County County Commissioners' Office Montgomery County Courthouse P. O. Box 311 Norristown, PA 19401	Montgomery	Norristown Municipality and Plymouth Township	Schuylkill River Basin (Stony Creek to Unnamed Tributary 00926) WWF—MF Diamond Run WWF—MF
PAS10 5312-R(3)	Philadelphia Authority for Industrial Development 1500 Market Street Philadelphia, PA 19102	Philadelphia	City of Philadelphia	Delaware River WWF—MF
PAI01 5114009	199 Hunting Park Corporation 4261 North 5th Street Philadelphia, PA 19140	Philadelphia	City of Philadelphia	Frankford Creek WWF

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3574*

*Lycoming County Conservation District: 542 County Farm Road Suite 202, Montoursville, PA 17754, (570) 433-3003*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044114003	Tom Clemens Smiling Porker Farms LLC 2700 Clemens Rd Hatfield PA 19440	Lycoming	Pine Township	Hughes Run HQ-CWF UNT to Hughes Run EV, CWF

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

*Forest County Conservation District, 526 Elm Street, Tionesta PA 16353*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062713001	USDA—Forest Service 4 Farm Colony Drive Warren PA 16365	Forest	Jenks Township	Wolf Creek HQ-CWF

*Individual Permit Type—PAI*

*Central Office: Bureau of Abandoned Mine Reclamation, 400 Market Street, Floor 13, PO Box 69205, Harrisburg, PA 17106-9205*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI-1065-14-003	BAMR P. O. Box 69205 Harrisburg, PA 17106-9205 717-787-7669	Westmoreland County	Salem Township	UNT (HQ-CWF) to Porters Run (HQ-CWF)

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**VII. Approvals to Use NPDES and/or Other General Permits**


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The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

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**List of NPDES and/or Other General Permit Types**


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PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

*General Permit Type—PAG-02*
*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Middletown Township and Upper Providence Township Delaware County	PAG0200 2314019	Radclyffe Thompson 100 Matsonford Road, Suite 450 Radnor, PA 19087	Ridley Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Swarthmore Borough Delaware County	PAG0200 2312019R	Swarthmore College 500 College Avenue Swarthmore, PA 19081	Crum Creek WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Edgmont Township Delaware County	PAG0200 2310008R	Hellings Builders 602 Foxglove Drive Morton, PA 19070	Chester Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Frederick Township Montgomery County	PAG0200 4613099	Frederick Mennonite Community 2849 Big Road P. O. Box 498 Frederick, PA 19435	Scioto Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511416	Aldi, Inc. 2700 Saucon Valley Road Center Valley, PA 18034	Cobbs Creek 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*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Saucon Township Lehigh County	PAG02003914012R	Ken Snyder T.G. Development Co., Inc. 3312 7th St. Whitehall, PA 18052	Laurel Run (CWF, MF)	Lehigh County Conservation District 610-391-9583
Lehigh Township Northampton County	PAG02004810003R	Tom Killeen Greenock Investors Group, LLC 840 Eldridge Rd. Fairless Hills, PA 19030	Bertsch Creek (CWF, MF)	Northampton County Conservation District 610-746-1971
Meshoppen Township Wyoming County	PAG02006612005(1)	WLR Family Limited Partnership 524 SR 4015 Meshoppen, PA 18630	Susquehanna River (WWF, MF)	Wyoming County Conservation District 570-836-2589

*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Butler Township Adams County	PAG02000109007R Issued	John W. Bream, III 170 Bingaman Road Orrtanna, PA 17353 And John Lott 1415 Potato Road Aspers, PA 17304	UNT to Quaker Run/TSF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 717.334.0636
Highland and Franklin Townships Adams County	PAG02000114019 Issued	Pennsylvania American Water 800 West Hershey Park Drive Hershey, PA 17033	Tributary to Little Marsh Creek/ CWF, MF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 717.334.0636
Holidaysburg Borough Blair County	PAG02000712013R Issued	McLanahan Corp. 200 Wall Street Holidaysburg, PA 16648	Beaverdam Branch/ TSF, MF	Blair County Conservation District 1407 Blair Street Holidaysburg, PA 16648
Carlisle Borough Cumberland County	PAG02002114027 Issued	G&G 24 APA General Partnership 32 West Meadow Drive Mechanicsburg, PA 17055	Conodoguinet Creek/ WWF, MF	Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.6169
Lower Allen Township Cumberland County	PAG02002114030 Issued	PREIT Services, LLC 200 South Broad Street Philadelphia, PA 19102	Cedar Run/CWF	Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.6169
Susquehanna Township Dauphin County	PAG02002214026 Issued	Union Deposit Corporation 750 East Park Drive Harrisburg, PA 17111	Paxton Creek/WWF	Dauphin County Conservation District 1451 Peter's Mountain Road Dauphin, PA 17018-9504 717.921.8100
Halifax Township Dauphin County	PAG02002214030 Issued	Halifax Area School District 3940 Peters Mountain Road Halifax, PA 17032	Susquehanna River/ WWF	Dauphin County Conservation District 1451 Peter's Mountain Road Dauphin, PA 17018-9504 717.921.8100

## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Union Township Lebanon County	PAG02003809011(20) Issued	Robert F. Hepner 1 Garrison Road Annville, PA 17003	Vesle Run/ WWF, MF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 717.272.3908, ext. 4
North Londonderry Township Lebanon County	PAG02003809012 R Issued	Jeffrey C. Rutt 227 Granite Run Drive, Suite 100 Lancaster, PA17601	Killinger Creek/ TSF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 717.272.3908, ext. 4
Franklin Township York County	PAG02006712005R Issued	Lebo Reed Real Estate Partnership 250 Union Church Road Dillsburg, PA 17019	North Branch Bermudian Creek/ WWF, MF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717. 840.7430
Fairview Township York County	PAG02006713058 Issued	Defense Distribution Center Susquehanna DS-FSE 5750 3rd Street Building 750 New Cumberland, PA 17070-5076	Marsh Run/ WWF, MF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717. 840.7430
Springettsbury Township York County	PAG02006703034R-2 Issued	Timothy Pasch 2645 Carnegie Road York, PA 17402	UNT to Kreutz Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717. 840.7430
Shrewsbury Township York County	PAG02006713033-1 Issued	Vintage Oak Farms 1274 Oakwood Road New Freedom, PA 17349	Deer Creek / CWF, WT	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717. 840.7430
Bern Township Berks County	PAG02000614044 Issued	Forino Company, LP 555 Mountain Home Road Sinking Spring, PA 19608	Seifert Run/ WWF, MF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-0520 610.372.4657
Colebrookdale Township Berks County	PAG02000614013	Fred Beans Ford of Boyertown PO Box 524 Boyertown, PA 19512	UNT to Swamp Creek/TSF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-0520 610.372.4657
Sinking Spring Borough Berks County	PAG02000614038	Compass Pennsylvania, LP 300 Trade Center, Suite 7700 Woburn, MA 01801	Cacoosing Creek/ CWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-0520 610.372.4657

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3636*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Centre County Ferguson Township	PAG02001414011	Dave Palmer S&A Homes Inc 2121 Old Gatesburg Rd State College PA 16803	UNT Big Hollow Drainageway CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte PA 16823 (814) 355-6817
Centre County Benner Township	PAG02001414012	Michael T Sullivan Yeagle's Mini Storage Corp 301 Rolling Ridge Dr Bellefonte PA 16823	UNT to Logan Branch CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte PA 16823 (814) 355-6817
Centre County College Township	PAG02001414013	Mark S Goldsmith Wal-Mart Stores Inc 2001 SE 10th St Mail Stop 5570 Bentonville AR 72716	UNT to Spring Creek CWF, MF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte PA 16823 (814) 355-6817
Centre County College Township	PAG02001414014	Robert Cooper PA State University 101P Physical Plant Bldg University Park PA 16802	Big Hollow Run CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte PA 16823 (814) 355-6817
Columbia County Town of Bloomsburg Scott Township	PAG02001914006	Robert W Dillon Dillon Centre LLC 933 Columbia Blvd Bloomsburg PA 17815	UNT to Susquehanna River CWF	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg PA 17815 (570) 784-1310 X 102
Columbia County Berwick Borough	PAG02001914007	Berwick Area School Dist 500 Line St Berwick PA 18603	Susquehanna River WWF	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg PA 17815 (570) 784-1310 X 102
Lycoming County Old Lycoming Twp	PAG02004114004	Amy Miles Pb2 Architecture + Eng 2809 Ajax Ave Rogers AR 72758 Co-Permittee FD Williamsport PA Lycoming Creek Rd LLC 19 S LaSalle Ste 1007 Chicago IL 60603	UNT to Lycoming Creek CWF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville PA 17754 (570) 433-3003
Lycoming County Old Lycoming Twp	PAG02004114014	Duncan Masemore Celco Partnership 4642 Jonestown Rd Ste 200 Harrisburg PA 17109	UNT to Daugherty Run WWF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville PA 17754 (570) 433-3003
Snyder County Franklin Township	PAG02005514007	Gary Ritter Ritter Feeds Inc PO Box 306 Paxtonville PA 17861	UNT to Middle Creek CWF	Snyder County Conservation District 403 W Market St Middleburg PA 17842 (570) 837-3000 X110

*Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Cranberry Township Butler County	PAG02001007010R	SCI Development Co. Inc PO Box 97 Mars PA 16046	Wolfe Run WWF	Butler County Conservation District 724-284-5270

## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Clinton Township Butler County	PAG02001010012R	New Life Christian Ministries c/o Mr. Chris E. Marshall 139 Knoch road Saxonburg PA 16056	Unt Davis Run WWF	Butler County Conservation District 724-284-5270
Jackson Township Butler County	PAG02001012026(2)	Sippel Development 174 Tomlinson Drive Zelienople PA 16063	Likens Run WWF	Butler County Conservation District 724-284-5270
Elk Township Clarion County	PAG02001614005	Exotic Oil & Gas 1 Indian Springs Road Indiana Pa 15701	Deer Creek CWF	Clarion County Conservation District 814-297-7813
Fox Township Elk County	PAG02002414004	First Energy 76 South Main Street Akron PH 44308	Benninger Creek CWF	Elk County Conservation District 814-776-5373
Summit Township Erie County	PAG02002514019	Dorset Hospitality LLC 7820 Perry Hwy Erie PA 16509	Unt Walnut Creek MF; CWF	Erie County Conservation District 814-825-6403
Millcreek Township Erie County	PAG02002514020	Waldameer Park PO Box 8308 Erie PA 16505	Lake Erie CWF	Erie County Conservation District 814-825-6403
Greene Township Erie County	PAG02002514021	Off Road Express 10320 Wattsburg Road Erie PA 16509	Unt LeBoeuf Creek TSF	Erie County Conservation District 814-825-6403
Taylor, North Beaver Townships & City of Hermitage Lawrence County	PAG02003714003	Hickory Run Energy LLC Attn: Robert Colozza 400 Chesterfield Center Suite 110 St. Louis MO 63017	Unt Mahoning River WWF	Lawrence County Conservation District 724-652-4512
City of New Castle, North Beaver, Union, and Mahoning Townships Lawrence County	PAG02003714007	American Transmissions Systems Inc 800 Cabin Hill Drive Greensburg PA 15601	Mahoning and Shenango Rivers WWF	Lawrence County Conservation District 724-652-4512
North Beaver and Taylor Townships, New Beaver Borough Lawrence County	PAG02003714009	Pennsylvania Power Company 76 South Main Street Akron OH 44308	Beaver River, Beaver Run, Ecdles Run, Edwards Run, Jenkins Run, McKee Run, and Wampum Run WWF	Lawrence County Conservation District 724-652-4512

*General Permit Type—PAG-03*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Hanover Township Montgomery County	PAG030012	Harry's U Pull It 2557 Geryville Pike Pennsburg, PA 18073	Unnamed Tributary to Macoby Creek 3-E	Southeast Region Clean Water Program 484.250.5970
Wright Township Luzerne County	PAR202210	Sapa AS 330 Elmwood Drive Mountaintop, PA 18707	Unnamed Tributary to Bow Creek—5-B / CWF	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511

*Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water / Use**Contact Office &  
Phone No.*Wright Township  
Luzerne County

PAR202252

Cornell Iron Works  
24 Elmwood Road  
Mountaintop, PA 18707Watering Run—5-B  
CWFDEP Northeast  
Regional Office  
Clean Water Program  
2 Public Square,  
Wilkes-Barre, PA  
18701-1915  
570.826.2511East Allen  
Township  
Northampton  
County

PAR202251

Effort Foundry, Inc.  
6980 Chrisphalt Drive  
Bath, PA 18014N/A (discharges to  
an inactive  
quarry)—2-CDEP Northeast  
Regional Office  
Clean Water Program  
2 Public Square,  
Wilkes-Barre, PA  
18701-1915  
570.826.2511White Deer  
Township  
Union County

PAR144801

NGC Industries, LLC  
PO Box 210  
West Milton, PA 17886Unnamed Tributary  
to West Branch  
Susquehanna  
River—10-C  
WWFDEP Northcentral  
Regional Office  
Clean Water Program  
208 W Third Street  
Suite 101,  
Williamsport, PA  
17701-6448  
570.327.0530Wolf Township  
Lycoming County

PAG034812

Trican Well Services, LP  
120 Airstrip Drive  
Mill Hall, PA 17751Unnamed Tributary  
of Muncy  
Creek—10-DDEP Northcentral  
Regional Office  
Clean Water Program  
208 W Third Street  
Suite 101,  
Williamsport, PA  
17701-6448  
570.327.0530Bradford Township  
Clearfield County

PAR604827

Ogdens Auto Wrecking  
6982 Shiloh Road  
Woodland, PA 16881Unnamed Tributary  
to Valley Fork  
Run—8-CDEP Northcentral  
Regional Office  
Clean Water Program  
208 W Third Street  
Suite 101,  
Williamsport, PA  
17701-6448  
570.327.0530*General Permit Type—PAG-4**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water / Use**Contact Office &  
Phone No.*Farmington  
Township  
Warren County

PAG041166

Albert Reist  
2751 Scranton Hollow  
Road,  
Warren, PA 16365Unnamed Tributary  
to the Mud Run  
16-BDEP  
NWRO  
Clean Water Program  
230 Chestnut Street  
Meadville, PA 16335-3481  
814/332-6942*General Permit Type—PAG-10**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water / Use**Contact Office &  
Phone No.*Clinton Township  
Lycoming County

PAG104843

Gemma Power  
Systems, LLC  
50 Patriot Lane  
Montgomery, PA 17752Unnamed Tributary  
of West Branch  
Susquehanna  
River—10DDEP Northcentral  
Regional Office  
Clean Water Program  
208 W Third Street  
Suite 101,  
Williamsport, PA  
17701-6448  
570.327.0530



**STATE CONSERVATION COMMISSION  
NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES  
PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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

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

**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free

pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 2314507, Minor Amendment.** Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc. Aqua PA-Main System</b> 762 West Lancaster Avenue Bryn Mawr, PA 19010
Township	Tinicum
County	<b>Delaware</b>
Type of Facility	PWS
Consulting Engineer	Aqua Pennsylvania, Inc. Aqua PA-Main System 762 West Lancaster Avenue Bryn Mawr, PA 19010
Permit to Construct Issued	July 23, 2014

**Permit No. 1514516, Minor Amendment.** Public Water Supply.

Applicant	<b>Stony Run Mobile Home Park</b> 3700 Schuylkill Road Spring City, PA 19475
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Borough Borough of Spring City  
 County **Chester**  
 Type of Facility PWS  
 Consulting Engineer Safe Drinking Water Quality Management, Inc.  
 1513 North Line Street  
 Lansdale, PA 19446  
 Permit to Operate July 14, 2014  
 Issued

**Permit No. 4614513, Minor Amendment.** Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**  
**Aqua PA—Main System**  
 762 West Lancaster Avenue  
 Bryn Mawr, PA 19010

Township Springfield  
 County **Montgomery**  
 Type of Facility PWS  
 Consulting Engineer Aqua Pennsylvania, Inc.  
 Aqua PA—Main System  
 762 West Lancaster Avenue  
 Bryn Mawr, PA 19010

Permit to Operate July 23, 2014  
 Issued

**Operations Permit # 1514506** issued to: **North Coventry Water Authority**, P. O. Box 394, Pottstown, PA, [(PWSID)] North Coventry Township, **Chester County** on July 14, 2014 for replacement of Booster Pumps at the River Road Booster Pump Station.

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit No. 0614510 MA, Minor Amendment,** Public Water Supply.

Applicant **Borough of Bally**  
 Municipality Bally Borough  
 County **Berks**  
 Responsible Official Leo Mutter, Borough Council President  
 425 Chestnut St  
 Bally, PA 19503

Type of Facility Replacement of the well pump for previously permitted source Mun-4.

Consulting Engineer Karen C. Pollock, P.E.  
 Systems Design Engineering  
 1032 James Drive  
 Lessport, PA 19533

Permit to Construct 9/9/2014  
 Issued

**Permit No. 0114504,** Public Water Supply.

Applicant **Hanover Municipal Water Works**

Municipality Conewago Township  
 County **Adams**  
 Responsible Official Barbara Krebs, Borough Manager  
 44 Frederick Street  
 Hanover, PA 17331

Type of Facility Upgrades to the Hanover Water Treatment Plant including new flow meters, valves, rapid mixer, pumps, analyzers, a Supervisory Control and Data Acquisition (SCADA), chemical building, piping, backwash recycle system, filter rehabilitation and upgrades and improvements to electrical and security systems.

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

Permit to Construct 9/10/2014  
 Issued

**Permit No. 0114508,** Public Water Supply.

Applicant **Chesapeake Estates MHP**

Municipality Mt. Pleasant Township

County **Adams**

Responsible Official Adam Martin  
 585 Martin Road  
 Gettysburg, PA 17325

Type of Facility Installation of a 2,500-gallon raw water storage tank and raw water booster pump at Well No. 5.

Consulting Engineer Randolph S. Bailey, P.E.  
 Wm. F. Hill & Assoc., Inc.  
 207 Baltimore Street  
 Gettysburg, PA 17325

Permit to Construct 9/10/2014  
 Issued

**Operation Permit No. 6711503** issued to: **Dover Township (PWS ID No. 7670073)**, Dover Township, **York County** on 9/10/2014 for facilities approved under Construction Permit No. 6711503.

**Operation Permit No. 3814503** issued to: **Fredricksburg Sewer & Water Authority (PWS ID No. 7380035)**, Bethel Township, **Lebanon County** on 9/12/2014 for facilities approved under Construction Permit No. 3814503.

**Operation Permit No. 3613504** issued to: **Columbia Water Company (PWS ID No. 7360123)**, West Hempfield Township, **Lancaster County** on 9/9/2014 for facilities approved under Construction Permit No. 3613504.

**Operation Permit No. 6713511** issued to: **Hanover Municipal Water Works (PWS ID No. 7670076)**, Penn Township, **York County** on 9/10/2014 for facilities approved under Construction Permit No. 6713511.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**Unionville Municipal Waterworks (Public Water Supply), Centre County:** On September 10, 2014, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan for the Unionville Municipal Waterworks, Unionville Borough and Union Township, **Centre County**. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their

community. Development of the SWP plan was funded by the Department of Environmental Protection (John C. Hamilton, P.E., (570) 327-3650).

### WATER ALLOCATIONS

**Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**WA WA 07-924, Water Allocations. Willowbrook Associates** (PWS ID No. 4070015), **Blair County**. Willowbrook is now a customer of the Altoona Water Authority and no longer operates a public water supply agency as defined in the Water Rights Act of 1939. Water Allocation Permit WA 07-942 is rescinded. Permittee Contact: William M. Hess, Owner, Willowbrook Associates, 146 Cambridge Drive, Duncansville, PA 16635. Consulting Engineer: Daniel J. Carbaugh, P.E. Keller Engineers, Inc., 420 Allegheny Street, P O Box 61, Hollidaysburg, PA 16648. 9/9/2014.

### 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>
Hopewell Township	413 Three Square Hollow Rd, Newburg, PA 17240	Cumberland

*Plan Description:* The Request for Planning Exemption for Hopewell Township Park, DEP Code No. A3-21911-236-3E, APS Id 852488, consisting of a park with sewage flows of 112 gallons per day using sewer service provided by the Newburg-Hopewell Joint Authority, is disapproved. The submission failed to provide a properly completed Request for Planning Exemption. The submission failed to include written documentation from the sewage collection, conveyance and treatment providers that the facilities proposed for use have capacity and that no overload exists or is projected within 5 years. The submission failed to provide a properly completed PNDI Environmental Review in accordance with the "Policy for Pennsylvania Natural Diversity Inventory (PNDI) Coordination During Permit Review and Evaluation" as referenced in the instructions for completing the Sewage Facilities Planning Module Application Mailer. The submission failed to provide a plot plan for review.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995  
PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35

P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Cantus Logistics, Inc.** accident, US Route 15, Southbound, Clinton Township, **Lycoming County**. Northridge Group, Inc., P. O. Box 231, Northumberland, PA 17857, on behalf of Cantus Logistics, Inc., 12 Goodmark Place, Unit 7, Toronto Ontario, M9W6R1 submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Former Farmer and the Dell**, 85 West Wellsboro Street, Borough of Mansfield, **Tioga County**. United Environmental Services, Inc., 86 Hillside Drive, Drums, PA 18222 on behalf of MBC Development LP, 950 E Main Street, Schuylkill Haven, PA 17972, submitted a Final Report concerning remediation of site soils and groundwater contaminated with petroleum hydrocarbon constituents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**June Roupp Residence**, 3093 Woodward Avenue Lot #74 Mountain View Estates, Pine Creek Township, **Clinnton County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of State Farm Insurance, P. O. Box 106110, Atlanta, GA 30348-6110, submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Isopropylbenzene, MTBE, Naphthalene, 1,2,4-Trimethyl-

benzene, 1,3,5-Trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Kimberly Nichols Residence**, 158 Sno Fountain Drive, Bellefonte, **Centre County**. DMS Environmental Services, LLC, 103 South Spring Street, Bellefonte, PA 16823, on behalf of their client Kimberly Nichols submitted a Final Report concerning remediation of site soils contaminated with home heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Brian Ritchey Residence, formerly Olga Kohl Residence**, 27 Fairview Road, McVeytown, PA 17051, Wayne Township, **Mifflin County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Brian Ritchey, 15820 Kenwood Drive, Middlefield, OH 44062, and State Farm Insurance, PO Box 106110, Atlanta, GA 30348-6110, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil released from an aboveground storage tank. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

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

**Beazer East Inc. Bridgeville (former Reichold) Facility**, 1000 Presto Sygan Road, Bridgeville, South Fayette Township, **Allegheny County**. Civil Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA on behalf of Newbury Development Associates, 1302, Village Lane, Bridgeville, PA 15017 has submitted a Final Report concerning the remediation of site soils and groundwater contaminated with volatile organic compounds, semi-volatile organic compounds and metals. The intent of the final report is to demonstrate attainment of the site-specific standard. Notice of the Final Report was published in the *Pittsburgh Post-Gazette* on August 11, 2014.

**Former Fulton Buick**, 340 East Main Street, Borough of Carnegie, **Allegheny County**. RT Environmental Services, Inc., 591 East Maiden Street, Washington, PA 15301 on behalf of GetGo Portfolio II, LP/ Giant Eagle, Inc., 261 Kappa Drive, Pittsburgh, PA 15238 has submitted a Remedial Investigation Report/ Cleanup Plan concerning site soils contaminated with benzene, ethylbenzene, (1,3, 5) & (1,2,4) trimethylbenzene, naphthalene, 1,2,4, trichloropropane and mercury and site groundwater contaminated with benzene, toluene, ethylbenzene, 1,3,5 trimethylbenzene, naphthalene, and xylenes. Notice of the report/plan was published in the *Pittsburgh Tribune-Review* on September 4, 2014.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Stan-

dards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Cantus Logistics, Inc. accident, US Route 15, southbound**, Clinton Township, **Lycoming County**. Northridge Group, Inc., P. O. Box 231, Northumberland, PA 17857, on behalf of their client, Cantus Logistics, Inc., 12 Goodmark Place, Unit 7, Toronto Ontario, M9W6R1 submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on September 3, 2014.

**Former Farmer and the Dell**, 85 West Wellsboro Street, Borough of Mansfield, **Tioga County**. United Environmental Services, Inc., 86 Hillside Drive, Drums, PA 18222 on behalf of MBC Development LP, 950 E. Main Street, Schuylkill Haven, PA 17972 submitted a Final

Report concerning the remediation of site soils and groundwater contaminated with petroleum hydrocarbon constituents. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on August 28, 2014.

**Kimberly Nichols Residence**, 158 Sno Fountain Drive, Bellefonte, **Centre County**. DMS Environmental Services, LLC, 103 South Spring Street, Bellefonte, PA 16823, on behalf of their client Kimberly Nichols submitted a Final Report concerning the remediation of site soils contaminated with home heating oil. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on September 4, 2014.

**Northwest Dairy Forwarding Company Accident**, 180 @ MM 185, eastbound, Greene Township, **Clinton County**. Northridge Group, Inc., P. O. Box 231, Northumberland, PA 17857, on behalf of their client, Northwest Dairy Forwarding Company, 1305 159th Avenue NE, Ham Lake, MN 55304 submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 27, 2014.

**Mulfinger Residence**, 1924 East College Avenue, College Township, **Centre County**. McKee Environmental Inc., 218 Washington Avenue, Bellefonte, PA 16823 on behalf of Centrice & Lucas Mulfinger submitted a Final Report concerning the remediation of site soils contaminated with heating oil. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on August 18, 2014.

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

**Kreiser Fuel Service / Anna Brown Residence**, 1042 Horseshoe Pike, Lebanon, PA 17042, South Annville Township, **Lebanon County**. Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, on behalf of Kreiser Fuel Service, Inc., 122 Race Horse Drive, Jonestown, PA 17038 and Anna Brown, 1042 Horseshoe Pike, Lebanon, PA 17042, submitted a Final Report concerning remediation of groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on September 12, 2014.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Metal Powder Products**, 150 Ford Road, City of Saint Marys, **Elk County**. Mountain Research, LLC., 825 25th Street, Altoona, PA 16601, on behalf of Metal Powder Products, LLC., 16855 Southpark Drive, Suite 100, Westfield, IN 46074, submitted a Remedial Investigation and Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with volatile organic compounds, primarily trichloroethene. The Report was disapproved by the Department on September 11, 2014.

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

**Rochester and Pittsburgh (R&P) Coal 572 Acre #9**, intersection of Routes 217 and 286, Homer City, Center

Township, **Indiana County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066 on behalf of XTO Energy Inc., 395 Airport Road, Indiana, PA 15701 submitted a Final Report concerning the remediation of site soils contaminated with aluminum, antimony, arsenic, barium, beryllium boron, cadmium chromium, cobalt, copper, iron lead, manganese, mercury, nickel, selenium, silver, thallium, vanadium, zinc and chloride. The Final report demonstrated attainment of the Site Specific Standard for chlorides and manganese and a residential Statewide Health Standard for all other constituents sampled for in soils, and was approved by the Department on September 12, 2014.

#### DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

**Permits 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 municipal waste regulations for a General Permit to operate municipal waste processing facilities and the beneficial use of municipal waste.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGM022A&B. Kinsley Construction Inc.**, 2700 Water Street, York, PA 17405. General Permit No. WMGM022A&B authorizes the processing of used concrete and asphalt waste, for beneficial use as: (1) Roadway and parking lot material, a substitute for PennDOT approved aggregate, and feedstock in a bituminous plant; (2) Timber, leaf and yard waste as bedding for livestock. The facilities are located in Springettsbury and West Manchester Townships, **York County**. The general permit was issued by Central Office on September 16, 2014.

Persons interested in reviewing a general permit should be directed to Scott E. Walters at 717-787-7381, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170. 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*

**GP3-46-0114: David Erb Contractors, Inc.** (1501 West Main Street, Collegeville, PA 19426) on September 5, 2014, was authorized to operate a portable nonmetallic mineral processing plant in Upper Providence Township, **Montgomery County**.

**GP9-46-0072: David Erb Contractors, Inc.** (1501 West Main Street, Collegeville, PA 19426) on September

5, 2014, was authorized to operate a diesel-fired internal combustion engines in Upper Providence Township, **Montgomery County**.

**GP3-09-0125: KPK Development Company, LP** (700 Penn Valley Road, Fairless Hills, PA 19067) on September 8, 2014, was authorized to operate a portable nonmetallic mineral processing plant in Falls Township, **Bucks County**.

**GP9-09-0055: KPK Development Company, LP** (700 Penn Valley Road, Fairless Hills, PA 19067) on September 8, 2014, was authorized to operate a diesel-fired internal combustion engines in Falls Township, **Bucks County**.

**GP3-15-0066: Highway Materials, Inc.** (680 Morehall Road, Malvern, PA 19335) on September 11, 2014, was authorized to operate a portable nonmetallic mineral processing plant in East Whiteland Township, **Chester County**.

**GP9-15-0020: Highway Materials, Inc.** (680 Morehall Road, Malvern, PA 19335) on September 11, 2014, was authorized to operate a (two) 2 diesel-fired internal combustion engines in East Whiteland Township, **Chester County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**GP5-18-215: Regency Marcellus Gas Gathering LLC** (101 West Third Street, Williamsport, PA 17701) on September 5, 2014, to construct and operate three 1,380 bhp Caterpillar model G3516B four-stroke, lean-burn, natural gas-fired compressor engines, two 75 MMscf/day Valerus triethylene glycol dehydration units, each equipped with 1.00 MMBtu/hr reboilers, and two produced water storage tanks under the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) at their Poorman Compressor Station in Gallagher Township, **Clinton County**.

**GP5-08-306B: Appalachia Midstream Services, LLC** (PO Box 54382, Oklahoma City, OK 73154-1382) on September 9, 2014, for authorization to construct and operate one new 70 MMSCFD dehydration process and 1.0 MMBtu/hr reboiler, and to incorporate the following existing sources: 10 1775-BHP compressor engines, two 123.1 MMSCFD dehydration processes, two 2.0 MMBtu/hr reboilers, one 650-BHP emergency generator engine, and four 16,800-gallon aboveground 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/GP-5) at their Granville Compressor Station (formerly known as Granville Station #2) in Granville Township, **Bradford 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*

**GP14-26-00604: Andrew D. Ferguson Funeral Home** (80 Morgantown Street, Uniontown, PA 15401) on September 9, 2014, was authorized to construct and operate one (1) natural gas-fired human crematory unit and one (1) natural gas-fired animal crematory unit at its facility in the City of Uniontown, **Fayette County**.

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**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.**

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

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

**46-0166C: Harleysville Materials, LLC** (460 Indian Creek Road, Harleysville, PA 19438) On September 5, 2014, for operation of a stationary diesel-fired electric generator engine to provide electricity to the crushing plant located in Lower Salford Township, **Montgomery County**. The facility has proposed to limit the operating hours of this engine to a maximum of 2,500 hours per year. In addition, the facility has proposed to increase the operating hours of an existing jaw crusher engine also to 2,500 hours as well as limit the use of no. 2 fuel oil from the batch asphalt plant. This project will not cause the facility to exceed any major source thresholds and the facility shall continue to maintain its synthetic minor operating status. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

**23-0047G: Evonik Degussa Corp.** (1200 West Front Street, Chester, PA 19013) On September 5, 2014, for replacement of two baghouses in Chester, City of Chester, **Delaware County**. The company manufactures silica from sodium silicate. The pollutant of concern is Particulate Matter (PM). The Plan Approval and Operating permit will include monitoring, record keeping & reporting requirements designed to address all applicable air quality requirements.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**41-00001A: Transcontinental Gas Pipe Line Co., LLC.** (PO Box 1396, Houston, TX 77251-1396) on September 5, 2014, to construct and operate one 20,500 ISO HP Solar Titan 130S natural gas-fired combustion turbine and one emergency electric generator powered by a 1175 horsepower natural gas-fired engine at Compressor Station 520 located in Mifflin Township, **Lycoming County**.

**19-00007A: Transcontinental Gas Pipe Line Company, LLC.** (PO Box 1396, Houston, TX 77251-1396) on September 5, 2014, to construct and operate one 30,000 ISO HP Solar Titan 250S natural gas-fired combustion turbine, one 16,000 ISO HP Solar Mars 100S natural gas-fired combustion turbine, and one emergency electric generator powered by a 1175 horsepower natural gas-fired engine at Compressor Station 517 in Jackson Township, **Columbia County**.

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

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

**10-028J: Armstrong Cement & Supply Corp.** (100 Clearfield Road, Cabot, PA 16023) on September 15, to install two (2) baghouses and a carbon injection system to control emissions from Kiln 1 & 2 in Winfield Township, **Butler County**. This is a Title V facility.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**46-0279: West Laurel Hill Cemetery, Inc.** (225 Belmont Avenue, Bala Cynwyd, PA 19004) on September 5, 2014, to operate human cremation equipment in Lower Merion Township, **Montgomery County**.

**46-0001: JBS Souderton, Inc.** (741 Souder Road, Souderton, PA 18964) on September 5, 2014, to operate a 48.28 MMBtu/hr boiler in Franconia Township, **Montgomery County**.

**09-0226: Nosco ODSC, Inc.** (1504 Grundy Lane—Units 4-8, Bristol, PA 19007) on September 9, 2014, to operate a 7-color HP indigo 30000 digital printing press in Bristol Township, **Bucks County**.

**09-0220: Donaldson Co., Inc.** (85 Railroad Drive, Ivyland, PA 18974) on September 9, 2014, to operate a regenerative thermal oxidizer in Lower Southampton Township, **Bucks County**.

