

# PENNSYLVANIA BULLETIN

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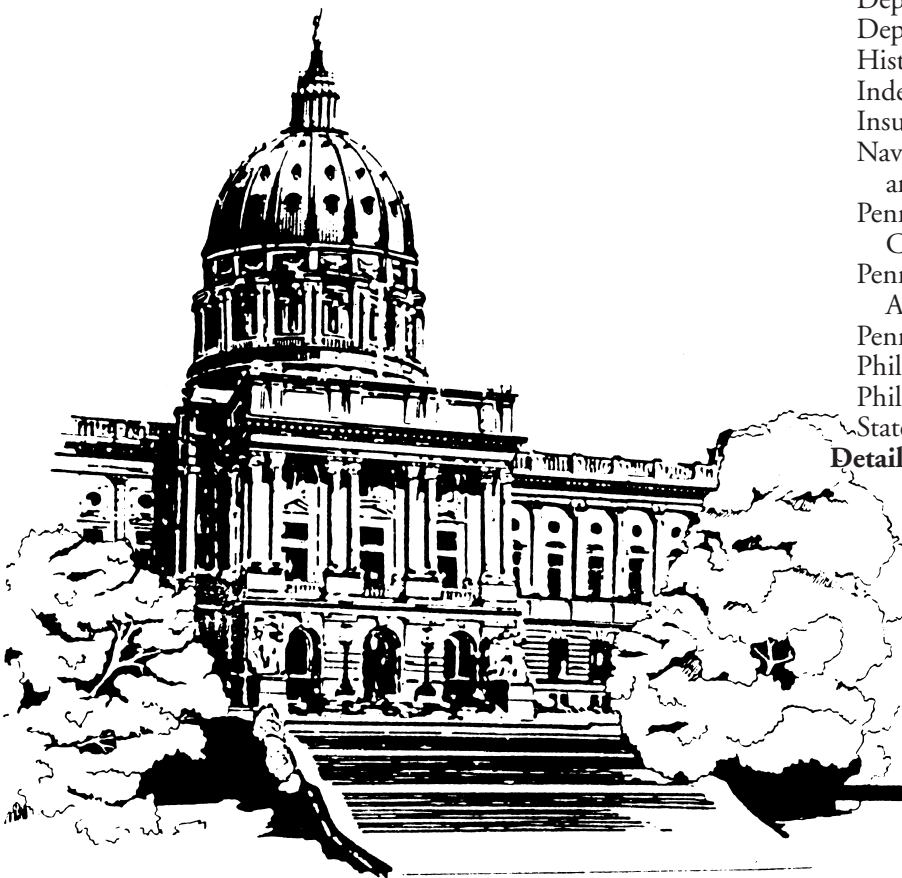
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**Latest Pennsylvania Code Reporters  
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**No. 470, January 2014**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[ 201 PA. CODE CH. 19 ]

**Adoption of Rule 1910 of the Rules of Judicial Administration; No. 420 Judicial Administration Doc.**

### Order

*Per Curiam*

*And Now*, this 8th day of January, 2014, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1910 of the Pennsylvania Rules of Judicial Administration is adopted in the following form.

To the extent that notice of proposed rulemaking may be required by Pa.R.J.A. No. 103, the immediate promulgation of Pa.R.J.A. No. 1910 is found to be in the interest of efficient administration.

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

### Annex A

#### TITLE 201. RULES OF JUDICIAL ADMINISTRATION

#### CHAPTER 19. MISCELLANEOUS ADMINISTRATIVE PROVISIONS

#### BROADCASTING IN THE COURTROOM

#### Rule 1910. Broadcasting in the Courtroom.

Unless otherwise provided by the Supreme Court of Pennsylvania, judges should prohibit broadcasting, televising, recording or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recesses between sessions, except that a judge may authorize:

A. the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record or for other purposes of judicial administration;

B. the broadcasting, televising, recording, or photographing of investitive, ceremonial, or naturalization proceedings;

C. the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(1) the means of recording will not distract participants or impair the dignity of the proceedings; and

(2) the parties have consented; and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproductions; and

(3) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(4) the reproduction will be exhibited only for instructional purposes in educational institutions; or

D. the use of electronic broadcasting, televising, recording and taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or

recesses between sessions of any trial court nonjury civil proceeding, however, for the purposes of this subsection, "civil proceedings" shall not be construed to mean a support, custody or divorce proceeding. Subsection C and D shall not apply to nonjury civil proceedings as heretofore defined. No witness or party who expresses any prior objection to the judge shall be photographed nor shall the testimony of such witness or party be broadcast or telecast. Permission for the broadcasting, televising, recording and photographing of any civil nonjury proceeding shall have first been expressly granted by the judge, and under such conditions as the judge may prescribe in accordance with the guidelines contained in this rule.

### Note:

Temperate conduct of judicial proceedings is essential to the fair administration of justice. The recording and reproduction of a proceeding should not distort or dramatize the proceeding.

See the Internal Operating Procedures of the Supreme Court of Pennsylvania and the Commonwealth Court of Pennsylvania regarding broadcasting of proceedings by the Pennsylvania Cable Network.

In implementing this rule, the following guidelines shall apply:

a. *Officers of Court.* The judge has the authority to direct whether broadcast equipment may be taken within the courtroom. The broadcast news person should advise the tipstaff prior to the start of a court session that he or she desires to electronically record and/or broadcast live from within the courtroom. The tipstaff may have prior instructions from the judge as to where the broadcast reporter and/or camera operator may position themselves. In the absence of any directions from the judge or tipstaff, the position should be behind the front row of spectator seats by the least used aisleway or other unobtrusive but viable location.

b. *Pooling.* Unless the judge directs otherwise, no more than one TV camera should be taking pictures in the courtroom at any one time. Where coverage is by both radio and TV, the microphones used by TV should also serve for radio and radio should be permitted to feed from the TV sound system. Multiple radio feeds, if any, should be provided by a junction box outside of the courtroom, such as in the adjacent public hallway. It should be the responsibility of each broadcast news representative present at the opening of each session of court to achieve an understanding with all other broadcast representatives as to who will function at any given time, or, in the alternative, how they will pool their photographic coverage. This understanding should be reached outside the courtroom and without imposing on the judge or court personnel.

Broadcast coverage outside the courtroom should be handled with care and discretion, but need not be pooled.

c. *Broadcast Equipment.* All running wires used should be securely taped to the floor. All broadcasting equipment should be handled as inconspicuously and quietly as reasonably possible. Sufficient file and/or tape capacities should be provided to obviate film and/or tape changes except during court recess. No camera should give any indication of whether it is or is not operating, such as the red light on some studio cameras. No additional lights should be used without the specific approval of the presiding judge, and then only as he may specifically approve.



d. *Decorum*. Broadcast representatives' dress should not set them apart unduly from other trial spectators. Camera operators should not move tripod-mounted cameras except during court recesses. All broadcast equipment should be in place and ready to function no less than five minutes before the beginning of each session of court.

[Pa.B. Doc. No. 14-171. Filed for public inspection January 24, 2014, 9:00 a.m.]

## Title 207—JUDICIAL CONDUCT

### PART II. CONDUCT STANDARDS

#### [ 207 PA. CODE CH. 33 ]

#### Rescission of Former Code of Judicial Conduct and Adoption of Code of Judicial Conduct of 2014; No. 419 Judicial Administration Doc.

#### Order

#### *Per Curiam*

And Now, this 8th day of January, 2014, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the existing provisions of the Code of Judicial Conduct are rescinded effective July 1, 2014, and new Canons 1 through 4 of the Code of Judicial Conduct of 2014 and the corresponding Rules are adopted in the following form.

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

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and the Code of Judicial Conduct of 2014 shall be effective on July 1, 2014. A person to whom the Code of Judicial Conduct of 2014 becomes applicable shall comply with all provisions of that Code by July 1, 2014 except for Rules 3.4, 3.7, 3.8 and 3.11; such persons shall comply with Rules 3.4, 3.7, 3.8 and 3.11 as soon as reasonably possible and shall do so in any event by July 1, 2015.

#### Annex A

### TITLE 207. JUDICIAL CONDUCT

#### PART II. CONDUCT STANDARDS

#### CHAPTER 33. CODE OF JUDICIAL CONDUCT

#### Subchapter A. CANONS

(*Editor's Note:* The current Code of Judicial Conduct which appears in 207 Pa. Code pages 33-1—33-12, serial pages (334829), (334830), (358463)—(358466), (319845)—(319848), (333491), (360121) and (360122) is replaced with the following Code of Judicial Conduct of 2014.)

#### 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.**

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

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

**4. A judge or candidate for judicial office shall not engage in political or campaign activity that is inconsistent with the independence, integrity, or impartiality of the judiciary.**

#### Preamble

(1) This Code shall constitute the "canon of . . . judicial ethics" referenced in Article V, Section 17(b) of the Pennsylvania Constitution, which states, in pertinent part: "Justices and judges shall not engage in any activity prohibited by law and shall not violate any canon of legal or judicial ethics prescribed by the (Pennsylvania) Supreme Court."

(2) An independent, fair, honorable and impartial judiciary is indispensable to our system of justice. The Pennsylvania legal system is founded upon the principle that an independent, fair, impartial, and competent judiciary, composed of persons of integrity, will interpret and apply the law that governs our society. The judiciary consequently plays a fundamental role in ensuring the principles of justice and the rule of law. The rules contained in this Code necessarily require judges, individually and collectively, to treat and honor the judicial office as a public trust, striving to preserve and enhance legitimacy and confidence in the legal system.

(3) Judges should uphold the dignity of judicial office at all times, avoiding both impropriety and the appearance of impropriety in their professional and personal lives. They should at all times conduct themselves in a manner that garners the highest level of public confidence in their independence, fairness, impartiality, integrity, and competence.

(4) The Pennsylvania Code of Judicial Conduct denotes standards for the ethical behavior of judges and judicial candidates. It is not an all-encompassing model of appropriate conduct for judges and judicial candidates, but rather a complement to general ethical standards and other rules, statutes and laws governing such persons' judicial and personal conduct. The Code is designed to assist judges in practicing the highest standards of judicial and personal conduct and to establish a basis for disciplinary agencies to regulate judges' conduct.

(5) The Rules of this Code of Conduct are rules of reason that should be applied consistently with constitutional requirements, statutes, other court rules, and decisional law, and with due regard for all relevant circumstances. The Code is to be construed so as not to impinge on the essential independence of judges in making judicial decisions.

(6) Where a Rule contains a permissive term, such as "may" or "should," the conduct being addressed is committed to the personal and professional discretion of the judge or candidate in question, and no disciplinary action should be taken for action or inaction within the bounds of such discretion. Moreover, it is not intended that disciplinary action would be appropriate for every violation of the Code's provisions. Whether disciplinary action is appropriate, and the degree of discipline to be imposed, should be determined through a reasonable application of the text and should depend on such factors as the seriousness of the violation, the intent of the judge,

whether there is a pattern of improper activity, and the effect of the improper activity on others or on the judicial system.

(7) This Code is not designed or intended as a basis for civil or criminal liability. Neither is it intended to be the basis for litigants to seek collateral remedies against each other or to obtain tactical advantages in proceedings before a court.

(8) The Ethics Committee of the Pennsylvania Conference of State Trial Judges is designated as the approved body to render advisory opinions regarding ethical concerns involving judges, other judicial officers and judicial candidates subject to the Code of Judicial Conduct. 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.

(9) In 2014, this Code was reformatted and revised in material respects, upon guidance taken from the 2011 edition of the American Bar Association's Model Code of Judicial Conduct, other states' codes, and experience.

### Terminology

*Aggregate*—In relation to contributions for a candidate, includes contributions in cash or kind made directly to a candidate's campaign committee or indirectly with the understanding that they will be used to support the election of a candidate or to oppose the election of the candidate's opponent.

*Appropriate authority*—The authority having responsibility for initiation of disciplinary process in connection with the violation to be reported.

*Contribution*—Both financial and in-kind contributions, such as professional or volunteer services, advertising, and other assistance, which if otherwise obtained, would require a financial expenditure.

*Domestic partner*—A person with whom another person maintains a household and an intimate relationship, other than a person to whom he or she is legally married.

*Economic interest*—More than a *de minimis* legal or equitable ownership interest. Except for situations in which the judge participates in the management of such a legal or equitable interest, or the interest could be substantially affected by the outcome of a proceeding before a judge, it does not include:

(1) an interest in the individual holdings within a mutual or common investment fund;

(2) an interest in securities held by an educational, religious, charitable, fraternal, or civic organization in which the judge or the judge's spouse, domestic partner, parent, or child serves as a director, an officer, an advisor, or other participant;

(3) a deposit in a financial institution or deposits or proprietary interests the judge may maintain as a member of a mutual savings association or credit union, or similar proprietary interests; or

(4) an interest in the issuer of government securities held by the judge.

*Fiduciary*—Includes relationships such as executor, administrator, trustee, or guardian.

*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.

*Impending matter*—A matter that is imminent or expected to occur in the near future.

*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.

*Judicial candidate*—Any person, including a sitting judge, who is seeking appointment, election or retention to judicial office. A person becomes a candidate for judicial office as soon as he or she makes a public announcement of candidacy, declares or files as a candidate with the appointment or election authority, or where permitted, engages in solicitation or acceptance of contributions or support, or is nominated for appointment or election to office.

*Knowingly, knowledge, known, and knows*—Actual knowledge of the fact in question. A person's knowledge may be inferred from the circumstances.

*Law*—Refers to constitutional provisions, statutes, decisional law, Supreme Court Rules and directives, including this Code of Judicial Conduct and the Unified Judicial System Policy of Non-Discrimination and Equal Opportunity, and the like which may have an effect upon judicial conduct.

*Member of the candidate's family*—The spouse, domestic partner, child, grandchild, parent, grandparent, or other relative or person with whom the candidate maintains a close familial relationship.

*Member of the judge's family*—The spouse, domestic partner, child, grandchild, parent, grandparent, or other relative or person with whom the judge maintains a close familial relationship.

*Member of the judge's family residing in the judge's household*—Any relative of a judge by blood or marriage, or a person treated by a judge as a member of the judge's family, who resides in the judge's household.

*Nonpublic information*—Information that is not available to the public. Nonpublic information may include, but is not limited to, information that is sealed by statute or court order or impounded or communicated in camera, and information offered in grand jury proceedings, presentence reports, dependency cases, or psychiatric reports.

*Party*—A person or entity who has a legal interest in a court proceeding.

*Pending matter*—A matter that has commenced and continuing on until final disposition.

*Personally solicit*—A direct request made by a judge or a judicial candidate for financial support or in-kind services, whether made by letter, telephone, or any other means of communication.

*Political organization*—A political party or group sponsored by or affiliated with a political party or candidate, the principal purpose of which is to further the election or appointment of candidates for political office, excluding a judicial candidate's campaign committee created as authorized by this Code.

**Public election**—Includes primary, municipal, and general elections, partisan elections, nonpartisan elections, and retention elections.

**Third degree of relationship**—Includes the following persons: great-grandparent, grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew, and niece.

### Application

(1) The provisions of this Code shall apply to all judges as defined in paragraph (2) *infra*.

(2) A judge within the meaning of this Code is any one of the following judicial officers who perform judicial functions, whether or not a lawyer: all Supreme Court Justices; all Superior Court Judges; all Commonwealth Court Judges; all Common Pleas Court Judges; all judges of the Philadelphia Municipal Court, except for Traffic Division; and all senior judges as set forth in (3) *infra*.<sup>1</sup>

(3) All senior judges, active or eligible for recall to judicial service, shall comply with the provisions of this Code; provided however, a senior judge may accept extrajudicial appointments which are otherwise prohibited by Rule 3.4 (Appointments to Governmental Positions and Other Organizations); and incident to such appointments a senior judge is not required to comply with Rule 3.2 (Appearances Before Governmental Bodies and Consultation with Government Officials). However, during the period of such extrajudicial appointment the senior judge shall refrain from judicial service.

(4) Canon 4 (governing political and campaign activities) applies to all judicial candidates.

(5) This Code shall not apply to magisterial district judges and judges of the Philadelphia Municipal Court, Traffic Division.<sup>2</sup>

**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.**

#### Rule

- 1.1. Compliance with the Law.
- 1.2. Promoting Confidence in the Judiciary.
- 1.3. Avoiding Abuse of the Prestige of Judicial Office.

#### Rule 1.1. Compliance with the Law.

A judge shall comply with the law, including the Code of Judicial Conduct.

#### Comment:

This Rule concerns a judge's duty to comply with the law. For a judge's duty to uphold and apply the law in judicial decision-making, see Rule 2.2 and Comment (3) to Rule 2.2.

#### Rule 1.2. Promoting Confidence in the Judiciary.

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

#### Comment:

(1) Public confidence in the judiciary is eroded by improper conduct and conduct that creates the appear-

<sup>1</sup> Though not covered by this Code, there is a Code of Conduct for Employees of the Unified Judicial System ("Employee Code"). It applies to "employees" defined as, "Employees of the Unified Judicial System" and includes 1) all state-level court employees, and 2) all county-level court employees who are under the supervision and authority of the President Judge of a Judicial District of Pennsylvania, unless otherwise indicated by Supreme Court order or rule. This Code and the Employee Code do not apply to nonemployee special masters, commissioners, and judges *pro tem*.

<sup>2</sup> Specific rules governing standards of conduct of magisterial district judges, and judges of the Philadelphia Municipal Court, Traffic Division, are set forth in the Supreme Court Rules Governing Standards of Conduct of Magisterial District Judges.

ance of impropriety. This principle applies to both the professional and personal conduct of a judge.

(2) A judge should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens, and must accept the restrictions imposed by the Code.

(3) Conduct that compromises or appears to compromise the independence, integrity, and impartiality of a judge undermines public confidence in the judiciary. Because it is not practicable to list all such conduct, the Rule is necessarily cast in general terms.

(4) Judges should participate in activities that promote ethical conduct among judges and lawyers, support professionalism within the judiciary and the legal profession, and promote access to justice for all.

(5) "Impropriety" is a defined term in the Terminology Section of the Code. Actual improprieties include violations of law, court rules or provisions of this Code. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this Code or engaged in other conduct that reflects adversely on the judge's honesty, impartiality, temperament, or fitness to serve as a judge. This test differs from the formerly applied common law test of whether "a significant minority of the lay community could reasonably question the court's impartiality."

(6) Judges are encouraged to initiate and participate in community outreach activities for the purpose of promoting public understanding of and confidence in the administration of justice. In conducting such activities, the judge must act in a manner consistent with this Code.

#### Rule 1.3. Avoiding Abuse of the Prestige of Judicial Office.

A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.

#### Comment:

(1) It is improper for a judge to use or attempt to use his or her position to gain personal advantage or preferential treatment of any kind. For example, it would be improper for a judge to allude to his or her judicial status to gain favorable treatment in encounters with traffic officials. Similarly, a judge must not use judicial letterhead to gain an advantage in conducting his or her personal business. A judge should also not lend the prestige of his or her office to advance the private interests of others, nor convey or knowingly permit others to convey the impression that they are in a special position to influence the judge.

(2) A judge may provide a reference or recommendation for an individual based upon the judge's personal knowledge. The judge may use official letterhead if the judge indicates that the reference is personal and if there is no likelihood that the use of the letterhead would reasonably be perceived as an attempt to exert pressure by reason of the judicial office.

(3) Judges may participate in the process of judicial selection by cooperating with appointing authorities and screening committees, and by responding to inquiries from such entities concerning the professional qualifications of a person being considered for judicial office.

(4) Special considerations arise when judges write or contribute to publications of for-profit entities, whether related or unrelated to the law. A judge should not permit anyone associated with the publication of such materials



to exploit the judge's office in a manner that violates this Rule or other applicable law. In contracts for publication of a judge's writing, the judge should retain sufficient control over the advertising and promotion of such writing to avoid such exploitation.

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

Rule	
2.1.	Giving Precedence to the Duties of Judicial Office.
2.2.	Impartiality and Fairness.
2.3.	Bias, Prejudice, and Harassment.
2.4.	External Influences on Judicial Conduct.
2.5.	Competence, Diligence and Cooperation.
2.6.	Ensuring the Right to Be Heard.
2.7.	Responsibility to Decide.
2.8.	Decorum, Demeanor, and Communication with Jurors.
2.9.	Ex parte Communications.
2.10.	Judicial Statements on Pending and Impending Cases.
2.11.	Disqualification.
2.12.	Supervisory Duties.
2.13.	Administrative Appointments.
2.14.	Disability and Impairment.
2.15.	Responding to Judicial and Lawyer Misconduct.
2.16.	Cooperation with Disciplinary Authorities.

**Rule 2.1. Giving Precedence to the Duties of Judicial Office.**

The duties of judicial office, as prescribed by law, shall ordinarily take precedence over a judge's personal and extrajudicial activities.

**Comment:**

(1) A judge's personal and extrajudicial activities should be arranged so as not to interfere unreasonably with the diligent discharge of the Judge's duties of office.

(2) To ensure that judges are available to fulfill their judicial duties, judges must conduct their personal and extrajudicial activities to minimize the risk of conflicts that would result in frequent disqualification. *See* Canon 3.

(3) Although it is not a duty of judicial office unless prescribed by law, judges are encouraged to participate in activities that promote public understanding of and confidence in the administration of justice.

**Rule 2.2. Impartiality and Fairness.**

A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

**Comment:**

(1) To ensure impartiality and fairness to all parties, a judge must be objective and open-minded.

(2) Although each judge comes to the bench with a unique background and personal philosophy, a judge must interpret and apply the law without regard to whether the judge approves or disapproves of the law in question. This comment is not intended to restrict the appropriate functions of the courts in statutory or common law review.

(3) When applying and interpreting the law, a judge sometimes may make good-faith errors of fact or law. Errors of this kind do not violate this Rule.

(4) It is not a violation of this Rule for a judge to make reasonable accommodations to ensure *pro se* litigants the opportunity to have their matters heard fairly and impartially.

**Rule 2.3. Bias, Prejudice, and Harassment.**

(A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.

(B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.

(C) A judge shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice, or engaging in harassment, based upon attributes including but not limited to race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, against parties, witnesses, lawyers, or others.

(D) The restrictions of paragraphs (B) and (C) do not preclude judges or lawyers from making legitimate reference to the listed factors, or similar factors, when they are relevant to an issue in a proceeding.

**Comment:**

(1) A judge who manifests bias or prejudice in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute.

(2) Examples of manifestations of bias or prejudice include but are not limited to epithets; slurs; demeaning nicknames; negative stereotyping; attempted humor based upon stereotypes; threatening, intimidating, or hostile acts; suggestions of connections between race, ethnicity, or nationality and crime; and irrelevant references to personal characteristics. Even facial expressions and body language can convey to parties and lawyers in the proceeding, jurors, the media, and others an appearance of bias or prejudice. A judge must avoid conduct that may reasonably be perceived as prejudiced or biased.

(3) Harassment, as referred to in paragraphs (B) and (C), is verbal or physical conduct that denigrates or shows hostility or aversion toward a person on bases such as race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation.

(4) Sexual harassment includes but is not limited to sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that is unwelcome.

(5) The Supreme Court's Rules and Policies, e.g., the Rules of Judicial Administration and the Unified Judicial System Policy on Non-Discrimination and Equal Employment Opportunity, have continued force and effect.

**Rule 2.4. External Influences on Judicial Conduct.**

(A) A judge shall not be swayed by public clamor or fear of criticism.

(B) A judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.

(C) A judge shall not convey or permit others to convey the impression that any person or organization is in a position to influence the judge.

**Comment:**

An independent judiciary requires that judges decide cases according to the law and facts, without regard to whether particular laws or litigants are popular or unpopular with the public, the media, government officials, or the judge's friends or family. Confidence in the judi-

ciary is eroded if judicial decision making is perceived to be subject to inappropriate outside influences.

**Rule 2.5. Competence, Diligence and Cooperation.**

(A) A judge shall perform judicial and administrative duties competently and diligently.

(B) A judge shall cooperate with other judges and court officials in the administration of court business.

**Comment:**

(1) Competence in the performance of judicial duties requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary to perform a judge's responsibilities of judicial office.

(2) A judge should seek the necessary docket time, court staff, expertise, and resources to discharge all adjudicative and administrative responsibilities.

(3) Prompt disposition of the court's business requires a judge to devote adequate time to judicial duties, to be punctual in attending court and expeditious in determining matters under submission, and to take reasonable measures to ensure that court officials, litigants, and their lawyers cooperate with the judge to that end. The obligation of this Rule includes, for example, the accurate, timely and complete compliance with the requirements of Pa.R.J.A. No. 703 (Reports of Judges) where applicable.

(4) In disposing of matters promptly and efficiently, a judge must demonstrate due regard for the rights of parties to be heard and to have issues resolved without unnecessary cost or delay. A judge should monitor and supervise cases in ways that reduce or eliminate dilatory practices, avoidable delays, and unnecessary costs.

**Rule 2.6. Ensuring the Right to Be Heard.**

(A) A judge shall accord to every person or entity who has a legal interest in a proceeding, or that person or entity's lawyer, the right to be heard according to law.

(B) A judge may encourage parties to a proceeding and their lawyers to settle matters in dispute but shall not act in a manner that coerces any party into settlement.

**Comment:**

(1) The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed.

(2) The judge plays an important role in overseeing the settlement of disputes, but should be careful that efforts to further settlement do not undermine any party's right to be heard according to law. The judge should keep in mind the effect that the judge's participation in settlement discussions may have, not only on the judge's own views of the case, but also on the perceptions of the lawyers and the parties if the case remains with the judge after settlement efforts are unsuccessful. Among the factors that a judge should consider when deciding upon an appropriate settlement procedure for a case are (1) whether the parties have requested or voluntarily consented to a certain level of participation by the judge in settlement discussions, (2) whether the parties and their counsel are relatively sophisticated in legal matters, (3) whether the case will be tried by the judge or a jury, (4) whether the parties participate with their counsel in settlement discussions, (5) whether any parties are unrepresented by counsel, and (6) whether the matter is civil or criminal.

(3) Judges must be mindful of the effect settlement discussions can have, not only on their objectivity and

impartiality, but also on the appearance of their objectivity and impartiality. Despite a judge's best efforts, there may be instances when information obtained during settlement discussions could influence a judge's decision making during trial, and, in such instances, the judge should consider whether recusal may be appropriate. See Rule 2.11(A)(1).

**Rule 2.7. Responsibility to Decide.**

A judge shall hear and decide matters assigned to the judge, except where the judge has recused himself or herself or when disqualification is required by Rule 2.11 or other law.

**Comment:**

(1) Judges shall be available to decide the matters that come before the court. Although there are times when disqualification or recusal is necessary to protect the rights of litigants and preserve public confidence in the independence, integrity, and impartiality of the judiciary, judges must be available to decide matters that come before the courts. Unwarranted disqualification or recusal may bring public disfavor to the court and to the judge personally. The dignity of the court, the judge's respect for fulfillment of judicial duties, and a proper concern for the burdens that may be imposed upon the judge's colleagues require that a judge should not use disqualification or recusal to avoid cases that present difficult, controversial, or unpopular issues.

(2) This Rule describes the duty of a judge to decide matters assigned to the judge. However, there may be instances where a judge is disqualified from presiding over a particular matter or shall recuse himself or herself from doing so. A judge is disqualified from presiding over a matter when a specified disqualifying fact or circumstance is present. See Rule 2.11. The concept of recusal envisioned in this Rule overlaps with disqualification. In addition, however, a judge may recuse himself or herself from presiding over a matter even in the absence of a disqualifying fact or circumstance where—in the exercise of discretion, in good faith, and with due consideration for the general duty to hear and decide matters—the judge concludes that prevailing facts and circumstances could engender a substantial question in reasonable minds as to whether disqualification nonetheless should be required. This test differs from the formerly applied common law test of whether “a significant minority of the lay community could reasonably question the court's impartiality.”

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

**Rule 2.8. Decorum, Demeanor, and Communication with Jurors.**

(A) A judge shall require order and decorum in proceedings before the court.

(B) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.

(C) A judge shall not commend or criticize the verdict of the jury other than in a court order or opinion in a proceeding. This Rule does not prohibit a judge from expressing appreciation to the jurors for their service to



the judicial system and to the community. Judges are expected to maintain their supervisory role over a deliberating jury.

**Comment:**

(1) The duty to hear all proceedings with patience and courtesy is not inconsistent with the duty imposed in Rule 2.5 to dispose promptly of the business of the court. Judges can be efficient and businesslike while being patient and deliberate.

(2) Commending or criticizing jurors for their verdict may imply a judicial expectation in future cases and may impair a juror's ability to be fair and impartial in a subsequent case.

(3) A judge who is not otherwise prohibited by law from doing so may meet with jurors who choose to remain after trial but should be careful not to discuss the merits of the case.

**Rule 2.9. Ex parte Communications.**

(A) A judge shall not initiate, permit, or consider *ex parte* communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter, except as follows:

(1) When circumstances require it, *ex parte* communication for scheduling, administrative, or emergency purposes, which does not address substantive matters, is permitted, provided:

(a) the judge reasonably believes that no party will gain a procedural, substantive, or tactical advantage as a result of the *ex parte* communication; and

(b) the judge makes provision promptly to notify all other parties of the substance of the *ex parte* communication, and gives the parties an opportunity to respond.

(2) A judge may obtain the written advice of a disinterested expert on the law applicable to a proceeding before the judge, if the judge gives advance notice to the parties of the person to be consulted and the subject matter of the advice to be solicited, and affords the parties a reasonable opportunity to object and respond to the notice and to the advice received.

(3) A judge may consult with court staff and court officials whose functions are to aid the judge in carrying out the judge's adjudicative responsibilities, or with other judges, provided the judge makes reasonable efforts to avoid receiving factual information that is not part of the record, and does not abrogate the responsibility to decide the matter personally.

(4) A judge may, with the consent of the parties, confer separately with the parties and their lawyers in an effort to settle matters pending before the judge.

(5) A judge may initiate, permit, or consider any *ex parte* communication when expressly authorized by law to do so.

(B) If a judge inadvertently receives an unauthorized *ex parte* communication bearing upon the substance of a matter, the judge shall promptly notify the parties of the substance of the communication and provide the parties with an opportunity to respond.

(C) A judge shall not investigate facts in a matter independently, and shall consider only the evidence presented and any facts that may properly be judicially noticed.

(D) A judge shall make reasonable efforts, including providing appropriate supervision, to ensure that this Rule is not violated by court staff, court officials, and others subject to the judge's direction and control.

(E) It is not a violation of this Rule for a judge to initiate, permit, or consider *ex parte* communications expressly authorized by law, such as when serving on therapeutic or problem-solving courts, mental health courts, or drug courts. In this capacity, a judge may assume a more interactive role with the parties, treatment providers, probation officers, social workers, and others.

**Comment:**

(1) To the extent reasonably possible, all parties or their lawyers shall be included in communications with a judge.

(2) Whenever the presence of a party or notice to a party is required by this Rule, it is the party's lawyer, or if the party is unrepresented, the party, who is to be present or to whom notice is to be given.

(3) The proscription against communications concerning a proceeding includes communications with lawyers, law teachers, and other persons who are not participants in the proceeding, except to the limited extent permitted by this Rule.

(4) A judge shall avoid comments and interactions that may be interpreted as *ex parte* communications concerning pending matters or matters that may appear before the court, including a judge who participates in electronic social media.

(5) A judge may consult with other judges on pending matters, but must avoid *ex parte* discussions of a case with judges who have previously been disqualified from hearing the matter, and with judges who have appellate jurisdiction over the matter.

(6) The prohibition against a judge investigating the facts in a matter extends to information available in all mediums, including electronic.

(7) A judge may consult ethics advisory committees, outside counsel, or legal experts concerning the judge's compliance with this Code. Such consultations are not subject to the restrictions of paragraph (A)(2).

(8) In order to obtain the protection afforded to *ex parte* communication under paragraph (E) of this Rule, a judge should take special care to make sure that the participants in such voluntary special court programs are made aware of and consent to the possibility of *ex parte* communications under paragraph (E).

**Rule 2.10. Judicial Statements on Pending and Impending Cases.**

(A) A judge shall not make any public statement that might reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court, or make any nonpublic statement that might substantially interfere with a fair trial or hearing.

(B) A judge shall not, in connection with cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.

(C) A judge shall require court staff, court officials, and others subject to the judge's direction and control to refrain from making statements that the judge would be prohibited from making by paragraphs (A) and (B).

(D) Notwithstanding the restrictions in paragraph (A), a judge may make public statements in the course of official duties, may explain court procedures, and may comment on any proceeding in which the judge is a litigant in a personal capacity.

(E) Subject to the requirements of paragraph (A), a judge may respond directly or through a third party to allegations in the media or elsewhere concerning the judge's conduct in a matter.

**Comment:**

(1) This Rule's restrictions on judicial speech are essential to the maintenance of the independence, integrity, and impartiality of the judiciary. A judge should be mindful that comments of a judge regarding matters that are pending or impending in any court can sometimes affect the outcome or impair the fairness of proceedings in a matter. See Rule 1.2.

(2) This Rule does not prohibit a judge from commenting on proceedings in which the judge is a litigant in a personal capacity, or represents a client as permitted by these Rules. In cases in which the judge is a litigant in an official capacity, such as a writ of mandamus, the judge must not comment publicly.

(3) Depending upon the circumstances, the judge should consider whether it may be preferable for a third party, rather than the judge, to respond or issue statements in connection with allegations concerning the judge's conduct in a matter.

(4) This Rule is not intended to impede a judge from commenting upon legal issues or matters for pedagogical purposes.

**Rule 2.11. Disqualification.**

(A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances:

(1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding.

(2) The judge knows that the judge, the judge's spouse or domestic partner, or a person within the third degree of relationship to either of them, or the spouse or domestic partner of such a person is:

(a) a party to the proceeding, or an officer, director, general partner, managing member, or trustee of a party;

(b) acting as a lawyer in the proceeding;

(c) a person who has more than a de minimis interest that could be substantially affected by the proceeding; or

(d) likely to be a material witness in the proceeding.

(3) The judge knows that he or she, individually or as a fiduciary, or the judge's spouse, domestic partner, parent, or child, or any other member of the judge's family residing in the judge's household, has an economic interest in the subject matter in controversy or is a party to the proceeding.

(4) The judge knows or learns that a party, a party's lawyer, or the law firm of a party's lawyer has made a direct or indirect contribution(s) to the judge's campaign in an amount that would raise a reasonable concern about the fairness or impartiality of the judge's consideration of a case involving the party, the party's lawyer, or the law firm of the party's lawyer. In doing so, the judge should consider the public perception regarding such

contributions and their effect on the judge's ability to be fair and impartial. There shall be a rebuttable presumption that recusal or disqualification is not warranted when a contribution or reimbursement for transportation, lodging, hospitality or other expenses is equal to or less than the amount required to be reported as a gift on a judge's Statement of Financial Interest.

(5) The judge, while a judge or a judicial candidate, has made a public statement, other than in a court proceeding, judicial decision, or opinion, that commits the judge to reach a particular result or rule in a particular way in the proceeding or controversy.

(6) The judge:

(a) served as a lawyer in the matter in controversy, or was associated with a lawyer who participated substantially as a lawyer in the matter during such association;

(b) served in governmental employment, and in such capacity participated personally and substantially as a lawyer or public official concerning the proceeding, or has publicly expressed in such capacity an opinion concerning the merits of the particular matter in controversy; or

(c) was a material witness concerning the matter.

(B) A judge shall keep informed about the judge's personal and fiduciary economic interests, and make a reasonable effort to keep informed about the personal economic interests of the judge's spouse or domestic partner and minor children residing in the judge's household.

(C) A judge subject to disqualification under this Rule, other than for bias or prejudice under paragraph (A)(1), may disclose on the record the basis of the judge's disqualification and may ask the parties and their lawyers to consider, outside the presence of the judge and court personnel, whether to waive disqualification. If, following the disclosure, the parties and lawyers agree, without participation by the judge or court personnel, that the judge should not be disqualified, the judge may participate in the proceeding. The agreement shall be incorporated into the record of the proceeding.

**Comment:**

(1) Under this Rule, a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless of whether any of the specific provisions of paragraphs (A)(1) through (6) apply.

(2) A judge's obligation not to hear or decide matters in which disqualification is required applies regardless of whether a motion to disqualify is filed.

(3) The rule of necessity may override the rule of disqualification. For example, a judge might be required to participate in judicial review of a judicial salary statute, or might be the only judge available in a matter requiring immediate judicial action, such as a hearing on probable cause or a temporary restraining order. In matters that require immediate action, the judge must disclose on the record the basis for possible disqualification and make reasonable efforts to transfer the matter to another judge as soon as practicable.

(4) The fact that a lawyer in a proceeding is affiliated with a law firm with which a relative of the judge is affiliated does not itself disqualify the judge. If, however, the judge's impartiality might reasonably be questioned under paragraph (A), or the relative is known by the judge to have an interest in the law firm that could be substantially affected by the proceeding under paragraph (A)(2)(c), the judge's disqualification is required.