**23-0066C: Pyropure, Inc.** (5 Commerce Drive, Aston, PA 19014) on September 11, 2014, to operate a baghouse in Chester Township, **Delaware 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.*

**38-05028C: Bemis Performance Packaging, Inc.** (5 Keystone Drive, Lebanon Valley Business Park, Lebanon, PA 17042-9791) on September 10, 2014, to install two (2) rotogravure printing presses, two additional regenerative thermal oxidizers, and a wax coater at their facility in South Lebanon Township, **Lebanon County**. The Title V plan approval also removes the synthetic minor facility VOC limit from State-Only Permit No. 38-05028 for existing sources at their facility. The plan approval was extended.

**21-03075A: Mellott Co.** (100 Mellott Drive, Warfordsburg, PA 17267) on September 11, 2014, for construction and temporary operation of four diesel-powered reciprocating internal combustion engines at Pennsy Supply's Newville quarry in Penn Township, **Cumberland County**. The plan approval was extended, with a compliance schedule.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**18-00011I: Croda, Inc.** (8 Croda Way, Mill Hall, PA 17751) on September 9, 2014, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from September 23, 2014 to March 22, 2015 at their facility in Bald Eagle Township, **Clinton County**. The plan approval has been extended.

**47-00014B: United States Gypsum Co.** (60 PPL Road, Danville, PA 17821) on September 9, 2014, to extend the authorization an additional 180 days from December 1, 2014 to May 30, 2015, in order to continue

the compliance evaluation and permit operation pending issuance of an operating permit for the facility. The extension authorization allows continued operation of the wallboard manufacturing facility located in Derry Township, **Montour County**. The plan approval has been extended.

**47-309-001A: United States Gypsum Co.** (60 PPL Road, Danville, PA 17821) on September 9, 2014, to extend the authorization an additional 180 days from September 15, 2014 to March 14, 2015, in order to continue the compliance evaluation and permit operation pending issuance of an operating permit for the facility. The extension authorization allows continued operation of the wallboard manufacturing facility in Derry Township, **Montour County**. The plan approval has been extended.

**47-309-001: United States Gypsum Co.** (60 PPL Road, Danville, PA 17821) on September 9, 2014, to extend the authorization an additional 180 days from November 8, 2014 to May 7, 2015, in order to continue the compliance evaluation and permit operation pending issuance of an operating permit for the facility. The extension authorization allows continued operation of the wallboard manufacturing facility in Derry Township, **Montour County**. The plan approval has been extended.

**18-00021A: Avery Dennison Performance Polymers** (171 Draketown Road, Mill Hall, PA 17751) on August 4, 2014, to install a new recuperative thermal oxidizer (RTO) to control the air contaminant emissions from eight (8) existing reactor systems (R-100 through R-800) incorporated in Source ID P102 at their facility in Bald Eagle Township, **Clinton County**. The plan approval has been extended to January 27, 2015.

**49-00065A: Polar Tech Industries of PA, Inc.** (1017 West Valley Avenue, Elysburg, PA 17821) on September 9, 2014, to extend authorization to operate an expandable polystyrene foam processing operation at their facility in Ralpho Township, **Northumberland County** on a temporary basis to March 9, 2015. The plan approval has been extended.

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

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

**24-017D: Morgan Advanced Materials & Technology** (441 Hall Avenue, St. Marys, PA 15857) on September 8, 2014, effective September 30, 2014, will issue a plan approval extension for the construction of a second batch coking oven with thermal oxidizer for control at your facility in City of St. Marys, **Elk County**. This is a State Only Facility.

**24-083U: Mersen USA—St. Marys** (215 Stackpole St., St. Marys, PA 15846) on September 9, 2014, effective September 30, 2014, will issue a plan approval extension for the installation of a continuous baking kiln and associated regenerative thermal oxidizer and wet scrubber at their facility in the City of St. Marys, **Elk County**. This is a Title V facility.

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

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

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

**23-00012: Braskem America, Inc.** (750 W 10th St. Marcus Hook, PA 19061) on September 5, 2014, for renewal of the Title V Operating Permit in Marcus Hook Borough, **Delaware County**. The facility is manufactures polypropylene. As a result of potential emissions of VOC, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The renewal contains requirements including work practice, monitoring, recordkeeping, and reporting to keep the facility operating within all applicable air quality requirements.

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

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

**01-05029: NRG Wholesale Generation, LP** (121 Champion Way, Canonsburg, PA 15317-5817) on September 9, 2014, for the Hunterstown Electric Generating Station in Straban Township, **Adams County**. The Title V permit was renewed.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**15-00132: Cephalon, Inc.** (145 Brandywine Parkway, West Chester, PA 19380) on September 5, 2014, for a renewal of a State Only, Synthetic Minor Operating Permit in West Goshen Township, **Chester County**. Cephalon, Inc. operates a pharmaceutical research and development facility with six (6) natural gas-fired boilers, five (5) diesel-fired emergency electric generators, three (3) natural gas-fired emergency electric generators, and miscellaneous gas-fired heaters. The pollutant of concern from this facility is nitrogen oxides (NO<sub>x</sub>). Cephalon, Inc. shall continue to maintain a synthetic minor operating status by limiting its facility-wide nitrogen oxide (NO<sub>x</sub>) emissions to 24.9 tons per year, or less. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

**15-00114: Action Manufacturing Co.** (500 Bailey Crossroads, Atglen, PA 19310; Attn: Mr. Randy Aukamp) on September 9, 2014, for the renewal of a Non-Title V Facility, State-Only, Natural Minor Operating Permit in West Fallowfield Township, **Chester County**. The initial operating permit was issued on April 1, 2009, and was effective May 1, 2009. Action Manufacturing Company produces ordinance detonators of various shapes and sizes, along with other miscellaneous components of the detonators. The primary sources of air emissions from the facility are Misc. Combustion Sources (Source ID 030), Six (6) Detonator Chambers (Source ID 100), and a Thermal Treatment Unit (Source ID 101). The boilers associated with Source ID 030 are all rated at less than 2.5 MMBtu/Hr and are therefore uncontrolled. Source ID 100 and 101 are each controlled by particulate filtration systems (Source ID C100 and C101). Potential emissions of SO<sub>x</sub> from the facility will be less than 4.0 TPY. CO emissions will be less than 3.0 TPY. Emissions of NO<sub>x</sub>, VOC, PM, and HAP will each be less than 2.0 TPY. The permit will contain monitoring, recordkeeping, reporting,

and work practice standards designed to keep the facility operating within all applicable air quality requirements.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**19-00031: Press Enterprise, Inc.** (3185 Lackawanna Avenue, Bloomsburg, PA 18195) on September 2, 2014, issued a state only operating permit for their facility in Scott Township, **Columbia County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**55-00020: Meckley's Limestone Products, Inc.** (PO Box 503, Herndon, PA 17830) on September 5, 2014, State Only (Synthetic Minor) Operating Permit 55-00020 (renewal) for their Middleburg (Beavertown) Plant facility located in Franklin Township, **Snyder County**. All applicable Federal and State regulatory requirements including monitoring, recordkeeping, reporting and work practice conditions in order to demonstrate compliance with the applicable regulatory requirements have been included in the state only operating permit for this facility.

**59-00025: EQT Gathering, LLC** (625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222-3114) on August 5, 2014, for the Tioga Compressor Station in Duncan Township, **Tioga 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*

**56-00303: Lincoln Contracting & Equipment Co.** (2478 Lincoln Highway, Stoystown, PA 15531) on September 12, 2014, a State Only Operating Permit (SOOP) renewal to Lincoln Contracting & equipment Co. to authorize the continued operation of a metal fabrication and painting operation in Somerset Township, **Somerset County**.

**63-00883: PA Transformer Technology, Inc.** (30 Curry Avenue, Canonsburg, PA 15317) on September 16, 2014 a State Only Operating Permit (SOOP) renewal to PA Transformer Technology to authorize the continued operation of an electrical transformer manufacturing facility located in Canonsburg Borough, **Washington County**.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**46-00018: QG Printing III, Co.** (668 Gravel Pike, East Greenville, PA 18041) on September 8, 2014, this Title V Operating Permit was administratively amended to transfer ownership from Brown Printing Company to Quad/Graphics Inc. Upper Hanover Township, **Montgomery County**.



The Administrative Amendment is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

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

**03-00250: Rosebud Mining Co.** (301 Market Street, Kittanning, PA- 16201) for a State Only Operating Permit modification issuance to incorporate the modification in the permit date effective September 10, 2014, for their Long Run Mining Plant located in West Franklin Township, **Armstrong County**.

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**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*

**32-00101: Halliburton Energy Services, Inc.** (PO Box 42810, Houston, TX 77242). Per Title 25 Pa. Code Section 127.449(i), this Notice is for the following de minimis emission increase at the Halliburton Energy Services, Inc., Indiana Plant, located in Homer City Borough, **Indiana County**:

This project will allow an increase in the concentration of HCL from 35% to 36% in the existing HCL storage tanks controlled an existing scrubber unit. The emission increase resulting from this project will not exceed 0.003 tpy HCL.

The list of de minimis increases for this facility includes:

March 2014	Cement/Waste Tanks
September 2014	HCL Concentration Increase

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**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

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*Coal Permits Issued*

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

**03961301 and NPDES No. PA0214787. Rosebud Mining Company,** (301 Market Street, Kittanning, PA

16201-1504). To renew the permit for the Tracy Lynne Mine in Kiskiminetas and Parks Townships, **Armstrong County** and related NPDES permit. No additional discharges. The application was considered administratively complete on January 23, 2012. Application received September 19, 2011. Permit issued September 9, 2014.

**03861601 and NPDES No. PA0215449. McVile Mining Company,** (301 Market Street, Kittanning, PA 16201). To renew the permit for the McVile Coal Preparation Plant in South Buffalo Township, **Armstrong County** and related NPDES. No additional discharges. The application was considered administratively complete on January 16, 2013. Application received September 10, 2012. Permit issued September 9, 2014.

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

**Permit No. 32080103 and NPDES No. PA0262676. KMP Associates, Inc.,** 3756 State Route 981, Saltsburg, PA 15681, permit renewal for reclamation only of a bituminous surface and auger mine in Young Township, **Indiana County**, affecting 66.0 acres. Receiving streams: unnamed tributaries to and Harpers Run and unnamed tributaries to Blacklegs Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 26, 2014. Permit issued: September 8, 2014.

**Permit No. 56090102 and NPDES No. PA0262722. PBS Coals, Inc.,** 1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Somerset Township, **Somerset County** affecting 83.5 acres. Receiving stream: Wells Creek classified for the following use: cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application Received: March 3, 2014. Permit issued: September 8, 2014.

**Permit No. 11830102 and NPDES No. PA0607550. MB Energy, Inc.,** 175 McKnight Road, Blairsville, PA 15717, permit renewal for the continued operation and restoration of a bituminous surface mine in Lower Yoder Township, **Cambria County**, affecting 166.3 acres. Receiving stream: unnamed tributary to St. Clair Run classified for: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: May 5, 2014. Permit issued: September 8, 2014.

*Noncoal Permits Issued*

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

**Permit No. 56092801-GP104. Black Resources, Inc.,** 162 Cumberland Street, Berlin, PA 15530. General NPDES permit for stormwater discharges associated with mining activities in Somerset Township, **Somerset County**. Receiving stream: unnamed tributary to Kimberly Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 17, 2013. Coverage approved: September 8, 2014.

**Permit No. 4274SM11 and NPDES No. PA0212512, New Enterprise Stone & Lime Co., Inc.,** Box 77, New Enterprise, PA 16664, renewal of NPDES permit, located in Taylor Township, **Blair County**. Receiving streams: Plum and Halter Creeks classified for the following use: cold water fisheries. There are no potable water supply

intakes within 10 miles downstream. Application received: May 12, 2014. Permit issued: September 9, 2014.

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

**Permit No. 58142802. Meshoppen Stone, Inc.,** (PO Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Springville Township, **Susquehanna County** affecting 5.0 acres, receiving stream: Stevens Creek. Application received: February 24, 2014. Permit issued: September 8, 2014.

**Permit No. 58142802GP104. Meshoppen Stone, Inc.,** (PO Box 127, Meshoppen, PA 18630), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58142802 in Springville Township, **Susquehanna County**, receiving stream: Stevens Creek. Application received: February 24, 2014. Permit issued: September 8, 2014.

**Permit No. 35110301. White Stone Quarry, LLC,** (601 Salem Road, Archbald, PA 18403), commencement, operation and restoration of a quarry operation in Archbald Borough and Jefferson Township, **Lackawanna County** affecting 23.0 acres, receiving streams: Indian Cave Creek and White Oak Run. Application received: March 16, 2011. Permit issued: September 10, 2014.

**Permit No. 35110301GP104. White Stone Quarry, LLC,** (601 Salem Road, Archbald, PA 18403), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 35110301 in Archbald Borough and Jefferson Township, **Lackawanna County**, receiving streams: Indian Cave Creek and White Oak Run. Application received: March 16, 2011. Permit issued: September 10, 2014.

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

**37090302 and NPDES Permit No. PA0258768. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201) Revision to add 20.1 acres to an existing large industrial minerals mine and associated NPDES permit in Slippery Rock Township, **Lawrence County**, for a total of 104.1 acres. Receiving streams: Unnamed tributary to Slippery Rock Creek. This revision also includes the renewal of the NPDES permit. Application received: March 21, 2014. Permit Issued: September 10, 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*

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

**08144113. M & J Explosives LLC** (P. O. Box 1248, Carlisle, PA 17013). Blasting for well pad located in Overton Township, **Bradford County** with an expiration date of September 11, 2015. Permit issued: September 11, 2014.

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

**Permit No. 09144106. American Rock Mechanics, Inc.,** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Pine Valley Crossing in New Britain Township, **Bucks County** with an expiration date of August 29, 2015. Permit issued: September 9, 2014.

**Permit No. 58144164. DW Drilling & Blasting,** (9990 Coconut Road, Bonita Springs, FL 34135), construction blasting for Diaz well pad and leave road in Brooklyn Township, **Susquehanna County** with an expiration date of August 30, 2015. Permit issued: September 9, 2014.

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

**42144002. Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) Blasting activity permit for excavation of Rail Siding Area Project in Hamlin Township, **McKean County**. This blasting activity permit expires on July 1, 2015. Permit Issued: September 8, 2014.

#### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Southeast Region: Waterway and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.*

**E51-263. Philadelphia Water Department**, 1101 Market Street 2nd Floor, Philadelphia, PA 19107, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To rehabilitate an existing stormwater conduit from the intersection of Richmond Street (SR 2001) and Lehigh Avenue (SR 2014) to the Delaware River (WWF-MF). Specific water obstructions and encroachments associated with this proposed project are:

1. To install and maintain 60-inch diameter cure-in-place interior liner within the existing upper portion of 5'-0" diameter brick stormwater pipe approximately 626 linear feet.

2. To replace and maintain an approximate 397 feet segment of the existing 5'-0" feet diameter wooden pipe at the lower portion of the pipe with a 60-inch diameter ductile iron pipe and a 60-inch reinforced concrete pipe which will be installed on timber piles.

3. To construct and maintain an outfall structure to facilitate the modified 5'-0" stormwater conduit pipe discharge into the Delaware River fitted with a debris grill.

4. To construct and maintained two manholes to facilitate the proposed pipe connections.

The project is associated with and is located within the vicinities SR 0095 Section GR-1. The project commences at the intersection of Richmond Street and Lehigh Avenue and runs in the southeasterly direction and terminates at the Delaware River in the City of Philadelphia, Philadelphia County (Location Meridian at the center of the culvert—Latitude: 39°58'26.3" N and Longitude: 75°06'42.6" W).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E05-377: PA Department of Transportation District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648 in Hopewell Township, **Bedford County**, U.S. Army Corps of Engineers Baltimore District

To 1) remove the existing structure and to construct and maintain a 10' x 5.5' single-cell, precast box culvert with precast wingwalls and apron sections, skewed 80°, depressed 12", and 36.09' in length, across an UNT to Yellow Creek (HQ-CWF, MF); 2) place and maintain fill in: 0.02 acre of PEM EV wetlands, 0.01 acre of PSS EV

wetlands, and 0.01 acre of PUB EV wetlands; all for the purpose of improving transportation safety and roadway standards. The project is located along SR 0026 in Hopewell Township, Bedford County (Hopewell, PA Quadrangle N: 3.6", W: 5.6"; Latitude: 40° 08' 41", Longitude: -78° 17' 21"). The amount of wetland impact is considered de minimus and wetland replacement is not required. The permit was issued effective 9/10/14.

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335*

**E42-08-011, NFG Midstream Clermont, LLC**, 6363 Main Street, Williamsville, NY 14221-5855, Sergeant Township, **McKean County**, ACOE Pittsburgh District.

The applicant proposes the installation of a 24 inch diameter natural gas pipeline. The proposed pipeline project is located entirely in Sergeant Township, McKean County, PA. The project will start at coordinates 41.701944 N, 78.499444 W, & terminate at coordinates 41.675278 N, 78.500833 W. Two pipeline routes are being proposed. The primary route will span approximately 1.9 miles resulting in 152 linear feet of temporary stream impacts and 0.28 acre of temporary wetland impacts. The secondary route will span approximately 2.2 miles resulting in 226 linear feet of temporary stream impacts and 0.67 acre of temporary wetland impacts.

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

1 One (1) 24 inch diameter natural gas gathering line & proposed ROW crossing an unnamed tributary (UNT) to Warner Brook (HQ-CWF), using open cut technique, resulting in 148 ft<sup>2</sup> of temporary impacts. (Crosby, PA Quadrangle) 41°41'25"N -78°30'0"W

2 One (1) 24 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to East Branch Clarion River (HQ-CWF), using HDD technique, resulting in 0.0 ft<sup>2</sup> of temporary impacts. (Crosby, PA Quadrangle) 41°41'03"N -78°30'09"W

3 One (1) temporary road crossing and one (1) 24 inch diameter natural gas gathering line with proposed ROW crossing East Branch Clarion River (HQ-CWF), using open trench technique, resulting in 383 ft<sup>2</sup> of temporary impacts. (Crosby, PA Quadrangle) 41°40'37"N -78°30'04"W

4 One (1) 24 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland using HDD technique, resulting in 0 ft<sup>2</sup> of impacts. (Crosby, PA Quadrangle) 41°41'41"N -78°30'02"W

5 One (1) 24 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland using open cut technique, resulting in 2,222 ft<sup>2</sup> of impacts. (Crosby, PA Quadrangle) 41°41'33"N -78°30'03"W

6 One (1) 24 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland using open cut technique, resulting in 3,701 ft<sup>2</sup> of impacts. (Crosby, PA Quadrangle) 41°41'25"N -78°30'04"W

7 One (1) 24 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland using open cut technique, resulting in 6,455 ft<sup>2</sup> of impacts. (Crosby, PA Quadrangle) 41°41'24"N -78°30'05"W

8 One (1) 24 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland using HDD technique, resulting in 0 ft<sup>2</sup> of impacts. (Crosby, PA Quadrangle) 41°41'08"N -78°30'08"W

9 One (1) 24 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland using HDD technique, resulting in 0 ft<sup>2</sup> of impacts. (Crosby, PA Quadrangle) 41°41'04"N -78°30'09"W

10 One (1) 24 inch diameter natural gas gathering line crossing of a palustrine unconsolidated bottom (PUB), or Pond, using HDD technique, resulting in 0 ft<sup>2</sup> of impacts. (Crosby, PA Quadrangle) 41°41'03"N -78°30'09"W

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

1 One (1) 24 inch diameter natural gas gathering line & proposed ROW crossing an unnamed tributary (UNT) to Warner Brook (HQ-CWF), using open cut technique, resulting in 148 ft<sup>2</sup> of temporary impacts. (Crosby, PA Quadrangle) 41°41'25"N -78°30'04"W

2 One (1) temporary road crossing and one (1) 24 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to East Branch Clarion River (HQ-CWF), using open cut technique, resulting in 2261 ft<sup>2</sup> of temporary impacts. (Crosby, PA Quadrangle) 41°41'01"N -78°30'12"W

3 One (1) temporary road crossing and one (1) 24 inch diameter natural gas gathering line crossing East Branch Clarion River (HQ-CWF), using open cut technique, resulting in 383 ft<sup>2</sup> of temporary impacts. (Crosby, PA Quadrangle) 41°40'37"N -78°30'04"W

4 One (1) 24 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland using open cut technique, resulting in 16,089 ft<sup>2</sup> of impacts. (Crosby, PA Quadrangle) 41°41'41"N -78°30'02"W

5 One (1) 24 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland using open cut technique, resulting in 2,222 ft<sup>2</sup> of impacts. (Crosby, PA Quadrangle) 41°41'33"N -78°30'03"W

6 One (1) 24 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland using open cut technique, resulting in 3,677 ft<sup>2</sup> of impacts. (Crosby, PA Quadrangle) 41°41'25"N -78°30'04"W

7 One (1) 24 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland using open cut technique, resulting in 6,441 ft<sup>2</sup> of impacts. (Crosby, PA Quadrangle) 41°41'24"N -78°30'05"W

8 One (1) 24 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland using open cut technique, resulting in 121 ft<sup>2</sup> of impacts. (Crosby, PA Quadrangle) 41°41'11"N -78°30'07"W

9 One (1) temporary road crossing and one (1) 24 inch diameter natural gas gathering line crossing of a palustrine scrub shrub (PSS) wetland using open cut technique, resulting in 772 ft<sup>2</sup> of impacts. (Crosby, PA Quadrangle) 41°41'01"N -78°30'14"W

**E37-08-002, Hilcorp Energy Company**, 1201 Louisiana Street, Suite 1400, Houston, TX 77002-5600, Siegel to Phillips Tapsite Pipeline Project, in Mahoning Township, **Lawrence County**, Army Corps of Engineers Pittsburgh District (Edinburg, Pa, Quadrangle N: 41° 1' 27.25"; W: -80° 25' 47.38").

The applicant proposes to construct and maintain approximately 4 miles of two (2), 8 inch diameter natural gas pipelines, one (1), 6 inch diameter natural gas pipeline, and a 16 inch diameter temporary water line in Mahoning, Township, Lawrence County, PA. The proposed pipeline will connect several of Hilcorp Energy Company's well pads to a Central Processing Facility and end at Pennant Midstream, LLC's Hickory Bend Gathering System.

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

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
RC-1	An 8" diameter natural gas pipeline, to be bored under a palustrine scrub-shrub/palustrine emergent (PSS/PEM) wetland.	41.023934° N -80.432221° W
RC-2	An 8" diameter natural gas pipeline to be bored under an UNT to Mahoning River (WWF) and its associated floodway.	41.024279° N -80.432902° W
RC-3	Two (2) 8" diameter natural gas pipelines with associated right-of-way and a temporary equipment crossing to cross a palustrine scrub-shrub/palustrine emergent (PSS/PEM) wetland, having .05 of temporary wetland impact with .001 acre of permanent conversion of PSS wetland to palustrine emergent (PEM) wetland.	41.023323° N -80.435502° W
RC-4	Two (2) 8" diameter natural gas pipelines and one (1) 16" diameter water line with associated right-of-way and a temporary equipment crossing to cross an UNT to Mahoning River (WWF) and its associated floodway, having 50 linear feet of temporary stream impact.	41.023287° N -80.435418° W
RC-5	Two (2) 8" diameter natural gas pipelines, one (1) 6" diameter natural gas pipeline, and one (1) 16" diameter temporary water line to be bored under a palustrine emergent (PEM) wetland.	41.025102° N -80.43449° W
RC-6	Two (2) 8" diameter natural gas pipelines, one (1) 6" diameter natural gas pipeline, and one (1) 16" diameter temporary water line to be bored under an UNT to Mahoning River (WWF) and its associated floodway.	41.025068° N -80.434542° W
RC-7	Two (2) 8" diameter natural gas pipelines, one (1) 6" diameter natural gas pipeline, and one (1) 16" diameter temporary water line to be bored under a palustrine scrub-shrub/palustrine forested (PSS/PFO) wetland.	41.026499° N -80.439707° W

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
RC-8	Two (2) 8" diameter natural gas pipeline, a 6" diameter natural gas pipeline, and an 8" diameter temporary water line with associated right-of-way and a temporary equipment crossing to cross a palustrine emergent (PEM) wetland, having .02 of temporary wetland impact	41.028313° N -80.447755° W
RC-9	Two (2) 8" diameter natural gas pipelines, one (1) 6" diameter natural gas pipeline, and one (1) 16" diameter temporary water line with associated right-of-way and a temporary equipment crossing to cross an UNT to Mahoning River (WWF) and its associated floodway, having 50 linear feet of temporary stream impact.	41.026629° N -80.450215° W
RC-10	Two (2) 8" diameter natural gas pipelines, one (1) 6" diameter natural gas pipeline, and one (1) 16" diameter temporary water line with associated right-of-way and a temporary equipment crossing to cross an UNT to Mahoning River (WWF) and its associated floodway, having 50 linear feet of temporary stream impact.	41.025792° N -80.451694° W
RC-11	Two (2) 8" diameter natural gas pipelines, one (1) 6" diameter natural gas pipeline, and one (1) 16" diameter temporary water line with associated right-of-way and a temporary equipment crossing to cross an UNT to Mahoning River (WWF) and its associated floodway, having 85 linear feet of temporary stream impact.	41.025631° N -80.454743° W
RC-12	Two (2) 8" diameter natural gas pipelines, one (1) 6" diameter natural gas pipeline, and one (1) 16" diameter temporary water line with associated right-of-way and a temporary equipment crossing to cross an UNT to Mahoning River (WWF) and its associated floodway, having 55 linear feet of temporary stream impact.	41.02567° N -80.454948° W
RC-13	Two (2) 8" diameter natural gas pipelines, one (1) 6" diameter natural gas pipeline, and one (1) 16" diameter temporary water line with associated right-of-way and a temporary equipment crossing to cross a palustrine forested (PFO) wetland, having .04 acre of permanent conversion of PFO wetland to palustrine emergent (PEM) wetland.	41.025684° N -80.455064° W
RC-14	Two (2) 8" diameter natural gas pipelines, one (1) 6" diameter natural gas pipeline, and one (1) 16" diameter temporary water line with associated right-of-way and a temporary equipment crossing to cross Marshall Run (WWF) and its associated floodway, having 50 linear feet of temporary stream impact.	41.027157° N -80.459277° W
RC-15	Two (2) 8" diameter natural gas pipelines, one (1) 6" diameter natural gas pipeline, and one (1) 16" diameter temporary water line with associated right-of-way and a temporary equipment crossing to cross a palustrine emergent (PEM) wetland, having .01 acre of temporary wetland impact.	41.0434598° N -80.469521° W
RC-16	Two (2) 8" diameter natural gas pipelines, one (1) 6" diameter natural gas pipeline, and one (1) 16" diameter temporary water line with associated right-of-way and a temporary equipment crossing to cross an UNT to Mahoning River (WWF) and its associated floodway, having 50 linear feet of temporary stream impact.	41.03489° N -80.469551° W

### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to

the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-2 #ESG14-083-0005—West Branch Water  
Impoundment #4  
Applicant Seneca Resources Corporation  
Contact Doug Kepler  
Address 5800 Corporate Drive, Suite 300

City Pittsburgh State PA Zip Code 15237  
 County McKean Township(s) Sergeant Township(s)  
 Receiving Stream(s) and Classification(s) Tributary 57924  
 to West Fork West Branch Potato Creek (HQ-CWF),  
 West Fork West Branch Potato Creek

ESCGP-2 #ESG14-047-0010-EO8-L  
 Applicant Seneca Resources Corporation  
 Contact Michael C. Clinger  
 Address 51 Zents Boulevard  
 City Brookville State PA Zip Code 15825-2701  
 County Elk Township(s) Jones(s)  
 Receiving Stream(s) and Classification(s) UNT to County  
 Line Run (HQ-CWF/HQ-CWF)

ESCGP-2 #ESX14-085-0024—Shenango-Weiser Well Pad  
 Applicant Hilcorp Energy Company  
 Contact Ms. Stephanie McMurray  
 Address 1201 Louisiana St, Suite 1400  
 City Houston State TX Zip Code 77002  
 County Mercer Township(s) Shenango(s)  
 Receiving Stream(s) and Classification(s) UNT to Deer  
 Creek (WWF)

ESCGP-2 #ESX12-019-0128A—Marburger Farm Dairy B  
 Unit—Major Modification  
 Applicant XTO Energy Inc  
 Contact Melissa Breitenbach  
 Address 502 Keystone Drive  
 City Warrendale State PA Zip Code 15086  
 County Butler Township(s) Forward(s)  
 Receiving Stream(s) and Classification(s) UNT's to Glade  
 Run-WWF

ESCGP-2 #ESX14-019-0050—Kyne Lateral Gas Pipeline  
 Applicant Dewey Chalos  
 Contact Mountain Gathering LLC  
 Address 810 Houston Street  
 City Fort Worth State TX Zip Code 76102  
 County Butler Township(s) Connoquenessing(s)  
 Receiving Stream(s) and Classification(s) UNT to Mulli-  
 gan Run and UNT to Semiconon Run/Connoquenessing  
 Creek

ESCGP-2 #ESX14-019-0028—Geyer Well Pad & Impound-  
 ments  
 Applicant Rex Energy Operating Corporation  
 Contact Michael Endler  
 Address 600 Cranberry Woods Drive, Suite 250  
 City Cranberry Township State PA Zip Code 16066  
 County Butler Township(s) Adams & Middlesex(s)  
 Receiving Stream(s) and Classification(s) Tributaries  
 63673, 63675, and 63676 South Branch Glade Run,  
 Connoquenessing Creek WWF

ESCGP-2 #ESX14-073-0021—Pulaski-Varano Well Pad  
 Applicant Hilcorp Energy Company  
 Contact Stephanie McMurray  
 Address 1201 Louisiana Street, Suite 1400  
 City Houston State TX Zip Code 77002  
 County Lawrence Township Pulaski  
 Receiving Stream(s) and Classification(s) UNT Deer  
 Creek (WWF) / Deer Creek (WWF)

*Eastern Region: Oil & Gas Management Program Man-  
 ager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-2 # ESX29-117-14-0011  
 Applicant Name SWEPI LP  
 Contact Person Jason Shoemaker  
 Address 2100 Georgetown Drive, Suite 400  
 City, State, Zip Sewickley, PA 15143

County Tioga County  
 Township(s) Covington Township  
 Receiving Stream(s) and Classification(s) UNT to Elk Run  
 (CWF/MF);  
 Secondary: Elk Run

ESCGP-2 # ESX29-115-14-0083  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 14 Chesapeake Lane  
 City, State, Zip Sayre, PA 18840  
 County Susquehanna County  
 Township(s) Auburn Township  
 Receiving Stream(s) and Classification(s) UNT to Tusca-  
 rora Creek (CWF);  
 Secondary: Susquehanna River (WWF/MF)

ESCGP-2 # ESG29-113-14-0016  
 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 and Fox Townships  
 Receiving Stream(s) and Classification(s) UNT to Elk  
 Creek (EV/MF);  
 Secondary: Loyalsock Creek

ESCGP-2 # ESG29-015-14-0054  
 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 Black  
 Creek (EV-CWF);  
 Secondary: Black Creek

*Southwest Region: Oil & Gas Program Mgr. 400 Water-  
 front Dr. Pittsburgh PA*

ESCGP-2 No: ESG14-125-0038  
 Applicant Name: Range Resources Appalachia LLC  
 Contact Person Mr Glenn D Truzzi  
 Address: 3000 Town Center Boulevard  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township: Robinson  
 Receiving Stream (s) And Classifications: UNTs to Robin-  
 son Run; Other WWF; Siltation-Impaired

ESCGP-2 No.: ESX13-059-0051 Major Revision  
 Applicant Name: Vista Gathering LLC  
 Contact Person: Mr Mike Hopkins  
 Address: 480 Johnson Road Suite 100  
 City: Washington State: PA Zip Code: 15301  
 County: Greene Township(s): Jefferson  
 Receiving Stream(s) and Classifications: 9 UNTs to  
 Muddy Creek; Other Warm Water Fishes

ESCGP-2 No.: ESX14-051-0010  
 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): Redstone  
 Receiving Stream(s) and Classifications: UNT to Rowes  
 Run / Rowes Run; Other WWF

ESCGP-2 No.: ESX13-003-0002 Major Revision  
 Applicant Name: EQT Gathering LLC  
 Contact Person: Mr Brian M Clauto  
 Address: 455 Racetrack Road

City: Washington State: PA Zip Code: 15301  
 County: Allegheny Township(s): Forward  
 Receiving Stream(s) and Classifications: Kelly Run  
 (WWF) & Perry Mill Run (WWF) Lower Monongahela;  
 Other WWF

ESCGP-2 No.: ESX12-051-0009 Major Revision  
 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): Redstone  
 Receiving Stream(s) and Classifications: Fourmile Run &  
 UNTs to Fourmile Run / Middle Monongahela River  
 Watershed; Other WWF

ESCGP-2 No.: ESX14-125-0007  
 Applicant Name: Range Resources Appalachia LLC  
 Contact Person: Ms Laura M Rusmiser  
 Address: 3000 Town Center Boulevard  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Somerset  
 Receiving Stream(s) and Classifications: UNT to  
 Sawmill Creek and Sawmill Creek / Middle  
 Monongahela River Watershed; other WWF

ESCGP-2 No.: ESG13-125-0059 Major Revision  
 Applicant Name: MarkWest Liberty Midstream &  
 Resources LLC  
 Contact Person: Mr Rick Lowry  
 Address: 4600 J Barry Court Suite 500  
 City: Canonsburg State: PA Zip Code 15317  
 County: Washington Township(s): Donegal, West Finley  
 Receiving Stream(s) and Classifications: UNTs to Dutch  
 Fork (HQ-WWF), Dutch Fork (HQ-WWF) UNT to  
 Dutch Fork Lake (HQ-WWF), UNTs to Bonar Creek  
 (HQ-WWF), Bonar Creek (HQ-WWF), UNTs to Robin-  
 son Fork (WWF), Robinson Fork (WWF); HQ; Other  
 WWF

ESCGP-2 No.: ESX14-059-0061  
 Applicant Name: EQT Production Company  
 Contact Person: Mr Todd Klaner  
 Address: 455 Racetrack Road  
 City: Washington State: PA Zip Code: 15301  
 County: Greene Township(s): Morgan  
 Receiving Stream(s) and Classifications: UNT to Poverty  
 Run, Poverty Run, UNT to Ruff Creek, Ruff Creek;  
 Other WWF

ESCGP-2 No.: ESX14-125-0005  
 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): Smith  
 Receiving Stream(s) and Classifications: UNT 53564 to  
 Raccoon Creek / Raccoon Creek; Other WWF

ESCGP-2 NO.: ESX14-125-0059  
 Applicant Name: Range Resources Appalachia LLC  
 CONTACT PERSON: Mr Glenn D Truzzi  
 ADDRESS: 3000 Town Center Boulevard  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Amwell  
 Receiving Stream(s) and Classifications: Unt to Bane  
 Creek/Tenmile Creek Watershed; Other TSF

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## SPECIAL NOTICES

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### DRINKING WATER STATE REVOLVING FUND Special Notice

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#### Special Notice Under the Federal Safe Drinking Water Act (SDWA); 42 U.S.C. 300f, et. seq.

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

*Project Location:*

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Patton Municipal Authority	800 4th Avenue PO Box 175 Patton, PA 16668	Cambria

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Patton Municipal Authority is proposing installation of approximately 12,500 feet of 8-inch waterline and appurtenances, a meter vault, a booster pump station with disinfection, and the construction of a 125,000 gallon finished water storage tank with a PAX mixing system.

The Department's review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

#### General NPDES Permit for Storm Water Discharges Associated with Construction Activities

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

**PAG-2-27-56-13-002, Alverda Enterprises, Inc.,** P. O. Box 245, Alverda, PA 15710. General NPDES Permit for storm water discharges associated with construction activities on GFCC Permit No. 32-12-02 in Center Township, **Indiana County**. Receiving stream: unnamed tributary to Tearing Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for coverage received: April 17, 2013. Coverage approved: September 8, 2014.

[P.A. Doc. No. 14-2003. Filed for public inspection September 26, 2014, 9:00 a.m.]

#### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at [www.elibrary.dep.state.pa.us](http://www.elibrary.dep.state.pa.us). The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

#### Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Final Technical Guidance Document—Substantive Revision*

*DEP ID:* 385-2314-002. *Title:* Sewage Enforcement Officer Certification and Training Program Guidance. *Description:* This document establishes the framework for a Sewage Enforcement Officer (SEO) certification and training program that will produce a knowledgeable and skilled SEO community. The Department received comments on the draft technical guidance and prepared a comment response document which is available on eLibrary.

*Contact:* John Diehl at (717) 787-8184 or [jdiehl@pa.gov](mailto:jdiehl@pa.gov).

*Effective Date:* September 27, 2014

E. CHRISTOPHER ABRUZZO,  
*Secretary*

[Pa.B. Doc. No. 14-2004. Filed for public inspection September 26, 2014, 9:00 a.m.]

### Bid Opportunity

**OOGM 14-7, Cleaning Out and Plugging Three Abandoned Gas Wells (World of Care Christian Childcare and Learning Center, Tiffany Johnson, Director; Abli, LLC, Kevin Hedderman, Member; and Manuel Morales Properties), Erie City, Erie County.** The principal items of work and approximate quantities are: to clean out and plug three abandoned gas wells, estimated to be 800 feet in depth, to Department of Environmental Protection specifications; to prepare and restore well sites/site; and to mobilize and demobilize plugging equipment. This project issues on September 26, 2014, and bids will be opened on October 28, 2014, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid meeting will be held on October 9, 2014, at 10 a.m. Contact the Construction Contracts Section at (717) 787-7820 or [dhopp@pa.gov](mailto:dhopp@pa.gov) for more information on this bid.

E. CHRISTOPHER ABRUZZO,  
*Secretary*

[Pa.B. Doc. No. 14-2005. Filed for public inspection September 26, 2014, 9:00 a.m.]

### Bid Opportunity

**OOGM 13-12R2, Cleaning Out and Plugging 22 Abandoned Oil/Gas Wells (Mr. and Mrs. Richard S. Labrozzi, Paul M. Webster and Mr. and Mrs. W. Loren Clark Properties), Bradford Township, McKean County.** The principal items of work and approximate quantities are: to clean out and plug 22 abandoned oil/gas wells, estimated to be 1,650 feet in

depth, to Department of Environmental Protection specifications; to prepare and restore well sites/site; and to mobilize and demobilize plugging equipment. This project issues on September 26, 2014, and bids will be opened on October 28, 2014, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. No prebid conference will be held for this reissued contract. Contact the Construction Contracts Section at (717) 787-7820 or [dhopp@pa.gov](mailto:dhopp@pa.gov) for more information on this bid.

E. CHRISTOPHER ABRUZZO,  
*Secretary*

[Pa.B. Doc. No. 14-2006. Filed for public inspection September 26, 2014, 9:00 a.m.]

### Federal Consistency under the Coastal Zone Management Act

This notice is published under section 306(d)(14) of the Federal Coastal Zone Management Act of 1972 (16 U.S.C.A. § 1455(d)(14)), regarding public participation during consistency determinations. The Department of Environmental Protection (Department), Coastal Resources Management Program has received notice that Gahagan and Bryant Associates, Inc. is proposing dredging activities on behalf of the Kinder Morgan Bulk Terminals, Inc. (KMBT) and Waste Management of PA, Inc. (WM) at the Fairless Hills Basin on the Delaware River at Falls Township, PA.

KMBT and WM are each seeking permits from the United States Army Corp of Engineers (USACE) for dredging within Fairless Hills Basin to -41 feet Mean Lower Low Water. The USACE pending permit numbers are CENAP-OP-R-2014-0882 (KMBT) and CENAP-OP-R-2014-0883 (WM). Dredging activities will be conducted in a manner to minimize turbidity by utilizing industry practices (for example, turbidity curtains). Both applicants are requesting the option of either hydraulic dredging or mechanical dredging for Fairless Hills Basin, depending upon which one is more economically feasible and practical at the time of dredging. Dredged material will be placed at either Biles Island (no release of effluent to the Delaware River) or Money Island (previously permitted for controlled and monitored release of effluent to the Delaware River). The applicant has certified that it will adhere to all National Marine Fisheries Service dredging restrictions. Dredging in the basin is authorized by the Department under Water Obstruction and Encroachment Permit E09-322.

This project is subject to Department review for Federal consistency because it is a Federal license and permit activity and will have reasonably foreseeable effects on this Commonwealth's coastal resources or uses.

In accordance with National Oceanic and Atmospheric Administration (NOAA) regulations in 15 CFR Part 930, Subpart D (relating to consistency for activities requiring a Federal license or permit), Gahagan and Bryant Associates, Inc. has determined that the proposed activity will be conducted in a manner consistent with the applicable enforceable policies of the Commonwealth's NOAA-approved Coastal Resources Management Program. Interested parties may request a copy of the Federal Consistency Certification from the Department contact listed as follows.



The Department will consider all comments received on or before October 14, 2014, before issuing a final Federal consistency concurrence or objection. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail must include the originator's name and address. Written comments should be submitted to Matt Walderon, Federal Consistency Coordinator, Interstate Waters Office, 400 Market Street, P. O. Box 8465, Harrisburg, PA 17101-8465, (717) 772-2196, RA-Fed\_Consistency@pa.gov.

E. CHRISTOPHER ABRUZZO,  
*Secretary*

[Pa.B. Doc. No. 14-2007. Filed for public inspection September 26, 2014, 9:00 a.m.]

PA 17105-8774, mbrickner@pa.gov. Data should be submitted by October 27, 2014. Questions concerning this evaluation can be directed to Mark Brickner at the previous contact information or (717) 787-9637.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Mark Brickner directly at (717) 783-9719 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. 14-2008. Filed for public inspection September 26, 2014, 9:00 a.m.]

**Stream Redesignation Evaluation of Beaver Creek and Upper Paradise Creek; Water Quality Standards Review**

Under 25 Pa. Code § 93.4d (relating to processing of petitions, evaluations and assessments to change a designated use), the Department of Environmental Protection (Department) gives notice that an evaluation will be conducted on the stream section listed to determine the proper aquatic life use designation in this Commonwealth's Water Quality Standards.

<i>Stream Name</i>	<i>County</i>	<i>Tributary To</i>
Beaver Creek	Delaware	Brandywine Creek
Paradise Creek	Monroe	Brodhead Creek

This assessment of Beaver Creek is being conducted in response to a rulemaking petition submitted to the Environmental Quality Board (Board) by Schmid and Company, Inc. on behalf of The Beaver Valley Conservancy. The Beaver Creek basin is currently designated Warmwater Fishes, as identified in 25 Pa. Code § 93.9g (relating to Drainage List G). The petitioner is requesting the basin be assessed for Special Protection. The assessment of upper Paradise Creek is being conducted in response to a rulemaking petition submitted to the Board by the Brodhead Chapter of Trout Unlimited. The upper Paradise Creek basin is currently designated High-Quality Coldwater Fishes, as identified in 25 Pa. Code § 93.9c (relating to Drainage List C). The petitioner is requesting the basin be assessed for Exceptional Value. The Board accepted the rulemaking petitions for study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy) on August 19, 2014.

The petition is available to the public by contacting the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 and is also accessible on the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: EQB; click "EQB Meeting Schedule 2014"; see entries under "August 19, 2014" under the "Meeting Agenda/Minutes/Handouts" heading).

Persons who have technical data concerning the water quality, instream habitat or biological condition of this stream section are encouraged to make it available to the Department for consideration in the assessment. This assessment may lead to a recommendation to the Board for redesignation.

Data should be submitted to Mark Brickner, Division of Water Quality Standards, Bureau of Point and Non-Point Source Management, P. O. Box 8774, Harrisburg,

**Stream Redesignation Evaluation of Beaverdam, Killbuck and Wyerough Runs; Water Quality Standards Review**

Under 25 Pa. Code § 93.4d (relating to processing of petitions, evaluations and assessments to change a designated use), the Department of Environmental Protection (Department) gives notice that an evaluation will be conducted on the stream section listed to determine the proper aquatic life use designation in this Commonwealth's Water Quality Standards.

<i>Stream Name</i>	<i>County</i>	<i>Tributary To</i>
Beaverdam Run—source to Glendale Lake	Cambria	Clearfield Creek
Killbuck Run	Cambria	Beaverdam Run
Wyerough Run	Cambria	Beaverdam Run

This assessment is being conducted in response to a rulemaking petition submitted to the Environmental Quality Board (Board) by the Clearfield Creek Watershed Association. The Beaverdam, Killbuck and Wyerough Run basins are currently designated Coldwater Fishes, as identified in 25 Pa. Code § 93.9w (relating to Drainage List W). The petitioner is requesting the three basins be redesignated to Exceptional Value. The Board accepted the rulemaking petition for study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy) on May 21, 2014.

The petition is available to the public by contacting the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 and is also accessible on the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: EQB; click "EQB Meeting Schedule 2014"; see entries under the "Meeting Agenda/Minutes/Handouts" heading).

Persons who have technical data concerning the water quality, instream habitat or biological condition of this stream section are encouraged to make it available to the Department for consideration in the assessment. This assessment may lead to a recommendation to the Board for redesignation.

Data should be submitted to Mark Brickner, Division of Water Quality Standards, Bureau of Point and Non-Point Source Management, P. O. Box 8774, Harrisburg, PA 17105-8774, mbrickner@pa.gov. Data should be submitted by October 27, 2014. Questions concerning this evaluation can be directed to Mark Brickner at the previous contact information or (717) 787-9637.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Mark Brickner directly at (717) 787-9637 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. 14-2009. Filed for public inspection September 26, 2014, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of HealthSouth Rehabilitation Hospital of Erie for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that HealthSouth Rehabilitation Hospital of Erie 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. 14-2010. Filed for public inspection September 26, 2014, 9:00 a.m.]

### Application of Lock Haven Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lock Haven Hospital, has requested exceptions to the requirements of 28 Pa. Code § 107.61 (relating to written 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. 14-2011. Filed for public inspection September 26, 2014, 9:00 a.m.]

### Application of Roxborough Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Roxborough Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests an exemption from the following standards contained in this publication: 2.2-3.1.2.2(2) (relating to entrances).

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. 14-2012. Filed for public inspection September 26, 2014, 9:00 a.m.]

### Application of UPMC Horizon for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Horizon 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 publica-

tion: *American Institute of Architects*. The facility specifically requests an exemption from the following standards contained in this publication: 2.2-3.4.5.3(1) (relating to patient toilets).

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. 14-2013. Filed for public inspection September 26, 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):

Birchwood Nursing and Rehabilitation Center  
395 East Middle Road  
Nanticoke, PA 18634  
FAC ID # 026402

The Good Shepherd Home—Bethlehem  
2855 Schoenersville Road  
Bethlehem, PA 18017  
FAC ID # 126502

Langhorne Gardens Rehabilitation and Nursing Center  
350 Manor Avenue  
Langhorne, PA 19047  
FAC ID # 120702

Manorcare Health Services—Easton  
2600 Northampton Street  
Easton, PA 18045  
FAC ID # 125202

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.33(a) (relating to utility room):

Julia Pound Care Center  
1155 Indian Springs Road  
Indiana, PA 15701  
FAC ID # 090402

The following pending new long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.63(c) (relating to plumbing and piping systems required for existing and new construction):

Penn State Hershey Transitional Care  
1135 Old West Chocolate Avenue  
Hummelstown, PA 17036  
FAC ID # 21700201

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 14-2014. Filed for public inspection September 26, 2014, 9:00 a.m.]

### Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P. L. 419, No. 140) (35 P. S. § 6204), will hold its quarterly public meeting on Friday, October 17, 2014, from 10 a.m. to 1 p.m. The meeting will be held in Conference Room 907, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120. The purpose of the meeting is to discuss new and ongoing issues relating to treatment of chronic renal disease and the Department of Health's programs related to care and treatment.

For additional information or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Carolyn S. Cass, Director, Bureau of Family Health, Division of Child and Adult Health Services, 7th Floor East, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 772-2762, or for a speech and/or hearing impaired persons call V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984.

This meeting is subject to cancellation without notice.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 14-2015. Filed for public inspection September 26, 2014, 9:00 a.m.]

**Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices**

*Maximum Allowable Price*

**Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; and terms and conditions of participation) and 7 CFR 246.12 (relating to food delivery systems), the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.

*Maximum Allowable Prices*

Effective October 1, 2014, through December 31, 2014, the Maximum Allowable Prices the Department of Health (Department) will pay Type 1 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.....	\$1.25
Beans/Peas—Dry—16 oz.....	\$2.18
Canned Fish—Pink Salmon.....	\$2.19
Canned Fish—Sardines.....	\$1.50
Canned Fish—Tuna.....	\$1.29
Cereal (per oz.).....	\$0.33
Cheese, 16 oz.....	\$7.31
Eggs.....	\$2.06
Gerber Infant Cereal—8 oz.....	\$2.25
Infant Fruits, 100%—4 oz.....	\$0.69
Infant Vegetables, 100%—4 oz.....	\$0.69
Infant Meats, 100%—2.5 oz.....	\$1.06
Juice—11.5/12 oz.....	\$2.36
Juice—48 oz.....	\$3.00
Juice—64 oz.....	\$3.89
Kosher Cheese—16 oz.....	\$8.40
Kosher Low Fat Milk—quart.....	\$1.69
Kosher Low Fat Milk—1/2 gallon.....	\$3.27
Kosher Whole Milk—quart.....	\$1.80
Kosher Whole Milk—1/2 gallon.....	\$3.37
Milk, Dry—9.6 oz.....	\$4.27
Milk, Dry—25.6 oz.....	\$9.40
Milk, Evaporated—12 oz.....	\$1.43
Milk, Low Fat—quart.....	\$1.36
Milk, Low Fat—1/2 gallon.....	\$2.49
Milk, Low Fat Lactose Free—quart.....	\$2.32
Milk, Low Fat Lactose Free—1/2 gallon.....	\$3.89
Milk, Whole—quart.....	\$1.45
Milk, Whole—1/2 gallon.....	\$2.49
Milk, Whole Lactose Free—quart.....	\$2.47
Milk, Whole Lactose Free—1/2 gallon.....	\$3.79
Peanut Butter—16-18 oz.....	\$3.29
Soy Beverage—Pacific Natural Foods 32 oz.....	\$3.29
Soy Beverage—8th Continent 64 oz.....	\$3.49
Tofu—16 oz.....	\$2.57
Whole Grain—Bread, 16 oz.....	\$3.49
Whole Grain—Bread, 24 oz.....	\$3.95
Whole Grain—Brown Rice, 16 oz.....	\$1.75
Whole Grain—Brown Rice, 24 oz.....	\$3.32
Whole Grain—Oats, 16 oz.....	\$2.44
Whole Grain—Oats, 24 oz.....	\$5.39
Whole Grain—Soft Corn or Whole Wheat	
Tortillas, 16 oz.....	\$2.57
Boost RTF Formula—8 oz.....	\$1.69
EnfaCare RTF Formula—32 oz.....	\$7.25
EnfaCare w/Iron Powder Formula—12.8 oz.....	\$16.54

<i>Description</i>	<i>Maximum Allowable Price</i>
Nutramigen Concentrate Formula—13 oz.....	\$7.39
Nutramigen RTF Formula—32 oz.....	\$9.60
Nutramigen w/Enflora Powder Formula—12.6 oz.....	\$24.50
Pediasure RTF Formula—8 oz.....	\$1.92
Pediasure w/Fiber RTF Formula—8 oz.....	\$1.99
Pediasure Sidekicks RTF Formula—8 oz.....	\$1.85
Similac Advance Concentrate Formula—Blue—13 oz.....	\$4.95
Similac Advance RTF Formula—Blue—32 oz.....	\$7.45
Similac Advance Powder Formula—Blue—12.4 oz.....	\$15.46
Similac Expert Care Alimentum RTF Formula—32 oz.....	\$9.59
Similac Expert Care Alimentum Powder Formula—16 oz.....	\$27.99
Similac Expert Care for Diarrhea RTF Formula—32 oz.....	\$7.59
Similac Expert Care NeoSure RTF Formula—32 oz.....	\$7.79
Similac Expert Care NeoSure Powder Formula—13.1 oz.....	\$16.19
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs.....	\$22.49
Similac Go & Grow Powder Soy Based Formula—Pink—1.38 lbs.....	\$22.35
Similac for Spit Up RTF Formula—Green—32 oz.....	\$7.65
Similac for Spit Up Powder Formula—Green—12.3 oz.....	\$15.69
Similac for Spit Up Powder Formula—Green—12.0 oz.....	\$15.69
Similac Sensitive RTF Formula—Orange—32 oz..	\$7.29
Similac Sensitive Powder Formula—Orange—12.6 oz.....	\$15.39
Similac Sensitive Powder Formula—Orange—12.0 oz.....	\$15.39
Similac Soy Isomil Concentrate Formula—Pink—13 oz.....	\$5.11
Similac Soy Isomil RTF Formula—Pink—32 oz..	\$7.59
Similac Soy Isomil Powder Formula—Pink—12.4 oz.....	\$15.89
Similac Total Comfort Powder Formula—Purple—12.6 oz.....	\$16.09
Similac Total Comfort Powder Formula—Purple—12.0 oz.....	\$16.09

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective, the Competitive Prices October 1, 2014, through December 31, 2014, for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.....	\$1.19
Beans/Peas—Dry—16 oz.....	\$1.98

<i>Description</i>	<i>Competitive Prices</i>
Canned Fish—Pink Salmon.....	\$2.19
Canned Fish—Sardines .....	\$1.43
Canned Fish—Tuna .....	\$1.19
Cereal (per oz.) .....	\$0.31
Cheese, 16 oz. ....	\$6.84
Eggs .....	\$1.99
Gerber Infant Cereal—8 oz.....	\$2.19
Infant Fruits, 100%—4 oz.....	\$0.64
Infant Vegetables, 100%—4 oz.....	\$0.64
Infant Meats, 100%—2.5 oz. ....	\$1.03
Juice—11.5/12 oz.....	\$2.22
Juice—48 oz. ....	\$3.00
Juice—64 oz. ....	\$3.59
Kosher Cheese—16 oz. ....	\$7.79
Kosher Low Fat Milk—1/2 gallon .....	\$3.15
Kosher Whole Milk—1/2 gallon .....	\$3.19
Milk, Low Fat—1/2 gallon .....	\$2.35
Milk, Whole—1/2 gallon .....	\$2.42
Peanut Butter—16-18 oz.....	\$3.20
Whole Grain—Bread, 16 oz. ....	\$3.35
Whole Grain—Brown Rice, 16 oz. ....	\$1.69
Whole Grain—Oats, 16 oz.....	\$2.39
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.43
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$4.95
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$15.46
Similac Soy Isomil Concentrate Formula—Pink— 13 oz. ....	\$5.11
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$15.89

**Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

*Maximum Allowable Prices*

Effective October 1, 2014, through December 31, 2014, the Maximum Allowable Prices the Department will pay Type 2 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.....	\$1.35
Beans/Peas—Dry—16 oz.....	\$2.26
Canned Fish—Pink Salmon.....	\$2.22
Canned Fish—Sardines .....	\$1.59
Canned Fish—Tuna .....	\$1.35
Cereal (per oz.) .....	\$0.34
Cheese, 16 oz. ....	\$7.33
Eggs .....	\$2.16
Gerber Infant Cereal—8 oz.....	\$2.30
Infant Fruits, 100%—4 oz.....	\$0.71
Infant Vegetables, 100%—4 oz.....	\$0.71
Infant Meats, 100%—2.5 oz. ....	\$1.12
Juice—11.5/12 oz.....	\$2.51
Juice—48 oz. ....	\$3.19
Juice—64 oz. ....	\$4.18
Kosher Cheese—16 oz. ....	\$8.40
Kosher Low Fat Milk—quart .....	\$1.69
Kosher Low Fat Milk—1/2 gallon .....	\$3.27

<i>Description</i>	<i>Maximum Allowable Price</i>
Kosher Whole Milk—quart .....	\$1.80
Kosher Whole Milk—1/2 gallon .....	\$3.37
Milk, Dry—9.6 oz. ....	\$4.46
Milk, Dry—25.6 oz. ....	\$9.47
Milk, Evaporated—12 oz.....	\$1.53
Milk, Low Fat—quart .....	\$1.42
Milk, Low Fat—1/2 gallon .....	\$2.52
Milk, Low Fat Lactose Free—quart .....	\$2.42
Milk, Low Fat Lactose Free—1/2 gallon .....	\$4.09
Milk, Whole—quart .....	\$1.50
Milk, Whole—1/2 gallon .....	\$2.59
Milk, Whole Lactose Free—quart .....	\$2.56
Milk, Whole Lactose Free—1/2 gallon .....	\$4.19
Peanut Butter—16-18 oz.....	\$3.49
Soy Beverage—Pacific Natural Foods 32 oz.....	\$3.35
Soy Beverage—8th Continent 64 oz.....	\$3.59
Tofu—16 oz. ....	\$2.62
Whole Grain—Bread, 16 oz. ....	\$3.55
Whole Grain—Bread, 24 oz. ....	\$4.00
Whole Grain—Brown Rice, 16 oz. ....	\$1.95
Whole Grain—Brown Rice, 24 oz. ....	\$3.39
Whole Grain—Oats, 16 oz.....	\$2.49
Whole Grain—Oats, 24 oz.....	\$5.89
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.59
Boost RTF Formula—8 oz.....	\$1.75
EnfaCare RTF Formula—32 oz.....	\$7.39
EnfaCare w/Iron Powder Formula—12.8 oz.....	\$16.54
Nutramigen Concentrate Formula—13 oz.....	\$7.45
Nutramigen RTF Formula—32 oz.....	\$9.69
Nutramigen w/Enflora Powder Formula— 12.6 oz. ....	\$24.55
Pediasure RTF Formula—8 oz.....	\$1.99
Pediasure w/Fiber RTF Formula—8 oz.....	\$2.05
Pediasure Sidekicks RTF Formula—8 oz.....	\$1.94
Similac Advance Concentrate—Blue Formula— 13 oz. ....	\$5.00
Similac Advance RTF—Blue Formula—32 oz.....	\$7.55
Similac Advance Powder—Blue Formula— 12.4 oz. ....	\$15.58
Similac Expert Care Alimentum RTF Formula— 32 oz. ....	\$9.69
Similac Expert Care Alimentum Powder Formula—16 oz. ....	\$28.29
Similac Expert Care for Diarrhea RTF Formula— 32 oz. ....	\$7.69
Similac Expert Care NeoSure RTF Formula— 32 oz. ....	\$7.89
Similac Expert Care NeoSure Powder Formula— 13.1 oz. ....	\$16.29
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs. ....	\$22.55
Similac Go & Grow Powder Soy Based Formula— Pink—1.38 lbs. ....	\$22.45
Similac for Spit Up RTF Formula—Green— 32 oz. ....	\$7.75
Similac for Spit Up Powder Formula—Green— 12.3 oz. ....	\$15.99
Similac for Spit Up Powder Formula—Green— 12.0 oz. ....	\$15.99
Similac Sensitive RTF Formula—Orange— 32 oz. ....	\$7.50
Similac Sensitive Powder Formula—Orange— 12.6 oz. ....	\$15.59
Similac Sensitive Powder Formula—Orange— 12.0 oz. ....	\$15.59

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Soy Isomil Concentrate—Pink Formula— 13 oz. ....	\$5.29
Similac Soy Isomil RTF—Pink Formula—32 oz. ...	\$7.79
Similac Soy Isomil Powder—Pink Formula— 12.4 oz. ....	\$16.19
Similac Total Comfort Powder Formula—Purple— 12.6 oz. ....	\$16.19
Similac Total Comfort Powder Formula—Purple— 12.0 oz. ....	\$16.19

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2014, through December 31, 2014, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. ....	\$1.20
Beans/Peas—Dry—16 oz. ....	\$2.10
Canned Fish—Pink Salmon. ....	\$2.25
Canned Fish—Sardines ....	\$1.49
Canned Fish—Tuna ....	\$1.27
Cereal (per oz.) ....	\$0.32
Cheese, 16 oz. ....	\$6.86
Eggs ....	\$2.05
Gerber Infant Cereal—8 oz. ....	\$2.25
Infant Fruits, 100%—4 oz. ....	\$0.69
Infant Vegetables, 100%—4 oz. ....	\$0.69
Infant Meats, 100%—2.5 oz. ....	\$1.10
Juice—11.5/12 oz. ....	\$2.42
Juice—48 oz. ....	\$3.07
Juice—64 oz. ....	\$3.85
Kosher Cheese—16 oz. ....	\$7.89
Kosher Low Fat Milk—1/2 gallon ....	\$3.19
Kosher Whole Milk—1/2 gallon ....	\$3.25
Milk, Low Fat—1/2 gallon ....	\$2.39
Milk, Whole—1/2 gallon ....	\$2.45
Peanut Butter—16-18 oz. ....	\$3.30
Whole Grain—Bread, 16 oz. ....	\$3.39
Whole Grain—Brown Rice, 16 oz. ....	\$1.79
Whole Grain—Oats, 16 oz. ....	\$2.49
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.45
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$5.00
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$15.58
Similac Soy Isomil Concentrate Formula—Pink—13 oz. ....	\$5.29
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$16.19

**Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of

the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.

*Maximum Allowable Prices*

Effective October 1, 2014, through December 31, 2014, the Maximum Allowable Prices the Department will pay Type 3 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. ....	\$1.37
Beans/Peas—Dry—16 oz. ....	\$2.35
Canned Fish—Pink Salmon. ....	\$2.28
Canned Fish—Sardines ....	\$1.65
Canned Fish—Tuna ....	\$1.40
Cereal (per oz.) ....	\$0.36
Cheese, 16 oz. ....	\$7.35
Eggs ....	\$2.26
Gerber Infant Cereal—8 oz. ....	\$2.33
Infant Fruits, 100%—4 oz. ....	\$0.72
Infant Vegetables, 100%—4 oz. ....	\$0.72
Infant Meats, 100%—2.5 oz. ....	\$1.17
Juice—11.5/12 oz. ....	\$2.56
Juice—48 oz. ....	\$3.25
Juice—64 oz. ....	\$4.27
Kosher Cheese—16 oz. ....	\$8.40
Kosher Low Fat Milk—quart ....	\$1.69
Kosher Low Fat Milk—1/2 gallon ....	\$3.27
Kosher Whole Milk—quart ....	\$1.80
Kosher Whole Milk—1/2 gallon ....	\$3.37
Milk, Dry—9.6 oz. ....	\$4.55
Milk, Dry—25.6 oz. ....	\$9.59
Milk, Evaporated—12 oz. ....	\$1.60
Milk, Low Fat—quart ....	\$1.47
Milk, Low Fat—1/2 gallon ....	\$2.62
Milk, Low Fat Lactose Free—quart ....	\$2.49
Milk, Low Fat Lactose Free—1/2 gallon ....	\$4.19
Milk, Whole—quart ....	\$1.57
Milk, Whole—1/2 gallon ....	\$2.69
Milk, Whole Lactose Free—quart ....	\$2.66
Milk, Whole Lactose Free—1/2 gallon ....	\$4.25
Peanut Butter—16-18 oz. ....	\$3.59
Soy Beverage—Pacific Natural Foods 32 oz. ....	\$3.45
Soy Beverage—8th Continent 64 oz. ....	\$3.76
Tofu—16 oz. ....	\$2.72
Whole Grain—Bread, 16 oz. ....	\$3.63
Whole Grain—Bread, 24 oz. ....	\$4.07
Whole Grain—Brown Rice, 16 oz. ....	\$2.00
Whole Grain—Brown Rice, 24 oz. ....	\$3.59
Whole Grain—Oats, 16 oz. ....	\$2.60
Whole Grain—Oats, 24 oz. ....	\$6.11
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.64
Boost RTF Formula—8 oz. ....	\$1.79
EnfaCare RTF Formula—32 oz. ....	\$7.69
EnfaCare w/Iron Powder Formula—12.8 oz. ....	\$17.31
Nutramigen Concentrate Formula—13 oz. ....	\$7.49
Nutramigen RTF Formula—32 oz. ....	\$9.75
Nutramigen w/Enflora Powder Formula— 12.6 oz. ....	\$24.65
Pediasure RTF Formula—8 oz. ....	\$1.99
Pediasure w/Fiber RTF Formula—8 oz. ....	\$2.09
Pediasure Sidekicks RTF Formula—8 oz. ....	\$2.03
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$5.15
Similac Advance RTF Formula—Blue—32 oz. ....	\$7.65
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$16.37

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Expert Care Alimentum RTF Formula—32 oz. ....	\$9.79
Similac Expert Care Alimentum Powder Formula—16 oz. ....	\$28.69
Similac Expert Care for Diarrhea RTF Formula—32 oz. ....	\$7.79
Similac Expert Care NeoSure RTF Formula—32 oz. ....	\$7.99
Similac Expert Care NeoSure Powder Formula—13.1 oz. ....	\$16.39
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs. ....	\$23.29
Similac Go & Grow Powder Soy Based Formula—Pink—1.38 lbs. ....	\$23.00
Similac for Spit Up RTF Formula—Green—32 oz. ....	\$7.80
Similac for Spit Up Powder Formula—Green—12.3 oz. ....	\$16.29
Similac for Spit Up Powder Formula—Green—12.0 oz. ....	\$16.29
Similac Sensitive RTF Formula—Orange—32 oz. ....	\$7.99
Similac Sensitive Powder Formula—Orange—12.6 oz. ....	\$15.79
Similac Sensitive Powder Formula—Orange—12.0 oz. ....	\$15.79
Similac Soy Isomil Concentrate Formula—Pink—13 oz. ....	\$5.39
Similac Soy Isomil RTF Formula—Pink—32 oz. ....	\$7.99
Similac Soy Isomil Powder Formula—Pink—12.4 oz. ....	\$16.39
Similac Total Comfort Powder Formula—Purple—12.6 oz. ....	\$16.59
Similac Total Comfort Powder Formula—Purple—12.0 oz. ....	\$16.59

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2014, through December 31, 2014, the Competitive Prices for WIC authorization for Type 3 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. ....	\$1.29
Beans/Peas—Dry—16 oz. ....	\$2.12
Canned Fish—Pink Salmon. ....	\$2.29
Canned Fish—Sardines. ....	\$1.54
Canned Fish—Tuna. ....	\$1.30
Cereal (per oz.) ....	\$0.34
Cheese, 16 oz. ....	\$6.88
Eggs. ....	\$2.09
Gerber Infant Cereal—8 oz. ....	\$2.30
Infant Fruits, 100%—4 oz. ....	\$0.72
Infant Vegetables, 100%—4 oz. ....	\$0.72
Infant Meats, 100%—2.5 oz. ....	\$1.15
Juice—11.5/12 oz. ....	\$2.47
Juice—48 oz. ....	\$3.29

<i>Description</i>	<i>Competitive Prices</i>
Juice—64 oz. ....	\$4.00
Kosher Cheese—16 oz. ....	\$8.30
Kosher Low Fat Milk—1/2 gallon. ....	\$3.29
Kosher Whole Milk—1/2 gallon. ....	\$3.35
Milk, Low Fat—1/2 gallon. ....	\$2.49
Milk, Whole—1/2 gallon. ....	\$2.52
Peanut Butter—16-18 oz. ....	\$3.40
Whole Grain—Bread, 16 oz. ....	\$3.45
Whole Grain—Brown Rice, 16 oz. ....	\$2.05
Whole Grain—Oats, 16 oz. ....	\$2.65
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.58
Similac Advance Concentrate Formula—Blue—13 oz. ....	\$5.15
Similac Advance Powder Formula—Blue—12.4 oz. ....	\$16.37
Similac Soy Isomil Concentrate Formula—Pink—13 oz. ....	\$5.39
Similac Soy Isomil Powder Formula—Pink—12.4 oz. ....	\$16.39

**Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

*Maximum Allowable Prices*

Effective October 1, 2014, through December 31, 2014, the Maximum Allowable Prices the Department will pay Type 1 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. ....	\$1.28
Beans/Peas—Dry—16 oz. ....	\$2.20
Canned Fish—Pink Salmon. ....	\$2.22
Canned Fish—Sardines. ....	\$1.60
Canned Fish—Tuna. ....	\$1.35
Cereal (per oz.) ....	\$0.34
Cheese, 16 oz. ....	\$7.45
Eggs. ....	\$2.16
Gerber Infant Cereal—8 oz. ....	\$2.32
Infant Fruits, 100%—4 oz. ....	\$0.72
Infant Vegetables, 100%—4 oz. ....	\$0.72
Infant Meats, 100%—2.5 oz. ....	\$1.09
Juice—11.5/12 oz. ....	\$2.45
Juice—48 oz. ....	\$3.14
Juice—64 oz. ....	\$3.95
Kosher Cheese—16 oz. ....	\$8.40
Kosher Low Fat Milk—quart. ....	\$1.69
Kosher Low Fat Milk—1/2 gallon. ....	\$3.27
Kosher Whole Milk—quart. ....	\$1.80
Kosher Whole Milk—1/2 gallon. ....	\$3.37
Milk, Dry—9.6 oz. ....	\$4.43
Milk, Dry—25.6 oz. ....	\$9.42
Milk, Evaporated—12 oz. ....	\$1.49
Milk, Low Fat—quart. ....	\$1.40
Milk, Low Fat—1/2 gallon. ....	\$2.52
Milk, Low Fat Lactose Free—quart. ....	\$2.42
Milk, Low Fat Lactose Free—1/2 gallon. ....	\$3.99
Milk, Whole—quart. ....	\$1.52
Milk, Whole—1/2 gallon. ....	\$2.59
Milk, Whole Lactose Free—quart. ....	\$2.55

<i>Description</i>	<i>Maximum Allowable Price</i>
Milk, Whole Lactose Free—1/2 gallon . . . . .	\$3.89
Peanut Butter—16-18 oz. . . . .	\$3.40
Soy Beverage—Pacific Natural Foods 32 oz. . . . .	\$3.35
Soy Beverage—8th Continent 64 oz. . . . .	\$3.55
Tofu—16 oz. . . . .	\$2.61
Whole Grain—Bread, 16 oz. . . . .	\$3.55
Whole Grain—Bread, 24 oz. . . . .	\$3.99
Whole Grain—Brown Rice, 16 oz. . . . .	\$1.95
Whole Grain—Brown Rice, 24 oz. . . . .	\$3.39
Whole Grain—Oats, 16 oz. . . . .	\$2.52
Whole Grain—Oats, 24 oz. . . . .	\$5.49
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. . . . .	\$2.59
Boost RTF Formula—8 oz. . . . .	\$1.70
EnfaCare RTF Formula—32 oz. . . . .	\$7.35
EnfaCare w/Iron Powder Formula—12.8 oz. . . . .	\$16.74
Nutramigen Concentrate Formula—13 oz. . . . .	\$7.43
Nutramigen RTF Formula—32 oz. . . . .	\$9.65
Nutramigen w/Enflora Powder Formula—12.6 oz. . . . .	\$24.55
Pediasure RTF Formula—8 oz. . . . .	\$2.04
Pediasure w/Fiber RTF Formula—8 oz. . . . .	\$2.05
Pediasure Sidekicks RTF Formula—8 oz. . . . .	\$1.89
Similac Advance Concentrate Formula—Blue— 13 oz. . . . .	\$5.00
Similac Advance RTF Formula—Blue—32 oz. . . . .	\$7.49
Similac Advance Powder Formula—Blue— 12.4 oz. . . . .	\$15.50
Similac Expert Care Alimentum RTF Formula— 32 oz. . . . .	\$9.69
Similac Expert Care Alimentum Powder Formula—16 oz. . . . .	\$28.39
Similac Expert Care for Diarrhea RTF Formula— 32 oz. . . . .	\$7.69
Similac Expert Care NeoSure RTF Formula— 32 oz. . . . .	\$8.04
Similac Expert Care NeoSure Powder Formula— 13.1 oz. . . . .	\$16.59
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs. . . . .	\$23.17
Similac Go & Grow Powder Soy Based Formula— Pink—1.38 lbs. . . . .	\$23.10
Similac for Spit Up RTF Formula—Green— 32 oz. . . . .	\$7.69
Similac for Spit Up Powder Formula—Green— 12.3 oz. . . . .	\$16.19
Similac for Spit Up Powder Formula—Green— 12.0 oz. . . . .	\$16.19
Similac Sensitive RTF Formula—Orange—32 oz. . . . .	\$7.49
Similac Sensitive Powder Formula—Orange— 12.6 oz. . . . .	\$15.69
Similac Sensitive Powder Formula—Orange— 12.0 oz. . . . .	\$15.69
Similac Soy Isomil Concentrate Formula—Pink— 13 oz. . . . .	\$5.21
Similac Soy Isomil RTF Formula—Pink—32 oz. . . . .	\$7.79
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. . . . .	\$16.35
Similac Total Comfort Powder Formula—Purple— 12.6 oz. . . . .	\$16.59
Similac Total Comfort Powder Formula—Purple— 12.0 oz. . . . .	\$16.59

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allow-

able foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2014, through December 31, 2014, the Competitive Prices for WIC authorization for Type 1 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. . . . .	\$1.20
Beans/Peas—Dry—16 oz. . . . .	\$2.10
Canned Fish—Pink Salmon. . . . .	\$2.25
Canned Fish—Sardines . . . . .	\$1.48
Canned Fish—Tuna . . . . .	\$1.30
Cereal (per oz.) . . . . .	\$0.32
Cheese, 16 oz. . . . .	\$6.91
Eggs . . . . .	\$2.05
Gerber Infant Cereal—8 oz. . . . .	\$2.29
Infant Fruits, 100%—4 oz. . . . .	\$0.68
Infant Vegetables, 100%—4 oz. . . . .	\$0.68
Infant Meats, 100%—2.5 oz. . . . .	\$1.06
Juice—11.5/12 oz. . . . .	\$2.25
Juice—48 oz. . . . .	\$3.06
Juice—64 oz. . . . .	\$3.66
Kosher Cheese—16 oz. . . . .	\$7.89
Kosher Low Fat Milk—1/2 gallon . . . . .	\$3.19
Kosher Whole Milk—1/2 gallon . . . . .	\$3.25
Milk, Low Fat—1/2 gallon . . . . .	\$2.49
Milk, Whole—1/2 gallon . . . . .	\$2.55
Peanut Butter—16-18 oz. . . . .	\$3.29
Whole Grain—Bread, 16 oz. . . . .	\$3.39
Whole Grain—Brown Rice, 16 oz. . . . .	\$1.79
Whole Grain—Oats, 16 oz. . . . .	\$2.45
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. . . . .	\$2.50
Similac Advance Concentrate Formula—Blue— 13 oz. . . . .	\$5.00
Similac Advance Powder Formula—Blue— 12.4 oz. . . . .	\$15.50
Similac Soy Isomil Concentrate Formula—Pink— 13 oz. . . . .	\$5.21
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. . . . .	\$16.35

**Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.

*Maximum Allowable Prices*

Effective October 1, 2014, through December 31, 2014, the Maximum Allowable Prices the Department will pay Type 2 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. . . . .	\$1.35
Beans/Peas—Dry—16 oz. . . . .	\$2.30
Canned Fish—Pink Salmon. . . . .	\$2.29
Canned Fish—Sardines . . . . .	\$1.72
Canned Fish—Tuna . . . . .	\$1.40



<i>Description</i>	<i>Maximum Allowable Price</i>
Cereal (per oz.)	\$0.36
Cheese, 16 oz.	\$7.55
Eggs	\$2.26
Gerber Infant Cereal—8 oz.	\$2.40
Infant Fruits, 100%—4 oz.	\$0.75
Infant Vegetables, 100%—4 oz.	\$0.75
Infant Meats, 100%—2.5 oz.	\$1.15
Juice—11.5/12 oz.	\$2.56
Juice—48 oz.	\$3.30
Juice—64 oz.	\$4.24
Kosher Cheese—16 oz.	\$8.40
Kosher Low Fat Milk—quart	\$1.69
Kosher Low Fat Milk—1/2 gallon	\$3.27
Kosher Whole Milk—quart	\$1.80
Kosher Whole Milk—1/2 gallon	\$3.37
Milk, Dry—9.6 oz.	\$4.50
Milk, Dry—25.6 oz.	\$9.49
Milk, Evaporated—12 oz.	\$1.55
Milk, Low Fat—quart	\$1.44
Milk, Low Fat—1/2 gallon	\$2.62
Milk, Low Fat Lactose Free—quart	\$2.50
Milk, Low Fat Lactose Free—1/2 gallon	\$4.15
Milk, Whole—quart	\$1.57
Milk, Whole—1/2 gallon	\$2.69
Milk, Whole Lactose Free—quart	\$2.60
Milk, Whole Lactose Free—1/2 gallon	\$4.21
Peanut Butter—16-18 oz.	\$3.56
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.40
Soy Beverage—8th Continent 64 oz.	\$3.75
Tofu—16 oz.	\$2.68
Whole Grain—Bread, 16 oz.	\$3.59
Whole Grain—Bread, 24 oz.	\$4.05
Whole Grain—Brown Rice, 16 oz.	\$1.99
Whole Grain—Brown Rice, 24 oz.	\$3.69
Whole Grain—Oats, 16 oz.	\$2.88
Whole Grain—Oats, 24 oz.	\$5.99
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.64
Boost RTF Formula—8 oz.	\$1.76
EnfaCare RTF Formula—32 oz.	\$7.69
EnfaCare w/Iron Powder Formula—12.8 oz.	\$16.88
Nutramigen Concentrate Formula—13 oz.	\$7.49
Nutramigen RTF Formula—32 oz.	\$9.79
Nutramigen w/Enflora Powder Formula—12.6 oz.	\$24.65
Pediasure RTF Formula—8 oz.	\$2.06
Pediasure w/Fiber RTF Formula—8 oz.	\$2.09
Pediasure Sidekicks RTF Formula—8 oz.	\$1.97
Similac Advance Concentrate Formula—Blue—13 oz.	\$5.10
Similac Advance RTF Formula—Blue—32 oz.	\$7.59
Similac Advance Powder Formula—Blue—12.4 oz.	\$15.75
Similac Expert Care Alimentum RTF Formula—32 oz.	\$9.79
Similac Expert Care Alimentum Powder Formula—16 oz.	\$28.69
Similac Expert Care for Diarrhea RTF Formula—32 oz.	\$8.09
Similac Expert Care NeoSure RTF Formula—32 oz.	\$8.09
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$16.69
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs.	\$23.40

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Go & Grow Powder Soy Based Formula—Pink—1.38 lbs.	\$23.19
Similac for Spit Up RTF Formula—Green—32 oz.	\$7.79
Similac for Spit Up Powder Formula—Green—12.3 oz.	\$16.39
Similac for Spit Up Powder Formula—Green—12.0 oz.	\$16.39
Similac Sensitive RTF Formula—Orange—32 oz.	\$7.59
Similac Sensitive Powder Formula—Orange—12.6 oz.	\$15.89
Similac Sensitive Powder Formula—Orange—12.0 oz.	\$15.89
Similac Soy Isomil Concentrate Formula—Pink—13 oz.	\$5.39
Similac Soy Isomil RTF Formula—Pink—32 oz.	\$7.89
Similac Soy Isomil Powder Formula—Pink—12.4 oz.	\$16.50
Similac Total Comfort Powder Formula—Purple—12.6 oz.	\$16.89
Similac Total Comfort Powder Formula—Purple—12.0 oz.	\$16.89

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2014, through December 31, 2014, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.23
Beans/Peas—Dry—16 oz.	\$2.13
Canned Fish—Pink Salmon	\$2.29
Canned Fish—Sardines	\$1.62
Canned Fish—Tuna	\$1.32
Cereal (per oz.)	\$0.34
Cheese, 16 oz.	\$7.00
Eggs	\$2.10
Gerber Infant Cereal—8 oz.	\$2.42
Infant Fruits, 100%—4 oz.	\$0.70
Infant Vegetables, 100%—4 oz.	\$0.70
Infant Meats, 100%—2.5 oz.	\$1.13
Juice—11.5/12 oz.	\$2.45
Juice—48 oz.	\$3.16
Juice—64 oz.	\$3.90
Kosher Cheese—16 oz.	\$8.00
Kosher Low Fat Milk—1/2 gallon	\$3.25
Kosher Whole Milk—1/2 gallon	\$3.35
Milk, Low Fat—1/2 gallon	\$2.55
Milk, Whole—1/2 gallon	\$2.59
Peanut Butter—16-18 oz.	\$3.39
Whole Grain—Bread, 16 oz.	\$3.49
Whole Grain—Brown Rice, 16 oz.	\$1.90

Description	Competitive Prices
Whole Grain—Oats, 16 oz.....	\$2.65
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.55
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$5.10
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$15.75
Similac Soy Isomil Concentrate Formula—Pink—13 oz.....	\$5.39
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$16.50

**Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties.

*Maximum Allowable Prices*

October 1, 2014, through December 31, 2014, the Maximum Allowable Prices the Department will pay Type 3 Stores in High Cost Counties for WIC allowable foods are as follows:

Description	Maximum Allowable Price
Beans, Canned—15.5/16 oz.....	\$1.44
Beans/Peas—Dry—16 oz.....	\$2.40
Canned Fish—Pink Salmon.....	\$2.40
Canned Fish—Sardines.....	\$1.75
Canned Fish—Tuna.....	\$1.42
Cereal (per oz.).....	\$0.37
Cheese, 16 oz.....	\$7.70
Eggs.....	\$2.32
Gerber Infant Cereal—8 oz.....	\$2.60
Infant Fruits, 100%—4 oz.....	\$0.86
Infant Vegetables, 100%—4 oz.....	\$0.86
Infant Meats, 100%—2.5 oz.....	\$1.19
Juice—11.5/12 oz.....	\$2.60
Juice—48 oz.....	\$3.40
Juice—64 oz.....	\$4.27
Kosher Cheese—16 oz.....	\$8.40
Kosher Low Fat Milk—quart.....	\$1.87
Kosher Low Fat Milk—1/2 gallon.....	\$3.27
Kosher Whole Milk—quart.....	\$1.80
Kosher Whole Milk—1/2 gallon.....	\$3.37
Milk, Dry—9.6 oz.....	\$4.60
Milk, Dry—25.6 oz.....	\$9.69
Milk, Evaporated—12 oz.....	\$1.62
Milk, Low Fat—quart.....	\$1.59
Milk, Low Fat—1/2 gallon.....	\$2.72
Milk, Low Fat Lactose Free—quart.....	\$2.53
Milk, Low Fat Lactose Free—1/2 gallon.....	\$4.25
Milk, Whole—quart.....	\$1.69
Milk, Whole—1/2 gallon.....	\$2.79
Milk, Whole Lactose Free—quart.....	\$2.69
Milk, Whole Lactose Free—1/2 gallon.....	\$4.29
Peanut Butter—16-18 oz.....	\$3.68
Soy Beverage—Pacific Natural Foods 32 oz.....	\$3.50
Soy Beverage—8th Continent 64 oz.....	\$3.90
Tofu—16 oz.....	\$2.75
Whole Grain—Bread, 16 oz.....	\$3.65

Description	Maximum Allowable Price
Whole Grain—Bread, 24 oz.....	\$4.10
Whole Grain—Brown Rice, 16 oz.....	\$2.35
Whole Grain—Brown Rice, 24 oz.....	\$3.79
Whole Grain—Oats, 16 oz.....	\$3.00
Whole Grain—Oats, 24 oz.....	\$6.11
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.....	\$2.70
Boost RTF Formula—8 oz.....	\$1.89
EnfaCare RTF Formula—32 oz.....	\$7.99
EnfaCare w/Iron Powder Formula—12.8 oz.....	\$17.31
Nutramigen Concentrate Formula—13 oz.....	\$7.99
Nutramigen RTF Formula—32 oz.....	\$9.89
Nutramigen w/Enflora Powder Formula— 12.6 oz.....	\$25.10
Pediasure RTF Formula—8 oz.....	\$2.23
Pediasure w/Fiber RTF Formula—8 oz.....	\$2.30
Pediasure Sidekicks RTF Formula—8 oz.....	\$2.27
Similac Advance Concentrate Formula—Blue— 13 oz.....	\$5.58
Similac Advance RTF Formula—Blue—32 oz.....	\$7.79
Similac Advance Powder Formula—Blue— 12.4 oz.....	\$16.89
Similac Expert Care Alimentum RTF Formula— 32 oz.....	\$9.89
Similac Expert Care Alimentum Powder Formula—16 oz.....	\$29.98
Similac Expert Care for Diarrhea RTF Formula— 32 oz.....	\$8.49
Similac Expert Care NeoSure RTF Formula— 32 oz.....	\$8.29
Similac Expert Care NeoSure Powder Formula— 13.1 oz.....	\$17.09
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs.....	\$23.45
Similac Go & Grow Powder Soy Based Formula— Pink—1.38 lbs.....	\$23.50
Similac for Spit Up RTF Formula—Green— 32 oz.....	\$8.19
Similac for Spit Up Powder Formula—Green— 12.3 oz.....	\$17.20
Similac for Spit Up Powder Formula—Green— 12.0 oz.....	\$17.20
Similac Sensitive RTF Formula—Orange—32 oz.....	\$8.09
Similac Sensitive Powder Formula—Orange— 12.6 oz.....	\$16.75
Similac Sensitive Powder Formula—Orange— 12.0 oz.....	\$16.75
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.....	\$5.79
Similac Soy Isomil RTF Formula—Pink—32 oz.....	\$8.04
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.....	\$17.40
Similac Total Comfort Powder Formula—Purple— 12.6 oz.....	\$17.49
Similac Total Comfort Powder Formula—Purple— 12.0 oz.....	\$17.49

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2014, through December 31, 2014, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.....	\$1.40
Beans/Peas—Dry—16 oz.....	\$2.15
Canned Fish—Pink Salmon.....	\$2.48
Canned Fish—Sardines.....	\$1.68
Canned Fish—Tuna.....	\$1.48
Cereal (per oz.).....	\$0.35
Cheese, 16 oz.....	\$7.20
Eggs.....	\$2.18
Gerber Infant Cereal—8 oz.....	\$2.76
Infant Fruits, 100%—4 oz.....	\$0.84
Infant Vegetables, 100%—4 oz.....	\$0.86
Infant Meats, 100%—2.5 oz.....	\$1.18
Juice—11.5/12 oz.....	\$2.55
Juice—48 oz.....	\$3.37
Juice—64 oz.....	\$4.20
Kosher Cheese—16 oz.....	\$8.40
Kosher Low Fat Milk—1/2 gallon.....	\$3.35
Kosher Whole Milk—1/2 gallon.....	\$3.39
Milk, Low Fat—1/2 gallon.....	\$2.58
Milk, Whole—1/2 gallon.....	\$2.60
Peanut Butter—16-18 oz.....	\$3.59
Whole Grain—Bread, 16 oz.....	\$3.55
Whole Grain—Brown Rice, 16 oz.....	\$2.30
Whole Grain—Oats, 16 oz.....	\$2.99
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.....	\$2.60
Similac Advance Concentrate Formula—Blue— 13 oz.....	\$5.58
Similac Advance Powder Formula—Blue— 12.4 oz.....	\$16.89
Similac Soy Isomil Concentrate Formula—Pink—13 oz.....	\$5.79
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.....	\$17.40

Persons with a disability who require an alternative format of this listing (for example, large print, audiotope, Braille) should contact Perce Morgan, Department of Health, Bureau of WIC, 625 Forster Street, 7th Floor West, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 14-2016. Filed for public inspection September 26, 2014, 9:00 a.m.]

### Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Minimum Inventory Requirements

Under 28 Pa. Code § 1103.5(a)(3) (relating to minimum inventory), the WIC Program publishes notice of the minimum inventory requirements. Effective October 1, 2014, a store shall have available on the premises, at the time of an onsite review and at all times thereafter while

participating as a WIC authorized store, the following foods at shelf prices equal to or less than the competitive prices:

*Formula*

Seventeen 13-ounce cans of Similac Advance liquid concentrate.

Ten 12.4-ounce cans of Similac Advance powder.

Seventeen 13-ounce cans of Similac Soy Isomil liquid concentrate.

Ten 12.4-ounce cans of Similac Soy Isomil powder.

Other standard formulas specified on the WIC check are not minimum inventory requirements. The store must be able to provide these within 72 hours after a participant makes a request for this formula.

*Infant Foods*

Two varieties of Gerber infant cereal in 8-ounce containers, totaling at least 24 ounces.

Two varieties 100% fruit, any brand, with a total of 32 4-ounce containers.

Two varieties 100% vegetable, any brand, with a total of 32 4-ounce containers.

Two varieties 100% meat, any brand, with a total of 31 2 1/2-ounce containers.

*Fruits and Vegetables*

Two types of fruits and two varieties of vegetables, fresh, frozen or canned, totaling at least \$15 worth.

*Whole Grains*

Two WIC allowable varieties with a total of two 16-ounce packages.

*Cow's Milk*

Fluid Whole, Vitamin D Fortified: 1/2 gallon.

Fluid Skim, Fat Free, 1%: 18 1/2 gallon.

*Chicken Eggs*

Grade "A" or "AA" Eggs: Three 1 dozen containers large or smaller raw shell eggs.

*Cheese*

Three WIC allowable types prepackaged in 8-ounce or 16-ounce containers, totaling at least 4 pounds of cheese.

*Juices*

Two WIC allowable single strength varieties with a total of five 48-ounce containers.

Two WIC allowable single strength varieties with a total of two 64-ounce containers.

Two WIC allowable varieties frozen concentrated or shelf stable concentrated, with a total of five 11 1/2-ounce to 12-ounce containers.

*Cereal*

Adult, five WIC allowable varieties, at least one whole grain variety, in 12-ounce or larger packages totaling at least 60 ounces.

*Peanut Butter*

Two 16-ounce to 18-ounce containers labeled "peanut butter."

*Dried Peas and Beans or Canned Beans*

Two varieties WIC allowable: 1 pound each dried or 15 1/2-ounce to 16-ounce canned with a total of four cans.

*Canned Fish*

At least 45 ounces in 3.75-ounce, 5-ounce or 6-ounce cans, chunk light tuna, pink salmon or sardines not packed in oil.

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MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 14-2017. Filed for public inspection September 26, 2014, 9:00 a.m.]

### Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Minimum Technology Standards

Under 28 Pa. Code § 1103.4(15) (relating to selection criteria for authorization and reauthorization), the WIC Program publishes notice of minimum technology standards. A store applying to become a WIC Authorized store must have all of the following to be considered for authorization:

An existing, active, hard wire telephone line on the store's premises.

An active e-mail account for the store owner or manager.

Upon authorization, an active WIC Vendor Assistant (VA) account Internet connection on store premises (one of the following):

- Dial-up through an internet provider
- Broadband DSL
- Broadband cable

A personal computer on store premises:

- Internet browser capable of accessing the WIC VA web site
- Adobe Reader software
- If using CheckScan, the following minimum software and hardware is required.

*Note:* These are Windows XP minimum requirements; newer operating systems may require additional hardware.

- PC with 300 megahertz or higher processor clock speed
- Microsoft Windows XP, Vista or Windows 7 operating system
- Microsoft .Net Framework 2.0 or higher (software)
- 256 mb RAM
- 1.5 gigabytes of available hard drive space
- An available USB port (Version 1.1 or 2.0)

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Perce Morgan, Department of

Health, Bureau of WIC, 625 Forster Street, 7th Floor West, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 14-2018. Filed for public inspection September 26, 2014, 9:00 a.m.]

### Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); 2014-2015 WIC Food List

#### I. 2014-2015 WIC Food List

Under 28 Pa. Code § 1103.5(a) (relating to minimum inventory), the WIC Program publishes notice of the 2014-2015 WIC Food List which contains the required types of foods and, if applicable, names of the allowable brands of foods. Effective October 1, 2014, the 2014-2015 WIC Food List authorizes the following as allowable foods for the purpose of the WIC Program.

#### *Cheese*

Regular, reduced fat, low fat or fat free, low cholesterol, low sodium, lactose free, smoked or calcium fortified. Cheese must be marked with weight, type and cost. Cheese must be in the form of a block, sliced, shredded, stick or string cheese. Package size must be 8 or 16 ounces.

American (Pasteurized Process)	Cheddar
Cheddarella	Cojack
Colby (Longhorn)	Monterey Jack
Mozzarella	Muenster
Provolone	Swiss

Kosher cheese must be specified on the WIC check to be purchased using a WIC check.

*Not Allowed:* Individually wrapped slices, imported, deli service, cheese foods, imitation cheese, cheese products or spreads, cheese with added ingredients, organic cheese, cheese packed in water.

#### *Cow's Milk*

Fluid (pasteurized; quart, half gallons or gallons), any fat level, allowed as specified on the WIC check. Acidophilus milk allowed. Lactose free milk allowed, if specified on the WIC check. Evaporated (12-ounce cans), if specified on the WIC check. Dry milk allowed, if specified on the WIC check.

*Not Allowed:* Flavored milk, buttermilk, goat's milk, milk with added calcium, protein or plant sterols, vitamin C, Omega 3s, organic milk, ultra high temperature processed milk, milk in glass bottles.

#### *Soy Beverage*

32-ounce or 64-ounce containers:	Pacific Natural Foods—Ultra Soy (Plain or Vanilla flavored)
	8th Continent Soymilk
	Original or Vanilla Flavor
	Silk Original

*Not Allowed:* Any other brand or type of soy beverage.

#### *Tofu*

16-ounce containers: Azumaya—Firm and Extra Firm  
House Foods Premium—Medium Firm, Firm, Extra Firm  
Nasoya—Silken, Lite Silken

*Not Allowed:* Any other brand or type of tofu.

#### *Chicken Eggs*

Any Brand Grade A or AA Regular: large, medium or small raw shell brown or white chicken eggs in 1 dozen package.

*Not Allowed:* Specialty eggs such as vegetarian fed, organic eggs, low cholesterol, fat modified, high in omega 3s, and the like.

#### *Legumes (Beans)*

Black beans, black eye peas, garbanzo beans, great northern beans, kidney beans, lima beans, navy beans, pinto beans, soybeans, butter beans, pink beans, split peas and lentils.

1 pound dry or 15 1/2-ounce to 16-ounce canned any brand (canned kidney beans may contain sugar)

*Not Allowed:* Green beans, green peas, snap beans, yellow beans, wax beans, pork-n-beans, beans with added seasonings, sugars, oils, sauces, meats, organic beans.

#### *Fruits and Vegetables*

##### *Fruits Allowed:*

Fresh, whole or cut without added sugars. Frozen, without added sugars. Canned, jarred or multipack without added sugars, fats, oils or sodium (salt).

##### *Vegetables Allowed:*

Fresh, whole or cut without added sugars, fats or oils. Frozen, without added sugars, fats or oils.

Canned or jarred, without added sugars, fats or oils. Whole kernel corn and green peas can contain sugar.

Sweet potatoes and yams

Organic fruits and vegetables can be purchased.

##### *Not allowed:*

- Party trays, fruit baskets, salad bar items
- Items that contain dips or sauces
- *Ingredients other than fruit*—sugar, honey, high fructose corn syrup, heavy or light syrup, dextrose, sucrose, maple syrup, artificial sweeteners, fats, oils or sodium (salt)
- *Ingredients other than vegetables*—sugar, honey, high fructose corn syrup, cheese sauce, noodles, rice, nuts, spices, fats or oils

• *Any type of white potatoes* (including Red Bliss, Purple and Yukon Gold)

- Sauerkraut, pickled vegetables, olives
- Jarred salsa, pasta sauce
- Fresh herbs and spices, edible blossoms
- Dried fruit, dried vegetables, trail mix
- Fruit leathers, fruit snacks, fruit roll-ups
- Fruit and nut mixtures
- Fruit cocktails, cranberry sauce, pie filling

- Baked goods containing fruit or vegetables
- Infant or toddler fruits and vegetables
- Maraschino cherries or products containing maraschino cherries
- Squeezable fruit or vegetable pouches

#### *Juice*

##### *Single Strength (48-ounce container, 100% pure juice):*

Apple Apple & Eve, Giant Eagle, Musselman's, Nestle Juicy Juice, Red & White, Seneca, Shurfine  
Cranberry Apple & Eve Naturally Cranberry, Northland Traditional Cranberry  
100% Grape (purple or white) Nestle Juicy Juice, Red & White, Shurfine, White Rose  
Juice Blends Apple & Eve: Cranberry Apple and Cranberry Raspberry  
Northland: Cranberry Grape  
Nestle Juicy Juice: All flavors  
Pineapple Food Club, Shurfine

##### *Single Strength (64-ounce container, 100% pure juice):*

Apple America's Choice, Apple & Eve, Essential Everyday, Food Club, Giant, Giant Eagle, Great Value, Hannaford, Harvest Classic, Krasdale, Lucky Leaf, Mott's Musselman's, My Essentials, Old Orchard, Red & White, Seneca, Shop Rite, Shurfine, Tipton Grove, Weis Quality, White Rose  
Cranberry Essential Everyday, Food Club, Giant, Giant Eagle, Great Value, Hannaford, Shop N Save, Shurfine, Weis Quality  
Grape (purple, red or white) America's Choice, Apple & Eve, Essential Everyday, Food Club, Giant, Giant Eagle, Great Value, Hannaford, Krasdale, Mott's Musselman's, Old Orchard, Red & White, Seneca, Shurfine, Tipton Grove, Valu Time, Weis Quality, White Rose  
Orange Any Brand, calcium and vitamin D added allowed  
Pineapple Essential Everyday, Giant, Giant Eagle, Great Value, Libby's, Our Family, Shurfine, Wegmans, Weis Quality  
Tomato Campbell's (regular or low sodium)  
Vegetable Campbell's V8 (regular or low sodium)  
Juice Blends Apple & Eve—all flavors (including Sesame Street) except "Cranberry Juice & More"  
Nestle Juicy Juice—all flavors  
Old Orchard—100% juice flavors, no premium flavors

##### *Frozen Concentrated (11 1/2-ounce to 12-ounce container, 100% pure juice):*

Apple America's Choice, Food Club, Giant, Hannaford, Great Value, Old Orchard, Seneca, Shop Rite, Shurfine, Value Time, Tipton Grove, Weis Quality  
Apple Juice Blends Old Orchard (all flavors with green pull tab top)

Orange	Any brand (including calcium and vitamin D added)
Grape	Welch's (all flavors with yellow pull tab top)
White Grape Juice Blends	Welch's (all flavors with yellow pull tab top)
Dole	All flavors 100% juice

*Shelf Stable Concentrated (11 1/2-ounce to 12-ounce container, 100% pure juice):*

Welch's any flavor with yellow trim

*Not Allowed:* Ciders, cocktails, artificial sweeteners, food colorings, added sugar, alcohol, carbonation, fiber, Omega 3s, DHA, ARA, beta-carotene, vitamin A, vitamin E, organic juice

### Cereal

#### Adult/Child Cereals:

Minimum package size 12 ounces

<i>General Mills:</i>	Cheerios (regular, multigrain, dulce de leche) Chex (wheat, corn, rice) Kix (regular, honey or berry berry) Total (whole grain) Fiber One Honey Clusters Wheaties (regular flavor only)
<i>Kellogg Co.:</i>	All Bran Complete Wheat Flakes Corn Flakes Crispix Frosted Mini Wheats Original (Little Bite, Bite Size, Big Bite or Unfrosted) Rice Krispies (regular) Special K (regular) Frosted Mini Wheats Touch of Fruit-Raspberry Scooby Doo
<i>Malto Meal, bag or box:</i>	Crispy rice, Honey & Oat Blenders (regular or almond)
<i>Maypo:</i>	Instant Maple Oatmeal
<i>Nabisco:</i>	Cream of Wheat: Instant original, 1 minute, 2 1/2 minutes, 10 minutes, Whole Grain
<i>Post:</i>	Banana Nut Crunch Grape-Nuts & Grape-Nut Flakes Bran Flakes Honey Bunches of Oats (Honey Roasted, with Almonds, Cinnamon Clusters, Vanilla Clusters)
<i>Quaker Co.:</i>	Original Instant Grits Crunchy Corn Bran Toasted Multigrain Crisps Life (regular flavor) Oatmeal Squares (cinnamon or brown sugar)

#### Store Brand Cereal:

Corn Flakes, Toasted Oats, Corn Squares—Biscuits, Rice Squares—Biscuits: (America's Choice, Essentials Every Day, Food Club, Giant, Great Value, Hannaford, Ralston Foods, Shop Rite, Shurfine, Weis Quality)

*Not Allowed:* Individual serving boxes, organic cereal, any other brand or type of cereal.

### Peanut Butter

16-ounce to 18-ounce container, labeled "Peanut Butter" only

*Not Allowed:* Reduced fat peanut butter, peanut butter spread, peanut butter mixed with jelly, marshmallow, chocolate or honey, organic peanut butter, added Omega 3s, DHA, ARA or artificial sweeteners.

### Infant Formula

#### Contract Brand

*Milk Based:* Similac Advance

*Soy Based:* Similac Soy Isomil

Other brands and types of formula must be specified on the WIC check.

### Infant Foods

*Infant Cereal:* Gerber: rice, oatmeal, barley, whole wheat or multigrain in 8-ounce or 16-ounce container.

*Not Allowed:* Organic varieties, variety pack, cereal with fruit, formula, yogurt, DHA or ARA.