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

**Rule 2.12. Supervisory Duties.**

(A) A judge shall require court staff, court officials, and others subject to the judge's direction and control to act in a manner consistent with the judge's obligations under this Code.

(B) A judge with supervisory authority for the performance of other judges shall take reasonable measures to ensure that those judges properly discharge their judicial responsibilities, including the prompt disposition of matters before them.

**Comment:**

(1) A judge is responsible for his or her own conduct and for the conduct of others, such as staff, when those persons are acting at the judge's direction or control. A judge may not direct court personnel to engage in conduct on the judge's behalf or as the judge's representative when such conduct would violate the Code if undertaken by the judge.

(2) Public confidence in the judicial system depends upon timely justice. To promote the efficient administration of justice, a judge with supervisory authority must take the steps needed to ensure that judges under his or her supervision administer their workloads promptly. Determinations of the local board of judges in each county, and/or the Supreme Court, will determine whether the President Judge of the county has the supervisory authority contemplated herein.

**Rule 2.13. Administrative Appointments.**

(A) In making administrative appointments and hiring decisions, a judge:

(1) shall exercise the power of appointment impartially and on the basis of merit; and

(2) shall avoid nepotism, favoritism, and unnecessary appointments.

(B) A judge shall not appoint a lawyer to a position if the judge either knows that the lawyer, or the lawyer's spouse or domestic partner, has contributed as a major donor within the prior two years to the judge's election campaign, or learns of such a contribution by means of a timely motion by a party or other person properly interested in the matter, unless:

(1) the position is substantially uncompensated;

(2) the lawyer has been selected in rotation from a list of qualified and available lawyers compiled without regard to their having made political contributions; or

(3) the judge or another presiding or administrative judge affirmatively finds that no other lawyer is willing, competent, and able to accept the position.

(C) A judge shall not approve compensation of appointees beyond the fair value of services rendered.

**Comment:**

(1) The concept of "appointment" includes hiring decisions. Appointees of a judge include assigned counsel, officials such as referees, commissioners, special masters, receivers, and guardians, and personnel such as clerks, secretaries, and bailiffs. Consent by the parties to an

appointment or an award of compensation does not relieve the judge of the obligation prescribed by paragraph (A).

(2) Nepotism is the appointment of a judge's spouse or domestic partner, or any relative within the third degree of relationship of either the judge or the judge's spouse or domestic partner, or the spouse or domestic partner of such relative.

(3) The rule against making administrative appointments of lawyers who have contributed as a major donor to a judge's campaign includes an exception for positions that are substantially uncompensated, such as those for which the lawyer's compensation is limited to reimbursement for out-of-pocket expenses.

**Rule 2.14. Disability and Impairment.**

A judge having a reasonable belief that the performance of a lawyer or another judge is impaired by drugs or alcohol, or by a mental, emotional, or physical condition, shall take appropriate action, which may include a confidential referral to a lawyer or judicial assistance program.

**Comment:**

(1) "Appropriate action" means action intended and reasonably likely to help the judge or lawyer in question address the problem and prevent harm to the justice system. Depending upon the circumstances, appropriate action may include but is not limited to speaking directly to the impaired person, notifying an individual with supervisory responsibility over the impaired person, or making a referral to an assistance program.

(2) Taking or initiating corrective action by way of referral to an assistance program may satisfy a judge's responsibility under this Rule. Assistance programs have many approaches for offering help to impaired judges and lawyers, such as intervention, counseling, or referral to appropriate health care professionals. Depending upon the gravity of the conduct that has come to the judge's attention, however, the judge may be required to take other action, such as reporting the impaired judge or lawyer to the appropriate authority, agency, or body. See Rule 2.15.

**Rule 2.15. Responding to Judicial and Lawyer Misconduct.**

(A) A judge having knowledge that another judge has committed a violation of this Code that raises a substantial question regarding the judge's honesty, trustworthiness, or fitness as a judge shall inform the appropriate authority.

(B) A judge having knowledge that a lawyer has committed a violation of the Pennsylvania Rules of Professional Conduct that raises a substantial question regarding the lawyer's honesty, trustworthiness, or fitness as a lawyer shall inform the appropriate authority.

(C) A judge who receives information indicating a substantial likelihood that another judge has committed a violation of this Code shall take appropriate action.

(D) A judge who receives information indicating a substantial likelihood that a lawyer has committed a violation of the Pennsylvania Rules of Professional Conduct shall take appropriate action.

**Comment:**

(1) Taking action to address known misconduct is a judge's obligation. Paragraphs (A) and (B) impose an obligation on the judge to report to the appropriate



authority or other agency or body the known misconduct of another judge or a lawyer that raises a substantial question regarding the honesty, trustworthiness, or fitness of that judge or lawyer. Ignoring or denying known misconduct among one's judicial colleagues or members of the legal profession undermines a judge's responsibility to participate in efforts to ensure public respect for the justice system. This Rule limits the reporting obligation to those offenses that an independent judiciary must vigorously endeavor to prevent.

(2) A judge who does not have actual knowledge that another judge or a lawyer may have committed misconduct, but receives information indicating a substantial likelihood of such misconduct, is required to take appropriate action under paragraphs (C) and (D). Appropriate action may include, but is not limited to, communicating directly with the judge who may have violated this Code, communicating with a supervising judge, or reporting the suspected violation to the appropriate authority or other agency or body. Similarly, actions to be taken in response to information indicating that a lawyer has committed a violation of the Rules of Professional Conduct may include but are not limited to communicating directly with the lawyer who may have committed the violation, or reporting the suspected violation to the appropriate authority or other agency or body.

#### **Rule 2.16. Cooperation with Disciplinary Authorities.**

(A) A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies.

(B) A judge shall not retaliate, directly or indirectly, against a person known or suspected to have assisted or cooperated with an investigation of a judge or a lawyer.

#### **Comment:**

Cooperation with investigations and proceedings of judicial and lawyer discipline agencies, as required in paragraph (A), instills confidence in judges' commitment to the integrity of the judicial system and the protection of the public.

#### **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.
3.2.	Appearances Before Governmental Bodies and Consultation with Government Officials.
3.3.	Testifying as a Character Witness.
3.4.	Appointments to Governmental Positions and Other Organizations.
3.5.	Use of Nonpublic Information.
3.6.	Affiliation with Discriminatory Organizations.
3.7.	Participation in Educational, Religious, Charitable, Fraternal or Civic Organizations and Activities.
3.8.	Fiduciary Activities.
3.9.	Service as Arbitrator or Mediator.
3.10.	Practice of Law.
3.11.	Financial Activities.
3.12.	Compensation for Extrajudicial Activities.
3.13.	Acceptance of Gifts, Loans, Bequests, Benefits, or Other Things of Value.
3.14.	Reimbursement of Expenses and Waivers of Fees or Charges.
3.15.	Reporting Requirements.

#### **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. Judges are uniquely qualified to engage in 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.

(2) Participation in both law-related and other extrajudicial activities helps integrate judges into their communities, and furthers public understanding of and respect for courts and the judicial system.

(3) Discriminatory actions and expressions of bias or prejudice by a judge, even outside the judge's official or judicial actions, are likely to appear to a reasonable person to call into question the judge's integrity and impartiality. Examples include jokes or other remarks that demean individuals based upon their race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, or socioeconomic status. For the same reason, a judge's extrajudicial activities must not be conducted in connection or affiliation with an organization that practices invidious discrimination. See Rule 3.6.

(4) While engaged in permitted extrajudicial activities, judges must not coerce others or take action that would reasonably be perceived as coercive.

(5) Paragraph (E) of this Rule is not intended to prohibit a judge's occasional use of office resources, such as a telephone, for personal purposes.

#### **Rule 3.2. Appearances Before Governmental Bodies and Consultation with Government Officials.**

A judge shall not make a presentation to a public hearing before, or otherwise consult with, an executive or legislative body or official, except:

(A) in connection with matters concerning the law, the legal system, or the administration of justice;

(B) in connection with matters about which the judge acquired knowledge or expertise in the course of the judge's judicial duties; or

(C) when the judge is acting *pro se* in a matter involving the judge's legal or economic interests, or when the judge is acting in a fiduciary capacity.

(D) a judge may consult with and make recommendations to public and private fund-granting agencies on projects and programs concerning the law, the legal system, or the administration of justice.

**Comment:**

(1) Judges possess special expertise in matters of law, the legal system, and the administration of justice, and may properly share that expertise with governmental bodies and executive or legislative branch officials.

(2) In appearing before governmental bodies or consulting with government officials, judges must be mindful that they remain subject to other provisions of this Code, such as Rule 1.3, prohibiting judges from using the prestige of office to advance their own or others' interests, Rule 2.10, governing public comment on pending and impending matters, and Rule 3.1(C), prohibiting judges from engaging in extrajudicial activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality.

(3) In general, it would be an unnecessary and unfair burden to prohibit judges from appearing before governmental bodies or consulting with government officials on matters that are likely to affect them as private citizens, such as zoning proposals affecting their real property. In engaging in such activities, however, judges must not refer to their judicial positions, and must otherwise exercise caution to avoid using the prestige of judicial office.

**Rule 3.3. Testifying as a Character Witness.**

Reserved.

**Comment:**

In Pennsylvania, this subject matter is addressed in Rule of Judicial Administration 1701(e).

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

(A) 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.

(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.

**Rule 3.5. Use of Nonpublic Information.**

Nonpublic information acquired by judges in their judicial capacity shall not be used or disclosed by them in financial dealings or for any other purpose not related to their judicial duties.

**Comment:**

(1) In the course of performing judicial duties, a judge may acquire information of commercial or other value that is unavailable to the public. The judge must not reveal or use such information for personal gain or for any purpose unrelated to his or her judicial duties.

(2) This Rule is not intended, however, to affect a judge's ability to act on information as necessary to protect the health or safety of the judge or a member of the judge's family, court personnel, other judicial officers or other persons if consistent with other provisions of this Code.

**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.

(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.

(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.

(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.

(5) This 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.

(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.

**Rule 3.8. Fiduciary Activities.**

A judge shall not serve as the executor, administrator, trustee, guardian, attorney in fact, or other personal representative or other fiduciary, except for the estate, trust, or person of a member of the judge's family, and then only if such service will not interfere with the proper performance of judicial duties. As family fiduciaries judges are subject to the following restrictions:

(A) They shall not serve if it is likely that as fiduciaries they will be engaged in proceedings that would ordinarily come before them, or if the estate, trust, or ward becomes involved in adversary proceedings in the court on which they serve or one under its appellate jurisdiction.

(B) While acting as fiduciaries judges are subject to the same restrictions on financial activities that apply to them in their personal capacity.

(C) If a person who is serving in a fiduciary position becomes a judge, he or she must comply with this Rule as soon as reasonably practicable, but in no event later than one year after becoming a judge.

**Comment:**

(1) Judges' obligations under this Canon and their obligations as fiduciaries may come into conflict. For example, a judge should resign as trustee if divesting the trust of holdings that place the judge in violation of Rule 3.1 of this Code would result in detriment to the trust.

(2) The Effective Date of Compliance provision of this Code, found at No. 419 Judicial Administration Docket, qualifies this subsection with regard to a judge who is an executor, administrator, trustee, or other fiduciary at the time this Code becomes effective.

**Rule 3.9. Service as Arbitrator or Mediator.**

A judge shall not act as an arbitrator or a mediator or perform other judicial functions apart from the judge's official duties unless expressly authorized by law.

**Comment:**

This Rule does not prohibit a judge from participating in arbitration, mediation, or settlement conferences performed as part of assigned judicial duties. Rendering dispute resolution services apart from those duties, whether or not for economic gain, is prohibited unless it is expressly authorized by law.

**Rule 3.10. Practice of Law.**

A judge shall not practice law. A judge may act *pro se* in a legal action in which he or she is personally involved, and may, without compensation, give legal advice to and draft or review documents for a member of the judge's family, but is prohibited from serving as the family member's lawyer in any forum. Such limited practice is also subject to the disclosure of employment within the Unified Judicial System to the parties and the court in which the judge represents himself or herself. A judge is not prohibited from practicing law pursuant to military service, if the judge is otherwise permitted by law to do so.

**Comment:**

A judge may act *pro se* in all legal matters, including matters involving litigation and matters involving appearances before and dealings with governmental bodies. A judge must not use the prestige of office to advance the judge's personal or family interests. See Rule 1.3.

**Rule 3.11. Financial Activities.**

(A) A judge may hold and manage investments of the judge and members of the judge's family.

(B) A judge shall not serve as an officer, director, manager, general partner, advisor, or employee of any business entity except that a judge may manage or participate in:

(1) a business closely held by the judge or members of the judge's family; or

(2) a business entity primarily engaged in investment of the financial resources of the judge or members of the judge's family.

(C) A judge shall not engage in financial activities permitted under paragraphs (A) and (B) if they will:

(1) interfere with the proper performance of judicial duties;

(2) lead to frequent disqualification of the judge;

(3) involve the judge in frequent transactions or continuing business relationships with lawyers or other persons likely to come before the court on which the judge serves; or

(4) result in violation of other provisions of this Code.

**Comment:**

(1) Judges are generally permitted to engage in financial activities, including managing real estate and other investments for themselves or for members of their families. Participation in these activities, like participation in other extrajudicial activities, is subject to the requirements of this Code. For example, it would be improper for a judge to spend so much time on business activities that it interferes with the performance of judicial duties. See Rule 2.1. Similarly, it would be improper for a judge to use his or her official title or appear in judicial robes in business advertising, or to conduct his or her business or financial affairs in such a way that disqualification is frequently required. See Rules 1.3 and 2.11.

(2) As soon as practicable without serious financial detriment, the judge must divest himself or herself of investments and other financial interests that might require frequent disqualification or otherwise violate this Rule. Alternatively, a jurist may place such investments or other financial interests in a blind trust or similarly protective financial vehicle. So long as continuation will not interfere with the proper performance of judicial duties, a judge serving as an officer or director otherwise precluded by Rule 3.11(B), may complete the term of service if such may be accomplished in twelve months or less.

(3) Pursuant to Order No. 231, Magisterial Docket No. 1 (June 1, 2006), no judge shall have a financial interest, as defined by Section 1512(B) of the Pennsylvania Race Horse Development and Gaming Act (4 Pa.C.S. § 1101 et seq.), in or be employed, directly or indirectly, by any licensed racing entity or licensed gaming entity, or any holding, affiliate, intermediary or subsidiary company thereof or any such applicant, or engage in the active ownership or participate in the management of any such entities and related companies. The term "judge" shall include justices, judges of the Superior Court, judges of the Commonwealth Court, judges of the Courts of Common Pleas and judges of the Philadelphia Municipal Court, but shall not include lawyers and non-lawyers performing judicial functions, including but not limited to masters and arbitrators, for the Unified Judicial System.

**Rule 3.12. Compensation for Extrajudicial Activities.**

A judge may accept reasonable compensation for extrajudicial activities permitted by this Code or other law unless such acceptance would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality.

**Comment:**

(1) A judge is permitted to accept honoraria, stipends, fees, wages, salaries, royalties, or other compensation for speaking, teaching, writing, and other extrajudicial activities, provided the compensation is reasonable and commensurate with the task performed. The judge should be

mindful, however, that judicial duties must take precedence over other activities. See Rule 2.1.

(2) Compensation derived from extrajudicial activities shall be subject to public reporting. See Rule 3.15.

**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:

(1) items with little intrinsic value, such as plaques, certificates, trophies, and greeting cards;

(2) gifts, loans, bequests, benefits, or other things of value from friends, relatives, or other persons, including lawyers, whose appearance or interest in a proceeding pending or impending before the judge would in any event require disqualification of the judge under Rule 2.11;

(3) ordinary social hospitality;

(4) commercial or financial opportunities and benefits, including special pricing and discounts, and loans from lending institutions in their regular course of business, if the same opportunities and benefits or loans are made available on the same terms to similarly situated persons who are not judges;

(5) rewards and prizes given to competitors or participants in random drawings, contests, or other events that are open to persons who are not judges;

(6) scholarships, fellowships, and similar benefits or awards, if they are available to similarly situated persons who are not judges, based upon the same terms and criteria;

(7) books, magazines, journals, audiovisual materials, and other resource materials supplied by publishers on a complimentary basis for official use; or

(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 paragraph (A) from accepting the gift, or required under paragraph (C) and (D) to publicly report it.

(2) Gift-giving between friends and relatives is a common occurrence, and ordinarily does not create an appearance of impropriety or cause reasonable persons to believe that the judge's independence, integrity, or impartiality has been compromised. In addition, when the appearance of friends or relatives in a case would require the judge's disqualification under Rule 2.11, there would be no opportunity for a gift to influence the judge's decision making. Paragraph (B)(2) places no restrictions upon the ability of a judge to accept gifts or other things of value from friends or relatives under these circumstances, and does not require public reporting.

(3) Businesses and financial institutions frequently offer special pricing, discounts, and other benefits, either in connection with a temporary promotion or for preferred customers, based upon longevity of the relationship, volume of business transacted, and other factors. A judge may freely accept such benefits if they are available to the general public, or if the judge qualifies for the special price or discount according to the same criteria as are applied to persons who are not judges. As an example, loans provided at generally prevailing interest rates are not gifts, but a judge could not accept a loan from a financial institution at below-market interest rates unless the same rate was offered to the general public for a certain period of time or only to borrowers with specified qualifications that the judge also possesses.

(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.

(5) Rule 3.13 does not apply to contributions to a judge's campaign for judicial office. Such contributions are governed by other Rules of this Code, including Rules 4.3 and 4.4.

**Rule 3.14. Reimbursement of Expenses and Waivers of Fees or Charges.**

(A) Unless otherwise prohibited by Rules 3.1 and 3.13(A) or other law, a judge may accept reimbursement of necessary and reasonable expenses for travel, food, lodging, or other incidental expenses, or a waiver or partial waiver of fees or charges for registration, tuition, and similar items, from sources other than the judge's employing entity, if the expenses or charges are associated with the judge's participation in extrajudicial activities permitted by this Code.

(B) Reimbursement of expenses for necessary travel, food, lodging, or other incidental expenses shall be limited to the actual costs reasonably incurred by the judge and, when appropriate to the occasion, by the judge's spouse, domestic partner, or guest.

(C) A judge who accepts reimbursement of expenses, waivers, partial waivers of fees or charges on behalf of the judge or the judge's spouse, domestic partner, or guest shall publicly report such acceptance as required by Rule 3.15.

**Comment:**

(1) Educational, civic, religious, fraternal, and charitable organizations often sponsor meetings, seminars, symposia, dinners, awards ceremonies, and similar events. Judges are encouraged to attend educational programs, as both teachers and participants, in law-related and academic disciplines, in furtherance of their duty to maintain competence in the law. This Code also permits and supports participation in a variety of other extrajudicial activity.

(2) Often, sponsoring organizations invite certain judges to attend seminars or other events on a fee-waived or partial-fee-waived basis, sometimes including reimbursement for necessary travel, food, lodging, or other incidental expenses. A judge's decision whether to accept reimbursement of expenses or waiver or partial waiver of fees or charges in connection with these or other extrajudicial activities must be based upon an assessment of all the circumstances. The judge must reasonably obtain and consider information necessary to make an informed judgment about whether acceptance would be consistent with the requirements of this Code.

(3) A judge must be confident that acceptance of reimbursement or fee waivers would not reasonably undermine the judge's independence, integrity, or impartiality. The factors that a judge should consider when deciding whether to accept reimbursement or a fee waiver for attendance at a particular activity include:

(a) whether the sponsor is an accredited educational institution or a bar association rather than a trade association or a for-profit entity;

(b) whether the funding comes largely from numerous contributors rather than from a single entity and is restricted to programs with specific content;

(c) whether the content is related or unrelated to the subject matter of litigation pending before the judge, or to matters that are likely to come before the judge;

(d) whether the activity is primarily educational, rather than recreational, and whether the costs of the



event are reasonable and comparable to those associated with similar events sponsored by the judiciary, bar associations, or similar groups;

(e) whether information concerning the activity and its funding sources is available upon inquiry;

(f) whether the sponsor or source of funding is generally associated with particular parties or interests currently appearing or likely to appear in the judge's court, thus possibly requiring disqualification of the judge under Rule 2.11;

(g) whether differing viewpoints are presented; and

(h) whether a broad range of judicial and nonjudicial participants are invited, whether a large number of participants are invited, and whether the program is designed exclusively for judges.

### **Rule 3.15. Reporting Requirements.**

(A) A judge shall publicly report the amount or value of:

(1) compensation received for extrajudicial activities as permitted by Rule 3.12;

(2) gifts and other things of value as permitted by Rule 3.13(C), unless the value of such items, alone or in the aggregate with other items received from the same source in the same calendar year, does not exceed \$250; and

(3) reimbursement of expenses and waiver of fees or charges permitted by Rule 3.14(A), unless the amount of reimbursement or waiver, alone or in the aggregate with other reimbursements or waivers received from the same source in the same calendar year, does not exceed \$650.

(B) When public reporting is required by paragraph (A), a judge shall report:

(1) the date, place, and nature of the activity for which the judge received any compensation;

(2) the date and description of any gift, loan, bequest, benefit, or other thing of value accepted;

(3) the date and source of any reimbursement of expenses or waiver or partial waiver of fees or charges; and

(4) the date and source of any 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.

(C) The public report required by paragraph (A) shall be made at the filing due date for the Pennsylvania Supreme Court Statement of Financial Interest.

(D) Reports made in compliance with this Rule shall be filed as public documents on the Pennsylvania Supreme Court Statement of Financial Interest form.

**Canon 4. A judge or candidate for judicial office shall not engage in political or campaign activity that is inconsistent with the independence, integrity, or impartiality of the judiciary.**

Rule	
4.1.	Political and Campaign Activities of Judges and Judicial Candidates in General.
4.2.	Political and Campaign Activities of Judicial Candidates in Public Elections.
4.3.	Activities of Candidates for Appointive Judicial Office.
4.4.	Campaign Committees.
4.5.	Activities of Judges Who Become Candidates for Nonjudicial Office.

### **Rule 4.1. Political and Campaign Activities of Judges and Judicial Candidates in General.**

(A) Except as permitted by Rules 4.2, 4.3, and 4.4, a judge or a judicial candidate shall not:

(1) act as a leader in, or hold an office in, a political organization;

(2) make speeches on behalf of a political organization or a candidate for any public office;

(3) publicly endorse or publicly oppose a candidate for any public office;

(4) solicit funds for, pay an assessment to, or make a contribution to a political organization or a candidate for public office;

(5) attend or purchase tickets for dinners or other events sponsored by a political organization or a candidate for public office;

(6) use or permit the use of campaign contributions for the private benefit of the judge or others;

(7) use court staff, facilities, or other court resources in a campaign for judicial office;

(8) knowingly or with reckless disregard for the truth make any false or misleading statement;

(9) make any statement that would reasonably be expected to affect the outcome or impair the fairness of a matter pending in any court;

(10) engage in any political activity on behalf of a political organization or candidate for public office except on behalf of measures to improve the law, the legal system, or the administration of justice; or

(11) in connection with cases, controversies or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.

(B) A judge or judicial candidate shall take reasonable measures to ensure that other persons do not undertake, on behalf of the judge or judicial candidate, any activities prohibited under paragraph (A).

#### **Comment:**

#### *General Considerations*

(1) Even when subject to public election, a judge plays a role different from that of a legislator or executive branch official. Rather than making decisions based upon the expressed views or preferences of the electorate, a judge makes decisions based upon the law and the facts of every case. Therefore, in furtherance of this interest, judges and judicial candidates must, to the extent reasonably possible, be free and appear to be free from political influence and political pressure. This Canon imposes narrowly tailored restrictions upon the political and campaign activities of all judges and judicial candidates, taking into account the various methods of selecting judges.

(2) When a person becomes a judicial candidate, this Canon becomes applicable to his or her conduct. These Rules do not prohibit candidates from campaigning on their own behalf, from endorsing or opposing candidates for the same judicial office for which they are a candidate, or from endorsing candidates for another elective judicial office appearing on the same ballot. See Rules 4.2(B)(2) and 4.2(B)(3). Candidates do not publicly endorse another candidate for public office by having their name on the same ticket.

*Participation in Political Activities*

(3) Public confidence in the independence and impartiality of the judiciary is eroded if judges or judicial candidates are perceived to be subject to political influence. Although judges and judicial candidates may register to vote as members of a political party, they are prohibited by paragraph (A)(1) from assuming leadership roles in political organizations.

(4) Paragraphs (A)(2) and (A)(3) prohibit judges from making speeches on behalf of political organizations or publicly endorsing or opposing candidates for public office, respectively, to prevent them from abusing the prestige of judicial office to advance the interests of others. See Rule 1.3.

(5) Although members of the families of judges and judicial candidates are free to engage in their own political activity, including becoming a candidate for public office, there is no “family exception” to the prohibition in Rule 4.1(A)(3) against a judge or candidate publicly endorsing candidates for public office. A judge or judicial candidate must not become involved in, or publicly associated with, a family member’s political activity or campaign for public office. To avoid public misunderstanding, judges and judicial candidates should take, and should urge members of their families to take, reasonable steps to avoid any implication that they endorse any family member’s candidacy or other political activity.

(6) Judges and judicial candidates retain the right to participate in the political process as voters in both primary and general elections.

*Pledges, Promises, or Commitments Inconsistent with Impartial Performance of the Adjudicative Duties of Judicial Office*

(7) The role of a judge is different from that of a legislator or executive branch official, even when the judge is subject to public election. Campaigns for judicial office must be conducted differently from campaigns for other offices. The narrowly drafted restrictions upon political and campaign activities of judicial candidates provided in Canon 4 allow candidates to conduct campaigns that provide voters with sufficient information to permit them to distinguish between candidates and make informed electoral choices.

(8) Rule 4.1(A)(11) makes applicable to both judges and judicial candidates the prohibition that applies to judges in Rule 2.10(B), relating to pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.

(9) The making of a pledge, promise, or commitment is not dependent upon, or limited to, the use of any specific words or phrases; instead, the totality of the statement must be examined to determine whether the candidate for judicial office has specifically undertaken to reach a particular result. Pledges, promises, or commitments must be contrasted with statements or announcements of personal views on legal, political, or other issues, which are not prohibited. When making such statements, a judge should acknowledge the overarching judicial obligation to apply and uphold the law, without regard to his or her personal views.

(10) A judicial candidate may make campaign promises related to judicial organization, administration, and court management, such as a promise to dispose of a backlog of cases, start court sessions on time, or avoid favoritism in appointments and hiring. A candidate may also pledge to take action outside the courtroom, such as working

toward an improved jury selection system, or advocating for more funds to improve the physical plant and amenities of the courthouse.

(11) Judicial candidates may receive questionnaires or requests for interviews from the media and from issue advocacy or other community organizations that seek to learn their views on disputed or controversial legal or political issues. Paragraph (A)(11) does not specifically address judicial responses to such inquiries. Depending upon the wording and format of such questionnaires, candidates’ responses might be viewed as pledges, promises, or commitments to perform the adjudicative duties of office other than in an impartial way. To avoid violating paragraph (A)(11), therefore, candidates who respond to media and other inquiries should also give assurances that they will keep an open mind and will carry out their adjudicative duties faithfully and impartially if elected. Candidates who do not respond may state their reasons for not responding, such as the danger that answering might be perceived by a reasonable person as undermining a successful candidate’s independence or impartiality, or that it might lead to frequent disqualification. See Rule 2.11.

**Rule 4.2. Political and Campaign Activities of Judicial Candidates in Public Elections.**

(A) A judicial candidate in a public election shall:

(1) act at all times in a manner consistent with the independence, integrity, and impartiality of the judiciary;

(2) comply with all applicable election, election campaign, and election campaign fundraising laws and regulations of this jurisdiction;

(3) review and approve the content of all campaign statements and materials produced by the candidate or his or her campaign committee, as authorized by Rule 4.4, before their dissemination; and

(4) take reasonable measures to ensure that other persons do not undertake on behalf of the candidate activities, other than those described in Rule 4.4, that the candidate is prohibited from doing by this Rule.

(B) A candidate for elective judicial office may, unless prohibited by law, and not earlier than immediately after the General Election in the year prior to the calendar year in which a person may become a candidate for such office:

(1) establish a campaign committee pursuant to the provisions of Rule 4.4;

(2) speak on behalf of his or her candidacy through any medium, including but not limited to advertisements, websites, or other campaign literature;

(3) publicly endorse or speak on behalf of, or publicly oppose or speak in opposition to, candidates for the same judicial office for which he or she is a judicial candidate, or publicly endorse or speak on behalf of candidates for any other elective judicial office appearing on the same ballot;

(4) attend or purchase tickets for dinners or other events sponsored by a political organization or a candidate for public office;

(5) seek, accept, or use endorsements from any person or organization;

(6) contribute to a political organization or candidate for public office;

(7) identify himself or herself as a member or candidate of a political organization; and



(8) use court facilities for the purpose of taking photographs, videos, or other visuals for campaign purposes to the extent such facilities are available on an equal basis to other candidates for such office.

(C) A judge who is a candidate for elective judicial office shall not:

(1) personally solicit or accept campaign contributions other than through a campaign committee authorized by Rule 4.4;

(2) use or permit the use of campaign contributions for the private benefit of the candidate or others;

(3) use court staff, facilities, or other court resources in a campaign for judicial office except that a judge may use court facilities for the purpose of taking photographs, videos, or other visuals for campaign purposes to the extent such facilities are available on an equal basis for other candidates for such office;

(4) knowingly or with reckless disregard for the truth, make, or permit or encourage his or her campaign committee to make, any false or misleading statement; or

(5) make any statement that would reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court.

**Comment:**

*General Considerations*

(1) Paragraphs (B) and (C) permit judicial candidates in public elections to engage in some political and campaign activities otherwise prohibited by Rule 4.1. Candidates may not engage in these activities earlier than immediately after the General Election in the year prior to the calendar year in which a person may become a candidate for such office.

(2) Despite paragraph (B) and (C), judicial candidates for public election remain subject to many of the provisions of Rule 4.1. For example, a candidate continues to be prohibited from soliciting funds for a political organization, knowingly making false or misleading statements during a campaign, or making certain promises, pledges, or commitments related to future adjudicative duties. See Rule 4.1(A), paragraphs (4) and (11), and Rule 4.2(C), paragraph (4).

(3) In public elections for judicial office, a candidate may be nominated by, affiliated with, or otherwise publicly identified or associated with a political organization, including a political party. This relationship may be maintained throughout the period of the public campaign, and may include use of political party or similar designations on campaign literature and on the ballot.

(4) Judicial candidates are permitted to attend or purchase tickets for dinners and other events sponsored by political organizations.

(5) For purposes of paragraph (B)(3), candidates are considered to be a candidate for the same judicial office if they are competing for a single judgeship or for one of several judgeships on the same court to be filled as a result of the election. In endorsing or opposing another candidate for a position on the same court, a judicial candidate must abide by the same rules governing campaign conduct and speech as apply to the candidate's own campaign.

*Statements and Comments Made During a Campaign for Judicial Office*

(6) Judicial candidates must be scrupulously fair and accurate in all statements made by them and by their

campaign committees. Paragraph (C)(4) obligates candidates and their committees to refrain from making statements that are false or misleading, or that omit facts necessary to make the communication considered as a whole not materially misleading.

(7) Judicial candidates are sometimes the subject of false, misleading, or unfair allegations made by opposing candidates, third parties, or the media. For example, false or misleading statements might be made regarding the identity, present position, experience, qualifications, or judicial rulings of a candidate. In other situations, false or misleading allegations may be made that bear upon a candidate's integrity or fitness for judicial office. As long as the candidate does not violate paragraphs (C)(4) or (C)(5), or Rule 4.1, paragraph (A)(11), the candidate may make a factually accurate public response. In addition, when an independent third party has made unwarranted attacks on a candidate's opponent, the candidate may disavow the attacks, and request the third party to cease and desist.

(8) Subject to paragraph (C)(5), a judicial candidate is permitted to respond directly to false, misleading, or unfair allegations made against him or her during a campaign, although it is preferable for someone else to respond if the allegations relate to a pending case.

(9) Paragraph (C)(5) prohibits judicial candidates from making comments that might impair the fairness of pending or impending judicial proceedings. This provision does not restrict arguments or statements to the court or jury by a lawyer who is a judicial candidate, or rulings, statements, or instructions by a judge that may appropriately affect the outcome of a matter.

**Rule 4.3. Activities of Candidates for Appointive Judicial Office.**

A candidate for appointment to judicial office may:

(A) communicate with the appointing or confirming authority, including any selection, screening, or nominating commission or similar agency; and

(B) seek endorsements for the appointment from any person or organization.

**Comment:**

When seeking support or endorsement, or when communicating directly with an appointing or confirming authority, a candidate for appointive judicial office must not make any pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of the office. See Rule 4.1(A)(11).

**Rule 4.4. Campaign Committees.**

(A) A judicial candidate subject to public election may establish a campaign committee to manage and conduct a campaign for the candidate, including seeking, accepting, and using endorsements from any person or organization, subject to the provisions of this Code. The candidate shall take reasonable steps to cause his or her campaign committee to comply with applicable provisions of this Code and other applicable law.

(B) A judicial candidate subject to public election shall take reasonable steps to cause the judge's campaign committee:

(1) to solicit and accept only such campaign contributions as are permitted by law or Rule;

(2) not to solicit or accept contributions earlier than immediately after the General Election in the year prior to the calendar year in which a person may become a

candidate for such office, and all fundraising activities in connection with such judicial campaign shall terminate no later than the last calendar day of the year in which the judicial election is held; and

(3) to comply with all applicable statutory requirements for disclosure and divestiture of campaign contributions, and to file with the Secretary of the Commonwealth a report stating the name, address, occupation, and employer of each person who has made campaign contributions to the committee in an aggregate value exceeding \$250 and the name and address of each person who has made campaign contributions to the committee in an aggregate value exceeding \$50. The report must be filed not later than thirty days following an election, or within such other period as is provided by law.

**Comment:**

(1) Judicial candidates are prohibited from personally soliciting campaign contributions or personally accepting campaign contributions. See Rule 4.2(C)(1). This Rule recognizes that in Pennsylvania, judicial campaigns must raise campaign funds to support their candidates, and permits candidates, other than candidates for appointive judicial office, to establish campaign committees to solicit and accept reasonable financial contributions or in-kind contributions.

(2) Campaign committees may solicit, accept, and use campaign contributions and endorsements, and may generally conduct campaigns. Candidates are responsible for compliance with the requirements of election law and other applicable law, and for the activities of their campaign committees.

(3) At the start of a campaign, the candidate should instruct the campaign committee to solicit or accept only such contributions as are in conformity with applicable law. Although lawyers and others who might appear before a successful candidate for judicial office are permitted to make campaign contributions, the candidate should instruct his or her campaign committee to be especially cautious in connection with such contributions, so they do not create grounds for disqualification or recusal if the candidate is elected to judicial office. See Rule 2.11.

**Rule 4.5. Activities of Judges Who Become Candidates for Nonjudicial Office.**

(A) Upon becoming a candidate for a nonjudicial elective office, a judge shall resign from judicial office, unless permitted by law to continue to hold judicial office.

(B) Upon becoming a candidate for a nonjudicial appointive office, a judge is not required to resign from judicial office, provided that the judge complies with the other provisions of this Code.

(C) Notwithstanding Rule 4.5(A) and (B) a judge may continue to hold a judicial office while being a candidate for election to serve or while serving as a delegate to a state constitutional convention if the judge is otherwise permitted by law to do so.

**Comment:**

(1) In campaigns for nonjudicial elective public office, candidates may make pledges, promises, or commitments related to positions they would take and ways they would act if elected to office. Although appropriate in nonjudicial campaigns, this manner of campaigning is inconsistent with the role of a judge, who must remain fair and impartial to all who come before him or her. The potential for misuse of the judicial office, and the political promises that the judge would be compelled to make in the course

of campaigning for nonjudicial elective office, together dictate that a judge who wishes to run for such an office must resign upon becoming a candidate.

(2) The “resign to run” rule set forth in paragraph (A) is required by Article V, Section 18(d)(4) of the Pennsylvania Constitution, which states: “A justice, judge or justice of the peace who files for nomination for or election to any public office other than a judicial office shall forfeit automatically his judicial office.” It ensures that a judge cannot use the judicial office to promote his or her candidacy, and prevents post-campaign retaliation from the judge in the event the judge is defeated in the election. When a judge is seeking appointive nonjudicial office, however, the dangers are not sufficient to warrant imposing the “resign to run” rule.

[Pa.B. Doc. No. 14-172. Filed for public inspection January 24, 2014, 9:00 a.m.]

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

#### [ 210 PA. CODE CHS. 1, 9, 11, 13 AND 33 ]

#### Proposed Amendments to Pa.Rs.A.P. 120, 121, 907, 1112, 1311 and 3304

The Appellate Court Procedural Rules Committee proposes to amend Pennsylvania Rules of Appellate Procedure 120, 121, 907, 1112, 1311, and 3304. The amendment is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

Proposed new material is bold while deleted material is bold and bracketed.