*Infant Fruits and Vegetables:* Brand specified on the WIC check: 4-ounce containers of 100% fruits or vegetables.

*Not Allowed:* Desserts, organic varieties, mixed with salt, sugar, cereal, rice, noodles, meats, yogurt, DHA, ARA, flour, starch, any other ingredients or squeezable pouches.

*Infant Meats:* Brand specified on the WIC check: 2 1/2-ounce containers of single ingredient meats (with or without gravy or broth).

*Not Allowed:* Organic varieties, mixed with salt, sugar, cereal, rice, noodles, vegetables, fruit, DHA, ARA, flour, starch or any other ingredients.

### Canned Fish

Chunk Light Tuna, Pink Salmon or Sardines in 3.75-ounce, 5-ounce or 6-ounce cans only

*Not Allowed:* Products packed in oil, albacore tuna, brisling sardines, red salmon, organic fish.

### Whole Grains

#### 16-ounce packages:

#### Whole Wheat Bread & Rolls

Store Brands 100% Whole Wheat Bread:

Acme, America's Choice, Best Yet, Giant, Great Value, Hannaford, Shoprite, Shurfine

Arnold—100% Stoneground Whole Wheat Bread

Bimbo—100% Whole Wheat Bread

Hauswald—100% Whole Wheat Bread

Nickles Country Style—100% Whole Wheat Bread

Pepperidge Farms—Stoneground 100% Whole Wheat

Bread, Very Thin Soft 100% Whole Wheat Bread

Roman Meal—Sungrain 100% Whole Wheat Bread

Sara Lee—Classic 100% Whole Wheat Bread

Schmidt Old Time—100% Whole Wheat Bread

Stroehmann—Small 100% Whole Wheat Bread

Windmill Farms—100% Stoneground Whole Wheat

Bread—Hamotzie, 100% Stoneground Whole Wheat

Bread—Mezonot, 6 pack Whole Wheat Rolls

*Tortillas*

<i>Store Brands:</i> Giant Eagle	Fajita Size Tortillas White Corn
Nature's Promise	Corn All Natural Tortillas
Giant	Yellow or White Corn or Whole Wheat Tortillas
ShopRite	Whole Wheat Tortillas

Carlita—Corn or Whole Wheat Tortilla  
 Celia's—Yellow or White Corn  
 Chi Chi's—White Corn Tortillas  
 Don Pancho—Yellow or White Corn Tortillas  
 La Banderita—Corn Tortillas  
 La Burrita—Yellow Corn Tortillas  
 MexAmerican—Whole Wheat with Honey  
 Mission—Yellow Corn Extra Thin Tortillas and Whole  
 Wheat Tortillas

*Whole Grain Brown Rice:* Uncle Ben's—Natural Whole  
 Grain Brown Rice  
 My Essentials Long Grain  
 Natural Brown Rice

*Store Brands:* America's Choice, Best Yet, Essentials  
 Every Day, Giant, Great Value, Gulf  
 Pacific, Shurfine, White Rose

*Oats:* 16-ounce packages: Mom's Best Natural Quick  
 Oats, Shurfine Quick Oats

*24-ounce packages:*

*Whole Wheat Bread and Rolls*

Arnold—100% Whole Wheat Bread  
 Brownberry—100% Whole Wheat Bread  
 Freihofer—Hearty 100% Whole Wheat Bread  
 Giant Harvest 100% Whole Wheat Bread  
 Gold Medal—Natural or Premium Whole Wheat Bread  
 Nickles Country Style 100% Whole Wheat Bread  
 Pepperidge Farms—Oatmeal Bread, 15 Grain Bread,  
 Soft Honey Whole Wheat Bread  
 ShopRite 100% Stone Ground Wheat Bread  
 Weis Quality—Whole Grain Wheat Bread

*Oats—Quaker Steel Cut Oats*

*Not Allowed:* Any other package size, brand or type of  
 whole grain products, organic whole grains, items with  
 added Omega-3s, dried fruits, seeds, nuts, extra calcium  
 or vitamin D.

**II. Contract Brand of Formula**

Under 28 Pa. Code § 1103.5(c), the WIC Program pub-  
 lishes notice of the name of the contract brand of infant  
 formula. The WIC Program has entered into a contract  
 with Abbott Laboratories to be the primary provider of  
 infant formula for the WIC Program. The contract brand  
 of infant formula is Similac Advance and Similac Soy  
 Isomil. Other brands and types of formula must be  
 specified on the WIC check to be authorized for purchase  
 with a WIC check. The information contained herein is  
 effective October 1, 2014.

Persons with a disability who require an alternative  
 format of this notice (for example, large print, audiotope,  
 Braille) should contact Perce Morgan, Department of  
 Health, Bureau of WIC, 625 Forster Street, 7th Floor  
 West, Health and Welfare Building, Harrisburg, PA

17120, (717) 783-1289, or for speech and/or hearing  
 impaired persons V/TT (717) 783-6514, or the Pennsylva-  
 nia AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 14-2019. Filed for public inspection September 26, 2014, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Uniform Construction Code Review and Advisory Council Meeting

The Uniform Construction Code Review and Advisory  
 Council will hold a meeting on Wednesday, October 22,  
 2014, at 10 a.m. at the Department of Labor and  
 Industry, Room E-100, 651 Boas Street, Harrisburg, PA  
 17121.

Additional information concerning the meeting may be  
 found on the Department of Labor and Industry web site  
 at [www.dli.state.pa.us](http://www.dli.state.pa.us). Scroll down and click on the link  
 for "Uniform Construction Code" then "UCC Review and  
 Advisory Council."

Questions concerning this may be directed to Kim D.  
 Peck at (717) 783-6304.

JULIA K. HEARTHWAY,  
*Secretary*

[Pa.B. Doc. No. 14-2020. Filed for public inspection September 26, 2014, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Disproportionate Share and Supplemental Hospital Payments

The Department of Public Welfare (Department) is  
 announcing its intent to continue funding inpatient dis-  
 proportionate share hospital (DSH), outpatient supple-  
 mental and direct medical education payments for Fiscal  
 Year (FY) 2014-2015 at the same levels as was allocated  
 for FY 2013-2014. There is no change to the qualifying  
 criteria or payment methodology for these payments for  
 FY 2014-2015. The Department also intends to allocate  
 an annualized amount of \$1.464 million for FY 2014-2015  
 for certain DSH and supplemental payments to new  
 hospitals. The Department is making no other changes to  
 the payment methodologies for new hospitals.

*Fiscal Impact*

The FY 2014-2015 impact is \$263.805 million (\$125.986  
 million in State general funds).

*Public Comment*

Interested persons are invited to submit written com-  
 ments regarding this notice to the Department of Public  
 Welfare, Office of Medical Assistance Programs, Attention,  
 c/o Regulations Coordinator, Room 515, Health and Wel-  
 fare Building, Harrisburg, PA 17120. 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-909. (1) General Fund;

(7) Medical Assistance—Inpatient; (2) Implementing Year 2014-15 is \$97,149,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$0; (4) 2013-14 Program—\$163,862,000; 2012-13 Program—\$268,112,000; 2011-12 Program—\$325,685,000;

(7) Medical Assistance—Outpatient; (2) Implementing Year 2014-15 is \$28,837,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$0; (4) 2013-14 Program—\$264,179,000; 2012-13 Program—\$450,835,000; 2011-12 Program—\$645,095,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 14-2021. Filed for public inspection September 26, 2014, 9:00 a.m.]

**Inpatient Hospitals Qualifying for Medical Assistance Disproportionate Share Payments**

On July 1, 1988, the Department of Public Welfare (Department) implemented a disproportionate share payment system. The Department is required to annually publish the names of each inpatient acute care general hospital, rehabilitation hospital and private psychiatric hospital qualifying for a disproportionate share payment and their respective disproportionate share payment percentage as set forth in 55 Pa. Code §§ 1151.54(i), 1163.67(k) and 1163.459(j) (relating to disproportionate share payments).

*A. Disproportionate Share for Acute Care General Hospitals, Rehabilitation Hospitals and Private Psychiatric Hospitals.*

The following lists identify the inpatient acute care general hospitals, psychiatric units, drug and alcohol units and rehabilitation units of acute care general hospitals, rehabilitation hospitals, private psychiatric hospitals and private drug and alcohol hospitals eligible for disproportionate share payments for the period of July 1, 2013, through June 30, 2014, and their respective payment percentages. For all inpatient facilities, disproportionate share payments are calculated as a percentage of projected Medical Assistance (MA) inpatient income.

Payment period July 1, 2013, to June 30, 2014, disproportionate share payment percentages:

ALBERT EINSTEIN MEDICAL CENTER	4.92%
ALFRED I. DUPONT INSTITUTE	7.64%
BARNES KASSON HOSPITAL	1.43%
BRADFORD REGIONAL MEDICAL CENTER	10.00%
CHARLES COLE MEMORIAL HOSPITAL	1.00%
CHILDREN'S HOSPITAL OF PHILADELPHIA	7.19%
CHILDREN'S HOSPITAL OF PITTSBURGH	9.14%
CROZER CHESTER MEDICAL CENTER	3.10%

DELAWARE COUNTY MEMORIAL HOSPITAL	2.18%
DIVINE PROVIDENCE HOSPITAL	5.54%
DUBOIS REGIONAL MEDICAL CENTER	9.00%
GEISINGER MEDICAL CENTER	6.84%
HIGHLANDS HOSPITAL AND HEALTH CENTER	4.56%
J.C. BLAIR MEMORIAL HOSPITAL	4.78%
KENSINGTON HOSPITAL	14.00%
LOCK HAVEN HOSPITAL	3.16%
MAGEE WOMEN'S HOSPITAL	5.55%
MEMORIAL HOSPITAL TOWANDA	3.36%
MERCY FITZGERALD HOSPITAL	2.69%
MERCY HOSPITAL OF PHILADELPHIA	5.19%
MILLCREEK COMMUNITY HOSPITAL	5.00%
NPHS ST. JOSEPH'S HOSPITAL	7.51%
PENN PRESBYTERIAN MEDICAL CENTER	2.88%
PENNSYLVANIA HOSPITAL	3.66%
SCHUYLKILL MEDICAL CENTER SOUTH JACKSON STREET	6.68%
SOLDIERS AND SAILORS MEMORIAL HOSPITAL	8.75%
SUNBURY COMMUNITY HOSPITAL	6.26%
TEMPLE UNIVERSITY HOSPITAL	6.66%
THOMAS JEFFERSON UNIVERSITY HOSPITAL	2.60%
THS HAHNEMANN UNIVERSITY HOSPITAL	4.52%
THS ST. CHRISTOPHER'S HOSPITAL	15.00%
TITUSVILLE AREA HOSPITAL	2.84%
TROY COMMUNITY HOSPITAL	3.98%
UNIONTOWN HOSPITAL	1.84%
UPMC BEDFORD MEMORIAL	2.96%
UPMC MERCY	1.65%
UPMC PRESBYTERIAN SHADYSIDE	2.48%
UNIVERSITY OF PENNSYLVANIA HOSPITAL	3.13%
VALLEY FORGE MEDICAL CENTER AND HOSPITAL	5.05%
WEST VIRGINIA UNIVERSITY HOSPITAL	5.76%
WPAHS ALLEGHENY GENERAL HOSPITAL	1.37%
WPAHS WESTERN PENNSYLVANIA HOSPITAL	2.44%

*Psychiatric Units of Inpatient Hospitals*

ALBERT EINSTEIN MEDICAL CENTER	2.97%
BRADFORD REGIONAL MEDICAL CENTER	2.81%
CROZER CHESTER MEDICAL CENTER	2.02%
DIVINE PROVIDENCE HOSPITAL	3.30%
DUBOIS REGIONAL MEDICAL CENTER	2.52%
EAGLEVILLE HOSPITAL	1.74%
GEISINGER MEDICAL CENTER	2.06%
HIGHLANDS HOSPITAL AND HEALTH CENTER	2.78%
J.C. BLAIR MEMORIAL HOSPITAL	1.63%
MERCY FITZGERALD HOSPITAL	1.80%
MERCY HOSPITAL OF PHILADELPHIA	3.11%
MILLCREEK COMMUNITY HOSPITAL	3.02%
NPHS GIRARD MEDICAL CENTER	2.98%
PENN PRESBYTERIAN MEDICAL CENTER	1.90%
PENNSYLVANIA HOSPITAL	2.31%
SCHUYLKILL MEDICAL CENTER SOUTH JACKSON STREET	2.03%
SOLDIERS AND SAILORS MEMORIAL HOSPITAL	2.47%
SUNBURY COMMUNITY HOSPITAL	1.94%
TEMPLE UNIVERSITY HOSPITAL	3.89%
THOMAS JEFFERSON UNIVERSITY HOSPITAL	1.75%
THS HAHNEMANN UNIVERSITY HOSPITAL	2.76%
UPMC MERCY	1.26%
UPMC PRESBYTERIAN SHADYSIDE	1.69%
WPAHS ALLEGHENY GENERAL HOSPITAL	1.11%
WPAHS WESTERN PENNSYLVANIA HOSPITAL	1.67%



*Drug and Alcohol Units of Acute Care Hospitals*

NPHS ST. JOSEPH'S HOSPITAL	5.54%
PENN PRESBYTERIAN MEDICAL CENTER	1.95%
VALLEY FORGE MEDICAL CENTER AND HOSPITAL	3.63%

*Medical Rehab Units of Acute Care Hospitals*

ALBERT EINSTEIN MEDICAL CENTER	3.53%
ALFRED I. DUPONT INSTITUTE	5.65%
CHILDREN'S HOSPITAL OF PHILADELPHIA	5.29%
CROZER CHESTER MEDICAL CENTER	2.12%
DELAWARE COUNTY MEMORIAL HOSPITAL	1.41%
DUBOIS REGIONAL MEDICAL CENTER	2.87%
MERCY FITZGERALD HOSPITAL	1.80%
SCHUYLKILL MEDICAL CENTER SOUTH JACKSON STREET	2.14%
TEMPLE UNIVERSITY HOSPITAL	4.88%
THOMAS JEFFERSON UNIVERSITY HOSPITAL	1.73%
UNIVERSITY OF PENNSYLVANIA HOSPITAL	2.14%
UPMC MERCY	1.00%
UPMC PRESBYTERIAN SHADYSIDE	1.64%

*Freestanding Rehab Hospitals*

CHILDREN'S HOME OF PITTSBURGH	10.00%
CHILDREN'S INSTITUTE OF PITTSBURGH	6.33%

*Private Psychiatric Hospitals*

BELMONT CENTER FOR COMPREHENSIVE TREATMENT	3.97%
BROOKE GLEN BEHAVIORAL HEALTH	3.09%
CLARION PSYCHIATRIC CENTER	5.81%
DEVEREUX CHILDREN'S BEHAVIORAL HEALTH	10.00%
FAIRMOUNT BEHAVIORAL HEALTH SYSTEM	4.70%
FIRST HOSPITAL WYOMING VALLEY	4.73%
FOUNDATIONS BEHAVIORAL HEALTH	5.27%
FRIENDS HOSPITAL	4.01%
HORSHAM PSYCHIATRIC HOSPITAL	4.15%
KIDSPEACE HOSPITAL	7.48%
KIRKBRIDE CENTER	4.27%
MEADOWS PSYCHIATRIC CENTER	5.95%
MONTGOMERY COUNTY EMERGENCY SERVICES	4.90%
PHILHAVEN HOSPITAL	4.04%
ROXBURY PSYCHIATRIC HOSPITAL	1.00%
SOUTHWOOD PSYCHIATRIC HOSPITAL	9.00%

*Private Drug and Alcohol Hospitals*

EAGLEVILLE HOSPITAL	1.72%
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*B. Additional Disproportionate Share Payments*

Additional disproportionate share payments are made to inpatient facilities, with a Medicaid inpatient utilization rate of not less than 1%, which have provided services to persons who have been determined to be low income by meeting the income and resource standards for the State's General Assistance Program.

The payment adjustments are paid directly proportional to the payment received for either general assistance beneficiaries for all hospital services or Title XIX beneficiaries, 21 years of age or older but under 65 years of age, for services rendered by institutions for mental diseases under the fee-for-service and capitation programs.

The following hospitals are eligible for this payment adjustment:

*Acute Care General Hospitals*

ABINGTON MEMORIAL HOSPITAL
ADVANCED SURGICAL HOSPITAL

ALBERT EINSTEIN MEDICAL CENTER
ALFRED I. DUPONT INSTITUTE
ALLE KISKI MEDICAL CENTER
AMERICAN ONCOLOGIC HOSPITAL
ARIA HEALTH HOSPITAL
ARMSTRONG COUNTY MEMORIAL HOSPITAL
BARNES KASSON HOSPITAL
BERWICK HOSPITAL CENTER
BRADFORD REGIONAL MEDICAL CENTER
BRANDYWINE HOSPITAL
BROOKVILLE HOSPITAL
BUCKTAIL MEDICAL CENTER
BUTLER MEMORIAL HOSPITAL
CANONSBURG GENERAL HOSPITAL
CARLISLE HOSPITAL
CH HOSPITAL OF ALLENTOWN
CHAMBERSBURG HOSPITAL
CHARLES COLE MEMORIAL HOSPITAL
CHESTER COUNTY HOSPITAL
CHHS HOSP CO/CHESTNUT HILL HOSPITAL
CHILDREN'S HOSPITAL OF PHILADELPHIA
CHILDREN'S HOSPITAL OF PITTSBURGH
CLARION HOSPITAL
CLEARFIELD HOSPITAL
CONEMAUGH MEMORIAL MEDICAL CENTER
COORDINATED HEALTH ORTHOPEDIC HOSPITAL
CORRY MEMORIAL HOSPITAL
CROZER CHESTER MEDICAL CENTER
DELAWARE COUNTY MEMORIAL
DIVINE PROVIDENCE HOSPITAL
DOYLESTOWN HOSPITAL
DUBOIS REGIONAL MEDICAL CENTER
EASTON HOSPITAL
EDGEWOOD SURGICAL HOSPITAL
EINSTEIN MEDICAL CENTER MONTGOMERY
ELK REGIONAL HEALTH CENTER
ELLWOOD CITY HOSPITAL
ENDLESS MOUNTAINS HEALTH SYSTEM
EPHRATA COMMUNITY HOSPITAL
EVANGELICAL COMMUNITY HOSPITAL
FRICK COMMUNITY HEALTH CENTER
FULTON COUNTY MEDICAL CENTER
GEISINGER BLOOMSBURG HOSPITAL
GEISINGER COMMUNITY MEDICAL CENTER
GEISINGER MEDICAL CENTER
GEISINGER WYOMING VALLEY MEDICAL CENTER
GETTYSBURG HOSPITAL
GNADEN HUETTEN MEMORIAL HOSPITAL
GOOD SAMARITAN HOSPITAL LEBANON
GRAND VIEW HOSPITAL
GROVE CITY MEDICAL CENTER
HANOVER HOSPITAL
HAZLETON GENERAL HOSPITAL
HEART OF LANCASTER REGIONAL MEDICAL CENTER
HERITAGE VALLEY BEAVER
HERITAGE VALLEY SEWICKLEY
HIGHLANDS HOSPITAL AND HEALTH CENTER
HOLY REDEEMER HOSPITAL
HOLY SPIRIT HOSPITAL
INDIANA REGIONAL MEDICAL CENTER
JAMESON MEMORIAL HOSPITAL
J.C. BLAIR HOSPITAL
JEANES HOSPITAL
JEFFERSON HEALTH SERVICES
JENNERSVILLE REGIONAL HOSPITAL
JERSEY SHORE HOSPITAL
KANE COMMUNITY HOSPITAL
KENSINGTON HOSPITAL
KINDRED HOSPITAL AT HERITAGE VALLEY

KINDRED HOSPITAL EASTON  
 KINDRED HOSPITAL PHILADELPHIA  
 KINDRED HOSPITAL PHILADELPHIA-HAVERTON  
 KINDRED HOSPITAL PHILADELPHIA SOUTH  
 KINDRED HOSPITAL PITTSBURGH  
 KINDRED HOSPITAL WYOMING VALLEY  
 LANCASTER GENERAL HOSPITAL  
 LANCASTER REGIONAL MEDICAL CENTER  
 LANSDALE HOSPITAL  
 LATROBE AREA HOSPITAL  
 LEHIGH VALLEY HOSPITAL  
 LEHIGH VALLEY HOSPITAL MUHLENBERG  
 LEWISTOWN HOSPITAL  
 LIFECARE HOSPITALS OF MECHANICSBURG  
 LIFECARE HOSPITALS OF PITTSBURGH  
 LIFECARE HOSPITALS OF PITTSBURGH  
 MONROEVILLE  
 LOCK HAVEN HOSPITAL  
 LOWER BUCKS HOSPITAL  
 MAGEE WOMEN'S HOSPITAL  
 MAIN LINE BRYN MAWR HOSPITAL  
 MAIN LINE LANKENAU HOSPITAL  
 MAIN LINE PAOLI MEMORIAL HOSPITAL  
 MEADVILLE MEDICAL CENTER  
 MEMORIAL HOSPITAL TOWANDA  
 MEMORIAL HOSPITAL YORK  
 MERCY FITZGERALD HOSPITAL  
 MERCY HOSPITAL OF PHILADELPHIA  
 MERCY SUBURBAN HOSPITAL  
 MEYERSDALE COMMUNITY HOSPITAL  
 MID VALLEY HOSPITAL  
 MILLCREEK COMMUNITY HOSPITAL  
 MINERS HOSPITAL OF NORTHERN CAMBRIA  
 MONONGAHELA VALLEY HOSPITAL  
 MOSES TAYLOR HOSPITAL  
 MOUNT NITTANY MEDICAL CENTER  
 MUNCY VALLEY HOSPITAL  
 NASON HOSPITAL  
 NAZARETH HOSPITAL  
 NPHS ST. JOSEPH'S HOSPITAL  
 OHIO VALLEY GENERAL HOSPITAL  
 OSS ORTHOPAEDIC HOSPITAL  
 PALMERTON HOSPITAL  
 PENN PRESBYTERIAN MEDICAL CENTER  
 PENN STATE MILTON S. HERSHEY MEDICAL  
 CENTER  
 PENNSYLVANIA HOSPITAL  
 PHOENIXVILLE HOSPITAL  
 PHYSICIANS CARE SURGICAL HOSPITAL  
 PINNACLE HEALTH HOSPITALS  
 POCONO MEDICAL CENTER  
 POTTSTOWN MEMORIAL MEDICAL CENTER  
 PUNXSUTAWNEY AREA HOSPITAL  
 READING HOSPITAL AND MEDICAL CENTER  
 REGIONAL HOSPITAL OF SCRANTON  
 RIDDLE MEMORIAL HOSPITAL  
 ROBERT PACKER HOSPITAL  
 ROXBOROUGH MEMORIAL HOSPITAL  
 SACRED HEART HOSPITAL ALLENTOWN  
 SCHUYLKILL MEDICAL CENTER EAST NORWEGIAN  
 STREET  
 SCHUYLKILL MEDICAL CENTER SOUTH JACKSON  
 STREET  
 SELECT SPECIALTY CENTRAL PENNSYLVANIA  
 SELECT SPECIALTY DANVILLE  
 SELECT SPECIALTY ERIE  
 SELECT SPECIALTY JOHNSTOWN  
 SELECT SPECIALTY LAUREL HIGHLANDS  
 SELECT SPECIALTY MCKEESPORT  
 SELECT SPECIALTY UPMC PITTSBURGH  
 SHARON REGIONAL HEALTH SYSTEM  
 SHRINERS HOSPITAL FOR CHILDREN  
 SOLDIERS AND SAILORS MEMORIAL HOSPITAL  
 SOMERSET HOSPITAL  
 SOUTHWEST REGIONAL MEDICAL CENTER  
 SPECIAL CARE HOSPITAL  
 ST. CLAIR MEMORIAL HOSPITAL  
 ST. JOSEPH REGIONAL HEALTH NETWORK  
 ST. LUKE'S HOSPITAL ANDERSON CAMPUS  
 ST. LUKE'S HOSPITAL BETHLEHEM  
 ST. LUKE'S HOSPITAL QUAKERTOWN  
 ST. LUKE'S MINERS MEMORIAL MEDICAL CENTER  
 ST. MARY'S HOSPITAL  
 ST. VINCENT HEALTH CENTER  
 SUNBURY COMMUNITY HOSPITAL  
 SURGICAL INSTITUTE OF READING  
 TEMPLE UNIVERSITY HOSPITAL  
 THOMAS JEFFERSON UNIVERSITY HOSPITAL  
 THS HAHNEMANN UNIVERSITY HOSPITAL  
 THS ST. CHRISTOPHER'S HOSPITAL  
 TITUSVILLE AREA HOSPITAL  
 TROY COMMUNITY HOSPITAL  
 TYLER MEMORIAL HOSPITAL  
 TYRONE HOSPITAL  
 UNIONTOWN HOSPITAL  
 UNIVERSITY OF PENNSYLVANIA HOSPITAL  
 UPMC ALTOONA  
 UPMC BEDFORD MEMORIAL  
 UPMC EAST  
 UPMC HAMOT  
 UPMC HORIZON  
 UPMC MCKEESPORT  
 UPMC MERCY  
 UPMC NORTHWEST  
 UPMC PASSAVANT  
 UPMC PRESBYTERIAN SHADYSIDE  
 UPMC ST. MARGARET  
 VALLEY FORGE MEDICAL CENTER AND HOSPITAL  
 WARREN GENERAL HOSPITAL  
 WASHINGTON HOSPITAL  
 WAYNE MEMORIAL HOSPITAL  
 WAYNESBORO HOSPITAL  
 WELLSPAN SURGERY AND REHABILITATION  
 HOSPITAL  
 WEST VIRGINIA UNIVERSITY HOSPITAL  
 WESTFIELD MEDICAL CENTER  
 WESTMORELAND REGIONAL HOSPITAL  
 WILKES-BARRE GENERAL HOSPITAL  
 WILLIAMSPORT HOSPITAL AND MEDICAL CENTER  
 WINDBER MEDICAL CENTER  
 WPAHS ALLEGHENY GENERAL HOSPITAL  
 WPAHS FORBES REGIONAL CAMPUS  
 WPAHS WESTERN PENNSYLVANIA HOSPITAL  
 YORK HOSPITAL

*Psychiatric Units of Inpatient Hospitals*

ABINGTON MEMORIAL HOSPITAL  
 ALBERT EINSTEIN MEDICAL CENTER  
 ALLE KISKI MEDICAL CENTER  
 ARIA HEALTH HOSPITAL  
 ARMSTRONG COUNTY MEMORIAL HOSPITAL  
 BERWICK HOSPITAL CENTER  
 BRADFORD REGIONAL MEDICAL CENTER  
 BRANDYWINE HOSPITAL  
 BUTLER MEMORIAL HOSPITAL  
 CHAMBERSBURG HOSPITAL

CLEARFIELD HOSPITAL  
 CONEMAUGH MEMORIAL MEDICAL CENTER  
 CROZER CHESTER MEDICAL CENTER  
 DIVINE PROVIDENCE HOSPITAL  
 DUBOIS REGIONAL MEDICAL CENTER  
 EAGLEVILLE HOSPITAL  
 ELK REGIONAL HEALTH CENTER  
 EPHRATA COMMUNITY HOSPITAL  
 GEISINGER BLOOMSBURG HOSPITAL  
 GEISINGER COMMUNITY MEDICAL CENTER  
 GEISINGER MEDICAL CENTER  
 GNADEN HUETTEN MEMORIAL HOSPITAL  
 HERITAGE VALLEY BEAVER  
 HERITAGE VALLEY SEWICKLEY  
 HIGHLANDS HOSPITAL AND HEALTH CENTER  
 HOLY SPIRIT HOSPITAL  
 INDIANA REGIONAL MEDICAL CENTER  
 J.C. BLAIR HOSPITAL  
 JAMESON MEMORIAL HOSPITAL  
 JEFFERSON HEALTH SERVICES  
 LANCASTER GENERAL HOSPITAL  
 LANCASTER REGIONAL MEDICAL CENTER  
 LATROBE AREA HOSPITAL  
 LEHIGH VALLEY HOSPITAL  
 LEWISTOWN HOSPITAL  
 LOWER BUCKS HOSPITAL  
 MAIN LINE BRYN MAWR HOSPITAL  
 MEADVILLE MEDICAL CENTER  
 MERCY FITZGERALD HOSPITAL  
 MERCY HOSPITAL OF PHILADELPHIA  
 MILLCREEK COMMUNITY HOSPITAL  
 MONONGAHELA VALLEY HOSPITAL  
 MOSES TAYLOR HOSPITAL  
 MOUNT NITTANY MEDICAL CENTER  
 NPHS GIRARD MEDICAL CENTER  
 OHIO VALLEY GENERAL HOSPITAL  
 PALMERTON HOSPITAL  
 PENN PRESBYTERIAN MEDICAL CENTER  
 PENNSYLVANIA HOSPITAL  
 POCONO HOSPITAL  
 POTTSTOWN MEMORIAL MEDICAL CENTER  
 READING HOSPITAL  
 ROBERT PACKER HOSPITAL  
 SACRED HEART HOSPITAL ALLENTOWN  
 SCHUYLKILL MEDICAL CENTER SOUTH JACKSON  
 STREET  
 SHARON REGIONAL HEALTH SYSTEM  
 SOLDIERS AND SAILORS MEMORIAL HOSPITAL  
 SOMERSET HOSPITAL CENTER FOR HEALTH  
 SOUTHWEST REGIONAL MEDICAL CENTER  
 SPECIAL CARE HOSPITAL  
 ST. CLAIR MEMORIAL HOSPITAL  
 ST. LUKE'S HOSPITAL BETHLEHEM  
 ST. LUKE'S HOSPITAL QUAKERTOWN  
 ST. VINCENT HEALTH CENTER  
 SUNBURY COMMUNITY HOSPITAL  
 TEMPLE UNIVERSITY HOSPITAL  
 THOMAS JEFFERSON UNIVERSITY HOSPITAL  
 THS HAHNEMANN UNIVERSITY HOSPITAL  
 UNIONTOWN HOSPITAL  
 UPMC ALTOONA  
 UPMC MCKEESPORT  
 UPMC MERCY  
 UPMC NORTHWEST  
 UPMC PRESBYTERIAN SHADYSIDE  
 WARREN GENERAL HOSPITAL  
 WASHINGTON HOSPITAL

WESTMORELAND REGIONAL HOSPITAL  
 WPAHS ALLEGHENY GENERAL HOSPITAL  
 WPAHS FORBES REGIONAL CAMPUS  
 WPAHS WESTERN PENNSYLVANIA HOSPITAL  
 YORK HOSPITAL

*Drug and Alcohol Units of Inpatient Hospitals*

BELMONT CENTER FOR COMPREHENSIVE  
 TREATMENT  
 BUTLER MEMORIAL HOSPITAL  
 MEADVILLE MEDICAL CENTER  
 NPHS ST JOSEPH'S HOSPITAL  
 PENN PRESBYTERIAN MEDICAL CENTER  
 VALLEY FORGE MEDICAL CENTER AND HOSPITAL

*Medical Rehab Units of Inpatient Hospitals*

ALFRED I DUPONT INSTITUTE  
 ABINGTON MEMORIAL HOSPITAL  
 ALBERT EINSTEIN MEDICAL CENTER  
 CANONSBURG GENERAL HOSPITAL  
 CARLISLE REGIONAL MEDICAL CENTER  
 CHAMBERSBURG HOSPITAL  
 CHILDREN'S HOSPITAL OF PHILADELPHIA  
 CONEMAUGH MEMORIAL MEDICAL CENTER  
 CROZER CHESTER MEDICAL CENTER  
 DELAWARE COUNTY MEMORIAL HOSPITAL  
 DUBOIS REGIONAL MEDICAL CENTER  
 EASTON HOSPITAL  
 GEISINGER WYOMING VALLEY MEDICAL CENTER  
 GNADEN HUETTEN MEMORIAL HOSPITAL  
 GOOD SAMARITAN HOSPITAL LEBANON  
 HANOVER HOSPITAL  
 HAZLETON GENERAL HOSPITAL  
 HERITAGE VALLEY BEAVER  
 HERITAGE VALLEY SEWICKLEY  
 INDIANA REGIONAL MEDICAL CENTER  
 JAMESON MEMORIAL HOSPITAL  
 JEFFERSON HEALTH SERVICES  
 LANCASTER GENERAL HOSPITAL  
 LANCASTER REGIONAL MEDICAL CENTER  
 MERCY FITZGERALD HOSPITAL  
 MONONGAHELA VALLEY HOSPITAL  
 NAZARETH HOSPITAL  
 OHIO VALLEY HOSPITAL  
 PENN STATE MILTON S. HERSHEY MEDICAL  
 CENTER  
 PINNACLE HEALTH HOSPITALS  
 READING HOSPITAL  
 SCHUYLKILL MEDICAL CENTER EAST NORWEGIAN  
 STREET  
 SCHUYLKILL MEDICAL CENTER SOUTH JACKSON  
 STREET  
 ST. MARY'S HOSPITAL  
 ST. LUKE'S HOSPITAL BETHLEHEM  
 ST. VINCENT HEALTH CENTER  
 TEMPLE UNIVERSITY HOSPITAL  
 THOMAS JEFFERSON UNIVERSITY HOSPITAL  
 UNIVERSITY OF PENNSYLVANIA HOSPITAL  
 UPMC HORIZON  
 UPMC MCKEESPORT  
 UPMC MERCY  
 UPMC NORTHWEST  
 UPMC PASSAVANT  
 UPMC PRESBYTERIAN SHADYSIDE  
 UPMC ST. MARGARET  
 WASHINGTON HOSPITAL  
 WELLSPAN SURGERY AND REHABILITATION  
 HOSPITAL

WESTMORELAND HOSPITAL  
 WILLIAMSPORT HOSPITAL  
 WPAHS FORBES REGIONAL CAMPUS  
 WPAHS WESTERN PENNSYLVANIA HOSPITAL

*Freestanding Rehab Hospitals*

ALLIED SERVICES REHABILITATION HOSPITAL  
 BRYN MAWR REHABILITATION HOSPITAL  
 CHILDREN'S HOME OF PITTSBURGH  
 CHILDREN'S INSTITUTE OF PITTSBURGH  
 GOOD SHEPHERD REHABILITATION HOSPITAL  
 HEALTHSOUTH ALTOONA  
 HEALTHSOUTH ERIE  
 HEALTHSOUTH HARMARVILLE  
 HEALTHSOUTH MECHANICSBURG  
 HEALTHSOUTH NITTANY VALLEY  
 HEALTHSOUTH PENN STATE GEISENGER  
 HEALTHSOUTH READING  
 HEALTHSOUTH SEWICKLEY  
 HEALTHSOUTH YORK  
 JOHN HEINZ INSTITUTE  
 LANCASTER REHABILITATION HOSPITAL  
 MAGEE MEMORIAL REHABILITATION HOSPITAL  
 PENN STATE HERSHEY REHABILITATION HOSPITAL

*Private Psychiatric Hospitals*

BELMONT CENTER FOR COMPREHENSIVE  
 TREATMENT  
 BROOKE GLEN BEHAVIORAL HOSPITAL  
 CLARION PSYCHIATRIC CENTER  
 DEVEREUX CHILDREN'S BEHAVIORAL HEALTH  
 CENTER  
 FAIRMOUNT BEHAVIORAL HEALTH SYSTEM  
 FIRST HOSPITAL WYOMING VALLEY  
 FOUNDATIONS BEHAVIORAL HEALTH  
 FRIENDS HOSPITAL  
 HAVEN BEHAVIORAL HOSPITAL OF EASTERN  
 PENNSYLVANIA  
 HORSHAM CLINIC  
 KIDSPACE HOSPITAL  
 KIRKBRIDE CENTER  
 MEADOWS PSYCHIATRIC CENTER  
 MONTGOMERY COUNTY EMERGENCY SERVICES,  
 INC.  
 PENNSYLVANIA PSYCHIATRIC INSTITUTE  
 PHILHAVEN HOSPITAL  
 ROXBURY PSYCHIATRIC HOSPITAL  
 SOUTHWOOD PSYCHIATRIC HOSPITAL

*Private Drug and Alcohol Hospitals*

EAGLEVILLE HOSPITAL

*C. Additional Class of Disproportionate Share Payments*

Effective March 1, 1998, the Department established a new class of disproportionate share payments to hospitals which render uncompensated care and which the Department has determined are experiencing significant revenue loss as a result of MA Program revisions under the act of May 16, 1996 (P. L. 175, No. 35).