All communications in reference to the proposed amendment should be sent no later than February 24, 2014 to:

Dean R. Phillips, Chief Counsel  
D. Alicia Hickok, Deputy Counsel  
Scot Withers, Deputy Counsel  
Appellate Court Procedural Rules Committee  
Pennsylvania Judicial Center  
601 Commonwealth Ave., Suite 6200  
P.O. Box 62635  
Harrisburg, Pennsylvania 17106-2635  
or Fax to  
(717) 231-9551  
or E-Mail to  
appellaterules@pacourts.us

An Explanatory Comment precedes the proposed amendment and has been inserted by this Committee for the convenience of the bench and bar. It will not constitute part of the rule nor will it be officially adopted or promulgated.

*By the Appellate Court  
Procedural Rules Committee*

HONORABLE RENÉE COHN JUBELIRER,  
*Chair*

## Annex A

## TITLE 210. APPELLATE PROCEDURE

## PART I. RULES OF APPELLATE PROCEDURE

## ARTICLE I. PRELIMINARY PROVISIONS

## CHAPTER 1. GENERAL PROVISIONS

## DOCUMENTS GENERALLY

**Rule 120. Entry of Appearance.**

[ (a) *Filing.*—] Any counsel filing papers required or permitted to be filed in an appellate court must enter an appearance with the prothonotary of the appellate court unless that counsel has been previously noted on the docket as counsel pursuant to Rules 907(b), 1112(f), 1311(d), or 1514(d). New counsel appearing for a party after docketing pursuant to Rules 907(b), 1112(f), 1311(d), or 1514(d) shall file an entry of appearance [ **simultaneous** ] **simultaneously** with or prior to the filing of any papers signed by new counsel. The entry of appearance shall specifically designate each party the attorney represents, and the attorney shall file a certificate of service pursuant to [ **Subdivision** ] **paragraph** (d) of Rule 121 and **to** Rule 122. Where new counsel enters an appearance on behalf of a party currently represented by counsel and there is no simultaneous withdrawal of appearance, new counsel shall serve the party that new counsel represents and all other counsel of record and file a certificate of service.

\* \* \* \* \*

**Rule 121. Filing and Service.**

(a) *Filing.*—Papers required or permitted to be filed in an appellate court shall be filed with the prothonotary. Filing may be accomplished by mail addressed to the prothonotary, but except as otherwise provided by these rules, filing shall not be timely unless the papers are received by the prothonotary within the time fixed for filing. If an application under these rules requests relief which may be granted by a single judge, a judge in extraordinary circumstances may permit the application and any related papers to be filed with that judge. In that event the judge shall note thereon the date of filing and shall thereafter transmit such papers to the clerk.

[ A *pro se* filing submitted by a prisoner incarcerated in a correctional facility is deemed filed as of the date it is delivered to the prison authorities for purposes of mailing or placed in the institutional mailbox, as evidenced by a properly executed prisoner cash slip or other reasonably verifiable evidence of the date that the prisoner deposited the *pro se* filing with the prison authorities. ]

(b) *Service of all papers required.*—Copies of all papers filed by any party and not required by these rules to be served by the prothonotary shall, concurrently with their filing, be served by a party or person acting on behalf of that party or person on all other parties to the matter. Service on a party represented by counsel shall be made on counsel.

\* \* \* \* \*

(e) *Additional time after service by mail and commercial carrier.*—Whenever a party is required or permitted to do an act within a prescribed period after service of a paper upon that party (other than an order of a court or other government unit) and the paper is served by United States mail or by commercial carrier, three days shall be added to the prescribed period.

(f) *Pro se and hybrid representation.*—A *pro se* filing submitted by a prisoner incarcerated in a correctional facility is deemed filed as of the date it is delivered to the prison authorities for purposes of mailing or placed in the institutional mailbox, as evidenced by a properly executed prisoner cash slip or other reasonably verifiable evidence of the date that the prisoner deposited the *pro se* filing with the prison authorities.

Where a litigant is represented by an attorney before the court but submits for filing *pro se* a petition, motion, brief or any other type of pleading in the matter, it shall not be docketed but shall instead be noted on the docket and forwarded to counsel of record; except that in the Superior Court a timely request to proceed *pro se* or for replacement counsel will be docketed as well as provided to counsel of record and will be referred to the trial court for a determination whether the appellant shall proceed *pro se*.

*Official Note:*

\* \* \* \* \*

*Subdivision (e)*—Subdivision (e) of the rule does not apply to the filing of a notice of appeal, a petition for allowance of appeal, a petition for permission to appeal, or a petition for reconsideration or re-argument, since under these rules the time for filing such papers runs from the entry and service of the related order, nor to the filing of a petition for review, which is governed by similar considerations. However, these rules permit the filing of such notice and petitions (except a petition for reconsideration or re-argument) in the local county (generally in the county court house; otherwise in a post office), thus eliminating a major problem under the prior practice. The amendments to Rules 903(b), 1113(b) and 1512(a)(2) clarified that subdivision (e) does apply to calculating the deadline for filing cross-appeals, cross-petitions for allowance of appeal and additional petitions for review.

*Paragraph (f)*—As to *pro se* filings by persons incarcerated in correctional facilities, see *Commonwealth v. Jones*, 549 Pa. 58, 700 A.2d 423 (1997); *Smith v. Pa. Bd. of Prob. & Parole*, 546 Pa. 115, 683 A.2d 278 (1996); *Commonwealth v. Johnson*, 860 A.2d 146 (Pa. Super. 2004). The rule on hybrid representation is premised on *Commonwealth v. Ellis*, 534 Pa. 176, 626 A.2d 1137 (1993) and is to be distinguished from litigants who are proceeding *pro se*. See *Commonwealth v. Jette*, 611 Pa. 166, 23 A.3d 1032, 1044 (2011) (“Therefore, we reiterate that the proper response to any *pro se* pleading is to refer the pleading to counsel, and to take no further action on the *pro se* pleading unless counsel forwards a motion. Moreover, once the brief has been filed, any right to insist upon self-representation has expired.”). The right to proceed *pro se* at the trial level is grounded in the federal constitution, but it is triggered only when a timely and unequivocal request is made in the trial court. *Commonwealth v. El*, 602 Pa. 126, 135, 977 A.2d 1158, 1163 (2009). A court has discretion in responding to a conditional or untimely request in the trial court. *Id.* at 139, 977 A.2d at 1165 (after meaningful trial proceedings have begun, a request to proceed *pro se* is subject to the trial court’s sound discretion); *Commonwealth v. Brooks*, 66 A.3d 352 (Pa. Super. 2013) (evaluating the trial court’s decision to deny a conditional request to proceed *pro se* as an abuse of



discretion). There is no comparable federal constitutional right to proceed *pro se* on appeal. *Martinez v. Court of Appeal of California*, 528 U.S. 152 (2000). At the least, an appellant's request to proceed *pro se* on appeal must precede the filing of a counseled brief. *Jette*, 611 Pa. at 186, 23 A.3d at 1044.

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 9. APPEALS FROM LOWER COURTS

Rule 907. Docketing of Appeal.

\* \* \* \* \*

(b) *Entry of appearance.* Upon the docketing of the appeal the prothonotary of the appellate court shall note on the record as counsel for the appellant the name of counsel, if any, set forth in or endorsed upon the notice of appeal, and, as counsel for other parties, counsel, if any, named in the proof of service. [ **The** ] **Unless that party is entitled by law to be represented by counsel on appeal, the prothonotary of the appellate court shall upon praecipe of [ any such counsel for other parties ] counsel, filed within 30 days after [ filing ] the docketing of the notice of appeal, strike off or correct the record of appearances. Thereafter, and at any time if a party is entitled by law to be represented by counsel on appeal, a counsel's appearance for a party may not be withdrawn without leave of court, unless another lawyer has entered or simultaneously enters an appearance for the party.**

**Official Note:** The transmission of a photocopy of the notice of appeal, showing a stamped notation of filing and the appellate docket number assignment, without a letter of transmittal or other formalities, will constitute full compliance with the notice requirement of Subdivision (a) of this rule.

[ **With regard to subdivision (b) and withdrawal of appearance without leave of the appellate court, counsel may nonetheless be subject to trial court supervision pursuant to Pa.R.Crim.P. 904 (Entry of Appearance and Appointment of Counsel; In forma Pauperis).** ]

A party may be entitled to the representation of counsel on appeal by statute, by rule, or by case law. For example, the Rules of Criminal Procedure provide that counsel appointed in the trial court is to continue representation through direct appeal (Pa.R.Crim.P. 120(A)(4) and Pa.R.Crim.P. 122(B)(2)) and when appointed in a post-conviction proceeding (Pa.R.Crim.P. 904(F)(2) and Pa.R.Crim.P. 904(H)(2)(b)). The same is true when counsel enters an appearance on behalf of a juvenile in a delinquency matter or on behalf of a child or other party in a dependency matter. Pa.R.J.C.P. 150(B), 151, Pa.R.J.C.P. 1150(B), 1151(B), (E). Because the rule specifies that withdrawal by a simple praecipe is available only to parties other than an appellant, it would be rare for counsel in such cases to consider withdrawing by praecipe, but the 2014 amendment to the rule avoids any possibility of confusion by clarifying that withdrawal by praecipe is available only in matters that do not otherwise require court permission to withdraw in addition to being available only to parties other than the appellant.

If a party is entitled to representation on appeal, the appellate court will presume that counsel that represented the party in the trial court will also represent the party on appeal, and counsel will be

entered on the appellate court docket. In order to withdraw in such cases, either (1) new counsel must enter an appearance in the appellate court prior to or at the time of withdrawal; (2) counsel must provide the appellate court with an order of the trial court authorizing withdrawal; or (3) counsel must petition the appellate court to withdraw as counsel. Counsel for parties entitled to representation on appeal are cautioned that if any critical filing in the appellate process is omitted because of an omission by counsel, and if the party ordinarily would lose appeal rights because of that omission, counsel may be subject to discipline.

With respect to appearances by new counsel following the initial docketing appearances pursuant to Subdivision (b) of this rule, please note the requirements of Rule 120.

CHAPTER 11. APPEALS FROM COMMONWEALTH COURT AND SUPERIOR COURT

PETITION FOR ALLOWANCE OF APPEAL

Rule 1112. Appeals by Allowance.

\* \* \* \* \*

(f) *Entry of appearance.*—Upon the filing of the petition for allowance of appeal the Prothonotary of the Supreme Court shall note on the record as counsel for the petitioner the name of his or her counsel, if any, set forth in or endorsed upon the petition for allowance of appeal, and, as counsel for other parties, counsel, if any, named in the proof of service. [ **The** ] **Unless that party is entitled by law to be represented by counsel on appeal, the Prothonotary shall upon praecipe of any such counsel for other parties, filed at any time within 30 days after filing of the petition, strike off or correct the record of appearance. [ Thereafter a ] If entry of appearance in the trial court extends through appeals counsel's appearance for a party may not be withdrawn without leave of court. Appearance cannot be withdrawn without leave of court for counsel who have not filed a praecipe to correct appearance within the first 30 days after the appeal is docketed, unless another lawyer has entered or simultaneously enters an appearance for the party.**

**Official Note:** Based on 42 Pa.C.S. § 724(a) (allowance of appeals from Superior and Commonwealth Courts). The notation on the docket by the Prothonotary of the Superior Court or Commonwealth Court of the filing of a petition for allowance of appeal renders universal the rule that the appeal status of any order may be discovered by examining the docket of the court in which it was entered.

\* \* \* \* \*

[ **With regard to subdivision (f) and withdrawal of appearance without leave of the appellate court, counsel may nonetheless be subject to trial court supervision pursuant to Pa.R.Crim.P. 904 (Entry of Appearance and Appointment of Counsel; In Forma Pauperis).** ]

The Rules of Criminal Procedure provide that counsel appointed in the trial court is to continue representation through direct appeal (Pa.R.Crim.P. 120(A)(4) and Pa.R.Crim.P. 122(B)(2)) and when appointed in a post-conviction proceeding (Pa.R.Crim.P. 904(F)(2) and Pa.R.Crim.P. 904(H)(2)(b)). The same is true when counsel enters an appearance on behalf of a juvenile in a delinquency matter or on behalf of a child or other party



in a dependency matter. Pa.R.J.C.P. 150(B), 151, Pa.R.J.C.P. 1150(B), 1151(B), (E). Because the rule specifies that withdrawal by a simple praecipe is available only to parties other than an appellant, it would be rare for counsel in such cases to consider withdrawing by praecipe, but the 2014 amendment to the rule avoids any possibility of confusion by clarifying that withdrawal by praecipe is available only in matters that do not otherwise require court permission to withdraw in addition to being available only to parties other than the appellant.

With respect to appearances by new counsel following the initial docketing of appearances pursuant to Subdivision (f) of this rule, please note the requirements of Rule [ 1200 ] 120.

**CHAPTER 13. INTERLOCUTORY APPEALS BY PERMISSION**

**Rule 1311. Interlocutory Appeals by Permission.**

\* \* \* \* \*

(d) *Entry of appearance.*—Upon the filing of the petition for permission to appeal the prothonotary of the appellate court shall note on the record as counsel for the petitioner the name of counsel, if any, set forth in or endorsed upon the petition for permission to appeal, and, as counsel for other parties, counsel, if any, named in the proof of service. [ **The** ] **Unless that party is entitled by law to be represented by counsel on appeal, the prothonotary shall upon praecipe of any such counsel for other parties, filed at any time within 30 days after filing of the petition, strike off or correct the record of appearance. [ Thereafter a ] If entry of appearance in the trial court extends through appeals** counsel’s appearance for a party may not be withdrawn without leave of court. **The court must also grant permission to withdraw for any other counsel who have not filed a praecipe to correct appearance within the first 30 days after the appeal is docketed,** unless another lawyer has entered or simultaneously enters an appearance for the party.

**Official Note:** Based on 42 Pa.C.S. § 702(b) (interlocutory appeals by permission). See note to Rule 903 (time for appeal). Compare 42 Pa.C.S. § 5574 (effect of application for amendment to qualify for interlocutory appeal).

\* \* \* \* \*

[ With regard to subdivision (d) and withdrawal of appearance without leave of the appellate court, counsel may nonetheless be subject to trial court supervision pursuant to Pa.R.Crim.P. 904 (Entry of Appearance and Appointment of Counsel; In Forma Pauperis). ]

The Rules of Criminal Procedure provide that counsel appointed in the trial court is to continue representation through direct appeal (Pa.R.Crim.P. 120(A)(4) and Pa.R.Crim.P. 122(B)(2)) and when appointed in a post-conviction proceeding (Pa.R.Crim.P. 904(F)(2) and Pa.R.Crim.P. 904(H)(2)(b)). The same is true when counsel enters an appearance in a delinquency matter or on behalf of a child in a dependency matter. Pa.R.J.C.P. 150(B), 151, Pa.R.J.C.P. 1150(B), 1151(B), (E). Because the rule specifies that withdrawal by a simple praecipe is available only to parties other than an appellant, it would be rare for counsel in such cases to consider withdrawing by praecipe,

but the 2014 amendment to the rule avoids any possibility of confusion by clarifying that withdrawal by praecipe is available only in matters that do not otherwise require court permission to withdraw in addition to being available only to parties other than the appellant.

With respect to appearances by new counsel following the initial docketing of appearances pursuant to Subdivision (d) of this rule, please note the requirements of Rule 120.

**ARTICLE III. MISCELLANEOUS PROVISIONS**  
**CHAPTER 33. BUSINESS OF THE SUPREME COURT**  
**IN GENERAL**

Rule 3304. [ Hybrid Representation ] (Reserved).

[ Where a litigant is represented by an attorney before the Court and the litigant submits for filing a petition, motion, brief or any other type of pleading in the manner, it shall not be docketed but forwarded to counsel of record.

**Official Note:** The present rule is premised on *Commonwealth v. Ellis*, 534 A.2d 176, 626 A.2d 1137 (1993) and is to be distinguished from litigants who are pro se in litigation. ]

\* \* \* \* \*

**Explanatory Comment**

The Appellate Court Procedural Rules Committee proposes to amend Rules of Appellate Procedure 120, 121, 907, 1112, 1311, and 3304 to clarify several procedural points relative to the representation of parties—and particularly criminal defendants and Post-Conviction Relief Act (“PCRA”) petitioners—on appeal. Some of the principles apply more broadly, however.

Pa.R.Crim.P. 576(A)(4) and Pa.R.A.P. 3304 proscribe hybrid representation, but the appellate rule is included in a chapter governing the Business of the Supreme Court, which by its terms does not apply to matters in the intermediate appellate courts. Hybrid representation is prohibited in the intermediate appellate courts, just as it is in the Supreme Court, however. See *Commonwealth v. Ellis*, 534 Pa. 176, 626 A.2d 1137, 1139 (1993); *Commonwealth v. Cooper*, 611 Pa. 437, 447 n.9, 27 A.3d 994, 1000 n.9 (2011). To make it clear that the prohibition against hybrid representation applies to all appellate courts, the Committee proposes to move the text of current Pa.R.A.P. 3304 into a new paragraph of Pa.R.A.P. 121, and to move the current discussion of pro se representation from Pa.R.A.P. 121(a) to Pa.R.A.P. 121(f).

In addition, the Committee recommends revising the language in Pa.R.A.P. 907, 1112, and 1311 and their notes to avoid any confusion about when an attorney has an obligation to continue to represent a party on appeal. Currently, Pa.R.A.P. 907, 1112, and 1311 provide attorneys with an option to praecipe for withdrawal within thirty days after the docketing of an appeal or the filing of a petition for allowance of appeal or for permission to take an interlocutory appeal. Counsel appointed at the trial level who are obligated to continue the representation through appeal, see, e.g., Pa.R.Crim.P. 120(A)(4) and 122(B)(2), cannot withdraw by just filing a praecipe in an appellate court, however. Instead, counsel must file a motion to withdraw in the appellate court which can either grant or deny the motion or refer it to the trial court to grant or deny. The clarifying language in the

notes of those rules (that “counsel may nonetheless be subject to trial court supervision pursuant to Pa.R.Crim.P. 904”) is overly narrow and non-specific. Pa.R.Crim.P. 904 discusses representation only on PCRA, even though counsel appointed to represent a criminal defendant is likewise required to continue the representation through direct appeal, and even though there are other proceedings (such as delinquency and dependency), in which counsel are similarly appointed through appeal. Moreover, the note fails to state that an attorney that has been appointed cannot withdraw by praecipe. And, although appellate courts frequently request that trial courts assist with issues arising during appeal concerning representation, the trial court does not as a general matter retain supervision over counsel while a case is on appeal. The proposed recommendation that follows addresses these concerns.

[Pa.B. Doc. No. 14-173. Filed for public inspection January 24, 2014, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [ 231 PA. CODE CH. 200 ]

#### Proposed Amendment of Rule 234.1 Governing Subpoenas to Attend and Testify; Proposed Recommendation No. 259

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 234.1 governing subpoenas to attend and testify be amended as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent no later than February 28, 2014 to:

Karla M. Shultz  
Counsel  
Civil Procedural Rules Committee  
601 Commonwealth Avenue, Suite 6200  
P.O. Box 62635  
Harrisburg PA 17106-2635  
FAX 717-231-9526  
civilrules@pacourts.us

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 200. BUSINESS OF COURTS

#### Rule 234.1. Subpoena to Attend and Testify.

\* \* \* \* \*

(c) A subpoena may not be used to compel a person to appear or to produce documents or things ex parte before an attorney, a party or a representative of the party.

**(d) A subpoena shall be served reasonably in advance of the date upon which attendance is required.**

### Explanatory Comment

The Civil Procedural Rules Committee is proposing the amendment of Rule 234.1 governing subpoenas to attend and testify. It was brought to the Committee’s attention that a discrepancy exists between service of a subpoena on a non-party witness and service of a notice to attend on a party. Current Rule 234.3 provides that a party shall be served a notice to attend reasonably in advance of the date the party is required to attend and testify. Current Rule 234.1, on the other hand, is silent as to when a non-party witness should be served a subpoena before attendance is required. The result is that a party who is aware of and involved in litigation is entitled to reasonable notice, but a non-party witness who has no prior knowledge of a trial and no forewarning that he or she may be called to testify can be subpoenaed with no notice. To remedy this discrepancy, the proposed amendment of Rule 234.1 would require that a non-party witness be served a subpoena reasonably in advance of the date the witness is required to attend and testify.

*By the Civil Procedural Rules Committee*

DIANE W. PERER,  
*Chair*

[Pa.B. Doc. No. 14-174. Filed for public inspection January 24, 2014, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

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

#### Proposed New Pa.R.Crim.P. 771 and Comment Revision to Pa.R.Crim.P. 471

The Criminal Procedural Rules Committee is considering recommending that the Supreme Court of Pennsylvania adopt new Rule 771 (Disposition Report to the Department of Transportation) to require that the court case dispositions required by 75 Pa.C.S. § 6323 to be reported to the Pennsylvania Department of Transportation be done so electronically and revise the Comment to Rule 471 (Disposition Report) to remove an archaic provision. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

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

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

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

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

e-mail: criminalrules@pacourts.us

no later than Friday, March 7, 2014.

By the Criminal Procedural Rules Committee

THOMAS P. ROGERS,  
 Chair

### Annex A

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

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

#### Rule 471. Disposition Report.

\* \* \* \* \*

#### Comment

\* \* \* \* \*

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

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

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed Comment revision published for comment at 44 Pa.B. 476 (January 25, 2014).**

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

### PART B. Post-Sentence Procedures

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

#### Rule 771. Disposition Report to the Department of Transportation.

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

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

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

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

#### Comment

This rule was adopted in 2014 to provide for the electronic transmission of the case information required

under 75 Pa.C.S. § 6323 to the Pennsylvania Department of Transportation. The rule provides for procedures at the court of common pleas similar to those already provided under Rule 471 for the reports required to be submitted under 75 Pa.C.S. § 6322 by issuing authorities.

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

**Official Note:** New Rule 771 adopted , 2014, effective 2014.

*Committee Explanatory Reports:*

Report explaining the provisions of the new rule published for comment at 44 Pa.B. 476 (January 25, 2014).

### REPORT

#### *Proposed New Pa. R.Crim.P. 771 Proposed Amendments to Pa.R.Crim.P. 471*

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

The Committee recently received a request from the Court Administrator of Pennsylvania to consider a rule mandating that the information regarding certain types of cases that courts are statutorily required to report to the Pennsylvania Department of Transportation (PennDOT) be done electronically. Currently, 75 Pa.C.S. § 6323 requires that the clerks of courts report to PennDOT the disposition of any case arising under the Motor Vehicle Code (Title 75) or under Section 13 of the Controlled Substance, Drug, Device and Cosmetic Act, 35 P. S. § 780-113.<sup>1</sup>

This is somewhat similar to 75 Pa.C.S. § 6322 that requires issuing authorities to provide reports of the disposition of summary motor vehicle cases to PennDOT. Rule 471 was adopted in 1993 to require that the transmission of these reports be done electronically. The impetus for Rule 471 was the implementation of the Court's Magisterial District Judge System (MDJS) that gave issuing authorities the capability of transmitting these reports electronically. The Committee is unaware of any procedural problems that have ever arisen by the electronic transmission provisions of Rule 471.

The proposal would extend this type of transmission to the clerks of courts now that the Court's Common Pleas Case Management System (CPCMS) provides the statewide capabilities for electronic transmission from the common pleas courts. The proposed new rule would simply be an extension to the common pleas courts of the procedures already in place for the MDJ courts.

The new rule would be numbered "Rule 771." Since the reports to PennDOT are filed as essentially the last event in a case at the common pleas level, it is placed after the post-sentence procedures rules and before the expungement rules. The particular number is intended to link it to Rule 471.

The text of the Rule would mirror Rule 471 and require the transmittal of the disposition information to be done electronically.

The proposal also contains a provision similar to that in Rule 471 that requires a hard copy of the report to be added to the case file. While the desire is ultimately to move towards paperless case files, the view of the Com-

<sup>1</sup> Section 6323 references a provision in the Controlled Substances Act requiring the suspension of a defendant's driver's license for conviction of a drug offense. This provision, 35 P. S. § 780-113(m) was repealed in 1993 and the suspension provisions are now found in 75 Pa.C.S. § 1532(c).



mittee in the past has been to maintain a traditional paper case file, particularly at the common pleas level. However, given current technology that can reproduce hard copies of the transmittal upon request, the Committee is seeking input from respondents about whether this requirement still is necessary, and if not, should Rule 471 also be amended to delete the requirement to maintain a hard copy in the magisterial district judge case files?

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

[Pa.B. Doc. No. 14-175. Filed for public inspection January 24, 2014, 9:00 a.m.]

[ 234 PA. CODE CH. 5 ]

Order Adopting the Amendment to Rule 550 and Approving the Revision of the Comment to Rule 591 of the Rules of Criminal Procedure; No. 445 Criminal Procedural Rules Doc.

Order

Per Curiam

And Now, this 6th day of January, 2014, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 43 Pa.B. 4210 (July 27, 2013), and in the Atlantic Reporter (Third Series Advance Sheets, Vol. 68), and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the amendment to Pennsylvania Rule of Criminal Procedure 550 is adopted and the revision to the Comment to Pennsylvania Rule of Criminal Procedure 591 is approved in the following form.

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

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART D. Proceedings in Court Cases Before Issuing Authorities

Rule 550. Pleas of Guilty Before Magisterial District Judge in Court Cases.

\* \* \* \* \*

(D) A defendant who enters a plea of guilty under this rule may, within [ 10 ] 30 days after sentence, change the plea to not guilty by so notifying the magisterial district judge in writing. In such event, the magisterial district judge shall vacate the plea and judgment of sentence, and the case shall proceed in accordance with Rule 547, as though the defendant had been held for court.

(E) [ Ten ] Thirty days after the acceptance of the guilty plea and the imposition of sentence, the magisterial district judge shall certify the judgment, and shall forward the case to the clerk of courts of the judicial district for further proceedings.

Comment

\* \* \* \* \*

Prior to accepting a plea of guilty under this rule, it is suggested that the magisterial district judge consult with the attorney for the Commonwealth concerning the case, concerning the defendant's possible eligibility for ARD or other types of diversion, and concerning possible related offenses that might be charged in the same complaint. See Commonwealth v. Campana, 452 Pa. 233, 304 A.2d 432 (1973), vacated and remanded, [ 414 U.S. 808 (1973), on remand, ] 414 U.S. 808 (1973), on remand, 455 Pa. 622, 314 A.2d 854 (1974).

Before accepting a plea:

\* \* \* \* \*

(d) The magisterial district judge should advise the defendant that, if the defendant wants to change the plea to not guilty, the defendant, within [ 10 ] 30 days after imposition of sentence, must notify the magisterial district judge who accepted the plea of this decision in writing.

\* \* \* \* \*

See Rule 590 and the Comment thereto for further elaboration of the required colloquy. See also Commonwealth v. Minor, 467 Pa. 230, 356 A.2d 346 (1976), overruled on other grounds in Commonwealth v. Minarik, 493 Pa. 573, 427 A.2d 623, 627 (1981); Commonwealth v. Ingram, 455 Pa. 198, 316 A.2d 77 (1974); Commonwealth v. Martin, 445 [ A.2d ] Pa. 49, 282 A.2d 241 (1971).

While the rule continues to require a written plea incorporating the contents specified in paragraph (C), the form of plea was deleted in 1985 because it is no longer necessary to control the specific form of written plea by rule.

Paragraph (C) does not preclude verbatim transcription of the colloquy and plea.

The time limit for withdrawal of the plea contained in paragraph (D) was increased from 10 days to 30 days in 2014 to place a defendant who enters a plea to a misdemeanor before a magisterial district judge closer to the position of a defendant who pleads guilty to the same offense in common pleas court or a defendant who pleads guilty to a summary offense before a magisterial district judge. A 30-day time period for withdrawal of the plea is consistent with the 30-day period for summary appeal and the 30-day common pleas guilty plea appeal period.

Withdrawal of the guilty plea is the only relief available before a magisterial district judge for a defendant who has entered a plea pursuant to this rule. Any further challenge to the entry of the plea must be sought in the court of common pleas.

At the time of sentencing, or at any time within the [ 10-day ] 30-day period before transmitting the case to the clerk of courts pursuant to paragraph (E), the magisterial district judge may accept payment of, or may establish a payment schedule for, installment payments of restitution, fines, and costs.

\* \* \* \* \*

Official Note: Rule 149 adopted June 30, 1977, effective September 1, 1977; Comment revised January 28, 1983, effective July 1, 1983; amended November 9, 1984, effective January 2, 1985; amended August 22, 1997,



effective January 1, 1998; renumbered Rule 550 and amended March 1, 2000, effective April 1, 2001; amended December 9, 2005, effective February 1, 2006; **amended January 6, 2014, effective March 1, 2014.**

*Committee Explanatory Reports:*

Final Report explaining the August 22, 1997 amendments that clarify the procedures following a district justice's acceptance of a guilty plea and imposition of sentence in a court case published with the Court's order at 27 Pa.B. [ 4549 ] 4548 (September 6, 1997).

\* \* \* \* \*

**Final Report explaining the January 6, 2014 changes to the rule increasing the time for withdrawal of the guilty plea from 10 to 30 days published with the Court's Order at 44 Pa.B. 478 (January 25, 2014).**

**PART H. Plea Procedures**

**Rule 591. Withdrawal of Plea of Guilty or *Nolo Contendere*.**

\* \* \* \* \*

**Comment**

\* \* \* \* \*

After the attorney for the Commonwealth has had an opportunity to respond, a request to withdraw a plea made before sentencing should be liberally allowed. *See Commonwealth v. Randolph*, 553 Pa. 224, 718 A.2d 1242 ([ Pa. ] 1998); *Commonwealth v. Forbes*, 450 Pa. 185, 299 A.2d 268 ([ Pa. ] 1973).

When a defendant is permitted to withdraw a guilty plea or plea of *nolo contendere* under this rule and proceeds with a non-jury trial, the court and the parties should consider whether recusal might be appropriate to avoid prejudice to the defendant. *See, e.g., Commonwealth v. Pierce*, 515 Pa. 153, 527 A.2d 973 ([ Pa. ] 1987).

For a discussion of plea withdrawals when a guilty plea or plea of *nolo contendere* includes a plea agreement, see the Comment to Rule 590.

**For the procedures for withdrawal of guilty pleas entered before a magisterial district judge in a court case, see Rule 550(D).**

**Official Note:** Rule 320 adopted June 30, 1964, effective January 1, 1965; Comment added June 29, 1977, effective September 1, 1977; Comment revised March 22, 1993, effective January 1, 1994; Comment deleted August 19, 1993, effective January 1, 1994; new Comment approved December 22, 1995, effective July 1, 1996; amended July 15, 1999, effective January 1, 2000; renumbered Rule 591 and Comment revised March 1, 2000, effective April 1, 2001; **Comment revised January 6, 2014, effective March 1, 2014.**

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [ 1477 ] 1478 (March 18, 2000).

**Final Report explaining the January 6, 2014 revision to the Comment cross-referencing Rule 550 published with the Court's Order at 44 Pa.B. 478 (January 25, 2014).**

**FINAL REPORT<sup>1</sup>**

**Amendment to Pa.R.Crim.P. 550  
Revision to the Comment to Pa.R.Crim.P. 591**

***Withdrawal of Guilty Pleas under Rule 550***

On January 6, 2014, effective March 1, 2014, upon the recommendation of the Criminal Procedural Rules Committee, the Court approved the amendment of Rule 550 (Pleas of Guilty Before Magisterial District Judge in Court Cases) to increase the amount of time available to a defendant to withdraw a guilty plea entered pursuant to Rule 550 and approved the correlative revision to the Comment to Rule 591 (Withdrawal of Plea of Guilty or *Nolo Contendere*).

As directed by the Court in *Commonwealth v. Garcia*, 615 Pa. 435, 43 A.3d 470 (Pa. 2012), the Committee examined the question of appeals or other relief from a guilty plea to a third degree misdemeanor entered before a magisterial district judge pursuant to Rule 550 other than the 10-day withdrawal provision in Rule 550(D), particularly the perceived "inconsistency in the rules of procedure as applied to defendants who plead guilty to a misdemeanor in the district court as compared to defendants who plead to the same charge in the court of common pleas and as applied to defendants who plead in the district court to misdemeanors as compared to defendants who plead in the district court to summary offenses." 615 Pa. at 448, 43 A.3d at 478, fn.8.

In *Garcia*, the defendant sought relief from her entry of a guilty plea to a third degree misdemeanor before a magisterial district judge pursuant to Rule 550 about a month after its entry and well beyond the 10-day withdrawal period provided in Rule 550(D). Had she entered a plea to a summary offense before the magisterial district judge, she would have had a right to appeal for a trial *de novo* in the court of common pleas. Had she entered a plea to the third degree misdemeanor before a common pleas judge, she could have appealed to the Superior Court. The Commonwealth argued that the Rule 550(D) 10-day withdrawal provision was the exclusive remedy. The question of relief from a Rule 550 guilty plea was not addressed because the Superior Court lacked jurisdiction to review an order from the magisterial district court.

Initially, the Committee examined the circumstances in which relief would be sought for a Rule 550 guilty plea outside of the 10-day withdrawal period. The Committee concluded that the most likely scenario would be for a defendant who enters the plea *pro se* but subsequently seeks advice of counsel due to learning of some collateral consequence to the entry of the plea, such as ineligibility to enter the military or receive a professional license.

The Committee concluded that a majority of these types of cases could be resolved simply by permitting a defendant 30 days to withdraw the appeal. This would be consistent with the 30-day period for summary appeal and the 30-day common pleas guilty plea appeal period. In other words, the case would stay with the magisterial district court for 30 days after the entry of the plea during which the plea could be withdrawn.

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

The Committee examined the history of Rule 550 to determine if there were any impediments to increasing the period for withdrawal of the guilty plea. Based on that history, the provisions regarding the time limitation for withdrawal of the guilty plea and the certification of the case to the court of common pleas were entirely products of the rules, implemented as a means of providing structure to statutory changes to magisterial district judges' jurisdiction to permit them to accept guilty pleas in third degree misdemeanor cases. The Committee concluded that the period for withdrawal as well as the period for certifying the case to the court of common pleas could be changed from 10 days to 30 as a rules matter.

This would be the only relief available while the case remained at the magisterial district court. In those exceptional cases in which relief is sought after the 30-day period for withdrawal, further relief would have to be sought in the court of common pleas, likely by a motion to withdraw *nunc pro tunc*.

Therefore, the amendments provide for a simple change to the language to Rule 550 changing the period for withdrawal of the guilty plea from 10 to 30 days. Additionally, the time at which the case would be certified from the magisterial district court to the court of common pleas has been increased from 10 to 30 days. Comment language describes the reasoning for this change. Finally a cross-reference to Rule 550 has been added to the Comment to Rule 591 (Withdrawal of Plea of Guilty or Nolo Contendere) to clarify that, when a guilty plea to a third degree misdemeanor is entered before a magisterial district judge, the withdrawal of the plea would be made pursuant to Rule 550.

[Pa.B. Doc. No. 14-176. Filed for public inspection January 24, 2014, 9:00 a.m.]

## Title 246—MINOR COURT CIVIL RULES

### PART I. GENERAL

#### [ 246 PA. CODE CH. 300 ]

#### Proposed Rules 302.1 and 302.2 of the Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt new Rules 302.1 and 302.2 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges. The Committee has not yet submitted this proposal for review by the Supreme Court of Pennsylvania.

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

The text of the proposed new rules precedes the Report.

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

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

no later than March 28, 2014.

By the Minor Court Rules Committee

MARY P. MURRAY,  
*Chair*

### Annex A

#### TITLE 246. MINOR COURT CIVIL RULES

##### PART I. GENERAL

##### CHAPTER 300. CIVIL ACTION

#### Rule 302.1 Dismissal for Lack of Personal Jurisdiction.

A. The magisterial district judge may dismiss a complaint at any time for lack of personal jurisdiction.

B. The magisterial district judge shall issue written notice of the dismissal to the parties.

**Official Note:** This rule addresses dismissal due to lack of personal jurisdiction. Jurisdictional issues must be raised at a hearing. A party aggrieved by a determination regarding jurisdiction over the parties should follow the procedures for filing a praecipe for a writ of certiorari, set forth in Rule 1009.

#### Rule 302.2 Transfer of Action for Lack of Subject Matter Jurisdiction.

A. When an action is commenced in a magisterial district court but the court does not have jurisdiction over the subject matter of the action, the magisterial district court shall not dismiss the action if there is another court of appropriate jurisdiction within the Commonwealth in which the action could originally have been brought.

B. The magisterial district court shall transfer the action at the cost of the plaintiff to the court of appropriate jurisdiction.

C. The magisterial district court in which the action is commenced shall transfer the complaint to the prothonotary or clerk of the court to which the action is transferred.