Effective January 15, 1999, the Department established a new class of disproportionate share payments to include a Charity Care component of the Community Access Fund. A disproportionate share payment will be made to qualifying hospitals based on each hospital's percentage of charity care cost to the total charity care costs of all qualifying hospitals. The Department also established a disproportionate share payment for those hospitals which

the Department has determined advanced its goal of enhanced access to multiple types of medical care in economically distressed areas of this Commonwealth.

The following hospitals qualify for this payment:

ALFRED I DUPONT INSTITUTE  
 ABINGTON MEMORIAL HOSPITAL  
 ALBERT EINSTEIN MEDICAL CENTER  
 ARIA HEALTH HOSPITAL  
 BARNES KASSON HOSPITAL  
 CHARLES COLE MEMORIAL HOSPITAL  
 CHILDREN'S HOSPITAL OF PHILADELPHIA  
 CLARION HOSPITAL  
 CLEARFIELD HOSPITAL  
 CROZER CHESTER MEDICAL CENTER  
 DOYLESTOWN HOSPITAL  
 DUBOIS REGIONAL MEDICAL CENTER  
 EAGLEVILLE HOSPITAL  
 EASTON HOSPITAL  
 EVANGELICAL COMMUNITY HOSPITAL  
 FULTON COUNTY MEDICAL CENTER  
 GEISINGER MEDICAL CENTER  
 HAZLETON GENERAL HOSPITAL  
 INDIANA REGIONAL MEDICAL CENTER  
 J.C. BLAIR HOSPITAL  
 JAMESON MEMORIAL HOSPITAL  
 LEHIGH VALLEY HOSPITAL  
 LOCK HAVEN HOSPITAL  
 MAGEE WOMEN'S HOSPITAL  
 MAIN LINE LANKENAU HOSPITAL  
 MEADVILLE MEDICAL CENTER  
 MEMORIAL HOSPITAL TOWANDA  
 MERCY FITZGERALD HOSPITAL  
 MERCY HOSPITAL OF PHILADELPHIA  
 NPHS ST. JOSEPH'S HOSPITAL  
 PENN PRESBYTERIAN MEDICAL CENTER  
 PENN STATE MILTON S. HERSHEY MEDICAL  
 CENTER  
 PENNSYLVANIA HOSPITAL  
 PUNXSUTAWNEY AREA HOSPITAL  
 READING HOSPITAL  
 SOLDIERS AND SAILORS MEMORIAL HOSPITAL  
 ST LUKE'S HOSPITAL BETHLEHEM  
 TEMPLE UNIVERSITY HOSPITAL  
 THOMAS JEFFERSON UNIVERSITY HOSPITAL  
 THS HAHNEMANN UNIVERSITY HOSPITAL  
 TITUSVILLE AREA HOSPITAL  
 UNIVERSITY OF PENNSYLVANIA HOSPITAL  
 UPMC ALTOONA  
 UPMC BEDFORD MEMORIAL  
 UPMC HAMOT  
 UPMC MERCY  
 UPMC PRESBYTERIAN SHADYSIDE  
 VALLEY FORGE MEDICAL CENTER AND HOSPITAL  
 WAYNE MEMORIAL HOSPITAL  
 WEST VIRGINIA UNIVERSITY HOSPITAL  
 WPAHS ALLEGHENY GENERAL HOSPITAL  
 WPAHS WESTERN PENNSYLVANIA HOSPITAL  
 YORK HOSPITAL

*Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent 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-907. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 14-2022. Filed for public inspection September 26, 2014, 9:00 a.m.]

### Medical Assistance Program Fee Schedule Addition

In accordance with 55 Pa. Code § 1150.61(a) (relating to guidelines for fee schedule changes), the Department of Public Welfare (Department) announces the addition of the following procedure code to the Medical Assistance (MA) Program Fee Schedule for the oral evaluation for a patient under 3 years of age, effective for dates of service on and after October 13, 2014.

<i>Procedure Code</i>	<i>Description</i>	<i>MA Fee</i>
D0145	Oral evaluation for a patient under 3 years of age and counseling with primary caregiver.	\$20

The Department is adding procedure code D0145 to the MA Program Fee Schedule to ensure quality dental services and improved access to preventive dental care for children enrolled in the MA Program.

The Department will issue a MA Bulletin to enrolled providers notifying them of the addition of procedure code D0145 and its fee to the MA Program's Dental Fee Schedule.

#### *Fiscal Impact*

The Department anticipates no fiscal impact as a result of adding procedure code D0145 to the MA Fee Schedule, since there are existing procedure codes on the fee schedule for comprehensive and periodic oral evaluations.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision to the MA Program Fee Schedule.

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-908. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 14-2023. Filed for public inspection September 26, 2014, 9:00 a.m.]

### Medical Assistance Reliant Hospital Supplemental Payment

The Department of Public Welfare (Department) is announcing its intent to continue funding supplemental payments to certain acute care general hospitals (hospitals) that provide a substantial portion of their inpatient services to Pennsylvania Medical Assistance (MA) beneficiaries. Hospitals with a patient population consisting largely of MA beneficiaries provide access to hospital services that otherwise may not be available to these individuals. The Department does not intend to change the qualifying criteria or payment methodology for this payment from Fiscal Year (FY) 2013-2014.

#### *Fiscal Impact*

The FY 2014-2015 impact, as a result of the continued funding allocation for this payment is \$0.300 million (\$0.145 million in State general funds and \$0.155 million in Federal funds upon approval by the Centers for Medicare and Medicaid Services).

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, Attention, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent 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-905. (1) General Fund; (2) Implementing Year 2014-15 is \$145,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$0; (4) 2013-14 Program—\$163,862,000; 2012-13 Program—\$268,112,000; 2011-12 Program—\$325,685,000; (7) MA—Inpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 14-2024. Filed for public inspection September 26, 2014, 9:00 a.m.]

## DEPARTMENT OF STATE

### Electronic Recording Commission Meeting

Public notice is hereby given of the meeting of the Electronic Recording Commission (Commission) established under Uniform Real Property Electronic Recording Act (act) (21 P. S. §§ 483.1—483.9). The meeting will be held on Wednesday, October 8, 2014, at 2:30 p.m. at the Nittany Lion Inn, Alumni Lounge, 200 West Park Avenue, State College, PA 16803. The purpose of the meeting will be for the Commission to continue consideration of regulations to implement the act. Visit [www.dos.state.pa.us](http://www.dos.state.pa.us) for more information and to view a copy of the complete agenda.

CAROL AICHELE,  
*Secretary*

[Pa.B. Doc. No. 14-2025. Filed for public inspection September 26, 2014, 9:00 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Finding Centre County

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)), the Deputy Secretary for Highway Administration, as delegated by the Secretary of Transportation, makes the following written finding:

The Department of Transportation (Department) is planning to construct the Potters Mills Gap Alternative with the Sandcrest Road Eastern Interchange Option, which will provide full interchanges at both the eastern and western project limits and extends the four-lane Route 322 facility from the end of the existing four-lane facility at Decker Valley Road west to the proposed western interchange in Potter Township, Centre County just west of the existing Route 144/Route 322 intersection. The new four-lane section is partially off alignment, but was designed to stay as close to the existing alignment as possible to minimize impacts. The proposed four-lane extension eliminates the at-grade intersection of Decker Valley Road with the four-lane section of Route 322, instead connecting it to the two-lane connector road that is to be provided between Potters Mills (Route 144) and Sand Mountain Road. At Sand Mountain Road, the full interchange eliminates the at-grade intersection of Sand Mountain Road with the four-lane section of Route 322. The proposed project will not have a significant effect on the environment.

In accordance with section 2002 of The Administrative Code of 1929 establishing the Department, an Environmental Assessment (EA) has been developed for the subject project. The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. The EA, the Errata to the EA and the EA Response to comment Report have been independently evaluated by the Federal Highway Administration (FHWA) and determined to discuss adequately and accurately the need, environmental issues and impacts of the proposed project and appropriate mitigation measures. Based on the EA, FHWA has issued a Finding of No Significant Impact for the project.

Based upon studies and the Final Individual Section 4(f) Evaluation, there is no feasible and prudent alternative to the use of the Section 4(f)/Section 2002 resources for the proposed action, and the project is planned to minimize harm to the Section 4(f)/Section 2002 resources. A 0.04-acre drainage easement is anticipated on the National Register Listed Potter-Allison Farm property. This was determined to be a DeMinimis Section 4(f) use. Approximately 61 acres out of a total of 107,520 acres of the National Register Eligible Penns/Brush Valley Rural Historic District will be impacted by the proposed project. Mitigation measures will be taken to minimize harm as stipulated in the EA and as documented in the executed Programmatic Agreement.

No significant adverse environmental effect is likely to result from the proposed action.

R. SCOTT CHRISTIE, PE,  
*Deputy Secretary for Highway Administration*

[Pa.B. Doc. No. 14-2026. Filed for public inspection September 26, 2014, 9:00 a.m.]

## Green Light—Go: Pennsylvania's Municipal Signal Partnership Program; Invitation to Submit Applications

Under 74 Pa.C.S. Chapter 92 (relating to traffic signals) and 75 Pa.C.S. § 9511(e.1) (relating to allocation of proceeds), the Department of Transportation (Department) established the Green Light—Go: Pennsylvania's Municipal Partnership Program, also known as the "Green Light—Go Program." The Green Light—Go Program is a competitive application requiring a 50% municipal or private cash match for municipalities to request financial assistance for existing traffic signal maintenance and operations activities identified in 75 Pa.C.S. § 9511(e.1).

During Fiscal Year 2014-2015, up to \$10 million will be allocated to municipalities for upgrading traffic signals to light-emitting diode technology and for performing regional operations such as retiming, developing special event plans and monitoring traffic signals.

The Department invites municipalities to submit electronic applications using the form at <https://adobeformscentral.com/?f=34F04e-RC8BCXQvLjGrZ7Q>. Applications and attachments should be e-mailed to RA-PDSIGNAL FUNDING@pa.gov. The Department will be accepting Green Light—Go Program applications between September 27, 2014, and November 14, 2014.

Additional information on the Green Light—Go Program requirements, guidelines, application evaluation criteria, corridor designations and the Department's corridor prioritization can be found on the Department's Traffic Signal web site at <http://www.dot.state.pa.us/signals>.

If municipalities are awarded funding, all invoices and status updates will be requested through the Department's dotGrants system (<http://www.dot34.state.pa.us/>). Municipalities not currently utilizing the dotGrants system for liquid fuels payments should start the process to get access once the application has been submitted.

Questions should be directed to Daniel Farley, Manager, Traffic Signals and Operational Analysis Unit, Bureau of Maintenance and Operations, Department of Transportation, 400 North Street, 6th Floor, Harrisburg, PA 17120, (717) 783-0333, RA-PDSIGNALFUNDING@pa.gov.

BARRY J. SCHOCH, PE,  
*Secretary*

[Pa.B. Doc. No. 14-2027. Filed for public inspection September 26, 2014, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Data Submission and Collection

Under section 6(a)(2) of the Health Care Cost Containment Act (act) (35 P.S. § 449.6(a)(2)), the Health Care Cost Containment Council is required to publish a list of diseases, procedures and medical conditions, not to exceed 35, for which data under sections 6(c)(21) and (d) of the act shall be required.

The list of 35 diseases, procedures and medical conditions follows:

1. Heart Attack
2. Heart Failure
3. Chest Pain
4. Abnormal Heartbeat
5. Coronary Bypass
6. Heart Valve Replacement
7. Percutaneous Transluminal Coronary Angioplasty
8. Pneumonia
9. Asthma
10. Respiratory Failure
11. Blood Clot in Lung
12. Lung Repair
13. Hypotension
14. Blood Clot in Extremities
15. Vascular Repair
16. Stroke
17. Removal of Blockage in Head and Neck Vessel
18. Craniotomy
19. Diabetes
20. Digestive Disease
21. Liver Disease
22. Colorectal Repair
23. Gallbladder Removal
24. Stomach and Small Intestine Repair
25. Kidney Failure
26. Kidney and Urinary Tract Infection
27. Prostatectomy
28. Medical Back
29. Major Joint Repair
30. Neck/Back Repair
31. Breast Cancer
32. Hysterectomy
33. Infectious Disease
34. Ventilation for Respiratory Disease
35. Tracheostomy

JOE MARTIN,  
*Executive Director*

[Pa.B. Doc. No. 14-2028. Filed for public inspection September 26, 2014, 9:00 a.m.]

## HISTORICAL AND MUSEUM COMMISSION

### National Register Nominations to be Reviewed by the Historic Preservation Board

The Historic Preservation Board (Board) will hold a meeting on October 7, 2014, at 9:45 a.m. followed by the nominations at 12:15 p.m. at the Rachel Carson Building, Harrisburg, PA. Individuals with a disability who wish to attend this meeting and require an auxiliary aid, service or other accommodation to participate should contact Cheri Garrett at (717) 783-9933 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board can accommodate their needs. For persons who have any questions or comments, contact the National Register Office of the Bureau for Historic Preservation at (717) 783-8947.

1. Mount Zion AME Church, 380 North Fairfield Road, Tredyffrin Township, Chester County, No. 065384
2. R. & H. Simon Silk Mill, 659 North 13th Street, Easton, Northampton County, No. 144202
3. Edwin J. Schoettle Company Building, 533 North 11th Street, Philadelphia, No. 200880
4. Jenkintown Station, 3 West Avenue, Jenkintown, Montgomery County, No. 156277
5. Franklinville School, 1701 Morris Road, Whitpain Township, Montgomery County, No. 110699
6. Original Little League Field, 1695 West Fourth Street, Williamsport, Lycoming County, No. 086621
7. Hotel Altamont, 145 West Broad Street, Hazleton, Luzerne County, No. 078917
8. C.F. Adams Building, 101 East 6th Street, City of Erie, Erie County, No. 200629
9. Manchester School No. 3, 6610 West Lake Road, Fairview Township, Erie County, No. 015902
10. Washington Trust Company Building, 6 South Main Street, Washington City, Washington County, No. 157394
11. Pittsburgh Mercantile Company, 2600 East Carson Street, Pittsburgh, Allegheny County, No. 007753

JAMES M. VAUGHAN,  
*Executive Director*

[Pa.B. Doc. No. 14-2029. Filed for public inspection September 26, 2014, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agencies must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
#6-329	State Board of Education Financial Recovery 44 Pa.B. 4514 (July 19, 2014)	08/18/14	09/17/14
#18-460	Department of Transportation Mechanical, Electrical and Electronic Speed-Timing Devices 44 Pa.B. 4500 (July 19, 2014)	08/18/14	09/17/14

**State Board of Education**  
**Regulation #6-329 (IRRC #3064)**  
**Financial Recovery**  
**September 17, 2014**

We submit for your consideration the following comments on the proposed rulemaking published in the July 19, 2014 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Board of Education (Board) to respond to all comments received from us or any other source.

**Whether the regulation is consistent with the intent of the General Assembly.**

Act 141 of 2012 (Act) added Article VI-A to the Public School Code of 1949 (24 P.S. §§ 6-601 et. seq.). Article VI-A provides for financial recovery in certain school districts. Section 621-A(a)(2)(i) of the Act (24 P.S. § 6-621-A(a)(2)(i)) directs the Board to promulgate regulations establishing additional criteria which the secretary may consider in determining whether to issue a declaration that a school district is in financial recovery status and whether a financial recovery school district is deemed to be in either moderate or severe recovery status.

Section 621-A(a)(2)(i) of the Act includes 15 criteria the Secretary of Education (Secretary) may consider in determining whether to issue a declaration that a school district is in financial recovery status. This rulemaking repeats the 15 criteria from the Act and adds three additional criteria. Two of the criteria (§§ 18.5(a)(7) and (8)) are being added because they are conceptually congruent with Section 621-A(a)(2)(i)(F) of the Act (24 P.S. § 6-621-A(a)(2)(i)(F)), which is reflected in § 18.5(a)(6) of the rulemaking. Sections 18.5(a)(6), (7) and (8) direct the Secretary to consider whether a school district is subject to withholding of certain State appropriations.

The third criterion being added by the Board is found at § 18.5(a)(17). It reads as follows: "The school district experiences a deficit of 3% or more for 3 consecutive school years resulting in a reduction of unassigned fund balance each year." This criterion is being promulgated to

reflect the fact that the Board recognizes that there are circumstances when deficit spending may be appropriate.

In determining whether a regulation is in the public interest, Section 5.2(a) of the Regulatory Review Act directs this Commission, first and foremost, to consider whether the agency has the statutory authority to promulgate the regulation and whether the regulation conforms to the intention of the General Assembly in the enactment of the statute upon which the regulation is based. (71 P.S. § 745.5b(a)). We question whether the addition of the three regulatory criteria developed by the Board to the 15 statutory criteria of the Act is consistent with the intent of the General Assembly and Section 621-A(a)(2)(i) of the Act which directs the Board to promulgate regulations "establishing *additional criteria* which the Secretary may consider in determining whether to issue a declaration that a school district is in financial recovery status." (Emphasis added.) Did the Board consult with the General Assembly to determine if the three additional criteria satisfy the mandate of the Act?

**Department of Transportation**  
**Regulation #18-460 (IRRC #3065)**  
**Mechanical, Electrical and Electronic Speed-Timing  
Devices**  
**September 17, 2014**

We submit for your consideration the following comments on the proposed rulemaking published in the July 19, 2014 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a (a)) directs the Department of Transportation (Department) to respond to all comments received from us or any other source.

**1. § 105.31 Appointment of speedometer testing station. Clarity.**

Under subsection (b) the Department is requiring "each applicant intending to be appointed as a speedometer testing station that is not a business entity, including a sole proprietor or partner in a general or limited partnership," to be at least 18 years of age. We ask the Department to explain in the final rulemaking why this subsection does not include applicants for mobile testing



units to be operated by a speedometer testing station since they must file a separate application.

**2. § 105.34 Manner of testing speedometers. Clarity; Reasonableness; and Economic Impact**

*Subsection (a) Accuracy.*

This section requires speedometers to be tested for accuracy and if necessary, be repaired and adjusted to obtain the greatest possible degree of accuracy. The Department is proposing to add a numerical degree of accuracy of plus or minus 2 miles per hour (mph) to the manner of testing speedometers. A commentator has raised a concern that the plus/minus 2 mph window may prevent speedometer testing stations from certifying police department vehicles as some vehicles may be off 3 mph or more. Currently, testing stations certify actual speeds for the vehicles. We ask the Department to explain in the final rulemaking the need for the proposed change and the potential economic impact for local governments and state law enforcement if a vehicle cannot meet this new accuracy specification.

*Subsection (b) Forms.*

This subsection requires that Certificates of Accuracy be made available for review by the Pennsylvania State Police Inspection Station Supervisor. Comments received from the Pennsylvania State Police (PSP) note that the position of Inspection Station Supervisor no longer exists. The PSP recommends that the Department refer to the State Police without any further specification of job function within the PSP. We agree with this request made by the PSP and suggest the Department amend the final-form regulation accordingly.

Additionally, the Department is permitting certificates of accuracy to be “reproduced and a duplicate copy, executed and signed in the same manner as the original,” and to have the same force and effect as the original. While similar language appears in the existing regula-

tion, one commentator has expressed confusion with the phrase “executed and signed in the same manner as the original” and questioned how such a document would differ from another original document. We recommend the Department clarify the intent of this requirement in the final-form regulation.

The same commentator has asked the Department to consider alternative methods for issuing certificates. The commentator suggests the Department allow the use of electronic signatures with a corporate seal or watermark on the certificates. He asserts that this option would not only save on testing stations’ mailing costs, but also allow local police departments and state law enforcement to access and print certificates as needed. We recommend that the Department consider including this option in the final-form regulation, or explain why such a provision would not be in the public interest.

**3. Miscellaneous.**

- In Regulatory Analysis Form (RAF) Question #29 we request the Department revise the following: the expected date of promulgation of the proposed regulation as a final-form regulation; and date by which the agency must receive public comments.

- Under § 105.31(c) we suggest the Department include the word “as” before the word “an” in the following phrase “or to operate an approved mobile testing unit.”

- Under § 105.32(b) we recommend to the Department to insert the term “legal” before “holidays.”

- Under § 105.33(a)(3) we suggest replacing the term “devise” with “device.”

JOHN F. MIZNER, Esq.,  
*Chairperson*

[Pa.B. Doc. No. 14-2030. Filed for public inspection September 26, 2014, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the dates noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from the web site at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Final-Omit Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
#106-11	Environmental Hearing Board Environmental Hearing Board Rules of Practice and Procedure	9/12/14	10/23/14
<i>Final Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
#18-450	Department of Transportation Display of Registration Plates	9/16/14	10/23/14
#16A-5424	State Board of Pharmacy Pharmacy Internship	9/17/14	10/23/14

JOHN F. MIZNER, Esq.,  
*Chairperson*

[Pa.B. Doc. No. 14-2031. Filed for public inspection September 26, 2014, 9:00 a.m.]

# INSURANCE DEPARTMENT

## Application for Approval to Merge with Hospital Service Association of Northeastern Pennsylvania, d/b/a Blue Cross of Northeastern Pennsylvania

### Notice of Public Informational Hearing

Persons are hereby notified that the Insurance Department (Department) will hold a public informational hearing regarding the proposed merger of Hospital Service Association of Northeastern Pennsylvania, d/b/a Blue Cross of Northeastern Pennsylvania (BCNEPA) with and into Highmark, Inc. Pennsylvania domiciled insurer subsidiaries of BCNEPA affected by the proposed merger include: First Priority Life Insurance Company, Inc. and HMO of Northeastern Pennsylvania, Inc., d/b/a First Priority Health. The application was received on February 18, 2014, and was made under Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1413). Policyholders and interested persons are invited to attend and participate in the hearing. Persons may attend the hearing without any obligation to speak at the hearing.

1. *Date and Time:* Wednesday, November 12, 2014, hearing to begin at 9 a.m. with evening session to begin at 7 p.m.
2. *Location:* Hilton Scranton and Conference Center  
Casey Ballroom  
100 Adams Avenue  
Scranton, PA 18503
3. *Nature of Hearing:* The public informational hearing will provide an opportunity for policyholders and interested persons to present comments relevant to the previously-referenced transaction. The proceeding will be recorded by a court reporter.
4. *Legal Authority:* The public informational hearing will be held under the provisions of Article XIV of The Insurance Company Law of 1921.
5. *Written Comments:* Persons who are unable to attend the public informational hearing or would prefer to submit written comments instead of speaking at the hearing concerning the previously-referenced transaction, may do so by mailing or delivering a copy of the comments to Cressinda E. Bybee, Senior Insurance Company Licensing Specialist, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@pa.gov. Be advised that all comments received will be part of the public record regarding this filing and will be posted on the Department's web site as well as shared with the applicant.
6. *Preregister to Attend the Public Informational Hearing:* Persons attending the public informational hearing will be asked to sign in at the registration desk. To expedite signing in, the Department would strongly encourage preregistration on or before November 5, 2014, at [www.insurance.pa.gov](http://www.insurance.pa.gov). Note that preregistration is not required. An advance copy of the agenda will be distributed to persons who preregister to attend the public informational hearing.

7. *Preregister to Speak at the Public Informational Hearing:* Individuals wishing to present comments should register in advance. Walk-ins will be accepted, time permitting. Preregister in advance at the previously listed

web site. The Department anticipates scheduling 10-minute time slots per individual, but will take into account other factors.

Individuals are encouraged to submit their written comments on or before November 5, 2014. After preregistering online to speak, submit advance copies of comments to Cressinda E. Bybee at the previously listed address, fax number or e-mail address.

It is anticipated that speakers will be heard in the following general order:

- a) Preregistered speakers who filed written comments as provided previously by November 5, 2014.
- b) Preregistered speakers who did not file written comments as provided previously by November 5, 2014.
- c) Same day walk-in requests to speak, time permitting.
- d) Speakers who wish to present additional comments, time permitting.

8. *ADA Notice:* Individuals who require the assistance of auxiliary aids or services to participate in or attend this public informational hearing are asked to call the Director of the Bureau of Administration at (717) 787-4298. Individuals who are hearing impaired are asked to call the Department, TTY/TDD (717) 783-3898.

9. *Updates:* The Department encourages the public to check the Department's web site for updates. Additional details concerning the hearing such as the availability to view the proceeding by means of web stream will be posted on the web site as the time for the hearing approaches.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 14-2032. Filed for public inspection September 26, 2014, 9:00 a.m.]

## Application for Designation as a Certified Reinsurer

Arch Reinsurance Ltd. has applied for designation as a certified reinsurer in this Commonwealth. The application was received on July 9, 2014, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P. S. § 442.1(a)) and 31 Pa. Code § 161.3a(c) (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [krankin@pa.gov](mailto:krankin@pa.gov).

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 14-2033. Filed for public inspection September 26, 2014, 9:00 a.m.]

### Application for Designation as a Certified Reinsurer

Swiss Reinsurance Company Ltd., a Bermuda-domiciled reinsurance company, has applied for designation as a certified reinsurer in this Commonwealth. The requested effective date is October 1, 2014. The application was received on September 12, 2014, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P. S. § 442.1(a)) and 31 Pa. Code § 161.3a(c) (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 14-2034. Filed for public inspection September 26, 2014, 9:00 a.m.]

### Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Community Welfare Council of Newtown, Inc.

Community Welfare Council of Newtown, Inc. has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Pickering Manor Home in Newtown, PA. The initial filing was received on September 15, 2014, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 14-2035. Filed for public inspection September 26, 2014, 9:00 a.m.]

### Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Deer Meadows Operating, LLC

Deer Meadows Operating, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Deer Meadows Retirement Community in Philadelphia, PA. The initial filing was received on September 15, 2014, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 14-2036. Filed for public inspection September 26, 2014, 9:00 a.m.]

### Clarification of External Review under the Affordable Care Act; Notice No. 2014-11

To Health Insurance Entities, Including Managed Care Plans:

This notification serves to clarify the Notice published on December 31, 2011 at 41 Pa.B. 7041 (the “2011 Notice”).

By way of background, the U.S. Department of Health and Human Services issued, on July 29, 2011, its determination that the Commonwealth of Pennsylvania does not meet federal requirements for external review under the Affordable Care Act (ACA). Issuers of health insurance in the Commonwealth are required to comply with Federal law and to be fully participating in a Federally-administered external review process.

In the 2011 Notice, the Pennsylvania Department of Health and Insurance Department (hereinafter “the Departments”) reminded managed care plans that, while they are required to follow federal law, the requirements of Article XXI of the Insurance Company Law of 1921, commonly referred to as Act 68, remain in effect except to the extent that federal law has replaced those requirements. Thus, as explained in the 2011 Notice, issues of network adequacy, contract review, credentialing, which are dealt with by the Department of Health, and prompt pay, which is dealt with by the Insurance Department, among other matters, will still be reviewed by the relevant department. The Departments will also continue to review, as complaints, matters that are not considered adverse benefit determinations as defined by the ACA,<sup>1</sup> in

<sup>1</sup> See 45 C.F.R. § 147.136(a)(2)(i), incorporating 29 C.F.R. § 2560.503-1(m)(4) (definition of “adverse benefit determination.”)

the same manner as before the passage of the ACA.<sup>2</sup> However, adverse benefit determinations, as defined by the ACA, will be subject to federal review. As more fully described in the ACA and the accompanying regulations,<sup>3</sup> adverse benefit determinations include issues that relate to denials, reductions, terminations or failures to provide or make payment in whole or in part for a benefit.

This Notice clarifies two situations that have come to our attention. First, a “denial [of] a benefit” includes a denial of a pre-service authorization involving medical judgment. Second, “failures to provide or make payment in whole or in part for a benefit” include circumstances in which a contractual issue relates to the amount of payment, such as, but not limited to, situations in which claimants are getting less than 100% of their claims (including co-pay) paid by their issuers. Accordingly, consumer complaints relating to pre-service authorization denials based on medical judgment, as well as consumer complaints relating to the amount of a payment, should be handled pursuant to the federal external review process the issuer has implemented, and are subject to appropriate notice and appeal rights: either to an external review if involving medical judgment, or to a civil court upon conclusion of the internal appeal process if the complaint does not involve medical judgment. See 45 C.F.R. 147.136(d)(1)(ii)(A) (external review required for adverse benefit decisions involving “medical necessity, health care setting, level of care, or effectiveness of a covered benefit; or its determination that a treatment is experimental or investigational . . . and . . . a rescission of coverage”); 29 C.F.R. 2560.503-1(c)(2) (health plan may not require more than two levels of review of an ABD before a civil action may be brought); Further information on these issues can be found at [http://www.dol.gov/ebsa/faqs/faq\\_claims\\_proc\\_reg.html](http://www.dol.gov/ebsa/faqs/faq_claims_proc_reg.html).

Questions regarding this notice may be directed to Carolyn Morris, Director, Pennsylvania Insurance Department, Bureau of Consumer Services, 1209 Strawberry Square, Harrisburg, PA 17120 or [camorris@pa.gov](mailto:camorris@pa.gov).

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 14-2037. Filed for public inspection September 26, 2014, 9:00 a.m.]

### Continental Casualty Company; Rate Increase Filing for Several LTC Forms

Continental Casualty Company is requesting approval to increase the premium 60% on 6,338 policyholders with the following individual LTC policy form numbers: P1-N0080-A37, P1-N0081-A37, P1-N0085-A37, P1-N0086-A37, P1-N0095-A37, P1-N0096-A37, P1-N0100-A37, P1-N0101-A37, P1-N0075-A37, P1-N0076-A37, P1-N0090-A37, P1-N0091-A37, P1-N0080-A87, P1-N0081-A87, P1-N0085-A87, P1-N0086-A87, P1-N0095-A87, P1-N0096-A87, P1-N0100-A87, P1-N0101-A87, P1-N0075-A87, P1-N0076-A87, P1-N0090-A87, P1-N0091-A87, P1-N0080-B37, P1-N0081-B37, P1-N0085-B37, P1-N0086-B37, P1-N0095-B37, P1-N0096-B37, P1-N0100-B37, P1-N0101-B37, P1-N0075-B37, P1-N0076-B37, P1-N0090-B37, P1-N0091-B37, P1-N0080-B87, P1-N0081-B87, P1-N0085-

<sup>2</sup> Examples of the type of complaints that should continue coming to the PA Departments and not HHS, are complaints relating to contract exclusions, and issues relating to co-payments, formulary changes, out-of-network benefits, and services beyond the contractual limitation.

<sup>3</sup> 42 U.S.C. § 300gg-19 and 45 C.F.R. Part 147 (health insurance reform requirements for the group and individual health insurance markets).

B87, P1-N0086-B87, P1-N0095-B87, P1-N0096-B87, P1-N0100-B87, P1-N0101-B87, P1-N0075-B87, P1-N0076-B87, P1-N0090-B87 and P1-N0091-B87.

Unless formal administrative action is taken prior to December 11, 2014, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department’s (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab “How to Find . . .” click on the link “PA Bulletin.”

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department’s Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 14-2038. Filed for public inspection September 26, 2014, 9:00 a.m.]