**Official Note:** This rule authorizes a magisterial district court to transfer a case to another court within the Commonwealth when the magisterial district court does not have jurisdiction over the subject matter of the action. The jurisdictional scope of the magisterial district courts is governed by Section 1515 of the Judicial Code, 42 Pa.C.S. § 1515.

Rule 302.2 is derived in part from Section 5103(a) of the Judicial Code, 42 Pa.C.S. § 5103(a). "If an appeal or other matter is taken to or brought in a court or magisterial district of the Commonwealth which does not have jurisdiction of the appeal or other matter, the court or magisterial district judge shall not quash such appeal or dismiss the matter, but shall transfer the record thereof to the proper tribunal of this Commonwealth, where the appeal or other matter shall be treated as if originally filed in the transferee tribunal on the date when the appeal or other matter was first filed in a court or magisterial district of this Commonwealth." 42 Pa.C.S. § 5103(a). Rule 302.2 is also derived in part from

Pa.R.C.P. No. 213(f) (authorizing transfer of actions for lack of subject matter jurisdiction).

When a complaint is transferred under this rule, it is treated as if it was originally filed in the transferee court on the date first filed in the magisterial district court. It is the intent of this rule that cases may be transferred to any Pennsylvania court with appropriate jurisdiction and venue, including the Philadelphia Municipal Court. Likewise, nothing in this rule prohibits a court other than a magisterial district court from transferring a case to a magisterial district court with proper jurisdiction and venue, in accordance with the procedural rules of the transferring court.

There may be additional costs when a case is transferred, including, but not limited to, service costs.

### REPORT

#### Proposed New Rules 302.1 and 302.2 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges

##### *Dismissals and Transfers for Lack of Jurisdiction*

###### I. Introduction

The Minor Court Rules Committee (“Committee”) is proposing new Rules 302.1 and 302.2 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges. The goal of these proposed new rules is to clarify procedures when a case is brought in a magisterial district court, but the court is lacking either personal jurisdiction or subject matter jurisdiction.

###### II. Discussion

The Minor Court Rules Committee has been examining procedures related to withdrawals, settlements and dismissals of cases in the magisterial district courts.<sup>1</sup> In conducting its review, the Committee observed that the rules lacked procedures for addressing cases where the court is lacking either personal jurisdiction over a party or subject matter jurisdiction.

With regard to personal jurisdiction, the Committee noted that the rules are silent on the action to be taken by a magisterial district court if such jurisdiction is found to be lacking. The Committee agreed that such a rule could provide useful guidance to the magisterial district courts, and drafted proposed new Rule 302.1 to cover these scenarios.

With regard to subject matter jurisdiction, the Committee noted that the rules are silent on the action to be taken by a magisterial district court if such jurisdiction is found to be lacking. The Committee observed that Section 5103(a) of the Judicial Code, 42 Pa.C.S. § 5103(a) provides “[i]f an appeal or other matter is taken to or brought in a court or magisterial district of the Commonwealth which does not have jurisdiction of the appeal or other matter, the court or magisterial district judge shall not quash such appeal or dismiss the matter, but shall transfer the record thereof to the proper tribunal of this Commonwealth, where the appeal or other matter shall be treated as if originally filed in the transferee tribunal on the date when the appeal or other matter was first filed in a court or magisterial district of this Commonwealth.” 42 Pa.C.S. § 5103(a). The Committee further noted that the Pennsylvania Rules of Civil Procedure currently provide for transfers of matters due to lack of

<sup>1</sup> Proposed rules pertaining to withdrawals and settlements were published for public comment at 44 Pa.B. 10 (January 4, 2014).

subject matter jurisdiction. See Pa.R.C.P. 213(f). While Pa.R.C.P.M.D.J. No. 302H provides for transfers in cases of improper venue, it does not address cases lacking subject matter jurisdiction. The Committee drafted proposed new Rule 302.2 to address these scenarios.

###### III. Proposed Rule Changes

Proposed new Rule 302.1 provides that a magisterial district judge may dismiss a complaint at any time for lack of personal jurisdiction, and shall issue a written notice of such dismissal. The Official Note provides that jurisdictional issues must be raised at a hearing, and that a party aggrieved by a decision regarding jurisdiction should follow the procedures for filing a praecipe for a writ of certiorari as set forth in Pa.R.C.P.M.D.J. No. 1009.

Proposed new Rule 302.2 is derived in part from 42 Pa.C.S. § 5103(a) and Pa.R.C.P. 213(f). The proposed new rule provides for the transfer of actions for lack of subject matter jurisdiction, and notes that there may be additional costs to the plaintiff when a case is transferred, including, but not limited to, service costs.

[Pa.B. Doc. No. 14-177. Filed for public inspection January 24, 2014, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### SNYDER COUNTY

#### Act 35 Supervision Fee; No. MC-2-2-14 Full Court; No. CP-55-AD-0000002-2013

##### Order

*And Now*, this 31st day of December, 2013, it is hereby *Ordered* that effective January 1, 2014, the offender supervision fee provided for in 18 P.S. § 11.1102(c), commonly referred to as the “Act 35 Supervision Fee,” shall be \$45.00 per month.

This increase shall only affect those cases in which the Court imposes the obligation to pay the fee on or after January 1, 2014. It shall not increase the monthly fee paid by those defendants upon whom the obligation has been imposed prior to January 1, 2014.

*By the Court*

MICHAEL H. SHOLLEY,  
*President Judge*

[Pa.B. Doc. No. 14-178. Filed for public inspection January 24, 2014, 9:00 a.m.]

### SNYDER COUNTY

#### Mediation Fee; No. MC-0003-2014 Full Court

##### Order

*And Now*, this 31st day of December, 2013, Local Rule 17 CV-1915(e) shall be amended as follows:

###### 1. 17CV1915.4(e)

(e). There shall be imposed on each party a \$25.00 fee to be paid to the Central Susquehanna Valley Mediation Center, Inc. This fee shall be paid at the first (1st) Mediation Session for the purpose of deferring the cost of



the mediation services. In extraordinary circumstances as determined by the Mediator, this fee may be waived for either party.

2. This amendment to the Local Rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

3. The Court Administrator of the 17th Judicial District is ordered and directed to do the following:

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

3.2. Distribute two (2) certified copies of this Order and the pertinent Local Rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* for publication.

3.3. File one (1) certified copy of this Order and the pertinent Local Rule with the Civil Procedural Rules Committee.

3.4. Provide one (1) copy of this Order and the pertinent Local Rule to each member of the Snyder-Union County Bar Association that maintains an active practice in Snyder and Union Counties.

3.5. Keep continuously available for public inspection copies of this Order and the pertinent Local Rule.

*By the Court*

MICHAEL H. SHOLLEY,  
*President Judge*

[Pa.B. Doc. No. 14-179. Filed for public inspection January 24, 2014, 9:00 a.m.]

## UNION COUNTY

### Mediation Fee; No. 140012

#### Order

*And Now*, this 31st day of December, 2013, Local Rule 17 CV-1915(e) shall be amended as follows:

1. 17CV1915.4(e)

(e). There shall be imposed on each party a \$25.00 fee to be paid to the Central Susquehanna Valley Mediation Center, Inc. This fee shall be paid at the first (1st) Mediation Session for the purpose of deferring the cost of the mediation services. In extraordinary circumstances as determined by the Mediator, this fee may be waived for either party.

2. This amendment to the Local Rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

3. The Court Administrator of the 17th Judicial District is ordered and directed to do the following:

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

3.2. Distribute two (2) certified copies of this Order and the pertinent Local Rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* for publication.

3.3. File one (1) certified copy of this Order and the pertinent Local Rule with the Civil Procedural Rules Committee.

3.4. Provide one (1) copy of this Order and the pertinent Local Rule to each member of the Snyder-Union County Bar Association that maintains an active practice in Snyder and Union Counties.

3.5. Keep continuously available for public inspection copies of this Order and the pertinent Local Rule.

*By the Court*

MICHAEL H. SHOLLEY,  
*President Judge*

[Pa.B. Doc. No. 14-180. Filed for public inspection January 24, 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 December 9, 2013, 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 January 8, 2014 for Compliance Group 1.

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.

Barrow, Kenita Valencia  
Silver Spring, MD

Becker, Michael D.  
Collingswood, NJ

Brown, Glenn J.  
Ketchikan, AK

Bush, Robin Cassandra  
Davidson, NC

Cutler, Mary James  
Wilmington, DE

Davis, Lisa A.  
Waxhaw, NC

Dulski, Jennifer Kay  
Berwyn, IL

Foster, Maurice  
Upper Marlboro, MD

Gentile, Brynn Nicole  
New York, NY

Keefer, Scott Andrew  
Apple Valley, MN

Mansori, Zubair S.  
Altamonte Springs, FL

Mitlitzky, Steven Ross  
Woodmere, NY

Myers, William Anthony  
Youngstown, OH

Prevoznik, Michael E.  
Madison, NJ



Robinson, Colin Robert  
Wilmington, DE

Rubenstein, Alan Bendix  
Boston, MA

Savage, Daryl Davinci  
Herndon, VA

Sprang, Kenneth Allyn  
Chevy Chase, MD

Thompson, Rahsaan W.  
South San Francisco, CA

Uwah, Eduok Efiang  
Salem, NJ

Votaw, Catherine  
Washington, DC

Williams, Kevin Theodore  
Southfield, MI

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

[Pa.B. Doc. No. 14-181. Filed for public inspection January 24, 2014, 9:00 a.m.]

### Notice of Transfer to Disability Inactive Status

Notice is hereby given that Leslie Levi Payton, having been transferred to disability inactive status in the Territory of the Virgin Islands by Order of the Supreme Court of the Virgin Islands dated July 19, 2013, the Supreme Court of Pennsylvania issued an Order on January 7, 2014, immediately transferring him to disability inactive status in this Commonwealth, pursuant to Rule 216, Pa.R.D.E. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 14-182. Filed for public inspection January 24, 2014, 9:00 a.m.]

## SUPREME COURT

### Electronic Filing System in the Appellate Courts; No. 418 Judicial Administration Doc.

#### Order

#### *Per Curiam*

*And Now*, this 6th day of January, 2014, the Order dated October 24, 2012, is amended as follows with deletions in brackets and additional language bold:

*And Now*, this 24th day of October, 2012, electronic filing of appellate court filings through the PACFile appellate court electronic filing system is hereby authorized. The use of the PACFile system shall not affect the

form or content of documents to be filed. The applicable general rules of court and court policies that implement the rules shall continue to apply to all filings regardless of the method of filing. After experience is gained with electronic filing, the Pennsylvania Rules of Appellate Procedure shall be amended to incorporate, where needed and as appropriate, procedures relating specifically to electronic filing and service of documents. In the interim, electronic filing and service shall be governed by this Order.

#### I. *Participation and Fees*

The PACFile system shall permit attorneys and parties proceeding without counsel to file electronically. An attorney must establish an account in order to use the PACFile system. An attorney is responsible for the actions of other individuals whom the attorney authorizes to use the attorney's account. The PACFile system will permit parties who are proceeding without counsel to access their cases through an authorization process. Service of electronic filings on attorneys who have established an account and on parties without counsel who have been authorized will be made automatically by the PACFile system.

Applicable filing fees shall be paid electronically through procedures established by the appellate courts and the Administrative Office of Pennsylvania Courts, and at the same time and in the same amount as required by statute, court rule or order. In addition to the filing fees now applicable, an online payment convenience fee for use of the PACFile system shall be imposed. *See* 204 Pa. Code § 207.3.

#### II. *Use of the Electronic Filing System*

(A) Electronic filings may be submitted at the UJS web portal: <http://ujportal.pacourts.us> beginning on November 1, 2012, in accordance with the filing instructions available at that site.

(B) Electronic filings may be submitted at any time (with the exception of periodic maintenance). The electronic filing must be completed by 11:59:59 p.m. EST/EDT to be considered filed that day.

(C) Sealed or confidential documents may be submitted for electronic filing in a manner that maintains confidentiality under applicable law.

(D) Signatures on electronic filings shall use the following form: */s/ Chris L. Smith*.

(E) The original of a sworn or verified document that is an electronic filing (e.g., affidavit) or is contained within an electronic filing (e.g., verification) shall be maintained by the electronic filer and made available upon direction of the court or reasonable request of the signatory or opposing party.

(F) Use of the PACFile system shall constitute the filer's certification that:

(1) The submission is authorized; and

(2) Electronic notice and service of other documents through the PACFile system will be accepted by the filer.

(G) The submission of an electronic filing shall satisfy the service requirements of Pa.R.A.P. 121 and 122 on any attorney or party who has established a UJS web portal account. **A party who is electronically served as a result of the submission of an electronic filing and who is required or permitted to act within a prescribed period after service shall have three days added to the prescribed period to the same extent as parties who proceed pursuant to Pa.R.A.P. 121(e).**

(H) Service of electronic filings on any attorney or party who has not established a UJS web portal account shall be made by the traditional methods required under Pa.R.A.P. 121 and 122.

(I) Within seven days of the submission of any electronic filing, the electronic filer shall submit [ **one** ] to the court a paper version of the electronic filing [ to the court's filing office ] with as many copies as the court requires. The paper version of the electronic filing shall be considered the original for archival purposes only. The electronic filer shall not be required to serve a paper copy of the electronic filing on the opposing party except as provided in subsection (H), above.

(J) If a rule of appellate procedure requires that a court provide notice by mail (as, for example, in Pa.R.A.P. 1931(d)), that court may instead provide that notice by means of its electronic filing system to a registered user of its system.

[ (J) ] (K) The procedures described in this order apply in lieu of those prescribed by the Pennsylvania Rules of Appellate Procedure to the extent there are differences between the procedures; otherwise the Rules of Appellate Procedure continue to apply with full force and effect.

[Pa.B. Doc. No. 14-183. Filed for public inspection January 24, 2014, 9:00 a.m.]

**Reestablishment of the Magisterial Districts within the 15th Judicial District; No. 302 Magisterial Rules Doc.**

**Amended Order**

*And Now*, this 6th day of January 2014, the Order dated January 24, 2013, that Reestablished the Magisterial Districts of the 15th Judicial District (Chester County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: The realignment of Magisterial Districts 15-1-02 and 15-4-01, shall be effective January 6, 2014. The Order of January 18, 2013, and Amended Order of July 3, 2013, shall remain in effect in all other respects.

RONALD D. CASTILLE,  
*Chief Justice of Pennsylvania*

[Pa.B. Doc. No. 14-184. Filed for public inspection January 24, 2014, 9:00 a.m.]

**Reestablishment of the Magisterial Districts within the 22nd Judicial District; No. 336 Magisterial Rules Doc.**

**Amended Order**

*And Now*, this 6th day of January 2014, the Order dated March 19, 2013, that Reestablished the Magisterial Districts of the 22nd Judicial District (Wayne County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: The elimination of Magisterial District 22-3-03, and the realignment of Magisterial Districts 22-3-01, 22-3-02, and 22-3-04 shall be effective January 1, 2014.

The Order of March 19, 2103, shall remain in effect in all other respects.

RONALD D. CASTILLE,  
*Chief Justice of Pennsylvania*

[Pa.B. Doc. No. 14-185. Filed for public inspection January 24, 2014, 9:00 a.m.]

**Reestablishment of the Magisterial Districts within the 27th Judicial District; No. 351 Magisterial Rules Doc.**

**Amended Order**

*And Now*, this 6th day of January 2014, the Order dated April 23, 2013, that Reestablished the Magisterial Districts of the 27th Judicial District (Washington County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: West Alexander Borough shall be eliminated from the list of municipalities contained in Magisterial District 27-3-10, effective immediately. That District shall consist of the following municipalities:

Claysville Borough  
Green Hills Borough  
West Middletown Borough  
Amwell Township  
Blaine Township  
Buffalo Township  
Donegal Township  
East Finley Township  
Hopewell Township  
Independence Township  
Morris Township  
South Franklin Township  
West Finley Township

The Order of April 23, 2013, shall remain in effect in all other respects.

RONALD D. CASTILLE,  
*Chief Justice of Pennsylvania*

[Pa.B. Doc. No. 14-186. Filed for public inspection January 24, 2014, 9:00 a.m.]

**Reestablishment of the Magisterial Districts within the 28th Judicial District; No. 340 Magisterial Rules Doc.**

**Amended Order**

*And Now*, this 6th day of January 2014, the Order dated April 23, 2013, and Amended Order dated July 3, 2013, that Reestablished the Magisterial Districts of the 28th Judicial District (Venango County) of the Commonwealth of Pennsylvania, are hereby *Amended* as follows: The Magisterial District identified in the July 3, 2013 order as 28-2-04, should instead be 28-3-04. The elimination of District 28-3-04 shall be effective January 6, 2015. The Order of April 23, 2013, shall remain in effect in all other respects.

RONALD D. CASTILLE,  
*Chief Justice of Pennsylvania*

[Pa.B. Doc. No. 14-187. Filed for public inspection January 24, 2014, 9:00 a.m.]

**Reestablishment of the Magisterial Districts within  
the 39th Judicial District; No. 308 Magisterial  
Rules Doc.**

**Amended Order**

*And Now*, this 6th day of January 2014, the Amended Order dated July 3, 2013, that Reestablished the Magisterial Districts of the 39th Judicial District (Franklin and Fulton Counties) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: Orrstown Borough and Shippensburg Borough shall be in Magisterial District 39-3-04, instead of Magisterial District 45-3-04. The Order of February 11, 2013, shall remain in effect in all other respects.

RONALD D. CASTILLE,  
*Chief Justice of Pennsylvania*

[Pa.B. Doc. No. 14-188. Filed for public inspection January 24, 2014, 9:00 a.m.]

**Reestablishment of the Magisterial Districts within  
the 47th Judicial District; No. 300 Magisterial  
Rules Doc.**

**Amended Order**

*And Now*, this 6th day of January 2014, the Order dated January 18, 2013, that Reestablished the Magisterial Districts of the 47th Judicial District (Cambria County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: The realignment of Magisterial Districts 47-3-03 and 47-3-05, shall be effective January 6, 2014. The Order of January 18, 2013, and Amended Order of July 3, 2013, shall remain in effect in all other respects.

RONALD D. CASTILLE,  
*Chief Justice of Pennsylvania*

[Pa.B. Doc. No. 14-189. Filed for public inspection January 24, 2014, 9:00 a.m.]



# RULES AND REGULATIONS

## Title 4—ADMINISTRATION

### NAVIGATION COMMISSION FOR THE DELAWARE RIVER AND ITS NAVIGABLE TRIBUTARIES

[ 4 PA. CODE CH. 405 ]

#### General Revisions

The Navigation Commission for the Delaware River and its Navigable Tributaries (Commission) amends §§ 405.7, 405.8 and 405.12 (relating to qualifications for license; physical examination qualifications; and renewal of license) and adds § 405.36 (relating to Federal license) to read as set forth in Annex A.

#### *Effective Date*

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

#### *Statutory Authority*

The Commission has authority to promulgate regulations under section 4 of the act of March 29, 1803 (act) (P.L. 542, 4 Sm.L. 67) (55 P.S. § 31) and section 2504-B(4) of The Administrative Code of 1929 (71 P.S. § 670.2(4)).

#### *Background and Purpose*

The main purpose of this final-form rulemaking is to require applicants for a pilot's license in this Commonwealth, as well as all licensed pilots who renew their licenses, to hold and maintain a Federal pilot's license. One of the major purposes of this final-form rulemaking is to bring consistency to different sections of the Commission's regulations. Section 405.7(c)(3) requires an apprentice to have acquired a Federal pilot's license before obtaining a sixth-class license in this Commonwealth, which is the initial license for a State pilot. This final-form rulemaking requires licensed pilots in this Commonwealth (who work their way up through the six licensure classes commanding vessels of increasing depth) to maintain a Federal pilot's license, thereby making it consistent with the current requirement for sixth-class pilots.

This final-form rulemaking also makes the Commission's regulations consistent with the regulations of Delaware, whose pilots are also licensed to pilot vessels on the Delaware River, and other states with similar state commissions, including Connecticut, Maine, Massachusetts, New Hampshire, New Jersey and New York. In fact, all 24 coastal states require all state-licensed pilots to hold a Federal pilot's license, either by statute, regulation, or local pilot association rule or practice. Likewise, licensed pilots in this Commonwealth also hold a Federal pilot's license for three reasons. First, under the current Federal and State regulations, registered vessels engaged in foreign trade under foreign flags must employ a State-licensed pilot to traverse the Delaware River, and enrolled domestic vessels under the United States flag engaged in coastal trade along the Atlantic seacoast and Gulf of Mexico must employ a Federally-licensed pilot. Thus, having a Federal license gives a pilot greater flexibility in the vessels that a pilot is able to command. Second, sixth-class pilots who are required to hold a Federal license generally continue to maintain their Federal license. Third, the past and current custom and practice of the Pilots' Association for the Bay and River Delaware, to which Pennsylvania and Delaware licensed pilots belong as members, require pilots to have both

Federal and State pilot licenses. Therefore, this final-form rulemaking also recognizes the current practice of licensed pilots in this Commonwealth.

Another main reason why the Commission is adopting this final-form rulemaking is to protect the public health and safety. Pilots who command vessels, including oil tankers, traversing the Delaware River must be ever vigilant in their duties and maintain high physical standards. A marine accident can adversely affect the environment of not only the Delaware River but also the Chesapeake Bay, thereby affecting the commerce of the region as well as the Commonwealth. The amendments to §§ 405.7(a)(3) and 405.8(3) require apprentices and pilots to use the current United States Coast Guard's Merchant Mariner Credential Medical Evaluation Report (medical report), which is nine pages of detailed medical questions, requirements and examination procedures in contrast to the current physician's statement required by the Commission. The increased scrutiny provided in the United States Coast Guard's medical report will promote public health and safety by requiring pilots to undergo rigorous health screening. The amendment to § 405.7(a)(3) increases public health and safety by providing that a pilot's physical examination shall now occur within 120 days (4 months) of the pilot's annual renewal of the pilot's license, instead of 6 months.

The final-form rulemaking is also needed to update obsolete provisions of the Commission's regulations. The United States Coast Guard has changed the names of its reports and the regulations use the new names of the reports as well as provide for possible future name changes by referring to successor forms of the reports. Furthermore, the former requirement in § 405.7(b)(2) for an interview for a first-time applicant for a first-class pilot's license requires the applicant to appear before the Commission for a personal interview. An interview is no longer necessary due to an initial interview when an individual applies to be an apprentice, as well as due to the training and examinations that occur while an individual is an apprentice. Once an apprentice becomes a sixth-class pilot, the pilot obtains practical experience on increasingly larger vessels while moving progressively each year through the six classes of licensure. The Commission is also amending § 405.7(a)(6) to change the time frame for the completion of a Commission-approved course in bridge resource management (BRM) from 3 to 5 years of the date of application or renewal, to correspond to the Delaware regulations (24 Del.C. § 1000-5.7). According to the American Pilots' Association, this subject matter does not change often enough to require a new course every 3 years.

#### *Summary of Comments and the Board's Response*

The Board published a proposed rulemaking at 43 Pa.B. 1850 (April 6, 2013) with a 30-day public comment period. The Commission did not receive comments from the public, the Senate Consumer Protection and Professional Licensure Committee (SC/PLC) or the House Professional Licensure Committee (HPLC).

The Independent Regulatory Review Commission (IRRC) submitted two comments on June 5, 2013. IRRC suggested for clarity that the Commission delete the date that the continuing education requirements in § 405.12(b) became effective, which occurred on July 6, 2004. IRRC noted that the Commission had deleted the same date in § 405.7(b)(1) because the date has already

passed. Therefore, the Commission deleted this date in § 405.12(b) to address IRRC's comment.

IRRC's second comment, which was also made for clarity, noted that § 405.36(b) provides that if a pilot's Federal license is suspended, revoked or surrendered (that is, inactive), then the Commission may revoke, suspend, limit or otherwise restrict the pilot's State license, but the Commission's action is discretionary, not mandatory. IRRC asked the Commission to explain how § 405.36(b) is consistent with § 405.7(a)(10), which requires an applicant for a pilot's license to hold and maintain an active Federal pilot's license and § 405.12(a)(1), which requires an applicant renewing a pilot's license to satisfy the requirements in § 405.7(a)(10).

As IRRC correctly noted in its second comment, 2 Pa.C.S. § 504 (relating to hearing and record) requires all State agencies, including the Commission, to provide notice and an opportunity for a hearing before taking actions against a pilot's State license. In addition, section 31(c) of the act (55 P.S. § 72(c)) also contains this requirement. Thus, a pilot has a separate property right in both the pilot's State and Federal license.

To preserve a pilot's property right in his State license, follow the requirements of law and address IRRC's request for consistency with the regulatory requirements to hold and maintain a Federal license, the Commission revised § 405.7(a)(10). Previously, this section stated that an applicant shall "hold and maintain an active Federal first-class pilot's license and endorsement for the routes to be traversed, unless *waived* by the Commission." (Emphasis added.) In contrast, the final-form rulemaking states that an applicant shall "hold and maintain an active Federal first-class pilot's license and endorsement for the routes to be traversed, unless *otherwise ordered* by the Commission." (Emphasis added.) Making this change uses more precise language reflecting the possible actions that the Commission may take. The revised language means that, after notice and a hearing, the Commission may order that a pilot could retain his State license or the Commission may issue other orders taking actions against a State pilot while the Federal license is inactive, as described in greater detail in the next section. Clarifying this exception would make §§ 405.7(a)(10), 405.12(a)(1) and 405.36(b) consistent as IRRC suggests.

#### *Description of the Amendments to the Final-Form Rulemaking*

As previously noted, the Commission made amendments to the final-form rulemaking to address the comments made by IRRC. In § 405.12(b), the Commission deleted the last sentence which contained the date of July 6, 2004, because that date is no longer relevant.

In § 405.7(a)(10), the Commission added an exception "unless otherwise ordered by the Commission" to the general requirement that an applicant for a State license also hold and maintain a Federal first-class pilot's license. By doing so, the Commission would make this section and § 405.12(a)(1), which requires an applicant renewing a pilot's license to satisfy the requirement in § 405.7(a)(10), consistent with the requirement at § 405.36(b), which provides that if a pilot's Federal license is suspended, revoked or surrendered (that is, inactive), then the Commission may, in its discretion, revoke, suspend, limit or otherwise restrict the pilot's State license.

If a pilot's Federal license is suspended, revoked or surrendered, the Commission would follow the requirements of 2 Pa.C.S. § 504 and section 31(c) of the act, and

provide notice and an opportunity for a hearing before taking disciplinary action against the pilot's State license. If a pilot chooses to have a hearing, the Commission can sit as the adjudicator to hear the facts and render a determination as to culpability and the degree of penalty, if any, to be assessed if a finding is made that the pilot has violated law or regulations.

The Commission may issue any one of three types of orders pertaining to the case before it. First, the Commission may issue an order with no penalty regarding the pilot's State license if, in its opinion, the Commission determines that the facts support a decision that a violation of law or incapacity, misconduct or negligence was not involved. In contrast, the Commission may determine to take some form of discipline against the pilot's State license and issue an adjudication and order. An order may revoke or suspend a pilot's license, impose a civil penalty, restrict the pilot's license privileges, or require the pilot to undertake remedial studies or training, participate in a rehabilitation program or function only under supervision for a period of time. As a third option, cases before the Commission may also be settled through a consent agreement and order. Terms of a settlement are negotiated between the prosecutor for the Department of State and the pilot. If a consent agreement is reached, the pilot agrees to forego a hearing on the matter and abide by the Commission's order. Terms of a consent agreement and order may include any of the actions previously indicated that may be taken through an adjudication and order. With these amendments, the Commission believes these requirements are now consistent.

#### *Fiscal Impact and Paperwork Requirements*

The final-form rulemaking should not have fiscal impact on the Commonwealth, the general public or political subdivisions. As noted in the Regulatory Analysis Form, there is a cost savings to the Commission's licensees. Although licensed pilots in this Commonwealth already have a Federal license by current practice, the cost of a Federal license is \$95 every 5 years, for a cost of \$779 per year for the 41 licensed pilots of the first through the fifth classes. This cost is more than offset by the cost savings to all licensed pilots, who will be required to take the course in BRM every 5 years, instead of every 3 years. The cost of this 2-day course is \$960 per pilot. The estimated annual cost savings to the regulated community resulting from reducing the frequency of the required course is \$5,248. Subtracting the costs of \$779 from the savings of \$5,248, this will result in a net cost savings of \$4,469 every year for the regulated community of all 41 Pennsylvania licensed pilots.

The final-form rulemaking does not create additional paperwork for the Commission, the Commission's licensees or the general public. As previously noted, the final-form rulemaking confirms the present practices of the Commission's licensees.

#### *Sunset Date*

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

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 21, 2013, the Commission submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 1850, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on December 11, 2013, the final-form rulemaking was approved by HPLC. On December 11, 2013, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 12, 2013, and approved the final-form rulemaking.

*Contact Person*

Further information may be obtained by contacting Barbara Dupler, Commission Administrator, Pennsylvania Navigation Commission, 302 North Office Building, Harrisburg, PA 17120, bdupler@pa.gov.

*Findings*

The Commission finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and no public comments were received. The Commission considered and addressed IRRC's comments.

(3) The amendments to the final-form rulemaking do not enlarge the purpose of the proposed rulemaking published at 43 Pa.B. 1850.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in this preamble.

*Order*

The Commission, acting under its authorizing statute, orders that:

(a) The regulations of the Commission, 4 Pa. Code Chapter 405, are amended by adding § 405.36 and amending §§ 405.7, 405.8 and 405.12 to read as set forth in Annex A.

(b) The Commission shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

CAROL AICHELE,  
*Secretary of the Commonwealth*  
*Chairperson, Navigation Commission for the Delaware River and Its Navigable Tributaries*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 7606 (December 28, 2013).)*

**Fiscal Note:** Fiscal Note 16A-663 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 4. ADMINISTRATION**

**PART XIII. NAVIGATION COMMISSION FOR THE DELAWARE RIVER AND ITS NAVIGABLE TRIBUTARIES**

**CHAPTER 405. PILOTS AND PILOTAGE**

**§ 405.7. Qualifications for license.**

(a) An applicant for the initial issuance of a pilot's license in any class shall:

(1) Except for first-time applicants for a sixth class license, have served at least 1 year in each of the license classes below the class of license applied for.

(2) Have complied with subsection (d).

(3) Have passed a physical examination within 120 days of the date of application based on the requirements of § 405.8 (relating to physical examination qualifications), as evidenced by a physician's statement. As proof of a physical examination, apprentices and pilots shall submit the current or successor form of the "Merchant Mariner Credential Medical Evaluation Report" of the United States Coast Guard. Physical examinations may also be ordered by the Commission for any pilot or applicant at any time that there is cause to believe that the physical condition of the pilot or applicant may be so impaired as to impact the pilot or applicant's ability to discharge his duties.

(4) Have participated in a program of random drug testing during the preceding calendar year that meets the standards of Coast Guard regulations under 46 CFR Part 16 (relating to chemical testing). The random drug testing shall be performed by a testing agency satisfactory to the Commission. The testing agency conducting this random drug testing shall submit to the Commission documentation of the results immediately for any pilot who tests positive. The testing agency conducting this random drug testing shall submit to the Commission documentation of the results for all other pilots prior to March 1 of each year.

(5) Have been qualified as a radar observer, as evidenced by one of the following:

(i) A radar observer endorsement on a current Federal pilot's license.

(ii) A certificate issued by a Coast Guard-approved authority reflecting that the certificateholder satisfactorily completed a course of instruction for radar observers, within 5 years of the date of application.

(6) Have completed a Commission-approved course in bridge resource management within 5 years of the date of application or renewal.

(7) Have completed a Commission-approved course in automatic radar plotting aids (ARPA) once in a pilot's career.

(8) Post a surety bond that satisfies the requirements of § 405.13 (relating to bonding).

(9) Pay the required license fee, as specified in § 405.15 (relating to initial license and license renewal fee).

(10) Hold and maintain an active Federal first-class pilot's license and endorsement for the routes to be traversed, unless otherwise ordered by the Commission.

(b) In addition to meeting the requirements of subsection (a), a first-time applicant for a first-class pilot's



license shall have completed 40 hours of Commission-approved continuing education in navigation, ship handling or related topics within the preceding 5 years. Courses in the required areas of radar observer, ARPA and bridge resource management may count towards the 40-hour total. The Commission will approve the education facilities that qualify to provide this education.

(c) In addition to meeting the requirements of subsection (a), an applicant for a sixth-class pilot's license shall score a passing grade or better on an examination, as provided in § 405.4(b) (relating to examination for sixth-class license). Prior to taking the examination, the applicant shall:

- (1) Be at least 21 years of age.
- (2) Be within 3 months of completing a Commission-approved apprenticeship.
- (3) Have acquired a current Federal pilot's license for the Delaware River issued by the Coast Guard.
- (d) In addition to meeting the requirements of subsection (a), applicants for a pilot's license:

(1) Shall have piloted at least 52 vessels during the preceding license period, if the applicant is a current license-holder, unless waived by the Commission under paragraph (2).

(2) May seek a waiver from the Commission of the requirement of paragraph (1), in whole or in part, for illness, disability or other good cause that prevents a pilot from piloting the required number of vessels. If a waiver is granted, the Commission may condition the issuance of the license on the applicant's completion of refresher trips up or down the river as may be necessary to ensure that the applicant is familiar with current conditions along the route. Refresher trips shall be made in the company of a first-class pilot.

#### § 405.8. Physical examination qualifications.

The physical qualifications for a pilot or apprentice are as follows:

(1) Visual acuity of 20/30 in one eye and 20/80 in the other—correctable to 20/20 and 20/30, respectively—and normal color perception.

(2) Hearing acuity to the extent of correctly repeating, with eyes closed, words or numbers spoken by the examiner in an ordinary conversational tone of voice from a distance of 20 feet. Each ear shall be tested separately; the ear being tested shall be turned in the direction of the examiner while the other ear is plugged.

(3) The absence of any medical condition that may directly affect one's ability to pilot a ship safely, as noted on the current or successor form of the "Merchant Mariner Credential Medical Evaluation Report" of the United States Coast Guard. A pilot shall report to the Commission concerning the pilot's request for a waiver under 46 CFR 10.215(g) (relating to medical and physical requirements) from the United States Coast Guard for any medical condition, as well as the results of a waiver request. The initial report to the Commission shall be made at the same time that the waiver request is made to the United States Coast Guard. A copy of the United States Coast Guard's decision on the waiver request shall be provided to the Commission within 5 business days of the pilot's receipt of the waiver decision.

#### § 405.12. Renewal of license.

(a) An applicant for renewal of a pilot's license in any class shall:

(1) Have satisfied the requirements of § 405.7(a)(1)—(6), (8) and (10) (relating to qualifications for license).

(2) Pay the required renewal fee, as specified in § 405.15 (relating to initial license and license renewal fee).

(b) In addition to meeting the requirements of subsection (a), an applicant for renewal of a first-class pilot's license shall have completed 40 hours of Commission-approved continuing education in navigation, ship handling or related topics within the preceding 5 years. Courses in the required areas of radar observer, automatic radar plotting aids (ARPA) and bridge resource management may count towards the 40-hour total. The Commission will approve the education facilities that qualify to provide this education.

(c) Failure to satisfy any of the requirements of § 405.7(a)(1)—(6), (8) and (10) may result in the license not being renewed by the Commission until receipt of documentation to assure compliance with the requirement in question.

#### § 405.36. Federal license.

(a) A pilot shall notify the Commission within 14 calendar days if the United States Coast Guard suspends or revokes a pilot's Federal license, or when a pilot voluntarily deposits or voluntarily surrenders his Federal license with the United States Coast Guard under 46 CFR 5.201—5.205 (relating to deposit or surrender of Coast Guard credential or endorsement), thereby making the pilot's Federal license inactive.

(b) If the United States Coast Guard suspends, revokes, or accepts the voluntary deposit or voluntary surrender of the license of a Federal pilot, the Commission may, after notice and an opportunity for a hearing in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), revoke, suspend, limit or otherwise restrict the pilot's state license.

[Pa.B. Doc. No. 14-190. Filed for public inspection January 24, 2014, 9:00 a.m.]

## Title 12—COMMERCE, TRADE AND LOCAL GOVERNMENT

### DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

[ 12 PA. CODE CH. 149 ]

#### Manufactured Housing Improvement Program

The Department of Community and Economic Development (Department), under the authority in section 5 of the Manufactured Housing Improvement Act (act) (35 P. S. § 1658.5), amends Chapter 149 (relating to Manufactured Housing Improvement Program). The purpose of this final-form rulemaking is to establish an installation and construction standard for relocated manufactured homes being installed in this Commonwealth.

#### Introduction

The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401—5426) was amended in 2000 to ensure uniform and

effective enforcement of Federal safety standards for the installation of manufactured homes and to require that states implement an installation program. The Pennsylvania Construction Code Act (35 P.S. §§ 7210.101—7210.1103) governs the construction, alteration, repair and occupancy of all buildings in this Commonwealth. The act was passed in 2004 to regulate the installation of manufactured housing and amended in 2012 to expand the coverage of the act to relocated manufactured housing. The amendments to the act require the Department to promulgate regulations to establish an installation and construction (habitability) standard for manufactured homes previously installed that are now being relocated to a site in this Commonwealth. There were not clear standards for the manufactured housing industry or local code officials to follow for proper handling of relocated manufactured homes. This final-form rulemaking will enable the Department to develop and publish these standards or guides.

The Department received comments from the Independent Regulatory Review Commission (IRRC) requesting additional information and clarification on several responses on the Regulatory Analysis Form (RAF). IRRC did not provide comments on the rulemaking itself. As requested, the Department has furnished additional information and clarified previous information on the RAF to better enable IRRC to determine if the rulemaking is in the public interest. Changes have not been made to the final-form rulemaking in connection with comments received.

#### *Analysis*

Section 149.1 (relating to definitions) has been amended to add the definition of “relocated manufactured home.”

Section 149.2 (relating to purpose) has been amended by deleting “new” from paragraphs (1)—(5) to now extend many of the regulatory elements that in the past were limited to new manufactured homes to include both new and relocated manufactured homes. Section 149.2(4) explains how the Department may provide alternative installation instructions for those cases when the original installation instructions are not available.

Section 149.3 (relating to installation standard for new manufactured homes) has been amended to speak specifically to new manufactured home installation. Additionally, clarifying language is added to subsections (b)—(d) to better illustrate the intent of the original regulation.

Section 149.3a (relating to installation and construction standards for relocated manufactured homes) is added to specifically address the various options for the installation of relocated manufactured homes and to establish the procedures to assess compliance for the original construction and safety standard applicable to the construction of the home.

Section 149.5 (relating to building code official training) has been amended to ensure that code officials receive training on relocated manufactured homes as well as new manufactured homes.

Section 149.6 (relating to Certificate of Compliance) has been amended to better illustrate the intent of the original regulation in regard to the limitations to the Certificate of Compliance form that is completed by the installer and that the form need not be provided to the Department for relocated manufactured homes.

#### *Fiscal Impact*

##### *Commonwealth*

The impact upon the Commonwealth is negligible. This expansion of the Manufactured Housing Improvement Program will increase demand for trained and certified installers, which through the training and certification fees collected by the Department will be sufficient to address additional clerical or recordkeeping costs.

##### *Political subdivisions*

There is not a fiscal impact upon political subdivisions in this Commonwealth.

##### *Public*

The Manufactured Housing Improvement Program has been estimated to add \$41 to the cost of each manufactured home sited in this Commonwealth. It is assumed that this will also be true for relocated manufactured homes.

##### *Paperwork*

The final-form rulemaking requires manufactured home installers to complete a Certificate of Compliance form upon completion of each relocated manufactured home installation that will be submitted to the building code official and homeowner.

##### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 24, 2013, the Department submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 3110 (June 8, 2013), to IRRC and the Chairpersons of the House Commerce Committee and the Senate Community, Economic and Recreational Development Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on December 11, 2013, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 12, 2013, and approved the final-form rulemaking.

##### *Effective and Sunset Dates*

This final-form rulemaking will be effective on March 26, 2014. The final-form rulemaking will be monitored on an annual basis and updated as needed.

##### *Contact Person*

For an explanation of these regulations, contact Mark Conte, Chief, Housing Standards Division, Office of Community Development, Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120, (717) 720-7416.

*Findings*

The Department finds that:

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

(2) The regulations are necessary and appropriate for the manufactured housing improvement program.

*Order*

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

(a) The regulations of the Department, 12 Pa. Code Chapter 149, are amended by adding § 149.3a and amending §§ 149.1—149.3, 149.5 and 149.6 to read as set forth at 43 Pa.B. 3110.

(b) The Department shall submit this order and 43 Pa.B. 3110 to the Office of Attorney General and the Office of General Counsel for approval as to legality as required by law.

(c) This order shall take effect on March 26, 2014.

C. ALAN WALKER,  
*Secretary*

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 7606 (December 28, 2013).)

**Fiscal Note:** Fiscal Note 4-96 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 14-191. Filed for public inspection January 24, 2014, 9:00 a.m.]



# PROPOSED RULEMAKING

## PHILADELPHIA PARKING AUTHORITY

### Wheelchair Accessible Vehicles Taxicab Proposed Rulemakings; Public Hearing

The Philadelphia Parking Authority (Authority) Taxicab and Limousine Division seeks comments from the public, prospective vendors of associated equipment and the industry concerning proposed rulemaking order 126-5, published at 43 Pa.B. 6373 (October 26, 2013), which will establish mandatory requirements for the operation of medallion taxicabs restricted to wheelchair accessible taxicab service.

Comments will also be taken at this time regarding proposed rulemaking order 126-6, published at 43 Pa.B. 6674 (November 9, 2013), which will amend 52 Pa. Code Chapter 1013 (relating to medallion taxicabs) to add Subchapter C (relating to medallion sales by the Authority) which will establish the rules the Authority will follow to sell medallions.

The proposed rulemaking orders may be viewed on the Authority's web site [www.philapark.org](http://www.philapark.org), click "Taxicabs & Limousines."

Proposed Rulemaking Order 126-5 at August 2, 2013

Proposed Rulemaking Order 126-6 at September 30, 2013

Written comments may be sent to the following addresses before the hearing or may be submitted at the hearing to the attention of Charles Milstein, Esquire, Assistant to Director, Philadelphia Parking Authority Taxicab and Limousine Division, 2415 S. Swanson Street, Philadelphia, PA 19148-4113, [cmilstein@philapark.org](mailto:cmilstein@philapark.org).

The hearing will be held on Wednesday, February 12, 2014, from 10 a.m. to 12 p.m. at the Pennsylvania Convention Center, Room 110AB, 12th and Arch Streets, Philadelphia, PA. Call Charles Milstein at (215) 683-9637 with any questions.

VINCENT J. FENERTY,  
*Executive Director*

[Pa.B. Doc. No. 14-192. Filed for public inspection January 24, 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 December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking and Securities Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending January 7, 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

#### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-16-2013	Firststrust Savings Bank Conshohocken Montgomery County	7345 Frankford Avenue Philadelphia Philadelphia County	Closed
12-18-2013	Firststrust Savings Bank Conshohocken Montgomery County	133 West Lancaster Avenue Devon Chester County	Closed
12-31-2013	Altoona First Savings Bank Altoona Blair County	1116 Twelfth Street Altoona Blair County	Closed
12-31-2013	Miners Bank Minersville Schuylkill County	300 Hobart Street Gordon Schuylkill County	Closed

### SAVINGS INSTITUTIONS

No activity.

### CREDIT UNIONS

No activity.

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 14-193. Filed for public inspection January 24, 2014, 9:00 a.m.]

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking and Securities Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending January 14, 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

No activity.

#### SAVINGS INSTITUTIONS

No activity.

#### CREDIT UNIONS

No activity.

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

GLENN E. MOYER,  
Secretary

[Pa.B. Doc. No. 14-194. Filed for public inspection January 24, 2014, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Manufactured Housing Installation Program; Approved Training Curriculum for Construction Code Officials

Under 12 Pa. Code § 149.5(d) (relating to building code official training), the Department of Community and Economic Development (Department) publishes the list of approved training curriculum for those code officials who inspect the installation of manufactured homes. Persons that have successfully completed the training curriculum listed will have satisfied the requirement in 12 Pa. Code § 149.5(e).

*IRC 103-How to Inspect Manufactured and Modular Housing*, administered by the Pennsylvania Construction Codes Academy.

*BCO 101-Building Code Official Course and Exam-Day 3*, administered by the Pennsylvania Construction Codes Academy.

*BCO 111: The ABC's of Permitting Manufactured and Industrialized Structures*, administered by the Pennsylvania Construction Codes Academy.

*BCO 116-Relocated Manufactured Housing, Habitability and Installation*, administered by the Pennsylvania Construction Codes Academy.

*BCO 117-Proper Handling of Factory Built Houses and Buildings*, administered by the Pennsylvania Construction Codes Academy.

*Manufactured Housing Program and Basic Installer Training*, administered by Department of Community and Economic Development, Housing Standards Division.

*Manufactured Housing Installer Update Training*, administered by Department of Community and Economic Development, Housing Standards Division.

In addition to the approved training programs listed, the Department may provide a workshop for code officials who request training. Code officials may contact the Department to request more information on scheduling a workshop.

Program inquiries should be directed to Mark Conte, Chief, Housing Standards Division, Department of Com-

munity and Economic Development, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0225, (717) 720-7416, [mconte@pa.gov](mailto:mconte@pa.gov).

(Editor's Note: See 44 Pa.B. 488 (January 25, 2014) for a final-form rulemaking amending 12 Pa. Code § 149.5.)

C. ALAN WALKER,  
Secretary

[Pa.B. Doc. No. 14-195. Filed for public inspection January 24, 2014, 9:00 a.m.]

### Manufactured Housing Installation Program; Approved Training Curriculum for Installers

Under 12 Pa. Code § 149.4(a)(4) (relating to installer training and certification), the Department of Community and Economic Development publishes the list of approved training curriculum for those persons seeking certification as installers of manufactured homes. Persons that have successfully completed the training curriculum listed will be eligible to apply for certification as an installer as defined in section 3 of the Manufacturing Housing Improvement Act (35 P. S. § 1658.3).

*Manufactured Housing Program and Basic Installer Training*, administered by the Department of Community and Economic Development, Housing Standards Division.

Persons already certified as installers are required to complete a specified training curriculum every 3 years as provided for in 12 Pa. Code § 149.4(b)(3). The following training curriculum is approved for those installers:

*Manufactured Housing Installer Update Training*, administered by Department of Community and Economic Development, Housing Standards Division.

*Manufactured Housing Program and Basic Installer Training*, administered by Department of Community and Economic Development, Housing Standards Division.

Program inquiries should be directed to Mark Conte, Chief, Housing Standards Division, Department of Community and Economic Development, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0225, (717) 720-7416, [mconte@pa.gov](mailto:mconte@pa.gov).

C. ALAN WALKER,  
Secretary

[Pa.B. Doc. No. 14-196. Filed for public inspection January 24, 2014, 9:00 a.m.]



# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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

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

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

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

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

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

#### I. NPDES Renewal Applications

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970*

<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>
PA0056821 (Sewage)	Malvern School of Glen Mills 20 Creek Road Glen Mills, PA 19342-1020	Delaware County Thornbury Township	Chester Creek (3-G)	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>
PA0222356 (IW)	Penn Union Electric Connectors 229 Waterford Street Edinboro, PA 16412	Erie County Edinboro Borough	Darrows Creek (16-A)	Y
PA0221091 (IW)	ELCAM Tool & Die, 479 Buena Vista Highway, Wilcox, PA 15870	Elk County Jones Township	Unnamed Tributary to the West Branch Clarion River (17-A)	Y
PA0103101 (Sewage)	Wesley Woods Christian Education Center 1001 Fiddlers Green Road Grand Valley, PA 16420	Warren County Eldred Township	Unnamed Tributary to Caldwell Creek (16-E)	Y
PA0240150 (Sewage)	Norwich Township STP 3853 West Valley Road, Smethport, PA 16749	McKean County Norwich Township	Potato Creek (16-C)	Y
PA0238988 (Sewage)	Greene Meadows STP 2500 Deer Run Trail Erie, PA 16509	Erie County Greene Township	Unnamed Tributary of East Branch LeBoeuf Creek (16-A)	Y

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

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5970*

**PA0013714**, SIC Code 4911, **Exelon Generation Co. LLC**, 300 Exelon Way, Kennett Square, PA 19348-2473. Facility Name: Eddystone Generating Station. This existing facility is located in Eddystone Borough, **Delaware County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial wastewater, noncontact cooling water and stormwater.

The receiving stream(s), Crum Creek and Delaware River, is located in State Water Plan watershed 3-G and is classified for Warm Water Fishes, Migratory Fishes and 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 an average stormwater flow.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
PCBs (Wet Weather) (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 are based on an average stormwater flow.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 005 are based on an average stormwater flow.

<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>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
PCBs (Wet Weather) (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 008 are based on a design flow of 835.08 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>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	XXX	XXX	0.2

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids						
Effluent Net Intake	XXX	XXX	XXX	30	100	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	XXX	1000
Hydrazine	XXX	XXX	XXX	Report	XXX	XXX
Spectrus CT 1300	XXX	XXX	XXX	0.0023	XXX	XXX
Bromide	XXX	XXX	XXX	XXX	0.05	XXX
				XXX	Report	XXX

The proposed effluent limits for Outfall 010 are based on a design flow of 0.144 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Oil and Grease	XXX	XXX	XXX	15	20	30
Total Aluminum	XXX	XXX	XXX	Report	Report	XXX
Dissolved Iron	XXX	XXX	XXX	Report	Report	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 013 are based on an average stormwater flow.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 014 are based on an average stormwater flow.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Monitoring Point 108 are based on a design flow of 3.045 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Total Dissolved Solids	XXX	XXX	XXX	15,000	30,000	37,500
Oil and Grease	XXX	XXX	XXX	15	20	30



Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Total Copper	XXX	XXX	XXX	Report	Report	XXX
Total Iron	XXX	XXX	XXX	Report	Report	XXX
PCBs (Dry Weather) (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Monitoring Point 110 are based on an average stormwater flow.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Instant. Minimum	Average	Daily Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	6.0		XXX	9.0
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Recoverable Petroleum Hydrocarbons	XXX	XXX	XXX	15	XXX	30
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

Monitoring is not required for Stormwater Outfalls 002 and 007.

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

- A. Acquire Necessary Property Rights
- B. Proper Sludge Disposal
- C. WQM Permit Condition
- D. BAT/ELG Reopener
- E. Chlorine Discharge
- F. Thermal Impact
- G. Mixing Zone
- H. Composite Sampling During High Tide and Low Tide
- I. Proper Test Methods
- J. Delaware Estuary Study
- K. No Intake Trash Return
- L. Chemical Metal Cleaning Condition
- M. Spectrus CT1300 Test Method
- N. Calculation for Hydrazine Concentration
- O. TMDL/WLA Analysis
- P. Non-stormwater discharges
- Q. Chemical Additives Condition
- R. Cooling Water Intake Condition
- S. Stormwater Condition
- T. WQBELs Below Quantitation Limits
- U. PCBs Requirement

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is not in effect.

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

**PA0063053**, Industrial Waste, SIC Code 4941, **Tamaqua Area Water Authority**, 320 East Broad Street, Tamaqua, PA 18252. Facility Name: Still Creek WTP. This existing facility is located in Rush Township, **Schuylkill County**.

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

The receiving stream, the Little Schuylkill River, is located in State Water Plan watershed 03A and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.19 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	1.0	1.6
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Total Aluminum	XXX	XXX	XXX	4.0	8.0	XXX
Total Copper	XXX	XXX	XXX	Report	Report	XXX
Total Iron	XXX	XXX	XXX	2.0	4.0	XXX
Total Manganese	XXX	XXX	XXX	1.0	2.0	XXX
Total Mercury	XXX	XXX	XXX	Report	Report	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is not in effect.

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

**PA0009016**, Industrial Waste, SIC Code 3469, **Osram Sylvania, Inc.**, 1128 Roosevelt Avenue, York, PA 17404-2348. Facility Name: Osram Sylvania, Inc. This existing facility is located in West Manchester Township, **York County**.

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

The receiving streams, Willis Run and Unnamed Tributary to Willis Run, is located in State Water Plan watershed 7-H 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 0.053 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
Oil and Grease	XXX	XXX	XXX	15	XXX	30

The proposed effluent limits for Outfall 002 are based on a design flow of 0.16 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	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30

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.

**PA0026051**, Sewage, SIC Code 4952, **Chambersburg Borough**, 100 S 2nd Street, Chambersburg, PA 17201-2515. Facility Name: Chambersburg Borough STP. This existing facility is located in Chambersburg Borough, **Franklin County**.

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

The receiving stream(s), Conococheague Creek, is located in State Water Plan watershed 13-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed interim and final effluent limits for Outfall 001 are based on design flows of 6.8 MGD and 11.28 MGD respectively.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	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

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
CBOD <sub>5</sub>						
May 1 - Oct 31 (Interim)	850	1,361	XXX	15	24	40
Nov 1 - Apr 30 (Interim)	1,417	2,268	XXX	25	40	50
May 1 - Oct 31 (Final)	1,411	2,257	XXX	15	24	30
Nov 1 - Apr 30 (Final)	2,351	3,763	XXX	25	40	50
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
(Interim)	1,701	2,552	XXX	30	45	60
(Final)	2,822	4,233	XXX	30	45	60
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
UV Intensity ( $\mu\text{w}/\text{cm}^2$ )	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31 (Interim)	198	XXX	XXX	3.5	XXX	7.0
Nov 1 - Apr 30 (Interim)	567	XXX	XXX	10	XXX	20
May 1 - Oct 31 (Final)	282	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30 (Final)	846	XXX	XXX	9.0	XXX	18
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Copper						
(Interim)	1.644	XXX	XXX	.029	XXX	.072
(Final)	1.975	XXX	XXX	0.021	XXX	.052
Total Lead						
(Interim)	0.623	XXX	XXX	0.011	XXX	0.027
(Final)	0.752	XXX	XXX	0.008	XXX	0.020

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	124,199			
Net Total Phosphorus	Report	16,560			

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

- IW Pretreatment Program Implementation
- Whole Effluent Toxicity Testing
- Solids Management
- Stormwater Requirements

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

The EPA Waiver is not in effect.



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**III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law**


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

**WQM Permit No. 3614401**, Sewerage, **Mount Joy Borough Authority**, 21 East Main Street, Mount Joy, PA 17552.

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

Description of Proposed Action/Activity: Seeking permit approval for the Pumping Station 2 Replacement/Upgrade Project; replace existing Pumping Station 2 with a new pumping station with a capacity of 507 gpm. The new existing pumping station will be located approximately 25 feet east of the existing pumping station on MJBA's property. The existing pumping station will be abandoned and demolished after the new pumping station is in operation.

**WQM Permit No. 5010401, Amendment No. 1**, Sewerage, **Millerstown Municipal Authority**, 44 North High Street, Millerstown, PA 17062.

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

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of additional sludge facilities.

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**IV. NPDES Applications for Stormwater Discharges from MS4**


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**V. Applications for NPDES Waiver Stormwater Discharges from MS4**


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


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

*Lehigh County Conservation District, Lehigh Ag Center, Suite 102, 4184 Dorney Park Rd., Allentown PA 18104*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023908009R	Gary Frederick West Hills Partners, LP 4507 N. Front Street Ste. 302 Harrisburg, PA 17110	Lehigh	Weisenberg Township	Lyon Creek (HQ-CWF, MF)

*Lackawanna County Conservation District, 1038 Montdale Road, Suite 109, Scott Twp., Pa 18447*

*Wyoming County Conservation District, 1 Hollowcrest Complex, Tunkhannock PA 18657*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026413003	PPL Corporation PPL Electric Utilities Two North 9th Street Allentown, PA 18101	Lackawanna	Covington & Madison Townships	Roaring Brook (HQ-CWF, MF)
		Wayne	Dreher, Lehigh, Paupack, Salem and Sterling Townships	EBR Roaring Brook (HQ-CWF, MF)
				Butternut Creek, (EV)
				Rockport Creek (HQ-CWF, MF)
				Wallenpaupack Creek (HQ-CWF, MF)
				WBR Wallenpaupack Creek (HQ-CWF, MF)
				Ariel Creek (HQ-CWF, MF)
				Purdy Creek (HQ-CWF, MF)
				UNT to Spinner Brook (HQ-CWF, MF)
				UNT to Wangum Creek (HQ-CWF, MF)
				Lehigh River, (EV)
				W. Fork Lehigh River, (EV)

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701

Columbia County Conservation District: 702 Sawmill Road, Suite 204, Bloomsburg, PA 17815, (570) 784-1310, X 102

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI041913002	Cellco Partnership d/b/a Verizon Wireless 4642 Jonestown Rd Ste 200 Harrisburg PA 17109	Columbia	Pine Township	Little Fishing Creek EV, 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
PAI056313006	Redevelopment Authority of the County of Washington 100 West Beau Street Suite 603 Washington, PA 15301	Washington	Peters Township & North Strabane Township	Little Chartiers Creek (HQ-WWF)

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Butler County Conservation District, 122 McCune Drive, Butler PA 16001-6501

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI061008003R	Knoch Farms Dev LLC 2121 Old Gatesburg Road State College PA 16803	Butler	Clinton Township Jefferson Township	UNT Sarver Run HQ; TSF

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

PAG-12            CAFOs

**STATE CONSERVATION COMMISSION**

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

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

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

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

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

**APPLICATIONS**

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

Agricultural Operation Name and Address	County	Total Acres	Animal Equivalent Units	Animal Type	Special Protection Waters (HQ or EV or NA)	Renewal / New
Bivouac Sow Farm 15197 Great Cove Road McConnellsburg, PA 17233	Fulton	224	2,978.55	Swine Sow / Gilt	Big Cove Creek	New

## PUBLIC WATER SUPPLY (PWS) PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### SAFE DRINKING WATER

#### Applications Received Under the Pennsylvania Safe Drinking Water Act

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA17110*

**Permit No. 3614501**, Public Water Supply.

Applicant	<b>Spring Lake Park</b>
Municipality	Elizabeth Township
County	<b>Lancaster</b>
Responsible Official	Dean W Dirian, Owner 10 Fox Road Newmanstown, PA 17073
Type of Facility	Public Water Supply
Consulting Engineer	Charles A Kehew II, P.E. James R. Holley & Associates, Inc. 18 South George Street York, PA 17401
Application Received:	1/2/2014
Description of Action	Installation of a new community water system, including a new well, a sodium hypochlorite disinfection system, a 1,000 gallon finish water storage tank and a finish water pump station.

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

**Permit No. 6513526**, Public Water Supply.

Applicant	<b>Municipal Authority of the Borough of Derry</b> 620 North Chestnut Street Derry, PA 15627
[Township or Borough]	Derry Borough
Responsible Official	Amy Forsha, Assistant Manager Municipal Authority of the Borough of Derry 620 North Chestnut Street Derry, PA 15627
Type of Facility	Water system
Consulting Engineer	Gibson-Thomas Engineering Co., Inc. 1004 Ligonier Street PO Box 853 Latrobe, PA 15650
Application Received Date	December 23, 2013
Description of Action	Installation of a mixing system in the Atlantic water storage tank.

**Permit No. 0213545**, Public Water Supply.

Applicant	<b>Pennsylvania American Water Company</b> 800 West Hersheypark Drive Hershey, PA 17033
[Township or Borough]	Union Township
Responsible Official	David R. Kaufman, P.E. Vice President of Engineering Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	Water system
Consulting Engineer	HDR Engineering, Inc. 11 Stanwix Street Suite 800 Pittsburgh, PA 15222
Application Received Date	December 18, 2013
Description of Action	Improvements to the filter-to-waste system at the E.H. Aldrich water treatment plant.

**Permit No. 3014501**, Public Water Supply.

Applicant	<b>East Dunkard Water Authority</b> PO Box 241 SR 88 Dilliner, PA 15327
[Township or Borough]	Dunkard Township
Responsible Official	Barry Bennett, General Manager East Dunkard Water Authority PO Box 241 SR 88 Dilliner, PA 15327
Type of Facility	Water system

Consulting Engineer Dakota Engineering Associates, Inc.  
Etna Technical Center  
Suite 200  
35 Wilson Street  
Pittsburgh, PA 15223

Application Received Date January 8, 2014

Description of Action Construction of three water storage tanks and two water booster stations; and the installation of new distribution waterline and new water meters.

#### 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. 465W009-T1, Minor Amendment.

Applicant **Indian Creek Valley Water Authority**  
PO Box 486  
Indian Head, PA 15446

[Township or Borough] Ohiopyle Borough

Responsible Official R. Kerry Witt, Manager  
Indian Creek Valley Water Authority  
PO Box 486  
Indian Head, PA 15446

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
PO Box 200  
Indianola, PA 15051

Application Received Date December 16, 2013

Description of Action Transfer of water supply facilities formerly owned by Ohiopyle Borough.

#### Application No. 465W009A1-T1, Minor Amendment.

Applicant **Indian Creek Valley Water Authority**  
PO Box 486  
Indian Head, PA 15446

[Township or Borough] Ohiopyle Borough

Responsible Official R. Kerry Witt, Manager  
Indian Creek Valley Water Authority  
PO Box 486  
Indian Head, PA 15446

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
PO Box 200  
Indianola, PA 15051

Application Received Date December 16, 2013

Description of Action Transfer of water supply facilities formerly owned by Ohiopyle Borough.

**Application No. 465W009A2-T1, Minor Amendment.**

Applicant **Indian Creek Valley Water Authority**  
PO Box 486  
Indian Head, PA 15446

[Township or Borough] Ohiopyle Borough

Responsible Official R. Kerry Witt, Manager  
Indian Creek Valley Water Authority  
PO Box 486  
Indian Head, PA 15446

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
PO Box 200  
Indianola, PA 15051

Application Received Date December 16, 2013

Description of Action Transfer of water supply facilities formerly owned by Ohiopyle Borough.

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

#### Application No. 8742-W-T1-MA2, Minor Amendment.

Applicant **Sykesville Borough**

Township or Borough Sykesville Borough

Responsible Official Karen Pruzinsky

Type of Facility Public Water Supply

Consulting Engineer Mark V. Glenn, P.E.  
Gwin, Dobson and Foreman, Inc.  
3121 Fairway Drive  
Altoona, PA 16602

Application Received Date December 20, 2013

Description of Action Installation of TTHM removal system in the Borough's existing 250,000 gallon water storage tank. The TTHM removal system includes floating spray nozzle equipment, supplemental mixing, turbine blowers and air filter.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

**Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907)**

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An



acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**Former Top's Diner Property**, 410 Central Avenue, Johnstown, PA 15902, **Cambria County**. P. Joseph Lehman, Inc., 117 Old Farm Office Road, Suite 113, Duncansville, PA 16635 on behalf of Sheetz, Inc., 5700 6th Avenue, Altoona, PA 16601 has submitted a Notice of Intent to Remediate on January 7, 2014, concerning the remediation of 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, and benzene in soil and 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, benzene, toluene, ethylbenzene, naphthalene, and dissolved lead in groundwater. The future use of the property is non-residential. The notice was published in the *Tribune-Democrat* on December 23, 2013.

**GE Power and Water—Parts and Repair Service Center/former GE Energy/ General Electric**, 4930 Buttermilk Hollow Road, West Mifflin, PA 15122, **Allegheny County**. AMEC Environmental and Infrastructure, Inc., 751 Arbor Way, Suite 180, Blue Bell, PA 19422 on behalf of GE Power and Water, 4930 Buttermilk Hollow Road, West Mifflin, PA 15122 has submitted a Notice of Intent to Remediate on January 2, 2014 to meet the non-residential Statewide Health and Site Specific Standards, concerning site soils contaminated with Polychlorinated Biphenyls (PCBs), total petroleum hydrocarbons (TPH), and volatile organic compounds (gasoline components, chlorinated solvents and chloro-benzenes). This notice was published in the *Pittsburgh Post-Gazette* on December 30, 2013.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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**PLAN APPROVALS**


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**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.**

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

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

**09-0009G: Quad Graphics, LLC** (4371 County Line Rd., Chalfont, PA 18914) for the following changes at their facility in New Britain Twp., **Bucks County**:

- Installation of a new lithographic printing press to replace an existing lithographic press.
- Removal of the dryers from an existing lithographic press and installing them on two other existing presses.

As a result of potential emissions of VOCs, the facility is a Title V facility. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

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

**25-053F: Urick Foundry Co.—division of Ridge Tool Manufacturing Co.** (1501 Cherry Street, Erie, PA 16502) for installation of new foundry equipment capable of producing larger castings in the City of Erie, **Erie County**. This project will include the installation of two (2) 80-ton sand silos, two (2) bin vents, a mold making system, a new pouring/cooling/ shakeout system, new sand blasting equipment, new grinding equipment and four (4) new baghouses.

**42-004I: American Refining Group, Inc.** (77 North Kendall Avenue, Bradford, PA 16701-1726) for installation of a new stationary diesel-fueled emergency generator rated at 2,923 brake horsepower in the City of Bradford, **McKean County**.

**43-270I: CCL Container Corp.** (1 Llodio Drive, Hermitage, PA 16148) for installation of four (4) can manufacturing lines, three (3) inside liner baghouses and a regenerative thermal oxidizer (RTO) in the City of Hermitage, **Mercer County**. The facility manufactures aluminum cans used for packaging various consumer products.

**43-356C: Hermitage Municipal Authority** (800 North Hermitage Road, Hermitage PA, 16148) for modifications to Plan Approval 43-356B for expansion of the Bobby Run Watter Pollution Control Plant at 2133 Broadway Avenue, in the City of Hermitage, **Mercer County**. The modifications include the use of natural gas blended with the biogas produced at the facility, to fuel Source 101 (7.146 MMBtu/hr Combined Heat and Power Unit).

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**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.**

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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*

**46-0200E: John Middleton Company** (418 West Church Road, King of Prussia, PA 19406) for a new regenerative thermal oxidizer (RTO) (Source ID C01A) to control emissions of volatile organic compounds (VOC) from tobacco dryers at its existing tobacco manufacturing facility in Upper Merion Township, **Montgomery County**. The new RTO has a 5 MMBtu/hr capacity. This facility is a minor source and will remain so with the approval of Plan Approval 46-0200E. The company has proposed the new RTO as a replacement for the existing thermal oxidizer (Source ID C01), which is nearing the end of its useful life. The company has indicated that the manufacturer guaranteed destruction efficiency of VOCs in the new RTO is 98%, which is accepted as Best Available Technology (BAT) by the Department. The new oxidizer will also serve as a back-up control device for Top Dressing Application (Source ID 102A), which is routinely controlled by an existing RTO (Source ID C04). With the application, the company also proposes revised emissions limits and estimates for several sources constructed under Plan Approval 46-0200C, based on emissions information gained in operation of the newly constructed sources and stack testing conducted under the Plan Approval 46-0200C. John Middleton has requested an increase to 17.3 tons/year VOC from the combination of the Top Dressing Application and the Humectant Application sources from the 14.3 tons/year approved under Plan Approval 46-0200C. The company has taken operating restrictions in other process units so that this increase will be partially offset and facility wide VOC emissions will remain below the current limit of 24.9 tons/year. Estimates for particulate matter (PM), nitrogen oxides (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), and carbon monoxide (CO) emissions from the facility are decreased with replacement of the oxidizer due to the increased efficiency and lower capacity of the proposed RTO. The permittee shall monitor the temperature of the RTO combustion chamber to assure optimum operation of the oxidizer. The permittee shall keep records and meet work practice standards to minimize emissions and keep the facility operating within all applicable emission standards.

**46-0142E: Custom Processing Services, LLC** (461 State Street, East Greenville, PA 18041) for a Cyclone & a baghouse replacing the existing baghouse on Coarse System in East Greenville Borough, **Montgomery County**. The company provides customized grinding, milling, blending, and drying services of various mineral products. The pollutant of concern is particulate matter. Cyclone & the Dust collector are used on source for particulate matter control. The Plan Approval and Operating Permit will include monitoring, record keeping and reporting requirements designed to address all applicable air quality requirements.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

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

**33-002E: Owens-Brockway Glass Container, Inc.—Crenshaw Plant #19** (3831 Route 219 North, Brockport, PA 15823) for modification of Furnace C, due to the age of the furnace and its general condition, to reduce NO<sub>x</sub> emissions in Snyder Township, **Jefferson County**. This is a Title V facility. The public notice is required for

sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the State Only operating permit at a later date.

Plan approval No 33-002E is an improvement project for Furnace C and associated refiner and three forehearths (C1, C2, & C3). This project is due to the age of the furnace and its general condition. This project will also reduce NO<sub>x</sub> emissions by furnace design changes and air staging as part of an EPA consent decree. There will be no changes made to raw material receiving, storing, or mixing. There will also be no changes made downstream from the forehearths. This project will not increase production. This project will result in projected actual emissions of 135.98 tpy for NO<sub>x</sub>, 19.39 tpy for CO, 1.13 tpy for VOC, 10.59 tpy for PM/PM<sub>10</sub>/PM<sub>2.5</sub>, 41.75 tpy for SO<sub>x</sub>, and 62,984.5 tpy for CO<sub>2</sub>(e). This Plan Approval will contain emission restriction, testing, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology (BAT) for the source including, but are not limited to, the following:

- The permittee shall update the AIMS Inventory for PM/PM<sub>10</sub>/PM<sub>2.5</sub> to match the information used in the PSD/NSR analysis. The update should include year 2005 to the present. If applicable, the permittee shall revise their AIMS Emission Fee submittals for those same years.

- The permittee shall not emit NO<sub>x</sub> exceeding 2.3 #/ton of glass melted in this furnace. [Compliance with this requirement will show compliance with 25 Pa. Code § 129.304(a)]

- The permittee shall not emit NO<sub>x</sub> exceeding 125.93 tpy based on a 12-month rolling total.

- The permittee shall not emit SO<sub>x</sub> exceeding 2.55 #/ton of glass melted in this furnace. [Compliance with this requirement will show compliance with 25 Pa. Code § 123.21]

- The permittee shall not emit SO<sub>x</sub> exceeding 139.61 tpy based on a 12-month rolling total.

- The permittee shall not emit total PM (filterable & condensable), PM<sub>10</sub> (filterable & condensable), & PM<sub>2.5</sub> (filterable & condensable) exceeding 0.52 #/ton of glass melted in this furnace. [Compliance with this requirement will show compliance with 25 Pa. Code § 123.13(b)]

- The permittee shall not emit total PM (filterable & condensable), PM<sub>10</sub> (filterable & condensable), & PM<sub>2.5</sub> (filterable & condensable) exceeding 28.47 tpy based on a 12-month rolling total.

- The permittee shall not emit CO exceeding 0.2 #/ton of glass melted in this furnace.

- The permittee shall not emit CO exceeding 10.95 tpy based on a 12-month rolling total.

- The permittee shall not emit VOC exceeding 0.2 #/ton of glass melted in this furnace.

- The permittee shall not emit VOC exceeding 10.95 tpy based on a 12-month rolling total.

- Glass production from Furnace C shall be limited to 109,500 tpy, to be defined as any consecutive 12-month rolling period.

- The facility shall perform an initial stack for total particulate matter (both filterable and condensable), SO<sub>x</sub>,

CO, and VOC. Compliance with the total particulate matter emission limit will show compliance with the PM<sub>10</sub> and PM<sub>2.5</sub> emission limits. The facility shall stack test for NO<sub>x</sub> at the same time unless the CEM is certified by the Department.

- The permittee shall perform an additional stack test (6 to 12 months prior to the expiration date of the operating permit) for total particulate matter (both filterable and condensable), CO, and VOC emission. Compliance with the total particulate matter emission limit will show compliance with the PM<sub>10</sub> and PM<sub>2.5</sub> emission limits. The facility shall stack test for NO<sub>x</sub> at the same time unless the CEM is certified by the Department.

- The duration of a glass melting furnace shutdown, as measured from the time the furnace operations drop below 25% of the permitted production capacity or fuel use capacity to when all emissions from the furnace cease, may not exceed 20 days.

- The owner or operator of a glass melting furnace shall operate the emission control system whenever technologically feasible, as approved by the Department or appropriate approved local air pollution control agency, during shutdown to minimize emissions.

- Subject to 40 CFR 60 Subpart CC.

- Subject to 25 Pa. Code §§ 129.301—129.309.

- All the conditions from the facility operating permit revised on April 28, 2011, remain in effect unless superseded in this plan approval.

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [33-002E] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

In accordance with 25 PA Code 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be



treated as a significant modification. In these situations the Department should follow the procedures described in §§ 127.421 to 127.431 for state only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

### OPERATING PERMITS

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

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409*

**40-00007: Bemis Company, Inc.** (20 Jaycee Drive, West Hazleton, PA 18202-1142) for manufacture of laminated and coating packaging in Hazle Township, **Luzerne County**. This is a renewal of the Title V Operating Permit. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G.

The main sources at this facility are sixteen (16) Flexographic Printing Presses. The VOC emissions from the Presses are controlled by five (5) Catalytic Oxidizers. The proposed Title V Operating Permit shall include emission restrictions, work practice standards and testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with all applicable Federal and State air quality regulations.

#### Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

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

**15-00029: Pactiv Packaging, Inc.** (241 Woodbine Rd, Downingtown, PA 19335) for operation of their printing and paperboard assembly facility in Downingtown Borough, **Chester County**. The permit is for a non-Title V (State only) facility, with the Site-wide VOC emissions limited to 24.9 tons per 12-consecutive month period. Major sources of air emissions include seven (7) flexographic presses and support equipment. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00118: Associated Rubber, Inc.** (115 S. 6th St., Quakertown, PA 18951-0520), for renewal of a Natural Minor Operating Permit in Quakertown Borough, **Bucks County**. Associated Rubber is a manufacturer of custom-molded rubber and rubber bonded to metal products including natural and synthetic rubbers, silicones, urethanes and specialty elastomers. Air emission sources at this facility include a vapor degreaser for curing and cleaning rubber, and two small boilers which supply heat to the facility and the manufacturing process. The renewed operating permit includes work practice standards, and monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable local, state, and federal air quality requirements.