### Deregulation of Certain Commercial Lines Property and Casualty Forms; Notice No. 2014-10

TO: All Property and Casualty Insurance Companies in the Commonwealth of Pennsylvania

FROM: Randolph L. Rohrbaugh, Executive Deputy Insurance Commissioner

The Pennsylvania Insurance Commissioner (“Commissioner”), through his duly authorized representative, hereby deregulates certain commercial lines policy forms from filing requirements as set forth in Annex A pursuant to the authority granted by Section 354 of the Insurance Company Law of 1921 (40 P. S. § 477b).

#### Background

Insurance Department Notice 1995-09 deregulated occurrence-based policy forms from filing requirements for certain types of commercial property and casualty insurance. Insurance Department Notice 2014-10 expands the deregulation provisions found in Insurance Department Notice 1995-09 to also apply to claims-made policy forms for the same types of commercial property and casualty insurance listed in Department Notice 1995-09. This Notice also clarifies its interaction with the deregulation of large commercial risk forms from filing requirements pursuant to Section 505-A of the Property and Casualty Filing Reform Act (40 P. S. § 710-5).

#### Statutory Authority

Section 354 of the Insurance Company Law of 1921 (40 P. S. § 477b) requires that all policy forms for commercial property and casualty insurance, and other lines of business, be submitted to the Commissioner for prior approval before issuance to any consumer in the Commonwealth. However, this section gives the Commissioner express authority to exempt forms from the “prior approval” requirement.

Section 505-A of the Property and Casualty Filing Reform Act (40 P. S. § 710-5) deregulated policy forms for large commercial risks, as such risks are defined in

Section 503-A (40 P. S. § 710-3), from filing requirements. Section 505-A also changed the “prior approval” requirement for forms issued to small commercial risks, as defined in Section 503-A, to a “file and use” requirement.

*Forms that are Not Deregulated*

This notice applies only to those commercial property and casualty lines of business identified in Annex A. The Commissioner has not deregulated any policy forms used in the personal lines market.

Further, the Commissioner has not deregulated all types of commercial lines policies. Specifically, the Commissioner’s action does not include the deregulation of the following lines of insurance: workers’ compensation; medical malpractice; title insurance; environmental impairment liability (EIL); and forms issued to municipalities and other local government entities.

Such forms must continue to be submitted to the Insurance Department under either the “prior approval” requirement found in Section 354 of the Insurance Company Law of 1921 or the “file and use” requirement found in Section 505-A of the Property and Casualty Filing Reform Act.

Forms which include both regulated and deregulated lines of business must continue to be submitted to the Insurance Department in accordance with the filing standard (prior approval or file and use) for the regulated line(s) of business.

*Interaction with the Property and Casualty Filing Reform Act (Act 150 of 1998)*

Forms for large commercial risks, as defined in Section 503-A of the Property and Casualty Filing Reform Act, are not required to be filed pursuant to Section 505-A of the Property and Casualty Filing Reform Act. Forms for small commercial risks, as defined in Section 503-A, are required to be filed prior to use pursuant to Section 505-A, unless deregulated by this Notice.

Refer to Section 504-A of the Property and Casualty Filing Reform Act (40 P. S. § 710-4) for the act’s applicability.

*Continuing Authority of the Commissioner*

Notwithstanding the implementation of this notice, the Commissioner retains full authority to be provided, upon request, with a copy of any form being issued in this Commonwealth, as provided by Section 905 of the Insurance Department Act of 1921 (40 P. S. § 323.3).

The Commissioner also retains authority to re-assume regulatory authority of the types of forms deregulated hereunder at his discretion.

Notwithstanding the deregulation of the forms specified herein, all such forms must continue to comply with applicable Pennsylvania law including, but not limited to, The Unfair Insurance Practices Act (40 P. S. §§ 1171.1—1171.15) (prohibiting unfair methods of competition and unfair or deceptive acts or practices).

*Effective Date*

This deregulation action is effective October 1, 2014.

*Questions*

Any questions concerning this Notice may be directed to Mark Lersch, Director, Property and Casualty Bureau, 1311 Strawberry Square, Harrisburg, PA 17120, 717-783-2103 or mlersch@pa.gov.

**Annex A**

**PENNSYLVANIA INSURANCE DEPARTMENT  
DEREGULATION OF COMMERCIAL LINES PROPERTY AND CASUALTY FORMS**

Pursuant to the authority granted by Section 354 of the Insurance Company Law of 1921 (40 P. S. § 477b), the Pennsylvania Insurance Commissioner, through his duly authorized representative, hereby deregulates from filing requirements commercial property and casualty forms for the following lines of business effective October 1, 2014:

*Lines of Business*

Aircraft hull and aviation liability  
Excess of loss policy in an amount of at least \$10,000 from any one event issued to self-insureds  
Manuscript policies and endorsements issued to not more than three (3) insureds in Pennsylvania  
Inland marine  
Following form commercial excess and umbrella  
Commercial excess and umbrella policies if the underlying policy provides limits of at least \$1 million  
Expropriate coverage  
Kidnap and ransom  
Political risk  
Extortion risk  
Computer fraud  
Crop and hail  
Mortgage guaranty  
Fidelity and surety  
Flood insurance  
Boiler and machinery  
Financial guaranty products  
Output policies  
Highly protective risk policies

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 14-2039. Filed for public inspection September 26, 2014, 9:00 a.m.]

**Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds’ automobile insurance policies. The hearings will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department’s regional office in Harrisburg, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of David A. Truesdell; file no. 14-116-166338; Safe Auto Insurance Company; Doc. No. P14-09-005; October 21, 2014, 9:30 a.m.

Appeal of Daphne Rodenbaugh; file no. 14-116-170517; Travelers Home and Marine Insurance Company; Doc. No. P14-09-002; October 22, 2014, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party

must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 14-2040. Filed for public inspection September 26, 2014, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY

### DEPARTMENT OF HEALTH

#### Final Guidance for Acute Healthcare Facility Determinations of Reporting Requirements under the Medical Care Availability and Reduction of Error (MCARE) Act

This document outlines final guidance to acute healthcare facilities in this Commonwealth in making determinations about whether specific occurrences meet the statutory definitions of serious events, incidents and infrastructure failures as defined in section 302 of the Medical Care Availability and Reduction of Error (MCARE) Act (MCARE Act) (40 P. S. § 1303.302). This guidance was developed by a multi-disciplinary work group consisting of staff from the Patient Safety Authority (Authority), two physician members of the Authority's Board of Directors and the Department of Health (Department), as well as representatives of the Hospital and HealthSystem Association of Pennsylvania, the Hospital Council of Western Pennsylvania and the Pennsylvania Ambulatory Surgery Association. The work group included individuals with backgrounds in medicine, nursing, administration and facility operations, regulation and patient safety and healthcare quality. Draft guidance was

issued for public comment at 44 Pa.B. 144 (January 4, 2014) and this document includes the agencies' response to the 53 letters received.

This guidance was developed to provide consistent and clear standards for the MCARE Act's reporting requirements so that the Authority, the Department and healthcare facility staff have a shared understanding of the requirements. The subjects of these requirements were identified based on frequently asked questions, controversies and inconsistencies that are evident in the data collected by the Authority and the Department. They include many subjects identified in a 2009 draft guidance document the Authority issued for public comment which was never subsequently issued as final guidance from the Authority and the Department.

#### *Implementation*

The following principles have been approved by the Authority and the Department. The agencies are in the process of modifying PA-PSRS to support implementation of these standards and developing an education program to inform Patient Safety Officers and other stakeholders of these changes. Education will be made available prior to changes taking effect in PA-PSRS. Current plans are to have the new standards go into effect on April 1, 2015.

#### *Statutory Definitions of Reportable Events*

**Serious Event:** An event, occurrence or situation involving the clinical care of a patient in a medical facility that results in death or compromises patient safety and results in an unanticipated injury requiring the delivery of additional health care services to the patient.

**Incident:** An event, occurrence or situation involving the clinical care of a patient in a medical facility, which could have injured the patient, but did not either cause an unanticipated injury or require the delivery of additional health care services to the patient.

**Infrastructure Failure:** An undesirable or unintended event, occurrence or situation involving the infrastructure of a medical facility or the discontinuation or significant disruption of a service which could seriously compromise patient safety.

#### *Final Guidance on Reporting Standards*

The final guidance on reporting standards appears as follows. Some of these standards have been revised in response to feedback the Authority and the Department received during the public comment period. Descriptions of all comments received and responses to those comments appear in the subsequent section.

#### *Interpretations of Serious Event Definition and Component Terms*

1. The concepts of human error and preventability do not appear in the Serious Event definition. It is not necessary for an error to be involved, nor for the harm to be preventable, for a death or unanticipated injury to constitute a Serious Event.

2. The unanticipated nature of the injury is from the perspective of a reasonably prudent patient. While every provider anticipates some rate of complications from the procedures they perform, infrequent complications are rarely anticipated by the patient unless the patient is somehow at increased risk. While the Authority does not specify an exact threshold for the frequency of complications that makes a particular complication transition from unanticipated to anticipated, complications that occur rarely would be unanticipated by most reasonably prudent patients.

3. The disclosure of a potential complication on a patient consent form does not, in itself, constitute anticipation of the complication by the patient. Informing the patient of a risk does not mean the patient or the provider anticipates that the untoward outcome will actually occur.

4. Complications may be considered anticipated (and therefore not meeting the Serious Event definition) when they occur frequently or the risk of the complication is considered high for a particular patient and the high probability of this complication was disclosed to the patient in the informed consent discussion and documented either on the consent form or medical record.

5. A Serious Event that is within statistical norms or within benchmarks available in the clinical literature must still be reported. There is nothing in the law that allows for reporting Serious Events only when they exceed a statistical norm or benchmark.

6. A Serious Event can include an unanticipated event, occurrence or situation that: a) hastens death (as in a terminally ill patient); or b) exacerbates a preexisting condition requiring additional health care services.

7. The event, occurrence or situation that caused the death or unanticipated injury may be unknown but may still constitute a Serious Event. For example, a healthy (ASA I) patient undergoing elective surgery dies unexpectedly during the procedure and the cause of death is unknown.

8. Any unnecessary invasive procedure or invasive procedure performed in error that carries risk for the patient constitutes an injury and performance of the correct or intended procedure then constitutes additional healthcare services. These occurrences are Serious Events.

9. Additional healthcare services:

a. If a patient sustains an unanticipated injury for which no additional healthcare services are possible, but treatment would be provided if options were available, this is considered a Serious Event.

b. If a patient sustains an unanticipated injury and additional healthcare services are possible, but the risk of those services outweighs the negative consequences of the injury, this is considered a Serious Event.

c. If additional healthcare services are required to treat an unanticipated injury and these additional healthcare services are not provided either because of unintentional omission or because the patient declines treatment, the occurrence is still a Serious Event.

*Exclusions*

10. Deaths or injuries resulting from the patient's disease, in the absence of a contributing event, occurrence or situation, are not Serious Events.

11. It is not necessary to report a Serious Event that occurred in another healthcare setting. If the facility discovers a Serious Event that occurred in another facility, the facility is strongly encouraged to notify the other facility.

12. A mid-procedure change in the plan of care in response to new information discovered during the procedure does not constitute an injury.

13. Additional healthcare services:

a. Healthcare services provided to prevent an injury from occurring are excluded from this term for the purpose of Serious Event determinations.

b. Services that could be provided by someone other than a licensed healthcare practitioner outside the clinical setting—essentially, first aid care—do not constitute additional healthcare services.

c. Noninvasive diagnostic services provided to rule out an injury (for example, x-ray following a fall) do not constitute additional healthcare services for purposes of the Serious Event determination.

*Reporting of Specific Types of Events*

14. Restraints and seclusion:

a. Restraint-related or seclusion-related death or injury (that is, in which the restraints or seclusion played a role in the death or injury) are reportable as Serious Events.

b. Restraints or seclusion may be involved in Incidents in which there is no death or injury requiring additional healthcare services (for example, failure to timely remove restraints or end seclusion following physician order, finding patients in unsafe position while in restraints).

c. Any death in restraints or in which restraints were used within 24 hours of death (other than soft wrist restraints) in which the restraints are not suspected of playing a role are reportable as "Other."

15. Suicide and Other Forms of Patient Self-Harm:

a. Suicide attempts that result in death or injury requiring additional healthcare services are reportable as Serious Events. Suicide attempts not resulting in injury requiring additional healthcare services are reportable as Infrastructure Failures.

b. Other forms of intentional self-harm that result in injury requiring additional healthcare services are reportable as Serious Events. Other forms of intentional self-harm not resulting in injury requiring additional healthcare services may be reportable as Incidents.

16. Inter-Hospital and Intra-Hospital Patient Transfers:

a. Patient transfers are reportable only when they involve an event that meets one of the three definitions in MCARE: Serious Event, Incident or Infrastructure Failure. Routine intra-hospital transfers to higher levels of care due to changes in the patient's condition—in the absence of a precipitating event that would meet the definition of a Serious Event, Incident or Infrastructure Failure—are not reportable.

b. Routine intra-hospital transfers between nearby buildings for specialized testing or other services in the normal course of treatment are not reportable.

c. Unanticipated intra-hospital transfers to higher levels of care due to an error or unanticipated complication of care are reportable as a Serious Event.

d. Inpatient transfers from a specialty hospital to an acute care hospital or from one acute hospital to another acute hospital, due to the patient requiring a clinical service not offered in the transferring hospital are not reportable.

17. Transfers and Cancellations from Ambulatory Surgery Facilities:

a. Consistent with the National Quality Forum-endorsed measure "percentage of Ambulatory Surgery Center (ASC) admissions requiring a hospital transfer or hospital admission upon discharge from the ASC," when a patient admitted to an Ambulatory Surgery Facility (ASF)

requires transfer to a hospital, these events are reportable as Incidents unless criteria for Serious Event are present.

i. ASF admissions includes patients who have completed registration upon entry into the facility.

ii. Cancellations prior to completing registration are not reportable.

iii. Hospital Transfer/Admission: Any transfer/admission from an ASF directly to an acute care hospital, including hospital emergency room.

iv. ASF discharge occurs when the patient leaves the confines of the ASF.

b. Intra-operative transfer from an ASF to a hospital is reportable as a Serious Event.

c. The ASF's reporting obligation ends after discharge.

18. Patients leaving the Emergency Department (ED) without being seen/treated:

a. Patients leaving the ED waiting room or treatment area without being seen are not reportable unless they are in the 302 process.

b. Elopement of a patient who has been involuntarily committed or is in the process of being involuntarily committed is reportable as an Infrastructure Failure. If the patient is injured during the elopement, this is reportable as a Serious Event.

19. Inpatient elopements are reportable as Infrastructure Failures. If an eloped patient is injured during an elopement, this is reportable as a Serious Event.

20. Events in which a patient leaves against medical advice (AMA), whether or not they sign a waiver, are not reportable.

21. Use of unlicensed beds for patient care or patients receiving treatment in an area not designated for patient care (for example, hallways, atrium, quiet room, tent on grounds) is reportable as an Infrastructure Failure. One report may cover multiple patients provided the number of patients is specified.

22. Boarding patients in the ED or Post-Anesthesia Care Unit more than 6 hours after the ED or PACU physician has written the discharge order is reportable as an Infrastructure Failure.

23. Patient falls:

a. Patient falls are to be reported as either Serious Events or Incidents.

b. A fall is defined as any unplanned descent to the floor (or other horizontal surface such as a chair or table), with or without injury to the patient. The definition of falls includes: 1) assisted falls in which a caregiver sees a patient about to fall and intervenes, lowering them to a bed or floor; 2) falls during physical or occupational therapy, in which a caregiver is present specifically to catch the patient in case of fall; 3) physiologic falls in which a patient falls as a result of seizure or syncope.

c. The definition excludes failures to rise, in which a patient attempts but fails to rise from a sitting or reclining position.

d. Falls with harm: Any fall that requires more than first aid care. Treatment beyond first aid care includes a laceration that requires medical intervention (for example, sutures), more serious injury (for example, fracture) or death.

e. *Note:* The Authority believes the criteria for falls as outlined here are consistent with the definitions and criteria used by the National Database of Nursing Quality Indicators (NDNQI). One notable exception is that NDNQI only counts falls occurring on nursing units and excludes other care settings (for example, physical therapy). MCARE reporting requirements apply to the entire facility.

24. Fires/Patient burns:

a. Any fire of any kind is reportable as an Infrastructure Failure.

b. Fire alarms that warrant activation of a facility's internal fire response plan are reportable as Infrastructure Failures. A fire alarm resulting from an occurrence or cause that is clearly and immediately identified and does not require activation of the facility's internal fire response plan is not reportable.

c. Any fire alarm or sprinkler system that is out of service for 4 hours or more in a 24 hour period is reportable as an Infrastructure Failure.

d. Patient burns requiring additional healthcare services are reportable as Serious Events, even if the associated fire is reported as an Infrastructure Failure.

e. Patient burns from sources other than fires (for example, chemical burns, cautery burns) may be reportable as Serious Events depending on the severity of the injury.

25. Health Information Technology (IT):

a. Many patient safety concerns involving Health IT are already reported under Event Types associated with Serious Events and Incidents, such as medication errors, laboratory test-related errors and radiology errors.

b. Safety concerns with Health IT cut across multiple event types and should continue being reported as Serious Events or Incidents.

26. Healthcare-Associated Infections that meet Centers for Disease Control and Prevention (CDC) definitions/criteria and which a hospital reports into NHSN should not also be reported into PA-PSRS.

27. Unplanned power failures involving backup generator deployment or in which the backup generator fails to deploy, are reportable as Infrastructure Failures.

#### *Reporting of Incidents*

28. Incidents must be reported within the healthcare organization by healthcare workers immediately or as soon thereafter as reasonably practicable, but in no event later than 24 hours after the occurrence or discovery of an incident. Healthcare organizations should report them to the Authority in a timely manner. It is not the Authority's expectation that healthcare facilities report Incidents within 24 hours. Most if not all Incidents should be reported within 90 days of occurrence.

#### *Response to Comments on Draft Guidance on Reporting Standards*

#### *Interpretations of Serious Event Definition and Component Terms*

1. The concepts of human error and preventability do not appear in the Serious Event definition. It is not necessary for an error to be involved, nor for the harm to be preventable, for a death or unanticipated injury to constitute a Serious Event.



The Authority received seven letters disagreeing with this principle, stating that medical error and preventability were fundamental concepts in MCARE and citing as evidence the name of the MCARE Act and the declaration of legislative purpose which includes: “a person who has sustained injury or death as a result of medical negligence by a health care provider must be afforded a prompt determination and fair compensation” and “every effort must be made to reduce and eliminate medical errors by identifying problems and implementing solutions that promote patient safety.” See section 102(4) and (5) of the MCARE Act (40 P. S. § 1303.102(4) and (5)). One letter stated that this principle “may have the unintended consequence of discouraging reporting due to concern that reporting and the associated written disclosure of events in which there is no error and/or were not preventable will prompt litigation.”

*Response:* While the Authority agrees that MCARE includes the concept of medical errors, many events commonly treated as genuine patient safety concerns and perceived as harmful by patients do not necessarily involve errors by caregivers, such as behavioral choices by the patient that can lead to patient falls, pressure ulcers, adverse drug reactions and healthcare-associated infections (HAI). Whether these occurrences are preventable is subjective and perceptions of preventability change over time. For example, central line-related infections are an order of magnitude lower than they once were and rates that were once considered a cost of doing business would now be considered in most cases preventable. The Authority disagrees with the notion that including in the Serious Event definition events that do not involve errors will increase providers’ liability. On the contrary, the Authority believes the opposite is true. If every Serious Event necessarily involves an error, this interpretation could lead people to assume any Serious Event disclosure is an admission of negligence.

2. The unanticipated nature of the injury is from the perspective of a reasonably prudent patient. While every provider anticipates some rate of complications from the procedures they perform, infrequent complications are rarely anticipated by the patient unless the patient is somehow at increased risk. While the Authority does not specify an exact threshold for the frequency of complications that makes a particular complication transition from unanticipated to anticipated, complications that occur rarely would be unanticipated by most reasonably prudent patients.

The Authority received seven comments in response to this principle. Four comments mentioned the concept of the reasonably prudent patient, two supported the idea and two opposed it. Those opposing argued that this would “cast too wide a net,” leading providers to report complications in which there was no precipitating event involving an error and they question the statutory basis for an interpretation that adopts the perspective of the patient.

Three comments referred to an algorithm the Authority previously published as being helpful to facilities and suggested this be updated.

One comment stated that “medical standards” be relied upon when determining the meaning of unanticipated injury.

One comment noted that the proposed clarification also uses subjective language (for example, “rarely”) and would also be subject to varying interpretations.

*Response:* In applying the definition of Serious Event, the phrase “unanticipated injury” begs the question, “Unanticipated by whom?” The Authority believes there are only two potentially relevant perspectives: that of the patient or their representative; and that of the providers involved in the care. Whether there is a statutory basis for choosing one or both of these as the relevant perspectives, applying the definition requires this. Even if one leaves it implicit, then each person implicitly considers one or both of these perspectives when judging a particular case.

The Authority believes the patient perspective is the most appropriate one. While it would be reasonable to suggest that an injury is anticipated if both the provider and the patient anticipate it, the patient’s perspective would still be the pivotal one. If a patient anticipates an injury from a medical procedure (that is, they consider it likely) and they still choose to undergo the procedure anyway for the chance of benefiting from the procedure, it is most likely because the provider conveyed the risk of injury to the patient. To put it another way, can the Authority conceive of a patient anticipating an injury that the provider doesn’t anticipate? So, only if one is willing to argue that the patient’s perspective is irrelevant here, will the provider’s perspective alone be determinative.

The algorithm referred to previously is mentioned in relation to other principles as well and the Authority may develop this as part of the education program that will help implement these principles. Some comments seemed to propose the algorithm as an alternative to defining the principles as the Authority has done here. However, if the Authority does not define the terms or make explicit the Authority’s interpretations of the language in the authorizing legislation, an algorithm that limits itself to the statutory definitions would do little to reduce the variation in reporting standards.

The language in this principle that seems subjective is by design, as explained directly as follows.

3. The disclosure of a potential complication on a patient consent form does not, in itself, constitute anticipation of the complication by the patient. Informing the patient of a risk does not mean the patient or the provider anticipates that the untoward outcome will actually occur.

4. Complications may be considered anticipated (and therefore not meeting the Serious Event definition) when they occur frequently or the risk of the complication is considered high for a particular patient and the high probability of this complication was disclosed to the patient in the informed consent discussion and documented either on the consent form or medical record.

5. A Serious Event that is within statistical norms or within benchmarks available in the clinical literature must still be reported. There is nothing in the law that allows for reporting Serious Events only when they exceed a statistical norm or benchmark.

Principles 3—5 are addressed together because they work together to clarify the margins of interpretations of the phrase “unanticipated injury.”

The Authority received 11 comments on the importance of the informed consent process, taking the position that a potential complication that was discussed with the patient before the procedure and for which consent was obtained should not qualify as a Serious Event. In essence, the patient’s acceptance of the risk of that complication constitutes the patient’s anticipation of the complication.

The Authority received seven comments suggesting that principle 5 be deleted, arguing that statistical norms and benchmarks are often relayed to the patient as part of the informed consent process and that if these complications occur within expected ranges, they are anticipated and therefore could not be Serious Events. One comment suggested eliminating principle 3 for the same reason. Another suggested this alternative language: "A known and consented for complication, timely recognized and treated, for which there was informed consent is not a Serious Event."

*Response:* Little consensus exists about the meaning of "unanticipated injury" in the Serious Event definition, particularly with respect to known complications of medical procedures. The dictionary definitions of "anticipate" support a multitude of interpretations ranging from "to conceive of something as possible" to "to consider something likely or probable."

Arguments that complications discussed during the informed consent process are anticipated are only viable if one interprets "anticipate" to mean "to conceive of something as possible." While there was not consensus among the committee members about the meaning of "anticipate," there was a clear majority that believed the meaning was closer to "likely or probable" than to "possible or conceivable."

An example of a complication one might regard as probable is urinary incontinence after radical prostatectomy, which occurs in 50% of cases. An example at the opposite end of the continuum, a complication one would regard as conceivable but not likely, would be intraoperative death from a reaction to anesthesia, which occurs in 1 of 100,000 surgeries (or 0.001%). There was consensus among the committee that the first example was sufficiently frequent that its occurrence should be considered anticipated and therefore not qualify as a Serious Event. There was also consensus that the latter example was sufficiently infrequent that its occurrence should be considered unanticipated and therefore should qualify as a Serious Event.

There the Authority's consensus ended. The Authority could not establish a frequency or rate of incidence that would make a complication transition from unanticipated to anticipated. Therefore, the Authority attempted to craft a set of principles that would bring in the margins on outlier interpretations that complications are always or never anticipated. This leaves facilities with broad discretion to adopt their own thresholds and heuristics.

Regarding statistical norms and benchmarks, the Authority agrees that these are relevant to the determination of whether certain complications occur with sufficient frequency that they are or should be anticipated by a reasonable patient making an informed choice to undergo a related procedure. What this frequency is, the Authority has left to facilities' discretion. Note, however, that many HAIs would be discussed in informed consent processes in relation to most procedures; yet, the Legislature has clearly determined that these are consistent with the Serious Event definition. Therefore, the position that any complication consented for cannot be a Serious Event is unsupported.

6. An event, occurrence or situation that: a) hastens death (as in a terminally ill patient); or b) exacerbates a preexisting condition requiring additional healthcare services, is a Serious Event.

The Authority received two comments about this principle, one recommending deletion of the word "situation" and incorporating the idea that Serious Events must always involve errors or be preventable. The second proposed alternative language as follows: "A Serious Event can include an unanticipated event, occurrence or situation that: a) hastens death (as in a terminally ill patient); or b) exacerbates a preexisting condition requiring additional health care services." This commenter continued: "There are situations when an intervention is done with the full knowledge that there is a reasonable likelihood it may hasten death, but the patient chooses to proceed notwithstanding this risk. For example, at the end of life a patient may choose to receive certain pain medications to alleviate suffering which can reasonably be anticipated to slow respiration and possibly hasten death. If the hastening of death is fully anticipated but is accepted as a risk in the face of the alternatives, that event is anticipated and should not be reported as a Serious Event. Facility acknowledges that there are other situations, where death is hastened or preexisting conditions are exacerbated and additional health care services are offered, which would meet the definition of a Serious Event and are required to be reported as such, which is why the recommended modification allows for either alternative."

*Response:* The Authority agrees with the commenter's interpretation of the end-of-life care example. This should not be considered a Serious Event because the potential for respiratory depression is anticipated in a patient receiving palliative care. (While it doesn't bear on this principle, the Authority would contrast this scenario with respiratory depression in a patient on a PCA pump after a knee replacement, which would be unanticipated.)

The Authority's intent with this principle was to establish only that an occurrence that would otherwise qualify as a Serious Event would not be exempt by virtue of the fact that the patient was dying anyway or that they already had a related injury prior to the occurrence being reported. The suggested language cited previously better reflects this intent and will be adopted in the final guidance.

7. The event, occurrence or situation that caused the death or unanticipated injury may be unknown but may still constitute a Serious Event. For example, a healthy (ASA I) patient undergoing elective surgery dies unexpectedly during the procedure and the cause of death is unknown.

The Authority received three comments suggesting that this principle be deleted on grounds that: a) facilities have existing processes in place to review unexpected deaths such as peer review and morbidity and mortality conferences; and b) if the event causing the death or injury is unknown or undetermined one cannot report it.

*Response:* The precise causes of many events facilities currently report is unknown, for example, pressure ulcers, infections. Certain things are, on their face, unanticipated iatrogenic injuries. Death of a healthy patient during an elective surgery is surely one of them.

8. Any unnecessary invasive procedure or invasive procedure performed in error that carries risk for the patient constitutes an injury and performance of the correct or intended procedure then constitutes additional healthcare services. These occurrences are Serious Events.

The Authority received eight comments about this principle, all advocating that it be limited to invasive procedures. The committee agrees with this revision and has incorporated it.

#### 9. Additional healthcare services:

a. If a patient sustains an unanticipated injury for which no additional healthcare services are possible, but treatment would be provided if options were available, this is considered a Serious Event.

b. If a patient sustains an unanticipated injury and additional healthcare services are possible, but the risk of those services outweigh the negative consequences of the injury, this is considered a Serious Event.

c. If additional healthcare services are required to treat an unanticipated injury and these additional healthcare services are not provided either because of unintentional omission or because the patient declines treatment, the occurrence is still a Serious Event.

The Authority received no comments about this principle.

#### *Exclusions*

10. Deaths or injuries resulting from the patient's disease, in the absence of a contributing event, occurrence or situation, are not Serious Events.

The Authority received one comment recommending deletion of this principle as unnecessary. It was originally drafted to clarify issues raised by some facilities claiming they had been instructed to report all deaths or all deaths from the operating room. This principle makes clear that these are not categorically reportable.

11. It is not necessary to report a Serious Event that occurred in another healthcare setting. If the facility discovers a Serious Event that occurred in another facility, the facility is strongly encouraged to notify the other facility.

The Authority received two comments supporting this principle.

12. A mid-procedure change in the plan of care in response to new information discovered during the procedure does not constitute an injury, so long as this potential change was discussed with the patient or the patient's representative at the time of consent.

The Authority received comments from ten individuals in response to this principle. Many recommended removing the phrase "so long as this potential change was discussed with the patient or the patient's representative at the time of consent" but otherwise agreed with the principle.

The concern raised in most comments was that while every effort is made to anticipate mid-procedure occurrences, a revised plan of care based upon new information encountered during a procedure, even when not discussed with the patient in advance of the procedure, does not constitute an injury. Moreover, if the new information was not expected, the health care provider will not have had the opportunity to discuss the change to the plan of care in advance. Health care facilities have processes in place to address such circumstances and endeavor to inform the patient's representative to obtain consent.

*Response:* The Authority agrees and the intent of mentioning the patient's representative was to allow for situations where the family must be consulted to obtain

additional consent mid-surgery while the patient is under anesthesia. The Authority has revised the text as suggested.

#### 13. Additional healthcare services:

a. Healthcare services provided to prevent an injury from occurring are excluded from this term for the purpose of Serious Event determinations.

b. Services that could be provided by someone other than a licensed healthcare practitioner outside the clinical setting—essentially, first aid care—do not constitute additional healthcare services.

c. Noninvasive diagnostic services provided to rule out an injury (for example, x-ray following a fall) do not constitute additional healthcare services for purposes of the Serious Event determination.

The Authority received two comments about this principle: one supporting it, the other asking for clarification or an example for 13.a.

*Response:* An example for 13.a would be that following cataract surgery there is sometimes a rise in the patient's intraocular pressure and a vitrectomy may be performed to prevent subsequent injury from the rise in intraocular pressure.

#### *Reporting of Specific Types of Events*

#### 14. Restraints and seclusion:

a. Restraint-related or seclusion-related death or injury (that is, in which the restraints or seclusion played a role in the death or injury) are reportable as Serious Events.

b. Restraints or seclusion may be involved in Incidents in which there is no death or injury requiring additional healthcare services (for example, failure to timely remove restraints or end seclusion following MD order, finding patients in unsafe position while in restraints).

c. Any death in restraints or in which restraints were used within 24 hours of death (other than soft wrist restraints) in which the restraints are not suspected of playing a role are reportable as Infrastructure Failures.

Two comments addressed 14.b. One recommended changing "MD" to "physician" and suggested the Authority define "timely."

Five individuals commented on 14.c four stating that it was outside the statutory definition of infrastructure failure and recommending it be deleted. The fifth individual felt the guidance was unclear and asked whether for every death in the hospital one would have to review the medical record to look for use of restraints in the previous 24 hours.

*Response:* In 14.b the Authority has replaced MD with physician. The word "timely" was used only in an example illustrating that there may be events involving restraints that meet the definition of Incident. The Authority is not adopting standards for the timeliness of executing physicians' orders.

Principle 14.c is consistent with Centers for Medicare and Medicaid Services (CMS) reporting requirements. The Authority maintains the requirement to also report in PA-PSRS because CMS data is not available to the Department. A facility's quality assurance monitoring procedures should involve medical record review of every death. The Authority will modify PA-PSRS to facilitate reporting these events under an "Other" category so they are not construed as Infrastructure Failures.

### 15. Suicide and Other Forms of Patient Self-Harm:

a. Suicide attempts that result in death or injury requiring additional healthcare services are reportable as Serious Events. Suicide attempts not resulting in injury requiring additional healthcare services are reportable as Infrastructure Failures.

b. Other forms of intentional self-harm that result in injury requiring additional healthcare services are reportable as Serious Events. Other forms of intentional self-harm not resulting in injury requiring additional healthcare services may be reportable as Incidents.

The Authority received comments from nine individuals on these principles. Eight stated that suicide attempts or other forms of self-harm in which the patient is not injured do not meet the statutory definition of Infrastructure Failure and should be reported as Incidents. Several of these suggested the following revised wording: "Suicide attempts that result in death or injury requiring additional healthcare services are reportable as Serious Events. Suicide attempts not resulting in injury requiring additional healthcare services are reportable as Incidents."

Three comments stated that healthcare providers should not be held responsible for patients' intentional self-harmful behavior or that these events do not involve patients' clinical care.

One comment questioned the need for 15.b asking what it was meant to address that was not covered in 15.a.

*Response:* Suicide attempt without injury and other forms of intentional self-harm should be reported as an Infrastructure Failure to allow for monitoring of patient protection procedures. The Authority agrees that in some instances patients harm themselves despite the presence of effective preventive measures and the facility's full compliance with those measures.

### 16. Inter-Hospital and Intra-Hospital Patient Transfers:

a. Patient transfers are reportable only when they involve an event that meets one of the three definitions in MCARE: Serious Event, Incident or Infrastructure Failure. Routine intra-hospital transfers to higher levels of care due to changes in the patient's condition—in the absence of a precipitating event that would meet the definition of a Serious Event, Incident or Infrastructure Failure—are not reportable.

b. Routine intra-hospital transfers between nearby buildings for specialized testing or other services in the normal course of treatment are not reportable.

c. Unanticipated intra-hospital transfers to higher levels of care due to an error or unanticipated complication of care are reportable as a Serious Event.

d. Inpatient transfers from a specialty hospital to an acute care hospital or from one acute hospital to another acute hospital, due to the patient requiring a clinical service not offered in the transferring hospital are not reportable.