**46-00191: Merck & Co, Inc.** (351 North Sumneytown Pike, North Wales, PA 19454) for operation of their office

complex in Upper Gwynedd Township, **Montgomery County**. The permit is for a non-Title V (State only) facility. The sources of air emissions include: numerous boilers, four (4) generators (two natural gas and two diesel), and other miscellaneous combustion sources. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**15-00121: Delaware Valley Custom Marble, Inc.** (doing business as Glenmar Manufacturing) (4 Briar Drive, West Grove, PA 19390) for operations at their cast polymer manufacturing facility located in Penn Township, **Chester County**. The renewal permit is for a non-Title V (State Only) facility. The facility elects to cap Volatile Organic Compound (VOC) and Hazardous Air Pollutant (HAP) emissions less than major thresholds; therefore the facility is categorized as a Synthetic Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00191: Bucks County Water & Sewer Authority** (360 Green Street, Doylestown, PA 18901) for renewal of State Only (Natural Minor) Operating Permit No. 09-00191 in Doylestown Borough, **Bucks County**. The facility's air emissions sources consist of a wastewater treatment plant (WWTP) and an emergency generator set. Odor (hydrogen sulfide) emissions from the WWTP are controlled by an associated packed bed wet scrubber. The emergency generator set provides backup power for the WWTP. Nitrogen oxide (NO<sub>x</sub>) emissions from the engine of the emergency generator set are restricted to 100 lbs/hr, 1,000 lbs/day, 2.75 tons/ozone season (i.e., the period from May 1-September 30 of each year), and 6.6 tons/yr, calculated monthly as a 12-month rolling sum.

Since the State Only Operating Permit (SOOP) was renewed in 2008, no physical changes have occurred at the facility. However, since this time, the engine of the emergency generator set has become subject to the requirements of 40 C.F.R. Part 63, Subpart ZZZZ. All applicable requirements of this regulation will be included in the renewal SOOP.

The renewal SOOP will continue to include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**14-00021: Hanson Aggregates Pennsylvania LLC** (7660 Imperial Way, Allentown, PA 18195) to issue a renewal state only synthetic minor operating permit for their Curtain Gap Quarry located in Marion Township, **Centre County**. The facility is currently operating under State Only Operating Permit 14-00021. The facility's significant sources include a limestone crushing plant, unpaved haul roads, a parts washer, and several small diesel engines. The facility has potential emissions of 6.4 tons per year of carbon monoxide, 28.0 tons per year of nitrogen oxides, 1.8 ton per year of sulfur oxides, 63.4 tons per year of particulate matter, 2.5 tons per year of volatile organic compounds, 0.03 ton per year of total HAPs, and 1,772 tons per year of carbon dioxide equivalents (greenhouse gases). No emission or equipment changes are being proposed by this action. The proposed state only synthetic minor operating permit contains all applicable Federal and State regulatory requirements



including monitoring, recordkeeping, and reporting conditions. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SMOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the following: Name, address and telephone number of the person submitting the comments; Identification of the proposed permit (specify Permit No. 14-00021); Concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. 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.

#### PLAN APPROVALS

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

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409*

**13-00010A: AMETEK—Chemical Products Division** (42 Mountain Ave, Nesquehoning, PA 18240-2201) for their facility in Nesquehoning Borough, **Carbon County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to AMETEK/Chemical Products Division (42 Mountain Ave, Nesquehoning, PA 18240-2201) for their facility located in Nesquehoning Borough, **Carbon County**. This Plan Approval No. 13-00010A will be incorporated into the companies Synthetic Minor Permit 13-00010 through an administrative amendment at a later date.

Plan Approval No. 13-00010A is for the modification of existing 4CM-2 production line. The company has requested to re-route particulate emissions generated from this line to existing fabric collector which is in used to control the 4-1/2-1 extruder line. This change will not increase the airflow to the collector or increase emissions from the facility. The company will meet the BAT limit of 0.02 grain per dry standard cubic foot for particulate emissions. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 13-00010A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Group Manager, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701, Phone 570-826-2511 within 30 days after publication date.

#### COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Depart-

ment 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*

**32061301 and NPDES No. PA0235679. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Starford Mine in Green Township, **Indiana County** to add 744 subsidence control plan acres to the Middle Kittanning coal seam. Subsidence Control Plan Acres Proposed 744. No additional discharges. The application was considered administratively complete on January 6, 2014. Application received November 5, 2013.

**30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company, LLC**, (1525 Pleasant Grove Rd., PO Box J, Claysville, PA 15323). To revise the permit for the Bailey Mine & Prep Plant in Richhill Township, **Greene County** and related NPDES permit to construct an access road for the Crabapple Slope Facility. Surface Acres Proposed 0.2. No additional discharges. The application was considered administratively complete on January 8, 2014. Application received November 6, 2013.

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

**Permit No. 56803020 and NPDES No. 0121177. Rosebud Mining Co.**, 1117 Shaw Mines Road, Meyersdale, PA 15552, permit renewal for reclamation only of a bituminous surface and coal refuse disposal mine in Summit Township, **Somerset County**, affecting 79.5 acres. Receiving streams: Unnamed Tributary to/and Blue Lick Creek and an unnamed tributary to the Casselman River classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 18, 2013.

**Permit No. 56980108 and NPDES No. PA 0234915. Fieg Brothers**, 3070 Stoystown Road, Stoystown, PA 15563, permit renewal for reclamation only of a bituminous surface mine in Milford Township, **Somerset County**, affecting 160.7 acres. Receiving streams: unnamed tributaries to Coxes Creek classified for the following use: warm water fishery. There are no potable

water supply intakes within 10 miles downstream. Application received: November 19, 2013.

**Permit No. 56030105 and NPDES No. PA0249726. Croner, Inc.**, P.O. Box 260, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 317.2 acres. Receiving streams: unnamed tributaries to/and Blue Lick Creek and unnamed tributaries to/and Buffalo Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 25, 2013.

**Permit No. 56130105 and NPDES No. PA0269298. Rosebud Mining Co.**, 301 Market St., Kittanning, PA 16201, commencement, operation and restoration of a bituminous surface mine in Elk Lick Township, **Somerset County**, affecting 95.0 acres. Receiving streams: unnamed tributary to/and Casselman River classified for the following uses: cold water fishery and warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 19, 2013.

**Permit No. 32130103 and NPDES No. PA0269301. Alverda Enterprises Inc.**, P.O. Box 87, Alverda, PA 15710, commencement, operation and restoration of a bituminous surface and auger mine in Grant Township, **Indiana County**, affecting 38.8 acres. Receiving stream: unnamed tributary to Little Mahoning Creek classified for the following use: high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. The application includes a stream encroachment to conduct surface coal mining activities (support only) within the barrier area of 100' of the source of unnamed tributary to Dixon Run. Application received: December 19, 2013.

**Permit No. 32130104 and NPDES No. PA0269310. Bedrock Mines LP**, 111 Freeport Rd., Pittsburgh, Pa 15215, commencement, operation and restoration of a bituminous surface and auger mine in Washington Township, **Indiana County**, affecting 35.1 acres. Receiving streams: Sugarcamp Run to South Brank Plum Creek to Plum Creek to Crooked Creek to Allegheny River classified for the following uses: cold water fisheries, trout stocked fisheries and warm water fisheries. The first downstream potable water supply intake from the point of discharge is at Freeport PA. The application includes a stream encroachment to conduct surface mining activities including coal removal within the barrier area of Sugarcamp Run beginning where it passes under SR 0954 and extending northward (upstream) approximately 2,890 aerial feet (4,010 stream feet) Application Received: December 19, 2013.

**Permit No. 56130102 and NPDES No. PA0269336. Berwind Coal Sales Co.**, 509 15th St., Berlin, PA 15530, commencement, operation and restoration of a bituminous surface mine in Shade Township, **Somerset County**, affecting 146.1 acres. Receiving streams: unnamed tributary to/and Miller Run, unnamed tributary to Dark Shade Creek, classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. The application includes a stream encroachment to conduct mining activities within 100 feet of unnamed tributary C to Miller Run and to reconstruct approximately 1,200 feet of unnamed tributary C that has been affected by abandoned surface mining activities. Mining activities will also impact 0.7 acre of wetlands in

the Phase IV mining area. Wetland impacts will be mitigated onsite. Application received: December 26, 2013.

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

**63980101 and NPDES Permit No. PA0202151. Neiswonger Construction, Inc.** (17592 Route 322, Strattanville, PA 16258). Renewal application for reclamation only to an existing bituminous surface mine, located in Somerset Township, **Washington County**, affecting 180.7 acres. Receiving stream: unnamed tributary to North Branch of Pigeon Creek, 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: January 6, 2014.

**30130101 and NPDES Permit No. PA0252361. Mon River Aggregates LLC** (P.O. Box 435, Millsboro, PA 15348). Application for commencement, operation and reclamation of bituminous surface mine, located in Jefferson Township, **Greene County**, affecting 132.1 acres. Receiving streams: unnamed tributary to Rush Run and unnamed tributaries to Monongahela River, classified for the following use: WWF. The potable water supplies with intake within 10 miles downstream from the point of

discharge: Tri-County Joint Municipal Authority and PA American Water Co.—Brownsville Plant. Application received: December 31, 2013.

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

**Permit No. 54870101R5. Kuperavage Enterprises, Inc.**, (PO Box 99, Middleport, PA 17953), renewal of an existing anthracite surface mine, coal refuse reprocessing and disposal operation in Blythe Township, **Schuylkill County** affecting 638.0 acres, receiving stream: Schuylkill River, classified for the following uses: cold water and migratory fishes. Application received: December 11, 2013.

*Noncoal Applications Returned*

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**61990301. Schiffer Excavating, Inc. d/b/a Coopers-town Sand & Gravel**, (P.O. Box 4, Cooperstown, PA 16317) Renewal of NPDES Permit No. PA0227960, Jackson Township, **Venango County**. Receiving streams: Sugar Creek. Application received: December 24, 2013. Application withdrawn: January 8, 2014.

*Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Parameter	Table 2		
	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**25100303 and NPDES Permit No. PA0258997. McDonald Sand & Gravel, Inc.** (11425 Neiger Road, Girard, PA 16417) Transfer of an existing large industrial minerals mine and associated NPDES permit from J.D. Diversified Services, Inc. in Springfield Township, **Erie County**, affecting 43.0 acres. Receiving streams: Unnamed tributary to Crooked Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: January 6, 2014.

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

**Permit No. 40060301C3. Pioneer Aggregates, Inc.**, (215 East Saylor Avenue, Laflin, PA 18702), correction to an existing quarry for a boundary and depth correction, addition of bag house dust and RAP storage in Plains Township, **Luzerne County** affecting 161.6 acres, receiving stream: Gardner Creek, classified for the following uses: cold water and migratory fishes. Application received: December 9, 2013.

**Permit Nos. 64142801 and 64141001 and NPDES Permit No. PA0225401. Litts & Sons Stone Co., Inc.**, (19 Primrose Drive, Springbrook Township, PA 18444), NPDES Permit for discharge of treated mine drainage from quarry operations in Sterling Township, **Wayne County** affecting 13.5 acres, receiving stream: Butternut Creek, classified for the following use: EV-HQ—cold water fishes. Application received: December 12, 2013.

### 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. PA0001147 (Mining Permit No. 63131302 (formerly 63901701)), Consolidation Coal Company,** (CNX Center, 1000 Consol Energy Drive, Canonsburg, PA 15317). A renewal to the NPDES and mining activity permit for the Hahn AMD Treatment Plant in Cecil Township, **Washington County**. Surface Acres Affected 46.59. Receiving stream: Chartiers Creek, classified for the following use: CWF. Chartiers Creek TMDL. The application was considered administratively complete on January 6, 2014. Application received October 28, 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 001* discharges to: Chartiers Creek

The proposed effluent limits for *Outfall 001* (Lat: 40° 16' 34.3" Long: 80° 08' 35.3") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	8.67	-
Iron	(mg/l)	1.5	3.0	3.8
Manganese	(mg/l)	1.0	1.0	1.0
Aluminum	(mg/l)	0.75	0.75	0.75
Suspended Solids	(mg/l)	35	70	90
Osmotic Pressure	(mos/kg)	50	84	105
Sulfates	(mg/l)	-	-	REPORT
Chlorides	(mg/l)	-	-	REPORT
Total Dissolved Solids	(mg/l)	-	-	REPORT

**NPDES No. PA0215775 (Mining Permit No. 56773707), PBS Coals, Inc.,** (1576 Stoystown Road, PO Box 260, Friedens, PA 15541). A renewal to the NPDES and mining activity permit for the Cambria Fuel Refuse Disposal Area in Stonycreek Township, **Somerset County**. Surface Acres Affected 38.7. Receiving stream: Glades Creek, classified for the following use: CWF. Kiskiminetas-Conemaugh River Watersheds TMDL. The application was considered administratively complete on August 31, 2011. Application received March 25, 2011.

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

*Outfall 001* discharges to: Glades Creek

The proposed effluent limits for *Outfall 001* (Lat: 39° 59' 13" Long: 78° 57' 13") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	1.2	-
Iron	(mg/l)	1.5	3.0	3.8
Manganese	(mg/l)	1.0	2.0	2.5
Aluminum	(mg/l)	0.75	1.5	1.9
Total Suspended Solids	(mg/l)	35	70	90
Osmotic Pressure	(mos/kg)	50	100	125
Sulfates	(mg/l)	-	-	REPORT
Total Dissolved Solids	(mg/l)	-	-	REPORT

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

**NPDES No. PA0269217 (Mining permit no. 32130101), K.M.P. Associates, Inc.,** 3756 Route 981 Saltsburg, PA 15681-1475, new of an NPDES permit for surface coal mining in Conemaugh and Young Townships, **Indiana County**, affecting 27.0 acres. Receiving stream(s): Unnamed Tributaries to/and Big Run, classified for the following use(s): Cold Water Fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: 10/22/2013.

The outfall(s) listed below discharge to Unnamed Tributaries to/and Big Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	Y
002	Y
003	Y
004	Y
005	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: 001, 003, 004, and 005</i> Parameter	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			
<i>Outfalls: 002</i> Parameter	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)	50.0	50.0	50.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.**

## WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E58-300. Constitution Pipeline Company, LLC**, 2800 Post Oak Boulevard, Level 17, Houston, TX 77056, in Oakland, Harmony, Brooklyn, Hartford, New Milford, and Jackson Townships, **Susquehanna County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain 55 water obstructions and encroachments in and along Hop Bottom Creek (CWF) and unnamed tributaries thereof, Martins Creek (CWF) and unnamed tributaries thereof, Meylert Creek (HQ-CWF) and unnamed tributaries thereof, Wellmans Creek (HQ-CWF) and unnamed tributaries thereof, Salt Lick Creek (HQ-CWF) and unnamed tributaries thereof, unnamed tributaries to Drinker Creek (CWF), and unnamed tributaries to Little Roaring Brook (CWF) and impacting approximately 4,852 feet of wetlands (PEM, PFO, PSS). This work is associated with Constitution Pipeline Company's Constitution Pipeline Project which includes the installation of approximately 25.09 miles of pipeline in Susquehanna County. The project begins on the east side of State Route 2059 approximately 0.50 mile from its intersection with Township Road T571 and in Brooklyn Township and ends on the west side of Buckley Road at the PA/NY State Border in Harmony Township (Montrose East, Great Bend, Harford, Susquehanna, PA Quadrangle, Latitude: Beginning 41° 47' 56.52", Ending 41° 59' 56.26"; Longitude: Beginning -75° 49' 25.78", Ending -75° 32' 29.18").

**E45-587. Saylorburg DG, LLC**, 361 Summit Boulevard, Suite 110, Birmingham, AL 35246, in Ross Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a stormwater outfall structure consisting of a 24-inch diameter concrete pipe, concrete endwall, and 10-foot wide X 8-foot long rip-rap apron within the floodway of an Unnamed Tributary to Lake Creek (HQ-CWF). The project is located along the east side of Wilkes-Barre Turnpike (S.R. 115), approximately 0.2 mile southeast of its intersection with Anchorage Road (Saylorburg, PA Quadrangle, Latitude: 40°53'57"; Longitude: -75°19'42").

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E28-378: Food Lion, LLC**, PO Box 790, Greencastle, PA, 17225 in Antrim Township, **Franklin County**, ACOE Baltimore District

To remove an existing abandoned wooden streamcrossing and to construct and maintain a 44.0-foot long by 19.08-foot wide by 4.17-foot high bottomless aluminum arch culvert with a 36.0-inch HDPE overflow pipe in an unnamed tributary to Conococheague Creek (WWF), and to install and maintain a 4-inch electric utility line across an unnamed tributary to Conococheague Creek (WWF) for the purpose of providing access to an existing distribution warehouse. The project is located along Armada Drive within Antrim Commons Business Park in Antrim Township, Franklin County (Greencastle, PA Quadrangle, Latitude: 39° 45' 53"; Longitude: -77° 44' 07") in Antrim Township, Franklin County. No wetlands will be impacted.

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

**E02-1689. Jim Graham Corporation**, P.O. Box 107; Cheswick, PA 15024; Harmar Township, **Allegheny County**; ACOE Pittsburgh District.

Applicant is proposing to place and maintain a sheet pile wall, backfilled with topsoil for a length of 460 lf along the north bank, to place and maintain 745 lf of riprap along the north bank, and 729 lf of riprap along the south bank of Twelve Mile Island, at mile 13.5 of the Allegheny River (WWF-N). (New Kensington West, PA USGS Quadrangle; N 6.2 inches; W: 12.3 inches; Latitude: 40°32'4.46"; Longitude: -79°50'17.51") in Harmar Township, Allegheny County.

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**E16-145, Shippenville Borough**, P.O. Box 244, Shippenville, PA 16254. Shippenville Borough Wastewater Treatment Facility Upgrade, in Beaver Township, **Clarion County**, ACOE Pittsburgh District (Clarion & Fryburg, PA Quadrangle N: 41°, 11', 46"; W: 79°, 28', 01").

To replace an older wastewater treatment facility by constructing and maintaining a new wastewater treatment facility at same location south of SR 208 south of the Borough of Shippenville within the assumed 50-foot floodway of a tributary to Deer Creek and replacement of an existing outfall with a 12" diameter outfall to Deer Creek (CWF).

**E20-592, Crawford Area Transportation Authority**, 214 Pine Street, Meadville, PA 16335. Asbury Manor East Bus Pavillion, in City of Meadville, **Crawford County**, ACOE Pittsburgh District (Pittsburgh, PA Quadrangle N: 41°, 39', 07"; W: -80°, 09', 56").

To construct and maintain a bus shelter measuring approximately 13 feet wide by 8 feet long and associated grading occupying a total area of approximately 20 feet wide by 15 feet long within the mapped FEMA floodway of French Creek at the southwest corner of the intersection of Rogers Ferry Road and Asbury Manor East entrance driveway.

*District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E6629-019: Appalachia Midstream Services, LLC**, 100 IST Center, Horseheads, NY 14845, Fox Township, **Wyoming County**, ACOE Baltimore District.

To construct, operate and maintain the Porter Gathering Line Project, which consists of one 8-inch natural gas pipeline, with the following impacts:

1. 844 square feet of permanent impacts to Palustrine Emergent (PEM) Wetlands via the placement of fill for a permanent access road (Jenningsville, PA Quadrangle, Latitude: N41°34'04.00", Longitude: W76°12'43.00");

2. 4,000 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary construction access road crossing (Jenningsville, PA Quadrangle, Latitude: N41°34'04.00", Longitude: W76°12'39.00");

3. 510 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary construction access road crossing (Jenningsville, PA Quadrangle, Latitude: N41°33'43.00", Longitude: W76°12'08.00");

4. 3,210 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary construction access road crossing (Jenningsville, PA Quadrangle, Latitude: N41°33'43.00", Longitude: W76°12'03.00");

5. 5,228 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and a temporary construction access road crossing (Jenningsville, PA Quadrangle, Latitude: N41°33'40.00", Longitude: W76°11'50.00");

6. 498 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and a temporary construction access road crossing (Jenningsville, PA Quadrangle, Latitude: N41°33'32.00", Longitude: W76°11'42.00"); and

7. 59.0 linear feet of a UNT to Miller Brook (CWF, MF) and 6,726 square feet of temporary impacts to Exceptional Value (EV) Palustrine Scrub Shrub (PSS) Wetlands via open cut trenching and a temporary construction access road crossing (Jenningsville, PA Quadrangle, Latitude: N41°33'31.00", Longitude: W76°11'37.00").

The project will result in 59.0 linear feet of temporary stream impacts, 7,720 square feet (0.18 acre) of temporary impacts to Palustrine Emergent (PEM) Wetlands, 844 square feet (0.02 acre) of permanent impacts to Palustrine Emergent (PEM) Wetlands, 5,726 square feet (0.13 acre) of permanent impacts to Palustrine Forested (PFO) Wetlands, and 6,726 square feet (0.15 acre) of temporary impacts to Exceptional Value (EV) Palustrine Scrub Shrub (PSS) Wetlands all for the purpose of installing one 8-inch natural gas gathering line and associated access roadways for Marcellus shale development.

**E5729-070: Appalachia Midstream Services, LLC**, 100 IST Center, Horseheads, NY 14845, Elkland Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary access road using a timber mats and an 8 inch diameter well line impacting 9,030 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Shunk, PA Quadrangle 41°31'40"N, 76°41'05"W);

2) An 8 inch diameter well line impacting 462 square feet of an exceptional value palustrine forested (EV-PFO)



wetland and 3 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk, PA Quadrangle 41°31'45"N, 76°41'02"W);

3) A temporary access road using timber mat bridge and an 8 inch diameter gathering line impacting 150 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk, PA Quadrangle 41°31'19"N, 76°40'54"W);

The project will result in 153 linear feet of temporary stream impacts, and 9,492 square feet (0.22 acre) of temporary wetland impacts all for the purpose of installing a gathering line for Marcellus well development in Elkland Township, Sullivan County.

**E5729-071: Appalachia Midstream Services, LLC**, 100 IST Center, Horseheads, NY 14845, Forks Township, Sullivan County, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary access road using a timber mat bridge and an 8 inch diameter well line impacting 3,591 square feet of an exceptional value palustrine forested (EV-PFO) wetland and 150 linear feet of Level Branch Creek (EV) (Overton, PA Quadrangle 41°33'58"N, 76°32'29"W);

2) A temporary access road using a timber mat bridge and an 8 inch diameter well line impacting 4,538 square feet of an exceptional value palustrine scrub shrub (EV-PSS) wetland and 175 linear feet of Kelly Run (EV) (Overton, PA Quadrangle 41°33'53"N, 76°32'11"W);

3) A temporary access road using timber mat bridge and an 8 inch diameter gathering line impacting 18,164 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Overton, PA Quadrangle 41°33'46"N, 76°31'19"W).

The project will result in 325 linear feet of temporary stream impacts, 22,702 square feet (0.52 acre) of temporary wetland impacts and 3,591 square feet (0.08 acre) of permanent wetland impacts all for the purpose of installing a gathering line for Marcellus well development in Elkland Township, Sullivan County. The permittee will provide 0.08 acre of compensatory mitigation at the Wilmot Mitigation Site (Colley, PA Quadrangle 41°36'44"N 76°17'27"W) in Wilmot Township, Bradford County.

**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>
PA0070254 (Sewage)	Lynn Township Wastewater Treatment Plant 7481 Allemaengel Road New Tripoli, PA 18066	Lehigh County Lynn Township	Ontelaunee Creek (3-B)	N
PA0063011 (Water Diversion)	Hazleton City Authority Water Department 400 E Arthur Gardner Parkway Hazleton, PA 18201	Luzerne County Hazle Township	Unnamed Stream (2-B)	Y
PA0011185 (IW)	Air Products & Chemicals Trexlertown PA Facility (a.k.a. Hamilton Blvd Facility) 7201 Hamilton Boulevard Allentown, PA 18195-1501	Lehigh County Upper Macungie Township	Iron Run (2-C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0088790 (IW)	The York Water Company 130 East Market Street York, PA 17405	York County York Township	East Branch Codorus Creek / 7-H	Y
PA0087998 (Sew)	Urban Acres MHP 35 Ridge Drive Fleetwood, PA 19522	Berks County Alsace Township	Bernhart Creek / 3-C	Y
PA0247391 (Sew)	North Codorus Township Sewer Authority 1986 Stoverstown Road Spring Grove, PA 17362	York County North Codorus Township	UNT to Codorus Creek / 7-H	Y

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA*

<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>
PA0216712 (Industrial Waste)	New Kensington WTP H Burns Smith Wtp New Kensington, PA 15068-0577	Westmoreland County New Kensington City	Allegheny River (18-A)	Y
PA0218227 (Industrial Waste)	Washington Township Municipal Authority WTP SR 0201 Fayette City, PA 15438	Fayette County Fayette City Borough	Downers Run ( )	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>
PA0222488 (Sewage)	J & R Kabel SFTF, 120 Winfield Road, Sarver PA 16055	Butler County Jefferson Township	Sarver Run (18-F)	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. PA0244414**, Sewage, **Jaster Associates, LLC**, 437 King Road, Doylestown, PA 18901.

This proposed facility is located in Bedminster 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 Jaster Associates STP to Unnamed Tributary to Cabin Run in Watershed 2-D.

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

**NPDES Permit No. PA0065510**, Storm Water, NAICS Code 484110, **Central Transport LLC**, 12225 Stephens Road, Warren, MI 48089.

This existing facility, known as Central Transport #181, is located in East Allen Township, **Northampton County**.

Description of Proposed Action/Activity: Issuance of a new NPDES Permit for an existing discharge of stormwater.

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

**NPDES Permit No. PA0081264 Amendment A-2**, Sewage, **GLP Capital, L.P.**, PO Box 32, 777 Hollywood Blvd, Grantville, PA 17028-0032.

This proposed facility is located in East Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to a UNT to Swatara Creek in Watershed 7-D.

**NPDES Permit No. PA0262161**, Sewage, **Point View Cottage Association**, 138 Point View Drive, Williamsburg, PA 16693.

This proposed facility is located in Catharine Township, **Blair County**.

Description of Proposed Action/Activity: Authorization to discharge to Township Run in Watershed 11-A.

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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. 4613409**, Sewage, **Worcester Township**, 1721 Valley Forge Road, P.O. Box 767, Worcester, PA 19490.

This proposed facility is located in Worcester Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sewage pump station and force main.

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

**WQM Permit No. 6613401**, Sewage, SIC Code 8062, **Tunkhannock Hospital Co. LLC**, 880 S.R. 6 W, Tunkhannock, PA 18657-6149.

This proposed facility is located in Tunkhannock Township, **Wyoming County**.

Description of Proposed Action/Activity: This project is for the upgrade of a 0.0244 MGD wastewater treatment facility, including the addition of a backup aeration tank.

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

**WQM Permit No. 2205403 Transfer 1**, Sewerage, **GLP Capital, L.P.**, PO Box 32, Grantville, PA 17028-0032.

This proposed facility is located in East Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Approval of the operation / transfer of sewage facilities consisting of Comminutor, Bar Screen, Influent Pump Station, Two Sequencing Batch Reactors, Post Equalization Tank, Cloth Media Filter, Two Chlorine Contact Tanks, Dechlorination Chamber, Cascade Aeration, Sludge Digester, Water Reuse System, Outfall Structure and Other Associated Appurtenances.

**WQM Permit No. 0713404**, Sewerage, **Point View Cottage Association**, 138 Point View Drive, Williamsburg, PA 16693.

This proposed facility is located in Catharine Township, **Blair County**.

Description of Proposed Action/Activity: Permit approval for the construction / operation of sewage facilities consisting of five 1,000-gallon two-compartment septic tanks with a biotube effluent filter, Orenco AdvanTex AX-20 filter with AX-UV disinfection, an outfall structure and other associated appurtenances.

*Southwest Region: Water Standards & Facility Regulation Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**WQM Permit No. 5613401**, Sewage, **Stonycreek Township Somerset County**, 120 Municipal Road, Friedens, PA 15541.

This proposed facility is located in Stonycreek Township, **Somerset County**.

Description of Proposed Action/Activity: Construction of gravity sewer lines, pressure sewer lines and installation of individual grinder pumps.

**IV. NPDES Stormwater Discharges from MS4 Permit Actions**

*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>
PAI132201	Macungie Borough Lehigh County, 21 Locust Street, Macungie, PA 18062-1105	Lehigh	Macungie Borough	Unnamed Tributary to Swabia Creek / HQ-CWF and MF
PAI132237	Forks Township Northampton County, 1606 Sullivan Trail, Easton, PA 18040-8332	Northampton	Forks Township	Bushkill Creek and Unnamed Tributary to Delaware River / CWF, MF, HQ-CWF and MF
PAI132254	Lower Milford Township Lehigh County, 7607 Chestnut Hill Church Road, Coopersburg, PA 18036	Lehigh	Lower Milford Township	Saucon Creek and Unnamed Tributary to Saucon Creek / HQ-CWF, CWF and MF

**V. NPDES Waiver Stormwater Discharges from MS4 Actions**

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAG138308	Lawrence County 430 Court Street, New Castle, PA 16101	Lawrence	N/A	Connoquenessing Creek N

**VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI023913015R(4)	Dorney Park & Wildwater Kingdom 3830 Dorney Park Road Allentown, PA 18104	Lehigh	South Whitehall Township	Cedar Creek (HQ-CWF, MF)
PAI023913015R(5)	Dorney Park & Wildwater Kingdom 3830 Dorney Park Road Allentown, PA 18104	Lehigh	South Whitehall Township	Cedar Creek (HQ-CWF, MF)
PAI021313003	New Enterprise Stone and Lime, Inc. 3912 Brumbaugh Road New Enterprise, PA 16664	Carbon	Kidder Township	UNT to Lehigh River (HQ-CWF, MF)

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701*

*Union County Conservation District: Union County Government Center, 155 North 15th Street, Lewisburg, PA 17837, (570) 524-3860*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI046013001	Edward H Martin 14435 Old Turnpike Rd Millmont PA 17845	Union	W Buffalo Township	Rapid Run HQ-CWF, MF

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI055613005	Stonycreek Township 120 Municipal Road Friedens, PA 15541-6414	Somerset	Stonycreek Township & Shanksville Borough	Boone Run (CWF), Rhoads Creek (CWF), and UNT to Boone Run (CWF)

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056313001	Bove Development Corporation 424 Timberlake Drive Venetia, PA 15367	Washington	North Strabane Township	Little Chartiers Creek Watershed (HQ-WWF)
PAI056513004	Speedway, LLC. 500 Speedway Drive Enon, OH 45323	Westmoreland	Delmont Borough	Beaver Run (HQ-WWF)

## VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

### List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

#### General Permit Type—PAG-02

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>
Foster Township Luzerne County	PAG02004013009	Citterio USA c/o Mike Zieminski 2008 SR940 Freeland, PA 18224	Tributary to Black Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
Hazle Township Luzerne County	PAG02004006017R	Eagle Rock Resort Company Dan Durange 1 Country Club Road Hazle Township, PA 18202	Black Creek (CWF, MF) Stony Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
Lower Nazareth Township Northampton County	PAG02004813009	First Industrial Pennsylvania, LP 707 Eagleview Blvd., Suite 110 Exton, PA 19341	Schoeneck Creek (WWF, MF)	Northampton County Conservation District 610-746-1971
Liberty Township Susquehanna County	PAG02005813011	Pennsylvania Department of Transportation 55 Keystone Industrial Park Dunmore, PA 18512	Snake Creek (CWF, MF)	Susquehanna County Conservation District 570-278-4600



*Facility Location:  
Municipality &  
County*

<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>
Oakland Borough Susquehanna County	PAG02005813004	Mr. Andy Kirby, Corp. The Church of Jesus Christ of Latter-day Saints, a Utah Corporation 50 East North Temple, COB 10th Floor Salt Lake City, Utah 84150-9001	UNT 32100 Susquehanna River (CWF, MF)	Susquehanna County Conservation District 570-278-4600

*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief,  
717.705.4802*

*Facility Location:  
Municipality &  
County*

<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>
Gettysburg Borough, Adams County	PAG02000113024 (Issued)	Randall B. Inskip PO Box 4593 Gettysburg, PA 17325	UNT to Rock Creek (WWF, MF)	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Allegheny Township, Blair County	PAG020007130016 (Issued)	Convention Center Commons, LLC 5506 6th Avenue Altoona, PA 16602	UNT to Brush Run (WWF)	Blair Co Conservation District 1407 Blair St Hollidaysburg, PA 16648 814.696.0877
East Lampeter Township, Lancaster County	PAG02003610005R (Issued)	Brookfield Development Corp 227 Granite Run Drive Ste 100 Lancaster, PA 17601	UNT to Conestoga River (WWF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Penn Township, Lancaster County	PAG02003612001R (Issued)	Manheim's Pa Auction Services Manheim's Pa Auction Services	Chiques Creek/WWF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Millersville Borough, Lancaster County	PAG020036120931 (Issued)	Student Services Inc 21 South George Street Millersville, PA 17551	Conestoga River (WWF, MF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Earl Township, Lancaster County	PAG02003613074 (Issued)	MFH Holdings Inc 440 Wenger Drive Ephrata, PA 17522	Mill Creek (WWF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Upper Leacock Township, Lancaster County	PAG02003613076 (Issued)	John Ebersol 344 Monterey Road Bird In Hand, PA 17505	UNT Mill Creek (WWF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Elizabethtown Borough, Lancaster County	PAG02003613078 (Issued)	Elizabethtown Borough 600 South Hanover Street Elizabethtown, PA 17022	UNT Conoy Creek (TSF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
West Donegal Township, Lancaster County	PAG02003613084 (Issued)	Levi Stoltzfus 1595 Maytown Road Elizabethtown, PA 17022	UNT Donegal Creek (TSF, MF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Rapho Township, Lancaster County	PAG02003613086 (Issued)	Lancaster Liederkranz 722 South Chiques Road Manheim, PA 17545	Chiques Creek (WWF, MF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Manheim Township, Lancaster County	PAG02003613087 (Issued)	Lombardo Properties 115 West Airport Road Lititz, PA 17543	Bachman Run (WWF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Strasburg Township, Lancaster County	PAG02003613089 (Issued)	Commonwealth Of Pa 300 Gap Road Strasburg, PA 17579	Calamus Run (TSF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
East Hempfield Township, Lancaster County	PAG02003613090 (Issued)	East Hempfield Township 1700 Nissley Road Landisville, PA 17538	UNT to Chiques Creek (WWF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Rapho Township, Lancaster County	PAG02003613092 (Issued)	J Alan Giagnocavo 1409 Chadwyck Lane Manheim, PA 17545	Little Chickies Creek (TSF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Caernarvon Township, Lancaster County	PAG02003613093 (Issued)	Caernarvon Township 2147 Main Street Narvon, PA 17555	Conestoga Creek (WWF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Manheim Township, Lancaster County	PAG02003613095 (Issued)	Metro Bank 3801 Paxton Street Harrisburg, PA 17111	Bachman Run (TSF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Union Township, Lebanon County	PAG02003813042 (Issued)	Jim Darkes 400 Jonestown Road Jonestown, PA 17038	Swatara Creek (WWF)	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Millcreek Township, Lebanon County	PAG02003810018R (Issued)	Peter B. Shirk 10 Treeline Drive Newmanstown, PA 17073	UNT to Millcreek	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4

<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>
Carroll Township, York County	PAG02006713004 (Issued)	Lobar Properties LLC Paul E. Hedin, Jr. 4 Barlo Circle PO Box 432 Dillsburg, PA 17019-0432	UNT to Dogwood Run (CWF, MF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springfield Township, York County	PAG02006712015R (Issued)	Christopher A. Kinsley Kinsley Construction 2700 Water Street York, PA 17405	East Branch Codorus Creek (CWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Township, York County	PAG02006712030 (Issued)	Apple Retail Properties Brandon Freel 950 Smile Way York, PA 17404	Tyler Run (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springettsbury Township, York County	PAG02006713044 (Issued)	Integrity Bank James Gibson 3345 Market Street Camp Hill, PA 17011	Mill Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Spring Township Centre County	PAG02001413015	RRB1, LLC 1035 Two Mile Rd Howard PA 16841	Trib to Logan Branch CWF	Centre County Conservation District 414 Holmes Avenue, Suite 4 Bellefonte, PA 16823 (814) 355-6817
City of Williamsport Lycoming County	PAG02004113020	City of Williamsport John Grado 245 W 4th St Williamsport PA 17701	WB Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003
Coal & E Cameron Townships Northumberland County	PAG02004909001R	Mahanoy Mountain Off State Route 125 N of SR 3004	UNTs to Shamokin & Mahanoy Creeks WWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 Phone: (570) 286-7114 ext. 4
W Perry Township Snyder County	PAG02005513001	Anthony J Stroup 307 End Rd Richfield PA 17086	UNT to Cocolamus Creek TSF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, X 5
Penn & Monroe Twps Selinsgrove Boro Snyder County	PAG02005513002	E.S.C.R.A. 870 S Front St Selinsgrove PA 17870	Penns Creek WWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, X 5

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Union Twp Snyder County	PAG02005513003	Randall Good 173 Morgan Dr Selinsgrove PA 17870	UNT Silver Creek WWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, X 5
Monroe Twp Snyder County	PAG02005513004	Dallas RTS LLC 770 Route 220 Ste 1 Muncy Valley PA 17758	UNT Penns Creek CWF UNT Rolling Green Run WWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, X 5
Spring Twp Snyder County	PAG02005513005	Bronson Stone 12547 State Rd McClure PA 17841	UNT Middle Creek CWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, X 5
Middlecreek Twp Snyder County	PAG02005513006	Randy Dunkelberger 1498 Smalsh Barrick Rd Middleburg Pa 17842	UNT Middle Creek CWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, X 5
Franklin Twp Snyder County	PAG02005513007	Dale E Feltman 988 Country Rd Middleburg PA 17842	UNT Middle Creek CWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, X 5
Monroe Twp Snyder County	PAG02005513008	PPL Electric Utilities Corp 2 N 9th St Allentown PA 18101	Susquehanna River WWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, X 5
W Perry Twp Snyder County	PAG02005513009	Lloyd Sauder 2934 Buckwheat Valley Rd Mt Pleasant Mills PA 17853	UNT W B Mahantango Creek CWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, X 5
Washington Twp Snyder County	PAG02005513010	Travis Moyer 1213 Red Barn Rd Middleburg PA 17842	UNT Susquehecka Creek CWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, X 5



<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Monroe Twp Snyder County	PAG02005513011	Welteroth Property Group LLC 356 Laurens Rd Montoursville PA 17754	UNT Penns Creek CWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, X 5
Chapman, Perry & W Perry Townships Snyder County	PAG02005513012	PPL Electric Utilities Corp 2 N 9th St Allentown PA 18101	UNTs W B Mahantango Creek Basins, Source to Confluence with North Branch CWF Aline Creek Basin CWF UNT N B Mahantango Creek Basins, Source to Confluence with West Branch CWF NB Mahantango Creek Main Stem, Source to Confluence with West Branch TSF Mahantango Creek (West) Basin, Confluence of N & W Branches to Mouth WWF Susquehanna River Main Stem, WB Susquehanna River to Juniata River WWF UNTs Susquehanna River Basins, WB Susquehanna River to Juniata River WWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, X 5
Middlecreek Twp Snyder County	PAG02005513013	Jeffrey Netherton 1903 Globe Mills Rd Middleburg PA 17842	UNT Middle Creek CWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, X 5
Penn Twp Snyder County	PAG02005513014	Jonathan Gessner 5970 Park Rd Selinsgrove PA 17870	UNT Penns Creek WWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, X 5
W Perry Twp Snyder County	PAG02005513015	Lewis S Martin 12279 Route 35 Mt Pleasant Mills PA 17853	UNT WB Mahantango Creek CWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, X 5

*Facility Location:  
Municipality &  
County*Franklin Twp  
Snyder County*Permit No.*

PAG02005513016

*Applicant Name &  
Address*Mid-West School Dist  
568 E Main St  
Middleburg PA 17842*Receiving  
Water/Use*UNT Middle Creek  
CWF*Contact Office &  
Phone No.*Snyder County  
Conservation District  
403 West Market  
Street  
Middleburg, PA  
17842  
(570) 837-0007, X 5*Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.**Facility Location:  
Municipality &  
County*Chartiers Township  
Washington County*Permit No.*

PAG02006313013

*Applicant Name and  
Address*Woodside Development  
382 West Chestnut St.  
Suite 102  
Washington, PA 15301*Receiving  
Water/Use*Brush Run  
(WWF)*Contact Office and  
Phone No.*Washington County  
CD  
2800 North Main  
Street  
Suite 105  
Washington, PA  
15301  
(724) 705-7098Canonsburg Borough  
Washington County

PAG02006313034

Stoehr Development Group, Inc.  
325 Meadowlands Blvd  
Suite 1  
Washington, PA 15301Chartiers Creek  
(WWF)Washington County  
CD  
2800 North Main  
Street  
Suite 105  
Washington, PA  
15301  
(724) 705-7098Penn Township  
Westmoreland  
County

PAG02006508040R

Ray Snoznik  
4455 Old William Penn  
Highway  
Murrysville, PA 15668Brush Creek  
(TSF)Westmoreland  
County CD  
218 Donohoe Road  
Greensburg, PA  
15601  
(724) 837-5271East Huntingdon  
Township,  
Scottdale Borough,  
and  
Upper Tyrone  
Township

PAG02006513022

Westmoreland Fayette  
Municipal Sewer Auth.  
PO Box 126  
Scottdale, PA 15683Jacobs Creek  
(WWF)Westmoreland  
County CD  
218 Donohoe Road  
Greensburg, PA  
15601  
(724) 837-5271Hempfield Township  
and  
South Greensburg  
Borough

PAG02006513036

Jodaron Reality Company  
1335 South Main Street  
Greensburg, PA 15601UNT to Jacks Run  
(WWF)Westmoreland  
County CD  
218 Donohoe Road  
Greensburg, PA  
15601  
(724) 837-5271Municipality of  
Murrysville  
Westmoreland  
County

PAG02006513039

Gulf Oil, LP  
100 Crossing Blvd  
Farmingham, MA 01702UNT to Turtle Creek  
(TSF)Westmoreland  
County CD  
218 Donohoe Road  
Greensburg, PA  
15601  
(724) 837-5271Hempfield Township  
Westmoreland  
County

PAG02006513040

Marino Brothers Construction,  
Inc.  
440 Pellis Road  
Suite 8  
Greensburg, PA 15601Jacks Run  
(WWF)Westmoreland  
County CD  
218 Donohoe Road  
Greensburg, PA  
15601  
(724) 837-5271

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Bell Township Westmoreland County	PAG02006513042	Bell Township Supervisors Box D Salina, PA 15680	Beaver Run (TSF) and Wolford Run (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Hempfield Township Westmoreland County	PAG02006513044	Ligonier Construction Company PO Box 277 Laughlintown, PA 15655	Lower Sewickley Creek (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
East Huntingdon Township Westmoreland County	PAG02006513046	Ligonier Construction Company PO Box 277 Laughlintown, PA 15655	UNT to Jacobs Creek (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Municipality of Murrysville Westmoreland County	PAG02006513047	Peoples TWP, LLC. 205 North Main Street Butler, PA 16001	UNT to Pucketa Creek (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Ligonier Township Westmoreland County	PAG02006513049	Ligonier Township Municipal Authority One Municipal Park Drive Ligonier, PA 15658	Loyalhanna Creek (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271

*Northwest Regional Office - Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335*

*Facility Location:  
Municipality &  
County*

<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>
Cranberry Township Butler County	PAG02001012001R	Donald Rodgers 215 Executive Drive Suite 300 Cranberry Township PA 16066	Unt Brush Creek WWF	Butler County Conservation District 724-284-5270
Cranberry Township Butler County	PAG02001010017R	David Sarver 2500 Eldo Road Monroeville PA 15145	Unt Brush Creek WWF	Butler County Conservation District 724-284-5270
Jackson Township Butler County	PAG02001005023R	Tollgate Associates 550 Washington Road Carnegie PA 15106	Unt Glade Run WWF	Butler County Conservation District 724-284-5270
Wilmington Township Lawrence County	PAG02003713011	David A. and Brenda Watson 7130 East State Street Hermitage PA 16148	Unt Little Neshannock Creek TSF	Lawrence County Conservation District 724-652-4512
Hickory Township Lawrence County	PAG02003712008R(1)	Lawrence Hickory Municipal Authority Mr. Todd Chamberlain, Chairman 1928 Harlansburg Road New Castle PA 16107	Unt Big Run WWF	Lawrence County Conservation District 724-652-4512
Sugar Grove Township Mercer County	PAG02004313013	First Pennsylvania Resources LLC 380 Southpointe Blvd Canonsburg PA 15317	Little Shenango River TSF	Mercer County Conservation District 724-662-2242

*General Permit Type—PAG-03*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Rush Township Schuylkill County	PAG032202	Artex, Inc. 300 Tamaqua Street Hazleton, PA 18201	Pine Creek—03A	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
North Whitehall Township Lehigh County	PAR602244	Buckman Iron & Metal 3980 Portland Street Coplay, PA 18037	Coplay Creek—2-C / CWF	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Scranton City Lackawanna County	PAG032201	Ben Weitsman & Son Of Scranton LLC 1500 North Keyser Avenue Scranton, PA 18504	Keyser Creek and Leach Creek—5-A	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Findlay Township Allegheny County	PAR206124	Precision Kidd Steel Co. One Quality Way Aliquippa, PA 15001	Unnamed Tributary of Montour Run—20-G TSF	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Johnstown City Cambria County	PAR406101	Safety Kleen System Inc. 150 Allenbill Drive Johnstown, PA 15904-1938	Sandy Run 18-E CWF	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Hermitage City Mercer County	PAG058393	Kirila Contractors, Inc. 505 Bedford Road, Brookfield, OH 44403	Shenango River 20-A	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-10*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Richhill Township Greene County	PAG106175	Texas Eastern Trans LP 890 Winter Street Suite 300 Waltham, MA 02451	Kent Run—20-E TSF Polen Run—20-E TSF	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000



*General Permit Type—MS4 PAG13*

<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>
Rochester Borough Beaver County	PAG136155	Rochester Borough Sewer & Maintenance Authority and Rochester Borough PO Box 563 Rochester, PA 15074	Lacock Run, McKinley Run and Ohio River 20-B and 20-G	DEP Southwest Regional Office, Clean Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Pleasant Hills Borough Allegheny County	PAG136303	Pleasant Hills Borough 410 E Bruceton Road Pittsburgh, PA 15219	Lewis Run, Unnamed Tributary to Lewis Run and Unnamed Tributary to Lick Run 19C	DEP Southwest Regional Office, Clean Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Ingram Borough	PAG136261	Ingram Borough 40 West Prospect Pittsburgh, PA 15205	Chartiers Creek 20-F	DEP Southwest Regional Office, Clean Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Township of Collier Allegheny County	PAG136204	Collier Township Municipal Authority 2418 Hilltop Road Presto, PA 15142	Chartiers Creek, McLaughlin Run, Painters Run, Robinson Run, Unnamed Tributary to Chartiers Creek and Unnamed Tributary to Millers Run 20-F	DEP Southwest Regional Office, Clean Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Watershed</i>
PAG133697	Lebanon County 400 S 8th Street Rm 207 Lebanon, PA 17042	Lebanon County	Lebanon City	7-D
PAG133658	Mount Joy Borough 21 East Main Street Mount Joy, PA 17552	Lancaster County	Mount Joy Borough	7-G

## 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*

**Operations Permit #0913520** issued to: **Family and Friends** P.O. Box 447 Pt. Pleasant, PA. 18950 [(PWSID)] Pt. Pleasant Township, **Bucks County** on January 02, 2014 for the certification of 4-log treatment of viruses at entry point 101.

**Operations Permit #1513528** issued to: **Lincoln Crest Mobile Home Park**, [(PWSID)] Sadsbury Township, **Chester County** on January 02, 2014 for the operation of facilities approved under construction permit #1511528 for operation of storage tanks, operation of well 3, and certification of 4-log treatment of viruses.

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit No. 2213507** MA, **Minor Amendment**, Public Water Supply.

Applicant	<b>Middletown Borough Authority</b>
Municipality	Middletown Borough
County	<b>Dauphin</b>
Responsible Official	Kenneth Klinepeter, Superintendent of Public Works 60 West Emaus Street Middletown, PA 17057
Type of Facility	Floodproofing improvements to Well No. 1, 2, & 6. Replacement of 2,000 ft of water main along Spring Street and the Lawrence Street 1,200 ft water main extension.  The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Department's review of the project and the information received in the Uniform Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department approved the Uniform Environmental Assessment on December 12, 2013
Consulting Engineer	Joshua T Fox, P.E. Herbert, Rowland & Grubic, Inc. 369 East Park Drive Harrisburg, PA 17111
Permit to Construct Issued:	1/8/2014

**Permit No. 0613514** MA, **Minor Amendment**, Public Water Supply.

Applicant	<b>Pennsylvania-American Water Company</b>
Municipality	Exeter Township
County	<b>Berks</b>
Responsible Official	David R Kauffman 800 West Hershey Park Drive Hershey, PA 17033
Type of Facility	Rehabilitation of the 500,000 Grant Street finished water storage tank.
Consulting Engineer	Bruce A Brubaker, P.E. Pennsylvania-American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Permit to Construct Issued:	12/30/2013

**Permit No. 0613516** MA, **Minor Amendment**, Public Water Supply.

Applicant	<b>Pennsylvania-American Water Company</b>
Municipality	Spring Township
County	<b>Berks</b>
Responsible Official	David R. Kaufman, Vice President—Engineering 852 Wesley Drive Mechanicsburg, PA 17055
Type of Facility	Rehabilitation of the Mountain Tank No. 1 finished water storage tank.
Consulting Engineer	Bruce A Brubaker, P.E. Pennsylvania-American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Permit to Construct Issued:	12/30/2013

**Permit No. 2213505** MA, **Minor Amendment**, Public Water Supply.

Applicant	<b>Millersburg Area Authority</b>
Municipality	Millersburg Borough
County	<b>Dauphin</b>
Responsible Official	Jere E Troutman, Authority Manager Municipal Building 101 West St Millersburg, PA 17061
Type of Facility	Repainting of the Hoffman Drive Storage Tank
Consulting Engineer	D. Jeffrey Golding, P.E. Gannett Fleming, Inc. PO Box 67100 Harrisburg, PA 17106-7100
Permit to Construct Issued:	1/13/2014

**Operations Permit** issued to: **DPW Youth Forestry Camp No. 3**, 4310014, Todd Township, **Huntingdon County** on 12/27/2013 for the operation of facilities approved under Construction Permit No. 3113505 E.

**Operations Permit** issued to: **United Water Pennsylvania**, 7220015, Susquehanna Township, **Dauphin County** on 1/13/2014 for the operation of facilities approved under Construction Permit No. 2213508 MA.

**Operations Permit** issued to: **The Pennsylvania State University**, 7280815, Quincy Township, **Franklin County** on 1/10/2014 for the operation of facilities approved under Construction Permit No. 2813502.

**Operations Permit** issued to: **Mapleton Municipal Water Authority**, 4310015, Union Township, **Huntingdon County** on 1/13/2014 for the operation of facilities approved under Construction Permit No. 3113504 MA.

**Source Water Protection Program Approval** issued to **Carlisle Borough Municipal Authority**, 53 West South Street, Carlisle, PA 17013, PWSID 7210002, Borough of Carlisle, **Cumberland County** on January 10, 2014.

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

**Permit No. 4197501-T1—Transfer** Public Water Supply.

Applicant	<b>Lycoming County Water and Sewer Authority</b>
Township/Borough	Limestone Township
County	<b>Lycoming</b>
Responsible Official	Christine Weigle, Executive Director Lycoming County Water and Sewer Authority P. O. Box 186 380 Old Cement Road Montoursville, PA 17754
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issued	January 10, 2014
Description of Action	Operation of an Environmental Products Division pressure sand filtration system, finished water storage tank, the Intake Well, the Filter Plant Well, Nigart Run, metered piping from wells to raw water storage tank, screened and valved piping from Nigart Run reservoir intake to raw water storage tank and all related appurtenances

**Permit No. 4713501-MA—Construction** Public Water Supply.

Applicant	<b>Danville Municipal Authority</b>
Township/Borough	Danville Borough
County	<b>Montour</b>
Responsible Official	Mr. Walter Schultz Danville Municipal Authority 12 West Market Street P. O. Box 179 Danville, PA 17821

Type of Facility	Public Water Supply
Consulting Engineer	David Swisher, P.E. HRG, Inc. 474 Windmere Drive State College, PA 16801
Permit Issued	January 13, 2014
Description of Action	Installation of two new chemical feed systems, including sulfuric acid for pH adjustment and a nonionic polymer for improved settling, and replacement of sodium hexametaphosphate with zinc orthophosphate for corrosion control.

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

**Transfer of Operation Permit** issued to **Mr. Scott Stewart and Mr. Ryan Lariccia d/b/a Cross Station Mobile Home Community**, PWSID #6250044, Girard Township, **Erie County** on January 9, 2014. Action is for change in ownership; the potable water supplier will do business as Cross Station Mobile Home Community. The new permit number is 2505503-T1.

**Operation Permit** issued to **Laura and Gregory Walter**, PWSID #5100125, Clearfield Township, **Butler County**. Permit Number 1013501 issued January 13, 2014 for the operation of the two (2) new 825-gallon storage tanks to provide additional storage for 4-log treatment of viruses for Well No. 1 and well No. 2. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on November 7, 2013.

<b>Permit No. 2013506</b>	Public Water Supply
Applicant	<b>Arthur and Ruth Savitz d/b/a Star Route Estates</b>
Township or Borough	East Mead Township
County	<b>Crawford</b>
Type of Facility	Public Water Supply
Consulting Engineer	Steven R. Halmi, P.E. Deiss & Halmi Engineering, Inc. 105 Meadville Street Edinboro, PA 16412
Permit to Construct Issued	January 10, 2014

#### SUCCESSION TO WATER RIGHTS

**Actions taken on (permits/orders of confirmation) issued 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.**

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

Change of Ownership

**WA 41-806, Succession to Water Rights.** The Department has acknowledged that **Lycoming County Water and Sewer Authority**, Montoursville, **Lycoming County**, has given notice that it succeeded to all rights and obligations under Water Allocation Permit No. 41-806, issued to the former Oval-Oriole Water Association, Inc., Jersey Shore, Lycoming County on January 31, 1989.

## SEWAGE FACILITIES ACT PLAN APPROVAL

### Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

#### Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Eden Twp	489 Stony Hill Rd Quarryville, PA 17566	Lancaster

*Plan Description:* Approval of a revision to the Official Sewage Plan of Eden Township, Lancaster County. The plan revision provides for the use of a single family small flow treatment facility with a dry stream discharge to an existing culvert box which ultimately discharges to a tributary of Big Beaver Creek. The proposed facility provides long term sewage disposal to an existing residence with a malfunctioning on lot system with no means for an on lot repair. The property is located at 32 Eden Rd, Quarryville, PA 17566. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-36931-134-3s and the APS number is 829698. Any required WQM Permits must be obtained in the name of the property owner.

## HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

### Public Notice of Proposed Consent Order and Agreement

#### Michael's Bakery Site City of Hazleton, Luzerne County

Pursuant to Section 1113 of the Pennsylvania Hazardous Sites Cleanup Act, Act of October 18, 1988, P. L. 756, No. 108, 35 P. S. §§ 6020.101—6020.1305 (HSCA), notice is hereby provided that the Pennsylvania Department of Environmental Protection (Department) has entered into a settlement in the form of a Consent Order and Agreement (CO&A) with Goce Blazeski (Settlor). The CO&A addresses the investigation and removal of hazardous substances that were left on the Michael's Bakery site (Site) by the Settlor. The Settlor will reimburse the Department their portion of the costs incurred to perform the site investigation/response activities at the Site.

The Site is located at 19 South Cedar Street, Hazleton City, Luzerne County, Pennsylvania. The Site is an industrial meat packing building which contains an old ammonia refrigeration system which contained a receiver full of Anhydrous Ammonia, formerly used as a bakery. The ammonia receiver began to leak when attached piping was being removed. The leaking ammonia traveled out of the basement of the Site building and offsite into the surrounding area. The surrounding area consists of a commercial business district and a residential area in downtown Hazleton. Commercial businesses were evacuated and residents were sheltered in place. This action was in response to the emergency response at the Site. The Department initiated a prompt interim response action under HSCA on March 11, 2011. The objective of this prompt interim response action was to eliminate the immediate threat to human health and safety and the environment posed by the hazardous substances and/or contaminants that were present on the Site. The response was completed on March 14, 2011, at a cost of \$13,493.57.

The settlement proposed in the CO&A referenced above would resolve certain potential claims of the Department solely against the Settlor, for future enforcement and reimbursement of response costs incurred by the Department in addressing the release or threat of release of hazardous substances and/or contaminants at the Site. The claims originated under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305). The proposed settlement would require the Settlor to reimburse the Department \$9,445.00 for their portion of the response costs.

The specific terms of the settlement are set forth in the CO&A between the Department and the Settlor, which is available for public review and comment. The Department will receive and consider comments relating to the CO&A for sixty (60) days from the date of this Public Notice. The Department has the right to withdraw its consent to the CO&A if the comments concerning the CO&A disclose facts or considerations which indicate that the CO&A are inappropriate, improper, or not in the public interest. After the public comment period, the Department's settlement with the Settlor shall be effective upon the date that the Department notifies the Settlor, in writing, that the CO&A is final and effective in its present form, and that the Department has filed a response to significant written comments to the CO&A, or that no such comments were received.

Copies of the CO&A are available for inspection at the Department's Northeast Regional Office. Comments may be submitted, in writing, to Robert Lewis, Department of Environmental Protection, Hazardous Sites Cleanup, 2 Public Square, Wilkes-Barre, PA 18711. Further information may be obtained by contacting Robert Lewis, at 570-826-2511.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk



assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Former Domestic Linens**, 401 Reily Street, Harrisburg City, **Dauphin County**. BL Companies, 4242 Carlisle Pike, Suite 260, Camp Hill, PA 17011, on behalf of Harrisburg Area Community College, One HACC Drive, PC 328, Harrisburg, PA 17110, and the Redevelopment Authority of the City of Harrisburg, 10 North Second Street, Harrisburg, PA 17101-1677, submitted a Final Report concerning remediation of site soils and groundwater contaminated with VOCs and SVOCs. The report is intended to document remediation of the site to meet a combination of the Site Specific and Statewide Health standards.

**Pine Creek Structures Retail Outlet**, 3850 Paxton Street, Harrisburg, PA 17111, Swatara Township, **Dauphin County**. Herbert, Rowland & Grubic, Inc., 369 East Park Drive, Harrisburg, PA 17111, on behalf of Pine Creek Structures, 102 East Market Street, Gratz, PA 17030, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soils and groundwater contaminated with gasoline and diesel fuel. The applicant intends to remediate the site to the Site Specific standard.

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

**Crompton Petrolia (Fmr. Crompton Corporation Facility)**, 100 Sonneborn Lane, Fairview Township, **Butler County**. WSP, 750 Holiday Drive, Suite 410, Pittsburgh, PA 15220, on behalf of Sonneborn, LLC., 575 Corporate Drive, Suite 415, Mahwah, NJ 07430-2330, submitted a Remedial Investigation/Risk Assessment report concerning the remediation of site soil contaminated with p-isopropyltoluene, acenaphthylene, benzo[a]pyrene, benzo[g,h,i]perylene, carbazole, phenanthrene, BSA, m-BDSA, arsenic, iron, lead, mercury, p-PSA, aluminum, beryllium, cobalt, manganese and site groundwater contaminated with acetone, benzene, 1,2-dichloropropane, ethylbenzene, 2-hexanone, p-isopropyltoluene, naphthalene, 1,2,3-trichlorobenzene, 1,2,4-trichlorobenzene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, benzo[a]anthracene, bis[2-ethylhexyl]phthalate, chrysene, 2-methylnaphthalene, naphthalene, 4-nitrophenol, phenanthrene, BSA, m-BDSA, p-PSA, aluminum, antimony, arsenic, barium, beryllium, boron, cadmium, cobalt, copper, iron, lead, manganese, mercury, nickel, selenium, silver, thallium, vanadium, zinc, and di-n-octyl phthalate. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**OMG Americas**, 240 Two Mile Run Road, Sugarcreek Borough, **Venango County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205, on behalf of OMG Americas, Inc., 240 Two Mile Run Road submitted a Cleanup Plan concerning the remediation of site soil contaminated with lead, arsenic, barium, cadmium, cobalt, copper, nickel, silver, thallium, benzo[a]pyrene and site groundwater contaminated with LNAPL, benzene, and naphthalene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Lauden Farms**, 2248 Back Road, Halifax, PA 17032, Wayne Township, **Dauphin County**. Environmental Products and Services of Vermont, 5100 Paxton Street, Harrisburg, PA 17111, on behalf of Superior Plus Energy Services, 1870 South Winton Road, Rochester, NY 14618 and Karl W. and Nancy L. Laudenslager, 2469 Back Road, Halifax, PA 17032, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel released from an aboveground storage tank. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on January 7, 2014.

**Former Lehr's Exxon**, 101 Arsenal Road, York, PA, Manchester Township, **York County**. Liberty Environmental, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Carole Lehr, c/o Attorney Bob Kane, Kane & Kane Attorneys, 474 West Market Street, York, PA 17401, submitted a Final Report concerning site soils and groundwater contaminated with unleaded and leaded gasoline from historic operations of an automotive service facility and retail sales. The Final Report did not demonstrate attainment of the Nonresidential Statewide Health and Site Specific standards, and was disapproved by the Department on January 8, 2014.

**Northwest Triangle Project**, parcel bounded by Philadelphia Street, Codorus Creek, North George Street, and North Street, City of York, **York County**. ARM Group, Inc., PO Box 797, Hershey, PA 17033-0797, on behalf of City of York Redevelopment Authority, 101 South George Street, York, PA 17401, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with inorganics and petroleum hydrocarbons. The combined report did not demonstrate attainment of the Residential Statewide Health and Site Specific standards, and was disapproved by the Department on January 9, 2014. The site is enrolled in the One Cleanup Program.

**Dawn Moyer Residence**, 96 Diamond Drive, Lebanon, PA, South Annville Township, **Lebanon County**. ECC Horizon, Inc., 520 Fellowship Road, Suite E-506, Mount Lauren, NJ 08054, on behalf of J & J Environmental, Inc., PO Box 370, Blue Bell, PA 19422, and Dawn Moyer, 96 Diamond Drive, Lebanon, PA 17042, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on January 9, 2014.

**Douglas Shaffer Property**, 1999 and 2002 Ritner Highway, Carlisle, PA, Borough of Carlisle, Dickinson Township, and West Pennsboro Township, **Cumberland County**. Advantage Engineers, LLC, 910 Century Drive, Mechanicsburg, PA 17055, on behalf of Goodman North American Partnership Holdings, LLC, 1275 Glenlivet Drive, Suite 100, Allentown, PA 18106 and Douglas Shaffer, 440 Barnstable Road, Carlisle, PA 17015, submitted a Final Report concerning the remediation of site soils contaminated with TCE and related compounds to a background standard. The Final Report was administratively incomplete and was disapproved by the Department on January 13, 2014.

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

**JMC Steel Group—Sharon Pipe Plant (fka John Maneely Company—Sharon Pipe Plant)**, 200 Clark Street, City of Sharon, **Mercer County**. TRC Environmental, 11231 Cornell Park Drive, Cincinnati, OH 45242, & ENVIRON International Corporation, 1760 Market Street, Suite 100, Philadelphia, PA 19103, on behalf of JMC Steel Group, 1 Council Avenue, Wheatland, PA 16161, submitted a Final Report concerning the remediation of site soil contaminated with Antimony, Arsenic, Cadmium, Chromium (total), Lead, Mercury, Selenium, Zinc, Aroclor 1248, Aroclor 1254, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Dibenzofuran, Naphthalene, N-nitrosodi-n-propylamine, Ethylbenzene, Tetrachloroethene, Trichloroethene, Xylenes (total) and groundwater contaminated with Chloride, Nitrogen (Ammonia), pH, Sulfate, Aluminum, Antimony, Arsenic, Barium, Beryllium, Cadmium, Chromium (total), Chromium (III), Chromium (VI), Cobalt, Copper, Iron, Lead, Manganese, Mercury, Nickel, Nitrate as N, Selenium, Thallium, Vanadium, Zinc, PCBs (total), Aroclor 1016, Aroclor 1242, Aroclor 1248, Aroclor 1254, Aroclor 1260, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]perylene, Benzo[k]fluoranthene, Bis[2-ethylhexyl]phthalate, Chrysene, Dibenz[a,h]anthracene, Hexachlorobenzene, Indeno[1,2,3-cd]pyrene, N-nitrosodi-n-propylamine, Pentachlorophenol, Phenanthrene, 2-Picoline, Benzene, Chlorobenzene, 1,2-Dichlorobenzene, 1,3-Dichlorobenzene, 1,4-Dichlorobenzene, 1,2,4-Trichlorobenzene, cis-1,2-Dichloroethene, Methylene Chloride, Tetrachloroethene, Trichloroethene, Vinyl Chloride, Xylenes (total), and 2,3,7,8-TCDD equivalent. The Final Report did not demonstrate attainment of the Nonresidential Statewide Health, Site-Specific, and Background standards and was disapproved by the Department on December 24, 2013.

**U.S. Bronze Foundry & Machine (Metals Impacted Soils & Sediments)**, 18469 Brake Shoe Road, Woodcock Township, **Crawford County**. Geosyntec Consultants, 10220 Old Columbia Road, Suite A, Columbia, MD 21046, on behalf of Pneumo Abex, LLC., c/o Integra Management Company, LLC., 604 Spring Hill Drive, Suite 110, Spring, TX 77386, submitted a Final Report concerning the remediation of site soils contaminated with Antimony, Arsenic, Copper, Lead, and Zinc. The Final Report demonstrated attainment of the Site-Specific and Statewide Health standards and was approved by the Department on December 24, 2013.

**Former CSX Bayfront Site**, West Sassafras Street approximately 1,600 feet on north side of Bayfront Highway, City of Erie, **Erie County**. AMEC Environment & Infrastructure, Inc., 800 North Bell Avenue, Suite 200, Pittsburgh, PA 15106, on behalf of Erie County Convention Center Authority, 809 French Street, Erie, PA 16501 submitted a Remedial Investigation/Risk Assessment Report/Cleanup Plan concerning the remediation of site soil contaminated with Aluminum, Antimony, Arsenic, Cadmium, Chromium, Cobalt, Iron, Manganese, Thallium, Zinc, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]perylene, Benzo[k]fluoranthene, Carbazole, Dibenz[a,h]anthracene, Indeno[1,2,3-cd]pyrene, Phenanthrene and site groundwater contaminated with Arsenic, Barium, Chromium, Cobalt, Iron, Lead, Manganese, Thallium, Acenaphthylene, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]perylene, 1,1'-Biphenyl, Carbazole, Dibenz[a,h]anthracene, Dibenzofuran, Di-n-octylphthalate, Indeno-



[1,2,3-cd]pyrene, 2-Methylnaphthalene, Naphthalene, Phenanthrene, Benzene, cis-1,2-Dichloroethene, Ethylbenzene, and Methylcyclohexane. The Report/Plan was approved by the Department on January 2, 2014.

**Presque Isle Chemical**, 5661 PA State Route 6N, Washington Township, **Erie County**. Environmental Remediation & Recovery, Inc. 4250 6N, Edinboro, PA 16412, on behalf of Edinboro American Legion Post 439, Inc., 210 Erie Street, Edinboro, PA 16412-2211, submitted a Work Plan concerning the remediation of site groundwater contaminated with vinyl chloride, 1,1-dichloroethylene, trichloroethylene, tetrachloroethylene, 1,1,1-trichloroethane, toluene, cis-1,2-dichloroethylene, benzene, and ethylbenzene. The Plan was approved by the Department December 24, 2013.

**I-80 Westbound MM 36** (Eldredge Interstate 80 Westbound Mile-Marker 36), I-80 Westbound Mile-Marker 36, Clinton Township, **Venango County**. Groundwater & Environmental Services, Inc. 301 Commerce Park Drive, on behalf of Eldredge, Inc., 898 Fernhill Road, West Chester, PA 19380 submitted a Final Report concerning the remediation of site soils and site groundwater contaminated with Fluoride, Aluminum, Cadmium, Chromium-trivalent, Chromium-hexavalent, Copper, Iron, Lead, Nickel, and Arsenic. The Report was disapproved by the Department on January 7, 2014.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

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

**GP3-08-314B: Marcus Cole Construction, Inc.** (P. O. Box 158, Nichols, NY 13812) on December 24, 2013, to construct and operate one Fintec model 1107 crusher rated at 250 tph (Crusher 2), one Eagle model 1000-15CV crusher rated at 250 tph (Crusher 3), one Powerscreen model Mark II screener rated at 125 tph (Screen 2), one Fintec model 542 screen rated at 250 tph (Screen 3), and one stacker, and for the continued operation of one Eagle model 500-05CV crusher rated at 75 tph (Crusher 1), one Extec model 55 screener rated at 125 tph (Screen 1), and one Fintec model 640 screener rated at 250 tph (Screen 4) with associated water spray dust suppression system pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their Peck Hill Quarry facility in Windham Township, **Bradford County**.

**GP9-08-314B: Marcus Cole Construction, Inc.** (P. O. Box 158, Nichols, NY 13812) on December 24, 2013, to construct and operate one 350 bhp Caterpillar model C9 diesel-fired engine, one 375 bhp Detroit model 6064-HV33 diesel-fired engine, one 31 bhp Cummings model A1400 diesel-fired engine, one 99 bhp Caterpillar model 3054C diesel-fired engine, and one 48 bhp Kubota diesel-fired engine and for the continued operation of one 217 bhp John Deere model 2JDXL06.5049 diesel-fired engine, one 100 bhp Deutz model BFM2012 diesel-fired engine, and one 99 bhp Caterpillar model 3054C diesel-fired engine pursuant to the General Plan Approval and /or General

Operating Permit BAQ-GPA/GP-9: Diesel or #2 fuel-fired Internal Combustion Engines, at their Peck Hill Quarry facility in Windham Township, **Bradford County**.

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

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**GP5-03-00261: EQT Gathering, LLC** (EQT Plaza 625 Liberty Ave., Suite 1700, Pittsburgh, PA 15222) on January 9, 2014, to authorize the installation and operation of a natural gas compressor station consisting of four lean burn natural gas-fired compressor engines rated at 1,775 bhp each and controlled by oxidation catalysts, one triethylene glycol dehydrator (including reboiler) rated for 50 MMSCF/day and controlled by an enclosed flare, and one 8,820 gallon produced fluids tank. Other miscellaneous sources include lube oil, ethylene glycol, and triethylene glycol storage tanks, two rich burn natural gas-fired generator engines rated at 566 bhp each and controlled by nonselective catalytic reduction, and one natural gas-fired line heater rated at 0.54 MMBtu/hr in West Franklin Township, Greene County. The facility will be authorized under GP-5 for natural gas production, named Trout Compressor Station, and located in West Franklin Township, **Greene County**.

**GP5-30-00224: Vista Gathering, LLC** (116 Inverness Drive East, Suite 107 Englewood CO 80112-5125) on January 10, 2014, to allow the construction and operation of Six (6) Caterpillar G 3606 natural gas fired engines each rated at 1,775 bhp, controlled by 'EMIT' oxidation Catalysts, and regulated by AFR-1 air/fuel ratio controllers; One (1) TEG Dehydrator unit rated at 150 MMscfd attached to a natural gas fired reboiler rated 2.67 MMBtu/hr; One (1) flash tank; and Fifteen (15) storage tanks of various capacities at their Waynesburg Compressor Station located in Franklin Township **Greene County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409*

**48-00092A: ASSA ABLOY Svc. Center Inc.** (1000 Conroy Place, Easton, PA 18040) on January 7, 2014, for an increase in annual coating usage at their site in Northampton Township, **Northampton County**.

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

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

**67-03052B: BIMAX, Inc.** (158 Industrial Road, Glen Rock, PA 17327) on January 6, 2014, for installation of a natural gas fired RTO and a wet scrubber to replace the existing controls for certain chemical reactors at their specialty chemical manufacturing facility in Springfield Township, **York County**.

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

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

**14-00003F: Pennsylvania State University** (101P Office of Physical Plant Bldg., University Park, PA 16802) on January 13, 2014, for construction of two natural gas boilers as part of the West Campus Steam Plant Improvement Project which is located in State College Borough, Centre County. The project also consists of demolition of two (2) coal boilers (Boilers No. 1 and 2) and the back-up boiler (Boiler No. 5) as well as converting two coal boilers to natural gas-fired, back-up boilers and de-rating the converted boilers. The application also noted that Penn State will also be installing two (2) 25,000-gallon, distillate fuel oil tanks and a 20-kW, propane-fired generator. The plan approval contains testing, monitoring, recordkeeping and reporting requirements to demonstrate compliance with all applicable federal and state regulatory requirements.

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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

**23-0009G: The Boeing Co.** (PO Box 16858, MS P29-14, Philadelphia, PA 19142) on January 7, 2014, to operate a (3) three new 49 MMBtu/hr dual fuel boilers in Ridley Township, **Delaware County**.