The Authority received comments from 11 individuals about these principles.

Two comments addressed 16.a. One asked whether this meant that two reports would be required—one for the underlying event and one for the transfer. The other asked whether an Infrastructure Failure report is required when a specialized unit (for example, mental health, but it could be any specialized unit) is at capacity

and a patient (who has arrived in the ED) needs to be transferred to another facility after the medical screening and disposition is determined?

*Response:* Only one report would be required. Transfer of a patient is not reportable as an Infrastructure Failure when: 1) a patient has been evaluated and the medical diagnosis or treatment plan requires specialized treatment or service; and 2) the required treatment or service is outside the facility's scope or is provided by the facility but is not available due to full capacity.

One comment addressed 16.b asking when a unit reaches bed capacity is the number of patients transferred during that time period required to be reported.

*Response:* See the previous response to item 16.a.

Regarding 16.c eight comments suggested excluding transfers as a result of complications, seven suggested including only transfers that were the result of an error and six suggested revising "unexpected" to read "unanticipated." Alternative language suggested by several individuals reads: "Unanticipated intra-hospital transfers to higher levels of care due to an error are reportable as a Serious Event."

*Response:* For reasons cited earlier, complications (unless it can be argued the patient expected them to occur) that result in additional healthcare services are within the scope of the Serious Event definition.

### 17. Transfers and Cancellations from Ambulatory Surgery Facilities:

a. Consistent with the National Quality Forum-endorsed measure "percentage of Ambulatory Surgery Center (ASC) admissions requiring a hospital transfer or hospital admission upon discharge from the ASC," when a patient admitted to an Ambulatory Surgery Facility (ASF) requires transfer to a hospital, these events are reportable at least as Incidents unless criteria for Serious Event are present.

i. ASF admissions includes patients who have completed registration upon entry into the facility.

ii. Cancellations prior to completing registration are not reportable.

iii. Hospital Transfer/Admission: Any transfer/admission from an ASF directly to an acute care hospital, including hospital emergency room.

iv. ASF discharge occurs when the patient leaves the confines of the ASF.

b. Intra-operative transfer from an ASF to a hospital due to an error or unanticipated complication of care is reportable as a Serious Event.

c. Complications or other events associated with a surgical procedure that require hospital admission, even if after discharge, are reportable as Serious Events by the ASF, assuming they become aware of it.

The Authority received comments from 11 individuals about this principle.

Six comments related to 17.a. Two recommended removing the phrase "at least" before Incidents. Two noted that they had previously believed these were required to be reported as Infrastructure Failures and noted the reporting system must be changed to accommodate this. Two comments noted that transferring patients in need of hospital treatment represented appropriate care and one of these stated "If a patient arrives for a scheduled procedure and is found to have a condition requiring immediate hospital attention, a transfer is common sense

and should not be reportable at all because the ASF did not contribute to the condition, only discovered it.” Two individuals proposed the following alternative language: “When a patient admitted to an Ambulatory Surgery Facility (ASF) requires transfer to a hospital, these events may be reportable as Incidents.”

*Response:* The Authority has removed the phrase “at least” as suggested. The PA-PSRS reporting system will be modified to be consistent with the adopted principles.

The rationale for monitoring these events carefully is explained in the rationale for the NQF-endorsed measure referenced in the principle: “The need for transfer/admission is an unanticipated outcome and could be the result of insufficient rigor in patient or procedure selection. Hospital transfers/admissions can result in unplanned cost and time burdens that must be borne by patients and payors. Selected states have expressed an interest in the public reporting of such events. While hospital transfers and admissions undoubtedly represent good patient care when necessary, high rates may be an indicator that practice patterns or patient selection guidelines are in need of review.” (Accessed via the National Quality Measures Clearinghouse: <http://www.qualitymeasures.ahrq.gov/content.aspx?id=35278>, February 13, 2014).

Transfers to acute care are also among the top three kinds of events reported to the Authority by ASFs. The Authority has also recently completed a collaborative program on reducing these events. Transfers to acute care accounted for 1/3 of all Serious Events submitted to the Authority by ASFs. If the Authority were to standardize reporting of any event in this care setting, this would be an obvious choice for these reasons. The Authority also understands that the CMS are considering adopting this measure and reporting it publicly on a “HospitalCompare” like web site for ASFs. The Authority believes it will benefit ASFs in this Commonwealth to get an early start on addressing this patient safety challenge.

With respect to 17.b three comments stated that complications resulting in transfer should not be reported and one comment stated that using the word error was confusing since other principles stated that Serious Events did not have to involve errors.

*Response:* The phrase “due to an error or complication” was intended to convey that intra-operative transfers from an ASF to a hospital were reportable as Serious Events regardless whether they resulted from errors or complications. To clarify, the Authority has deleted this phrase.

With respect to 17.c three comments noted that the timeframe post-discharge is not specified and one stated that the ASFs reporting obligation should end at the time of patient discharge. Three comments recommended deleting this principle stating that transfers did not meet the statutory definitions for reportable events. To make this case, one individual used the example of a patient who is transferred to a hospital for monitoring because they have not yet fully recovered from anesthesia and the ASF is closing for the night. Two individuals stated that it should be the event that resulted in transfer that should be evaluated as reportable or not, as opposed to the transfer itself.

Another comment stated that hospital admissions after ASF discharge should be related to the care provided by the ASF to be reportable. Another cited principle 4, which states that if complications that occur frequently are

considered anticipated, they do not meet the Serious Event definition, presumably arguing that transfers are sufficiently frequent that they should be considered anticipated.

*Response:* Refer to the previous discussion for the rationale for including these events.

The Committee believes it should maintain consistency with the NQF quality measure previously cited, which does not evaluate the causes of the transfer. The NQF measure as currently defined would have the facility’s monitoring obligation end at discharge; this will be incorporated into the final guidance.

18. Patients leaving the Emergency Department (ED) without being seen/treated:

a. Patients leaving the ED waiting room or treatment area without being seen are not reportable unless they are in the 302 process.

b. Elopement of a patient who has been involuntarily committed or is in the process of being involuntarily committed is reportable as an Infrastructure Failure. If the patient is injured during the elopement, this is reportable as a Serious Event.

The Authority received nine letters that commented on this principle. Six letters commented that the timeframe following elopement is undefined; four of these agreed that patients involuntarily committed should be reported as Infrastructure Failures, but they disagreed that injuries during an elopement episode should be reported as Serious Events because such injuries are beyond the facility’s control and do not involve “the clinical care of the patient,” a component of the Serious Event definition.

Two letters asked that the Authority define “left without being seen” and “ED treatment area.” One letter asked that the Authority clarify that nothing in the interpretive guidance should be taken to expand EMTALA requirements.

*Response:* ED treatment area is defined by each facility.

A patient who leaves without being seen is one who has registered in the ED but who leaves before being evaluated by a licensed practitioner. These are only reportable if the patient is being involuntarily committed. This principle does not affect a facility’s obligations with respect to EMTALA compliance.

19. Inpatient elopements are reportable as Infrastructure Failures. If an eloped patient is injured during an elopement, this is reportable as a Serious Event.

Seven letters commented on this principle. Four reiterated the issues related to principle 19, in which they felt hospitals should not be held responsible for injuries occurring when the patient is not in their care, and three noted the lack of a defined timeframe. Three letters concurred that inpatient elopements should be considered Infrastructure Failures. Two questioned whether this applied to all inpatients or only mental health patients.

*Response:* This applies to all elopements.

20. Events in which a patient leaves against medical advice (AMA), whether or not they sign a waiver, are not reportable.

One letter commented on this principle, concurring that patients leaving AMA should not be reportable. It also stated that this principle was inconsistent with principle 19.

*Response:* An elopement is when the facility was not aware that the patient left the facility. AMA is when the facility is aware of the patient's desire to leave and informs the patient of the risks of leaving, whether or not the patient signs the AMA form.

21. Use of unlicensed beds for patient care or patients receiving treatment in an area not designated for patient care (for example, hallways, atrium, quiet room, tent on grounds) is reportable as an Infrastructure Failure.

Ten letters commented on this principle, all of which stated that this principle should be limited to inpatient care and should exclude the ED and other outpatient areas. Three specifically mentioned that the use of hall beds in the ED while waiting for an inpatient bed to be cleaned should not be reported. Seven letters expressed a desire to submit only one report per occurrence rather than a separate report for each patient, since these events often involve multiple patients.

*Response:* The reporting requirement pertains to use of unlicensed beds for patient care and treatment. The Authority agrees that use of the hallway for a patient who has a physician's order for transfer from the ED to an inpatient unit does not constitute an Infrastructure Failure if the hallway is used only during the period of time while waiting for the assigned inpatient bed to be cleaned. The Authority requires a report that identifies all occurrences of patients receiving care or treatment in an area not designated for patient care. A single report may be submitted to cover multiple patients.

22. Boarding patients in the ED or Post-Anesthesia Care Unit more than 2 hours after the ED or PACU physician has determined they meet discharge criteria is reportable as an Infrastructure Failure.

Thirteen letters commented on this principle. Five letters stated that this requirement poses an undue burden on facilities and that boarding patients doesn't meet the statutory definition of Infrastructure Failure because it doesn't compromise patient safety or involve an interruption in services. Nine letters proposed a variety of longer timeframes before boarding a patient would become reportable, but the most commonly suggested timeframe was 6 hours, which was cited as consistent with recently issued Joint Commission ED-related standards. Six letters stated that the timeframe should be based on the physician's discharge or transfer order. Five letters each recommended that hospitals be able to submit a single report covering multiple patients and that special consideration be made for natural disasters and other large-scale uncontrollable events. Four letters questioned the patients to whom this standard applies, questioning whether this applies to patients who are discharged to home.

The following was proposed in multiple letters (with some variations) as alternative language for this principle: "Boarding patients in the Emergency Department or Post-Anesthesia Care Unit more than 6 hours after the ED or PACU physician has written the discharge order is reportable as an Infrastructure Failure."

*Response:* The Authority agrees with the proposed alternative language and will revise the principle accordingly.

#### 23. Patient falls:

a. Patient falls are to be reported as either Serious Events or Incidents.

b. A fall is defined as any unplanned descent to the floor (or other horizontal surface such as a chair or table),

with or without injury to the patient. The definition of falls includes: 1) assisted falls in which a caregiver sees a patient about to fall and intervenes, lowering them to a bed or floor; 2) therapeutic falls, in which a patient falls during a physical therapy session with a caregiver present specifically to catch the patient in case of fall; 3) physiologic falls in which a patient falls as a result of seizure or syncope.

c. The definition excludes failures to rise, in which a patient attempts but fails to rise from a sitting or reclining position.

d. Falls with harm: Any fall that requires more than first aid care. Treatment beyond first aid care includes a laceration that requires physician intervention (for example, sutures), more serious injury (for example, fracture) or death.

e. *Note:* The Authority believe the criteria for falls as outlined here are consistent with the definitions and criteria used by the National Database of Nursing Quality Indicators (NDNQI). One notable exception is that NDNQI only counts falls occurring on nursing units and excludes other care settings (for example, physical therapy). MCARE reporting requirements apply to the entire facility.

The Authority received eight letters commenting on this principle. There was general support for the basic definition of falls, though some modifications were suggested. Four letters suggested renaming "therapeutic falls" as "falls during physical therapy," and three of the four agreed with including these within the definition; one suggested reporting these as falls only when they involve falling to the floor. Four letters supported including assisted falls. Three letters suggested excluding physiologic falls, while two supported including them. One suggested excluding falls into chairs.

Two letters stated that the definition of falls with harm was over-broad because the Authority identified physician intervention as the level of treatment indicating that harm requiring additional healthcare services has occurred. One letter suggested truncating that phrase about physician intervention in the definition, presumably leaving each facility to construct its own definition of first aid care.

One letter suggested that 23.a be reworded to state that falls *may be* reported as either Serious Events or Incidents. (Emphasis added.)

One letter stated that NDNQI was a voluntary program and should not serve as the basis for the mandatory reporting requirements.

*Response:* The Authority has modified the clause about "therapeutic falls" as suggested. While some facilities argue that falls resulting from an unexpected change in the patient's physiologic state should be excluded, in conversations with Patient Safety Officers the Authority has found this to be a minority view. Seizures, syncope and other changes in physiologic status are often the result of reactions to medications, poor management of diet or insulin, and other causes at least potentially within the hospital's control.

#### 24. Fires/Patient burns:

a. Any fire of any kind is reportable as an Infrastructure Failure.

b. Fire alarms that warrant activation of a facility's internal fire response plan are reportable as Infrastructure Failures. A fire alarm resulting from an occurrence

or cause that is clearly and immediately identified and does not require activation of the facility's internal fire response plan is not reportable.

c. Any fire alarm or sprinkler system that is out of service for 4 hours or more in a 24-hour period is reportable as an Infrastructure Failure.

d. Patient burns requiring additional healthcare services are reportable as Serious Events, even if the associated fire is reported as an IF.

e. Patient burns from sources other than fires (for example, chemical burns, cautery burns) may be reportable as Serious Events depending on the severity of the injury.

The Authority received nine letters in response to this principle. One letter suggested adding the word "unplanned" before the word fire in 24.a to exclude planned fires such as those in the kitchen.

Regarding 24.b five letters suggested excluding false alarms, and four stated that activation of the facility's response plan after an alarm was appropriate and that if it did not result in an interruption of service or require patients to be moved, or both, it would not meet the statutory definition of Infrastructure Failure.

Regarding 24.c eight letters recommended that only unplanned alarm/sprinkler outages should be reportable, because during construction and other planned outages contingency plans are activated. Four suggested increasing the timeframe for reportability from 4 hours to 10 hours, which two letters cited as being consistent with NFPA 101 (ed. 2000) Life Safety Code 9.7.6.2, which provides, "Sprinkler impairment procedures shall comply with NFPA 25, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems." NFPA 25 (e. 2014) Life Safety code 15.5.2(4) speaks to actions and notifications to be made "Where a fire protection system is out of service for more than 10 hours in a 24-hour period."

*Response:* This requirement remains unchanged. The Department reviews all fires for compliance with the facility's policies and procedures.

#### 25. Health Information Technology (IT):

a. Many patient safety concerns involving Health IT are already reported under Event Types associated with Serious Events and Incidents, such as medication errors, laboratory test-related errors and radiology errors.

b. Safety concerns with Health IT cut across multiple event types and should continue being reported as Serious Events or Incidents.

The Authority received four letters commenting on this principle, two stating that it did little to clarify existing reporting practices, and two requesting that a single report be able to address multiple patients affected by the same event.

*Response:* The Authority has seen a marked increase of HIT-related events since the American Recovery and Reinvestment Act provided financial incentives for providers to adopt electronic health records. This is also increasingly becoming a focus of Patient Safety Organizations Nationally. While many HIT-related events are reported under Serious Event and Incident categories, Patient Safety Officers have stated that they sometimes report these events as Infrastructure Failures. This guidance clarifies that they should be reported as Serious Events or Incidents. The Authority may modify PA-PSRS to more accurately identify HIT-related events.

#### 26. Healthcare-Associated Infections (HAIs):

a. Any HAI that meets CDC definitions/criteria and which a hospital reports into NHSN should not also be reported into PA-PSRS.

b. Any HAI that is clearly healthcare-acquired but which falls outside the CDC definitions/criteria should be reported as an Infrastructure Failure.

c. This is a temporary measure that may be revisited in the future as CDC's surveillance criteria evolve and deal with changing healthcare delivery patterns (for example, shortening length of stay).

The Authority received 42 letters addressing this principle. The Authority received no comments regarding 26.a.

Regarding 26.b and 26.c 11 letters recommended deleting one or both of these principles. Thirty-one letters cited confusion and conflict with existing CDC guidance on HAI surveillance and referencing the already overlapping communicable disease reporting requirements with the National Electronic Disease Surveillance System and 12 expressed a generalized burden with reporting or confusion about reporting requirements.

Forty-three letters requested that case definitions and surveillance criteria be provided for reporting of these infections to be consistent. Related to this, three letters asked whether HAIs treated empirically by physicians would meet the test in 26.b if so, this would involve a significant expansion of reporting requirements and a loss of data quality.

Twenty-four letters asked whether HAIs reported as IFs would trigger the written disclosure requirement associated with Serious Events. Three letters stated that HAIs not defined by CDC surveillance criteria were outside the scope of the IF statutory definition. Three letters stated that if non-CDC-defined infections were to be reported they should be reported as Serious Events or Incidents. One letter asked whether the Commonwealth's HAI Advisory Panel was consulted about this change.

*Response:* The Department is concerned with identification of HAI that manifest symptoms after hospital discharge. Due to difficulty in structuring a reporting requirement that gathers this data through a clear and effective process that does not burden or confuse facilities, the Authority agrees to withdraw 26.b and 26.c.

27. Unplanned power failures involving backup generator deployment or in which the backup generator fails to deploy, are reportable as Infrastructure Failures.

The Authority received nine letters in response to this principle, all of which argued that unplanned power failures in which the backup generator deploys and there is no interruption in service does not meet the statutory definition of Infrastructure Failure because the backup system worked as designed. Most of the letters recommended removing the word "or" from the principle as drafted. Suggested language proposed in one letter reads: "Unplanned power failures involving backup generator deployment in which the backup generator fails to deploy, are reportable as Infrastructure Failures. Planned power failures where there is no interruption of service should not be reported."

*Response:* This requirement remains unchanged. The Department reviews all power failures for compliance with the facility's policies and procedures.

#### *Reporting of Incidents*

28. Incidents must be reported within the healthcare organization by healthcare workers within 24 hours.

Healthcare organizations should report them to the Authority in a timely manner. It is not the Authority's expectation that healthcare facilities report Incidents within 24 hours. Most if not all Incidents should be reported within 90 days of occurrence.

The Authority received 11 letters addressing this principle. Six of these concurred that Incidents should be reported to the Authority in a timely manner; four of these six endorsed the 90-day timeframe.

Five letters recommended deleting the last sentence of the principle as drafted, stating that establishing a specific timeframe by which Incidents must be submitted exceeded the legislative authority granted by MCARE.

Proposed language, from one of the letters that endorsed the 90-day timeframe, softened the language to make it more of a suggestion than a requirement: "Incidents must be reported within the healthcare organization by healthcare workers immediately or as soon thereafter as reasonably practicable, but in no event later than 24 hours after the occurrence or discovery of an incident. Healthcare organizations should report them to the Authority in a timely manner. It is not the Authority's expectation that healthcare facilities report Incidents within 24 hours. Most if not all Incidents should be reported within 90 days of occurrence."

*Response:* While there is no specific timeframe for reporting of Incidents by the healthcare facility to the Authority, MCARE clearly requires that these reports be submitted and no comments received dispute this. Even those letters disputing whether the agencies have the statutory authority to prescribe a timeframe supported that reports should be submitted "timely."

The purpose of establishing a timeframe is to set boundaries beyond which a facility may be determined out of compliance with the requirement to report Incidents. Currently, this is at the discretion of the Department surveyors and the lack of a standard has resulted in variation. Healthcare facilities have complained about this inconsistency. Is a hospital that goes 6 months without reporting any Incidents complying with this provision of MCARE? What if they go 5 years? At some point, further delay must be taken to indicate non-compliance.

The Authority deliberately chose a timeframe that would impose a minimal burden on the facilities. In reviewing the elapsed time between Incident occurrence and submission, the Authority found that 93% of all Incident reports are submitted within 90 days. Therefore, this standard imposes little change on most facilities' current practices and conveys a uniform standard to Department surveyors for evaluating facilities' compliance. In the absence of a standard established here, multiple inconsistent standards will be established by each Department surveyor.

The Authority has modified the text of this principle in accordance with the suggested language from one of the previous public comments.

MICHAEL C. DOERING,  
*Executive Director*  
*Patient Safety Authority*

MICHAEL WOLF,  
*Secretary*  
*Department of Health*

[Pa.B. Doc. No. 14-2041. Filed for public inspection September 26, 2014, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Implementation of the Alternative Energy Portfolio Standards Act of 2004: Standards for the Participation of Demand Side Management Resources—Technical Reference Manual 2015 Update; Doc. No. M-2012-2313373

#### Tentative Order

The Pennsylvania Public Utility Commission (Commission) seeks comments on the proposed 2015 update to the Technical Reference Manual. In a Tentative Order adopted at its September 11, 2014, public meeting, the Commission released, for comment, the proposed 2015 version of the Energy-Efficiency and DSM Rules for Pennsylvania's Alternative Energy Portfolio Standard, Technical Reference Manual (TRM). A copy of the Tentative Order and the proposed 2015 version of the TRM and its appendices can be found on the Commission's web site as follows:

Tentative Order: <http://www.puc.pa.gov/pdocs/1311852.docx>

TRM: <http://www.puc.pa.gov/pdocs/1312192.docx>

Appendix C: <http://www.puc.pa.gov/pdocs/1312197.xls>

Appendix D: <http://www.puc.pa.gov/pdocs/1312283.xlsx>

Appendix E: <http://www.puc.pa.gov/pdocs/1312196.xlsx>

In implementing the Alternative Energy Portfolio Standards Act (73 P. S. §§ 1648.1—1648.8), the Commission had originally adopted the TRM in an Order entered on October 3, 2005, at Docket No. M-00051865. Subsequently, in the Energy Efficiency and Conservation (EE&C) Program Implementation Order, entered on January 16, 2009, at Docket No. M-2008-2069887, the Commission adopted the TRM as a component of the EE&C Program evaluation process.

In an Order entered June 1, 2009, at Docket No. M-00051865, the Commission directed that the TRM be updated on an annual basis. In furtherance of this directive, the Commission is seeking comments on the proposed 2015 update to the TRM. Written comments from interested parties must be filed with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, referencing Docket No. M-2012-2313373, on or before October 14, 2014. Reply comments must be filed on or before October 21, 2014.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 14-2042. Filed for public inspection September 26, 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 (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 October 14, 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-2014-2429905. Special Event EMS, Inc., t/a Mid-State Mobile Health Partners** (12 Long Lane, Mechanicsburg, PA 17050) to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Cumberland and Lycoming and within the airline distance of 50 statute miles of said counties, to points in Pennsylvania and return; So as to permit transportation of persons in paratransit/wheelchair van service, ill or injured to and from health care facilities and physician's offices. *Attorney:* David Martineau, Esquire, 354 Alexander Spring Road, Suite 1, Carlisle, PA 17015.

**A-2014-2432301. Metro Access, Inc.** (380 Red Lion Road, Suite 216, Huntingdon Valley, PA 19006) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in Philadelphia and Delaware Counties, to points in Pennsylvania, and return.

**A-2014-2432722. Baldwin Limousines, Inc.** (123 Michele Lane, Bartonville, Monroe County, PA 18321) persons in airport transfer service, from points in the Counties of Monroe, Carbon, Pike and Northampton, to the Lehigh Valley International Airport, located in Allentown, Lehigh County, the Wilkes-Barre/Scranton International Airport, located in Avoca, Luzerne County, and the Philadelphia International Airport, located in the City and County of Philadelphia.

**A-2014-2432723. On Time Transport Limousine Company** (100 Stratford Court, Malvern, Chester County, PA 19355) for the right to begin to transport as a common carrier, by motor vehicle, persons in limousine service, from points in the Counties of Bucks, Chester, Delaware and Montgomery, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2014-2432729. On Time Transport Limousine Company** (100 Stratford Court, Malvern, Chester County, PA 19355) for the right to begin to transport as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Bucks, Chester, Delaware and Montgomery, to points in Pennsylvania, and return.

**A-2014-2432835. Aseel Transport, LLC, t/a Allentown City Cab** (2029 South Wood Street, Allentown, PA 18103), for the right, to transport by motor vehicle, persons, upon call or demand in the City of Allentown, Lehigh County.

**A-2014-2434573. Loving Care Senior Services, Inc.** (941 Old York Road, Abington, Montgomery County, PA 19001) in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in Montgomery County, and the City and County of Philadelphia; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

**A-2014-2441096. Anthony F. Williams, t/a Tony Williams Car Service** (1620 Forbes Avenue, Pittsburgh, Allegheny County, PA 15219) persons in group and party service in vehicles seating 11 to 15 passengers or less, including the driver, from points in Allegheny, Beaver, Butler, Washington and Westmoreland Counties, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

**A-2014-2441478. Yes Transit, LLC** (900 North Broad Street, Philadelphia, PA 19130) a limited liability company of the Commonwealth of Pennsylvania, persons in paratransit service, to or from medical provider facilities, between points in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia. *Attorney:* Francis X. Redding, 1414 Bywood Avenue, Upper Darby, PA 19082.

**A-2014-2441876. Timothy Bliler** (540 Betsy Ross Circle, Bethlehem, PA 18032) persons in limousine service, between points in Bucks, Lehigh and Northampton Counties.

**A-2014-2442124. Lyco Taxi, LLC** (119 Arch Street, Williamsport, PA 17701) a limited liability company of the Commonwealth of Pennsylvania, persons upon call or demand, in the City of Williamsport, Lycoming County.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.**

**A-2014-2438795. Endless Mountain Transportation, Inc.** (915 Hunter Highway, Tunkhannock, PA 18657) for the right to begin to transport, as a common carrier, by motor vehicle, persons, in call or demand service, between points in Pennsylvania; which is to be a transfer of all rights authorized under the certificate issued at A-00118924F0001 to Glen & Gwen Transportation, Inc., subject to the same limitations and conditions.

**A-2014-2438799. Endless Mountain Transportation, Inc.** (915 Hunter Highway, Tunkhannock, PA 18657) for the right to begin to transport, as a common carrier, by motor vehicle, persons, in paratransit service, between points in Pennsylvania; which is to be a transfer of all rights authorized under the certificate issued at A-00118924F0002 to Glen & Gwen Transportation, Inc., subject to the same limitations and conditions.

**Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.**

**A-2014-2432728. Vital Express Limo, Inc., t/a Delaware County Yellow Cab Company** (7523 West Chester Pike, Upper Darby, PA 19082) a corporation of the Commonwealth of Pennsylvania, for the additional right to begin to transport, as a common carrier, by motor vehicle, persons, upon call or demand, in Delaware County.

**A-2014-2440862. Star Limousine Service, Inc.** (Sheraton Hotel/Northwest, 910 Sheraton Drive, Mars, PA 16046)—a corporation of the Commonwealth of Pennsylvania—for the additional right to begin to transport, by motor vehicle, persons in the group and party service in vehicles seating 11 to 15 passengers or less, including the driver, from points in the Counties of Allegheny, Butler, Beaver, Washington, Westmoreland, Fayette, Lawrence and Armstrong to points in Pennsylvania, and return. *Attorney:* William A. Gray, Vuono & Gray, LLC, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219-2383.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.**

**A-2014-2434075. Russell Brown, t/a Brown's Moving** (1315 Butter Lane, Reading, Berks County, PA 19606) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Berks, Lancaster, Lebanon, Lehigh and Schuylkill Counties.

**A-2014-2434076. Isidro C. Arana, t/a Arana's Furniture** (4014 Market Street, Philadelphia, PA 19104) household goods in use, between points in the City and County of Philadelphia.

**A-2014-2435970. Hindman & Isaacs Moving & Storage, Inc.** (1887 Sandy Lake-G.C. Road, Jackson Center, Butler County, PA 16133-2525) household goods in use, between points in Butler County.

**A-2014-2437543. A Life Transition Service, LLC** (317 Owl Bridge Road, Millersville, PA 17551) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Lancaster, York and Dauphin Counties.

**A-2014-2441477. BR Moving, LLC** (421 West School House Lane, Unit 25, Philadelphia, PA 19144) a limited liability company of the Commonwealth of Pennsylvania, household goods in use, between points in the Counties of Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia and York.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer of rights as described under the application.**

**A-2014-2442788. MAK Movers & Storage, LLC** (1987 Pioneer Road, Huntingdon Valley, PA 19006) for the right to begin to transport, as a common carrier, household goods in use, from points in the Townships of Lower Makefield, Upper Makefield, Newtown, Bensalem, Falls, Bristol, Buckingham and Middletown and the Boroughs of Yardley, Morrisville, Tulleytown, Langhorne and New Hope, all located in Bucks County, to points in Pennsylvania, and vice versa; which is to be a transfer of all the rights from A-8911075 issued to Shlomo Sudai, t/a New Horizon Movers.

**Application of the following for approval to begin operating as a broker for transportation of household goods as described under the application.**

**A-2014-2434336. Elder Healthcare Solutions, LLC, t/a Elder Healthcare Solutions** (150 Bellevue Drive, York, York County, PA 17403) for a brokerage license evidencing the Commission's approval of the right and privilege to operate as a broker, to arrange for the transportation of household goods in use between points in Pennsylvania.

**Application of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.**

**A-2014-2435423. Joseph S. Yurick, t/a Yurick Transport** (117 Clover Hill Road, Christiana, Lancaster County, PA 17509)—discontinuance of service and cancel-

lation of its certificate—persons in paratransit service, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and vice versa.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 14-2043. Filed for public inspection September 26, 2014, 9:00 a.m.]

### Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due October 14, 2014, and must be made with the Secretary, Pennsylvania Public Utility Commission, PO Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement; v. MSC Trucking LLC; Doc. No. C-2014-2435234*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to MSC Trucking, LLC, (respondent) is under suspension effective July 04, 2014 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at PO Box 460, Fombell, PA 16123-0460.
3. That respondent was issued a Certificate of Public Convenience by this Commission on April 21, 1997, at A-00113172.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00113172 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hun-

dred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 8/4/2014

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regula-

tions and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Acord Certificates of Insurance and faxed Form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
Services  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 14-2044. Filed for public inspection September 26, 2014, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Motor Carrier Medallion Transfer Application for 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 and published September 27, 2014, in the *Pennsylvania Bulletin*. The company has applied to transfer the rights held by Crossroad Cab Corp. (CPC No. 1000308-01, Medallion P-0303) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**Crossroad Cab Corp.**, 2351 South Swanson Street, Philadelphia, PA 19148, registered with the Commonwealth on August 14, 2014.

*Attorney for Applicant:* David Alperstein, Esq., 1080 North Delaware Avenue, Suite 505, Philadelphia, PA 19125.

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 October 14, 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. 14-2045. Filed for public inspection September 26, 2014, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 14-100.P, Installation of Fencing at Southport, until 2 p.m. Monday, October 6, 2014. Information can be obtained from the web site [www.philaport.com](http://www.philaport.com) under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 14-2046. Filed for public inspection September 26, 2014, 9:00 a.m.]

## STATE BOARD OF BARBER EXAMINERS

**Bureau of Professional and Occupational Affairs v. James L. Jackson; Doc. No. 1078-42-2014, 1295-42-2014 and 1294-42-2014**

On June 24, 2014, and July 30, 2014, the State Board of Barber Examiners (Board) suspended the license of James L. Jackson, license no. BL053680 of Harrisburg, Dauphin County. The Board took this action under the Order of the Court of Common Pleas of Dauphin County dated June 16, 2014, and July 17, 2014, which the court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Senior Counsel in Charge, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

JOHN E. PAYNE, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 14-2047. Filed for public inspection September 26, 2014, 9:00 a.m.]

## STATE BOARD OF PODIATRY

**Bureau of Professional and Occupational Affairs v. Fredric A. Malmberg; Doc. No. 1337-44-2014; File 14-44-08659**

On August 5, 2014, Fredric A. Malmberg, license no. SC002338L of York, York County, was suspended under the Order of the Court of Common Pleas of York County dated July 14, 2014, which the court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Senior Counsel in Charge, State Board of Podiatry, P. O. Box 2649, Harrisburg, PA 17105-2649.

BERT J. ALTMANSHOFER, DPM,  
*Chairperson*

[Pa.B. Doc. No. 14-2048. Filed for public inspection September 26, 2014, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

**Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program**

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact

the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, so individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**Odor Management Plan—Public Notice Spreadsheet—Actions**

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended, or Existing</i>	<i>Action Taken</i>
Jonas Hershberger 492 Evergreen Road Luthersburg, PA 15848	Clearfield County/ Brady Township	0	Veal	Existing	Rescind
Linford Snyder R&L Farm 1118 Luxemburg Road Lykens, PA 17048	Dauphin County/ Lykens Township	138.6	Layers	New	Approved
Murmac Farms, LLC 2336 Zion Road Bellefonte, PA 16823	Centre County/ Spring Township	477	Dairy	New	Approved

E. CHRISTOPHER ABRUZZO,  
*Chairperson*

[Pa.B. Doc. No. 14-2049. Filed for public inspection September 26, 2014, 9:00 a.m.]

**STATE ETHICS COMMISSION**

**Public Meeting**

Under 65 Pa.C.S. §§ 1101—1113 (relating to Public Official and Employee Ethics Act) (act) the State Ethics Commission (Commission) is required to hold at least two public hearings each year to seek input from persons and organizations who represent any individual subject to the provisions of the act and from other interested parties.

The Commission will conduct a public meeting in Courtroom 453, Philadelphia City Hall, Broad and Market Street, Philadelphia, PA 19107 on October 1, 2014,

beginning at 9 a.m. for purposes of receiving input and for the conduct of other Commission business. Public officials, public employees, organizations and members of the general public may attend.

Persons seeking to testify or present any statement, information or other comments in relation to the act, the regulations of the Commission or agency operations should contact Heather Mulhollan at (717) 783-1610 or (800) 932-0936. Written copies of any statement should be provided at the time of the meeting.

ROBERT P. CARUSO,  
*Executive Director*

[Pa.B. Doc. No. 14-2050. Filed for public inspection September 26, 2014, 9:00 a.m.]

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