**46-0277: Lite Tech, Inc.** (975 Madison Avenue, Norristown, PA 19403) on January 7, 2014, for operation of a lightweight X-ray protection aprons in Lower Providence Township, **Montgomery County**.

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

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

**07-03055A: Advanced Metals Processing—PA LLC** (129 South Sparks Street, Suite 1, State College, PA 16801-3913) on January 7, 2014, for a nonferrous metal delacquering oven at the facility in Hollidaysburg Borough, **Blair County**. The plan approval was extended.

**31-05012A: PA Department of Corrections** (1120 Pike Street, Huntingdon, PA 16652-1117) on January 7, 2014, to increase the coal usage restriction on three (3) existing coal fired boilers, and to install a baghouse on the boilers and the installation of two 29.5 MMBtu/hr oil-fired backup boilers at the Smithfield State Correctional Institution in Smithfield Township, **Huntingdon County**. The plan approval was extended.

**05-05014A: WSI Sandy Run Landfill, Inc.** (995 Landfill Road, Hopewell, Pennsylvania 16650-8653) on January 8, 2014, to construct an enclosed ground flare to control landfill gas emissions from the landfill expansion at the Sandy Run Landfill in Broad Top Township, **Bedford County**. The plan approval was extended.

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

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

**63-00936F: Mark West Liberty Midstream and Resources, LLC** (1515 Arapahoe Street Tower 2, Suite 700, Denver, CO 80202-2126) on January 8, 2014, to extend the period of temporary operation of the deethanizer plant, and consolidate the sources and requirements of PA-63-00936D and PA-63-00936E with PA-63-00936F at their Houston Gas Plant in Chartiers Township, **Washington County**. Extension of the period of temporary operation is granted until July 8, 2014. The plan approval has been extended.

**65-00629A: CBC Latrobe Acquisition, LLC** (100 33rd Street, Latrobe, PA 15650-1474) on January 8, 2014, to extend the temporary operation period for the wastewater pretreatment system to allow additional shake-down of the new sources at their Latrobe Brewery in in Latrobe Borough, **Westmoreland County**. The new expiration date shall be July 9, 2014. The plan approval has been extended.

**65-00986A: Tiger Door, Inc.** (P. O. Box 70, Greensburg, PA 15601-2148) on January 8, 2014, for a Plan Approval Extension effective January 14, 2014, with an expiration date of July 14, 2014, to extend the period of temporary operation of sources and controls authorized under Plan Approval PA-65-00986A at the Tiger Door Manufacturing Plant in Hempfield Township, **Westmoreland County**. The plan approval has been extended.

**63-00979A: Liquid Metal Coatings, LLC** (50 Technology Drive, California, PA 15423) on January 10, 2014, to modify the Plan Approval to initiate the period of temporary operation for their Liquid Metal Coatings at their facility in California Borough, **Washington County**. The plan approval has been extended.

**30-00195: Equitrans, LP** (625 Liberty Avenue, Suite 1700 EQT Plaza, Pittsburgh, PA 15222) on December 27, 2013, for a Plan Approval minor modification to reflect as-built facility configuration and associated decrease in facility-wide potential to emit (PTE) for their Jefferson Compressor Station located in Jefferson Township, **Greene County**. The plan approval has been extended.

**30-00195: Equitrans, LP** (625 Liberty Avenue, Suite 1700 EQT Plaza, Pittsburgh, PA 15222) on December 28, 2013, for a Plan Approval extension, with expiration date of June 28, 2014, to authorize continued temporary operation of air contamination sources and controls at their Jefferson Compressor Station in Jefferson Township, **Greene County**. The plan approval has been extended.

**63-00957A: Green Holdings Enlow, Inc.** (1221 Avenue of America, Suite 4200, New York, NY 10020) on December 27, 2013, to issue a plan approval extension to allow installation and initial temporary operation of a greenhouse gas (GHG) abatement system known as the Enlow GHG Abatement Project in Morris Township, **Washington County**. The project will consist of three Durr Ecopure regenerative thermal oxidizers (RTOs) on the E-22 mine ventilation exhaust shaft from the Consol Enlow underground coal mine. The plan approval has been extended.

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**Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

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*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, Program Manager—Telephone: 717-705-4702.



**06-05034: Texas Eastern Transmission LP** (PO Box 1642, Houston, TX 77251-1642) on January 8, 2014, for the Bechtelsville natural gas transmission station in Washington Township, **Berks County**. The Title V permit was renewed.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131*

**24-00016: Keystone Powdered Metal Co.** (251 State Street, St. Marys, PA 15857) on January 8, 2014, to re-issue a Title V Operating Permit to operate there Fabricated Metal Products facility, in the City of St. Marys, **Elk County**.

Depending on the date of manufacture the Emergency Power Generators at this facility are now subject to either 40 CFR 63—Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines or 40 CFR 60—Subpart JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.

The potential emissions from this facility are as follows. All values are in tons/year. PM<sub>10</sub>—9.4, PM<sub>2.5</sub>—1.8, NH<sub>3</sub>—0.2, SO<sub>x</sub>—0.0, NO<sub>x</sub>—5.9, VOC—58.2, CO—4.9, CO<sub>2</sub>—7020.3, Pb—0.0, N<sub>2</sub>O—0.5, Methane—5.0

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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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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409*

**35-00036: SNF Polychemie, Inc.** (10 Stauffer Industrial Park, Taylor, PA 18517) on December 9, 2013, renewal of a State-only Operating Permit to operate an industrial organic chemical manufacturing facility in Taylor Borough, **Lackawanna County**. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*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, Program Manager—Telephone: 717-705-4702.*

**06-03004: Metropolitan Edison Co.** (2800 Pottsville Pike, PO Box 16001, Reading, PA 19612-6001) on January 8, 2014, for their emergency generators at their Met Ed Headquarters Building in Muhlenberg Township, **Berks County**. The State-only permit was renewed.

**29-03004: Mellott Co.** (100 Mellott Drive, Suite 100, Warfordsburg, PA 17267-8555) on January 8, 2014, for their quarry equipment manufacturing facility in Bethel Township, **Fulton County**. The State-only permit was renewed.

**36-05007: Johnson & Johnson Healthcare Products—Division of McNeil PPC** (400 West Lincoln Avenue, Lititz, PA 17543-8701) on January 8, 2014, for their pharmaceutical manufacturing facility in Lititz Borough, **Lancaster County**. The State-only permit was renewed.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Matthew M. Williams, Environmental Program Manager—Telephone: 814-332-6636*

**20-00296: HomerWood Premium Hardwood** (1026 Industrial Drive, Titusville, PA 16354) on January 8, 2014, renewed a State Only Operating Permit for their wood flooring manufacturing facility in Titusville, **Crawford County**. The primary sources at the facility include 7 natural gas fueled heaters and a natural gas furnace, wood sanding operations, coating operations, wood sawing operations, and a natural gas fueled drying oven. The facility has taken a facility-wide VOC emission restriction of less than 49 tons per year and a VOC emission restriction on coating operations of 35.25 tpy. Potential Emissions with the VOC limitation are PM, 36 tpy; NO<sub>x</sub>, less than 1 tpy; SO<sub>x</sub>, less than 1 tpy; CO, less than 1 tpy; HAPs, less than 1 tpy; VOC, 37 tpy. The facility is a Synthetic Minor. The permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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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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*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, Program Manager—Telephone: 717-705-4702.*

**06-05105: Green Gas Pioneer Crossing Energy LLC** (4251 SW High Meadows Avenue, Florida, 34990-3726) on January 9, 2014, for their landfill gas-to-energy plant at the Pioneer Crossing Landfill in Exeter Township, **Berks County**. The Title V permit underwent a minor modification to landfill gas sulfur monitoring and deviation definition requirements to better accommodate short term fluctuations in landfill gas composition. The changes will continue to ensure that engine emission limitations are not exceeded.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131*

**42-00172: Momentive Specialty Chemical Manufacturing—Mount Jewett Facility** (PO Box 7227 Mount Jewett, PA 16740-7227) on January 10, 2014, administratively amended the State Operating Permit for the adhesives and sealant facility in Sergeant Township, **McKean County**. The amendment incorporates the requirements of plan approval 42-172B

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**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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*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, Program Manager—Telephone: 717-705-4702.*

**28-05002: US Department of Defense—Letterkenny Army Depot** (One Overcash Avenue, Chambersburg, PA 17201) Pursuant to 25 Pa. Code § 127.449(i), this PA

*Bulletin* Notice is for de minimis emission increases of 0.99 TPY VOCs and 0.1594 TPY PM<sub>10</sub> resulting from the construction of a replacement coating booth in Building 350 at the facility located in Greene / Letterkenny Townships, **Franklin County**. These are the second de minimis emission increases at the facility during the term of the current operating permit.

**28-05002: US Department of Defense—Letterkenny Army Depot** (One Overcash Avenue, Chambersburg, PA 17201) Pursuant to 25 Pa. Code § 127.449(i), this *PA Bulletin* Notice is for de minimis emission increases of 0.2244 TPY NO<sub>x</sub>; 0.0555 TPY CO; 0.1709 TPY of SO<sub>x</sub> and 0.2064 TPY PM<sub>10</sub> resulting from the construction of a flashing furnace at the facility located in Greene / Letterkenny Townships, **Franklin County**. These are the third de minimis emission increases at the facility during the term of the current operating permit.

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**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.**

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

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

**60-00022A: EN-TIRE Logistics of Milton PA, LLC** (1205 Edgecliff Drive, Bedford, TX 76022) on January 9, 2014, requested termination of Plan Approval No. 60-00022A that the Department previously issued on September 27, 2013, for the construction of a tire-derived fuel and/or natural gas-fired two-stage steam and power generator, a dry sorbent storage and handling system, a cooling tower, and one aqueous ammonia storage tank in White Deer Township, **Union County**. Due to the voluntary request from the permittee that described the loss of control of the site, the Department terminated Plan Approval No. 60-00022A on January 10, 2014.

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**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

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*Coal Permits Issued*

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

**56111601 and NPDES No. PA0236098. LCT Energy, LP**, (938 Mt. Airy Drive, Suite 200, Johnstown, PA 15904). To operate the Laurel Plant in Shade Township, **Somerset County** to operate a new coal preparation

plant and related NPDES permit. Surface Acres Proposed 138.8. Receiving Stream: Unnamed Tributary to Little Dark Shade Creek, classified for the following use: CWF. The application was considered administratively complete on November 2, 2011. Application received April 18, 2011. Permit issued January 6, 2014.

**56971301 and NPDES No. PA0214973. RoxCOAL, Inc.**, (1576 Stoystown Road, PO Box 149, Friedens, PA 15541). To renew the permit for the Geronimo Mine in Jenner and Quemahoning Townships, **Somerset County** and related NPDES permit. No additional discharges. The application was considered administratively complete on October 9, 2012. Application received February 22, 2012. Permit issued January 6, 2014.

**30831303. Cumberland Coal Resources, LP**, (158 Portal Road, PO Box 1020, Waynesburg, PA 15370). To revise the permit for the Cumberland Mine in Wayne Township, **Greene County** to install six ventilation boreholes. Surface Acres Proposed 3.91. No additional discharges. The application was considered administratively complete on August 21, 2013. Application received July 3, 2013. Permit issued January 8, 2014.

**30841307. Emerald Coal Resources, LP**, (158 Portal Road, PO Box 1020, Waynesburg, PA 15370). To revise the permit for the Emerald Mine No. 1 in Franklin, Greene, Jefferson, and Whiteley Townships, **Greene County** ACOE Pittsburgh. Waynesburg, Oak Forest, Mather, and Garards Fort, bound by the following points for Muddy Creek from N: 21.86 inches; W: 14.23 inches to N: 0.71 inch; W: 12.39 inches; for Frosty Run from N: 19.44 inches; W: 12.80 inches to N: 21.64 inches; W: 12.32 inches; and for Dutch Run from N: 16.91 inches; W: 14.73 inches to N: 19.01 inches; W: 14.88 inches. This is a Chapter 105 Water Obstruction and Encroachment permit application (Stream Module 15), submitted as part of the mining permit revision application to authorize the stream restoration for stream flow loss resulting from longwall mining to Dutch Run, Frosty Run, Muddy Creek and Unnamed Tributaries and includes minor restoration to streams in the subsidence control plan area as necessary. In conjunction with this approval, the Department is granting 401 Water Quality Certification certifying that the approved activities will comply with the applicable provisions of sections 301—303, 306, and 307 of the Federal Water Pollution Control Act (33 USCA § 1341) and will not violate Federal and State water quality standards. The application was considered administratively complete on February 12, 2012. Application received June 1, 2011. Permit issued January 8, 2014.

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

**04070102 and NPDES Permit No. PA0251259. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Permit renewal issued for reclamation only to an existing bituminous surface mine, located in South Beaver Township, **Beaver County**, affecting 114.5 acres. Receiving streams: Brush Run and unnamed tributaries to Brush Run. Application received: October 16, 2013. Permit issued: January 7, 2014.

**03060104 and NPDES Permit No. PA0250996. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Permit revision issued for land use change from forestland to a post-mining land use of pastureland/land occasionally cut for hay to an existing bituminous surface mine, located in Manor and Kittanning Townships, **Armstrong County**, affecting 85.4 acres. Receiv-



ing streams: unnamed tributaries to Campbell Run. Application received: July 22, 2013. Permit issued: January 9, 2014.

**30080101 and NPDES Permit No. PA0251411. Fayette Coal & Coke, Inc.** (195 Enterprise Lane, Connellsville, PA 15425). Permit renewal issued for reclamation only to an existing bituminous surface mine, located in Dunkard Township, **Greene County**, affecting 46.8 acres. Receiving streams: Dunkard Creek and unnamed tributaries to Dunkard Creek. Application received: August 9, 2013. Permit issued: January 9, 2014.

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

**Permit No. 49860201R. Rosini Enterprises, Inc.**, (PO Box 568, Shamokin, PA 17872), renewal of an existing anthracite coal refuse reprocessing operation in Coal Township, **Northumberland County** affecting 58.3 acres, receiving stream: Carbon Run. Application received: March 7, 2012. Renewal issued: January 8, 2014.

**49860201GP104. Rosini Enterprises, Inc.**, (PO Box 568, Shamokin, PA 17872), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 49860201 in Coal Township, **Northumberland County**, receiving stream: Carbon Run. Application received: July 5, 2012. Permit issued: January 8, 2014.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

##### *Blasting Permits Issued*

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

**Permit No. 22134110. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Southpoint Meadows in Derry Township, **Dauphin County** with an expiration date of January 11, 2015. Permit issued: January 7, 2014.

**Permit No. 35144101. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Valley View Business Park in Archbald and Jessup Boroughs, **Lackawanna County** with an expiration date of January 31, 2015. Permit issued: January 9, 2014.

**Permit No. 40144101. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for East Mountain Corporate Center in Plain Township, **Luzerne County** with an expiration date of January 31, 2015. Permit issued: January 9, 2014.

**Permit No. 66144101. Meshoppen Blasting, Inc.**, (P. O. Box 127, Meshoppen, PA 18630), construction blasting for Craig Keller Fuel Station in Washington Township, **Wyoming County** with an expiration date of April 30, 2014. Permit issued: January 9, 2014.

**Permit No. 67134116. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting for Rutter's Dairy in Manchester Township, **York County** with an expiration date of December 23, 2014. Permit issued: January 9, 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

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E56-366. Stonycreek Township**, 120 Municipal Road, Friedens, PA 15541-6414; Stonycreek Township & Shanksville Borough, **Somerset County**; ACOE Pittsburgh District. Has been given consent to construct and maintain a 12" steel casing sanitary sewer utility line stream crossing that will impact approximately 0.04 acre of Lake Stonycreek (CWF), by attaching this utility line to the bridge that carries Causeway Drive (S.R. 1006) over Lake Stonycreek. In addition, to construct and

maintain twenty-three (23) sanitary sewer utility line stream crossings across Rhoads Creek (CWF), Boone Run (CWF), several unnamed tributaries (UNTs) to these watercourses, and UNTs to Lake Stonycreek, which will cumulatively impact approximately 540' of watercourse. In addition, to construct and maintain twenty (20) sanitary sewer utility line crossings across wetlands, which will impact approximately 0.20 acre of wetland, some of which are exceptional value, due to the presence of a PA threatened plant species. These utility line stream crossings are associated with the Lake Stonycreek Sewer Project, in Stonycreek Township and Shanksville Borough, Somerset County. (Central City, PA Quadrangle, N: 4.49"; W: 17.15"; Latitude 40° 01' 29"; Longitude 78° 52' 21").

**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.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701*

ESCP 2 # 0813801(1)  
 Applicant Name Valley Energy Inc  
 Contact Person Edward Rogers  
 Address 523 S Keystone Ave, PO Box 340  
 City, State, Zip Sayre PA 18840  
 County Bradford  
 Township(s) Asylum, Monroe Towanda  
 Receiving Stream(s) and Classification(s) Susquehanna River, WWF; Laning Creek, WWF; Ellis Creek, WWF; Towanda Creek, WWF

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745.*

<i>ESCGP-2 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
65138005	Texas Eastern Transmission, LP 890 Winter Street Suite 300 Waltham, MA 02451	Westmoreland	Salem Township	Beaver Run (HQ-CWF)

*Southwest Region: Oil & Gas Program Mgr. 400 Waterfront Dr. Pittsburgh PA*

ESCGP-2 No: ESX13-125-0080  
 Applicant Name: Noble Energy Inc  
 Contact Person Mr Christopher J London  
 Address: 333 Technology Drive Suite 116  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township: West Finley  
 Receiving Stream (s) And Classifications: #32650 Robinson Fork

ESCGP-2 No.: ESX13-125-0082  
 Applicant Name: CNX Gas Company LLC  
 Contact Person: Ms Sarah Baughman  
 Address: 200 Evergreene Drive  
 City: Waynesburg State: PA Zip Code: 15370  
 County: Washington Township(s): East Finley  
 Receiving Stream(s) and Classifications: UNT to Rocky Run / Wheeling Creek; Rocky Run / Wheeling Creek; (2) UNT to Enlow Fork / Wheeling Creek; Secondary Receiving Water; Wheeling Creek Enlow Fork, Rocky Run

ESCGP-2 No.: ESG13-059-0045  
 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): Morris

Receiving Stream(s) and Classifications: Browns Creek; Secondary Receiving Water UNT to Browns Creek

ESCGP-2 No.: ESX13-125-0085  
 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): Jefferson  
 Receiving Stream(s) and Classifications: UNT #49492 to North Fork of Cross Creek (#25522), UNT #98713 to North Fork of Cross Creek (#25522), UNT #47566 to UNT #24560 to North Fork of Cross Creek (#25522), & UNT to UNT #49492 to North Fork of Cross Creek (#25522) / Cross Creek;  
 Secondary Receiving Water Cross Creek

ESCGP-2 No.: ESG13-125-0084  
 Applicant Name: MarkWest Liberty Midstream & Resources LLC  
 Contact Person: Mr Rick Lowry  
 Address: 4600 J Barry Court Suite 500  
 City: Canonsburg State: PA Zip Code: 15317  
 COUNTY Washington Township(s): Donegal  
 Receiving Stream(s) and Classifications: UNTs to Dutch Fork;  
 Secondary Receiving Water Dutch Fork



ESCGP-2 No.: ESX13-129-0011  
 Applicant Name: CNX Gas Company LLC  
 Contact Person: Mr Jonathan Madill  
 Address: 280 Indian Springs Road Suite 333  
 City: Indiana State: PA Zip Code: 15701  
 County: Westmoreland Township(s): Allegheny  
 Receiving Stream(s) and Classifications: TRIB 42911 to Pine Run

ESCGP-2 No.: ESX13-059-0061  
 Applicant Name: Energy Corporation of America  
 Contact Person: Mr Mark Fry  
 Address: 101 Heritage Run Road Suite 1  
 City: Indiana State: PA Zip Code 15701  
 County: Greene Township(s): Whiteley  
 Receiving Stream(s) and Classifications: UNTs to Frosty Run, Frosty Run, UNT to Dutch Run; Other TSF; Siltation-Impaired

ESCGP-2 No.: ESX13-051-0007  
 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): Washington, Perry  
 Receiving Stream(s) and Classifications: UNT to Mill Run/Middle Monongahela River Watershed; Other WWF; Siltation-Impaired

ESCGP-2 No.: ESX13-059-0062  
 Applicant Name: Chevron Appalachia LLC  
 Contact Person: Mr Branden Weimer  
 Address: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Greene Township(s): Franklin  
 Receiving Stream(s) and Classifications: UNT to Ruff Creek (WWF) & UNT to Grimes Run (WWF) / Tenmile Creek (WWF); Other WWF

ESCGP-2 NO.: ESG13-125-0078  
 Applicant Name: Range Resources Appalachia LLC  
 CONTACT PERSON: Ms Laura M Rusmisl  
 ADDRESS: 3000 Town Center Boulevard  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Blaine  
 Receiving Stream(s) and Classifications: UNT to Buffalo Creek / Wheeling-Buffalo Creeks Watershed; HQ

ESCGP-2 NO.: ESX12-129-0015  
 Applicant Name: Chevron Appalachia LLC  
 CONTACT: Mr Branden Weimer  
 ADDRESS: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Westmoreland Township(s): Sewickley  
 Receiving Stream(s) and Classifications: Kelly Run (WWF); Other; Siltation-Impaired

ESCGP-2 NO.: ESX13-059-0032  
 Applicant Name: Noble Energy Inc  
 CONTACT: Mr Chris London  
 ADDRESS: 333 Technology Drive Suite 116  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Greene Township(s): Richhill  
 Receiving Stream(s) and Classifications: Dunkard Fork and UNTs to Dunkard Fork / Upper Ohio-Wheeling Watershed; Other WWF

ESCGP-2 NO.: ESX13-059-0018 Major Revision  
 Applicant Name: EQT Production Company  
 CONTACT: Mr Todd Klaner  
 ADDRESS: 455 Racetrack Road  
 City: Washington State: PA Zip Code: 15301  
 County: Greene Township(s): Washington  
 Receiving Stream(s) and Classifications: 7 UNTs to Boyd Run (WWF) / Tenmile Creek Watershed; Other WWF

ESCGP-2 NO.: ESX11-125-0094 Major Revision  
 Applicant Name: MarkWest Liberty Midstream & Resources LLC  
 CONTACT: Mr Rick Lowry  
 ADDRESS: 4600 J Barry Court Suite 500  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Mount Pleasant  
 Receiving Stream(s) and Classifications: UNTs to Raccoon Creek and Raccoon Creek; Other WWF; Siltation-Impaired

ESCGP-2 NO.: ESG13-063-0011  
 Applicant Name: CONE Gathering LLC  
 CONTACT: Ms Tara Meek  
 ADDRESS: 200 Evergreene Drive  
 City: Waynesburg State: PA Zip Code: 15370  
 County: Indiana Township(s): North Mahoning  
 Receiving Stream(s) and Classifications: Mudlick Run & Dutch Run—Mudlick Run is designated HQ, CWF and Dutch Run is designated CWF in Ch93; HQ

ESCGP-2 NO.: ESX13-125-0087  
 Applicant Name: EQT Gathering LLC  
 CONTACT: Ms Hanna McCoy  
 ADDRESS: 625 Liberty Avenue Suite 1700  
 City: Pittsburgh State: PA Zip Code: 15222  
 County: Washington Township(s): Somerset  
 Receiving Stream(s) and Classifications: UNT to North Branch Pigeon Creek (UNT-1, UNT-2, UNT-3) North Branch Pigeon Creek Watershed; Other WWF

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## SPECIAL NOTICES

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### Plan Revision Approval under the Municipal Waste Planning, Recycling and Waste

#### Planning, Recycling and Waste Reduction Act of 1988, Act 101

*Southcentral Region: Waste Management Program Manager, 909 Elmerton Avenue Harrisburg, PA 17110-8200.*

The Department of Environmental Protection (Department) approved the Cumberland County Municipal Waste Management Non-Substantial Plan Revision ("Revision") on January 07, 2014. Key features of the revision include updated municipal solid waste calculations, updating population information, contracting for ongoing landfill disposal capacity, waste and recycling hauler registration program, and ongoing recycling options. The Revision is a public document and may be viewed at the Southcentral Regional Office, at the address noted above. Questions concerning the approval of the Revision should be directed to Larry Holley, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7382, or to John Lundsted, Regional Planning and Recycling Coordinator, Waste Management Program, at the Southcentral Regional Office at (717) 705-4927.

Persons aggrieved by an action may appeal, 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 the 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 may contact the Environmental Hearing Board (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 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, 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.

Plan Revision Approval under the Municipal Waste Planning, Recycling and Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101

*Southcentral Region: Waste Management Program Manager, 909 Elmerton Avenue Harrisburg, PA 17110-8200.*

The Department of Environmental Protection (Department) approved the Franklin County Municipal Waste Management Non-Substantial Plan Revision ("Revision") on January 07, 2014. Key features of the revision include updated municipal solid waste calculations, updating population information, contracting for ongoing landfill disposal capacity, and ongoing recycling options. The Revision is a public document and may be viewed at the Southcentral Regional Office, at the address noted above. Questions concerning the approval of the Revision should be directed to Larry Holley, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7382, or to John Lundsted, Regional Planning and Recycling Coordinator, Waste Management Program, at the Southcentral Regional Office at (717) 705-4927.

Persons aggrieved by an action may appeal, 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 the 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 may contact the Environmental Hearing Board (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 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, 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.

#### **Act 181 Notification; Operation and Maintenance of Mine Drainage Treatment Sites**

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

**Act 181 Notification: Operation and Maintenance of Mine Drainage Treatment Sites in Cambria, Indiana, Somerset, and Bedford Counties.** The work will include operation and maintenance of both passive and active treatment facilities on forfeited surface mine sites. This project issues on January 25, 2014. A mandatory pre-proposal meeting will be conducted on February 6, 2014 at 10:00 a.m. at the DEP Cambria District Mining Office, 286 Industrial Park Road, Ebensburg, PA 15931. For information contact Malcolm Crittenden at 814.472.1908 or email [mcrittende@pa.gov](mailto:mcrittende@pa.gov). Proposal documents will be available after January 25 and at the pre-proposal meeting. Contractors must obtain a Coal Mining License in order to qualify for the award as per 25 Pa. Code § 86.189.

[Pa.B. Doc. No. 14-197. Filed for public inspection January 24, 2014, 9:00 a.m.]

#### **Proposed State Implementation Plan Revisions; Redesignation Requests and Maintenance Plans for Cumberland, Dauphin, Lebanon and York Counties Attaining the 1997 Annual and 24-Hour 2006 Fine Particulate Matter Standards; Public Hearing**

Particulate matter (PM) includes both solid and liquid particles suspended in the air. Fine particle pollution describes particulate matter that is less than or equal to 2.5 micrometers in diameter (PM<sub>2.5</sub>). PM<sub>2.5</sub> concentrations above the Federal health-based standard pose a serious human health threat. With significant improvements in air quality in Cumberland, Dauphin, Lebanon and York Counties, these nonattainment areas now meet the 1997 and 2006 PM<sub>2.5</sub> National Ambient Air Quality Standards (NAAQS). Therefore, the Department of Environmental Protection (Department) intends to submit requests to the United States Environmental Protection Agency (EPA) to redesignate these areas to attainment.

The Department is seeking public comment on the three redesignation requests and proposed revisions to the State Implementation Plan (SIP) containing the 2007 comprehensive inventory and maintenance plans demonstrating that the areas can maintain the 1997 and 2006 PM<sub>2.5</sub> health-based NAAQS for the next 10 years as required under section 175A(a) of the Clean Air Act (42 U.S.C.A. § 7505a(a)). Upon the EPA approval, the maintenance plans will also establish new motor vehicle emission budgets for transportation conformity purposes.

The requests to redesignate the areas to attainment and the proposed SIP revisions are available on the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (choose "Air," choose "Bureau of Air Quality," choose "Regs/Plan," choose "Clean Air Plans") or through the contact persons listed as follows.

The Department will hold a public hearing to receive comments on the proposal on Wednesday, February 26, 2014, at 10 a.m. at the Rachel Carson State Office Building, 400 Market Street, Room 105, Harrisburg, PA. Persons wishing to present testimony at the hearing should contact Alex Haas, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495 or [alehaas@pa.gov](mailto:alehaas@pa.gov) to reserve a time. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statements at the hearing.

If by Monday, February 24, 2014, no person has expressed an interest in testifying at the hearing, the hearing will be cancelled. The Department will provide public notice if the hearing is cancelled on the Bureau of Air Quality web page at <http://www.dep.state.pa.us/dep/deputate/airwaste/aq/default.htm>. Persons may also contact the Department to find out if the hearing is cancelled by contacting Alex Haas at (717) 787-9495 or [alehaas@pa.gov](mailto:alehaas@pa.gov).

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Alex Haas at the previously listed phone number and e-mail address. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than February 28, 2014. Written comments should be sent to the attention of Nancy Herb, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468 or [nherb@pa.gov](mailto:nherb@pa.gov). Use "Harrisburg/York PM<sub>2.5</sub> Redesignation" as the subject line in written communication and specify which document the comments are addressing.

E. CHRISTOPHER ABRUZZO,  
*Secretary*

[Pa.B. Doc. No. 14-198. Filed for public inspection January 24, 2014, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Lease Office Space to the Commonwealth Lehigh County

Proposals are invited to provide the Department of General Services with 10,100 usable square feet of office space for the Pennsylvania Office of Attorney General in Lehigh County. For more information on SFP No. 94541, which is due on Wednesday, February 19, 2014, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact David Weyandt at (717) 525-5255 or [daweyandt@pa.gov](mailto:daweyandt@pa.gov).

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 14-199. Filed for public inspection January 24, 2014, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Allegheny General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Allegheny General Hospital has requested an exception to the requirements of 28 Pa. Code § 103.31 (relating to the chief executive officer).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 14-200. Filed for public inspection January 24, 2014, 9:00 a.m.]

### Home Health Agencies; Request for Exception

The following home health agencies are seeking exceptions to 28 Pa. Code §§ 601.6 and 601.35(c) (relating to definitions; and home health aide services):

Covenant Home Care  
1223 Pottsville Pike  
Shoemakersville, PA 19555

Moravia Health Network  
1500 Walnut Street, Suite 700  
Philadelphia, PA 19102

NuChoice Health Partners  
2921 East State Street  
Hermitage, PA 16148

Nursing Care Services, Inc.  
2031 North Broad Street, Suite 113  
Lansdale, PA 19446

Pediatrics Healthcare for Kids  
801 East Park Street, Suite 108  
Harrisburg, PA 17111

Pediatrics Healthcare for Kids  
53 Gravel Street, Suite B  
Wilkes-Barre, PA 18705

Pediatrics Healthcare for Kids  
8101 Washington Lane, Suite 250  
Wyncote, PA 19095



Personal Touch Home Care of PA  
160 North Craig Street, Suite 11  
Pittsburgh, PA 15213

Resta Home Health LLC  
3901 Bigler Avenue  
Northern Cambria, PA 15714

SarahCare Home Health Agency  
93 Old York Road, Unit 4  
Jenkintown, PA 19046

The following home health agencies are seeking an exception to 28 Pa. Code § 601.6 and 28 Pa. Code § 601.21(b) (relating to organization, services and administration):

BAYADA Home Health Care, Inc.  
317 South Cedar Crest Boulevard  
Allentown, PA 18103

BAYADA Home Health Care, Inc.  
175 Cornell Road, Suite 13  
Blairsville, PA 15717

BAYADA Home Health Care, Inc.  
2041 Columbia Boulevard  
Bloomsburg, PA 17815

BAYADA Home Health Care, Inc.  
1325 Morris Drive, Suite 101  
Chesterbrook, PA 19087

BAYADA Home Health Care, Inc.  
233 Northern Boulevard, Suite 5  
Clarks Summit, PA 18411

BAYADA Home Health Care, Inc.  
150 East Pennsylvania Avenue, Suite 525  
Downingtown, PA 19335

BAYADA Home Health Care, Inc.  
500 Grant Avenue, Suite 101  
East Butler, PA 16029

BAYADA Home Health Care, Inc.  
156 Eagle's Glen Plaza, Suite 250  
East Stroudsburg, PA 18301

BAYADA Home Health Care, Inc.  
156 Eagle's Glen Plaza, Suite 260  
East Stroudsburg, PA 18301

BAYADA Home Health Care, Inc.  
3800 West 12th Street  
Erie, PA 16505

BAYADA Home Health Care, Inc.  
750 East Park Drive  
Harrisburg, PA 17111

BAYADA Home Health Care, Inc.  
354 West Lancaster Avenue  
Haverford, PA 19041

BAYADA Home Health Care, Inc.  
1850 William Penn Way, Suite 110  
Lancaster, PA 17601

BAYADA Home Health Care, Inc.  
115 Farley Circle, Suite 103  
Lewisburg, PA 17837

BAYADA Home Health Care, Inc.  
1 Outlet Lane, Suites 205/206  
Lock Haven, PA 17745

BAYADA Home Health Care, Inc.  
5001 Louise Drive, Suite 203  
Mechanicsburg, PA 17055

BAYADA Home Health Care, Inc.  
300 Oxford Drive, Suite 410  
Monroeville, PA 15146

BAYADA Home Health Care, Inc.  
3409 West Chester Pike, Suite 102  
Newtown Square, PA 19073

BAYADA Home Health Care, Inc.  
2401 Walnut Street, Suite 101  
Philadelphia, PA 19103

BAYADA Home Health Care, Inc.  
1864 North Township Boulevard  
Route 11 Pittston By-Pass  
Pittston, PA 18640

BAYADA Home Health Care, Inc.  
8 West Snyder Street  
Selinsgrove, PA 17870

BAYADA Home Health Care, Inc.  
2147 East College Avenue  
State College, PA 16801

BAYADA Home Health Care, Inc.  
209 East Third Street  
Williamsport, PA 17701

BAYADA Home Health Care, Inc.  
1770 East Third Street  
Williamsport, PA 17701

BAYADA Home Health Care, Inc.  
630 Fitzwatertown Road, Suites B1 and B3  
Willow Grove, PA 19090

Pediatrics Healthcare for Kids  
801 East Park Street, Suite 108  
Harrisburg, PA 17111

Pediatrics Healthcare for Kids  
53 Gravel Street, Suite B  
Wilkes-Barre, PA 18705

Pediatrics Healthcare for Kids  
8101 Washington Lane, Suite 250  
Wyncote, PA 19095

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 Home Health, 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. 14-201. Filed for public inspection January 24, 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):

Abington Manor  
100 Edella Road  
Clarks Summit, PA 18411  
FAC ID # 053202

Carbondale Nursing & Rehabilitation Center  
10 Hart Place  
Carbondale, PA 18404  
FAC ID # 030702

Cedar Haven-Lebanon County Home  
590 South 5th Avenue  
Lebanon, PA 17042  
FAC ID # 290702

Commons at Squirrel Hill  
2025 Wightman Street  
Pittsburgh, PA 15217

Laurel Center  
125 Holly Road  
Hamburg, PA 19526  
FAC ID # 123902

Lehigh Center  
1718 Spring Creek Road  
Macungie, PA 18062  
FAC ID # 044602

Orwigsburg Center  
1000 Orwigsburg Manor Drive  
Orwigsburg, PA 17961  
FAC ID # 043502

Pennsburg Manor  
530 Macoby Street  
Pennsburg, PA 18073  
FAC ID #162402

Quakertown Center  
1020 South Main Street  
Quakertown, PA 18951  
FAC ID # 691102

Sanatoga Center  
225 Evergreen Road  
Pottstown, PA 19464  
FAC ID # 233702

Schuylkill Center  
1000 Schuylkill Manor Road  
Pottsville, PA 17901  
FAC ID # 453002

These requests are on file with the Department of Health. 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. 14-202. Filed for public inspection January 24, 2014, 9:00 a.m.]

**DEPARTMENT OF LABOR AND INDUSTRY****Current Prevailing Wage Act Debarments**

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Olson Contracting & Construction, Inc. and Michael Olson, individually	18 Conewango Avenue Warren, PA 16365	1/8/2014

JULIA K. HEARTHWAY,  
*Secretary*

[Pa.B. Doc. No. 14-203. Filed for public inspection January 24, 2014, 9:00 a.m.]

## DEPARTMENT OF STATE

### Bureau of Commissions, Elections and Legislation v. Benedict H. Cayenne; Doc. No. 0066-99-13

On November 6, 2013, Benedict H. Cayenne, notary public of Philadelphia, Philadelphia County, was revoked of his notary commission based on findings respondent failed on three occasions to know through personal knowledge or have satisfactory evidence that the person appearing before him was the person described in and who was executing the instrument, failed to be familiar with the duties of a notary public and is not of sufficient ability to hold the office of notary public.

Individuals may obtain a copy of order by writing to Martha H. Brown, Assistant Counsel, Department of State, Bureau of Commissions, Elections and Legislation, 301 North Office Building, Harrisburg, PA 17120.

CAROL AICHELE,  
*Secretary*

[Pa.B. Doc. No. 14-204. Filed for public inspection January 24, 2014, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Meetings Scheduled

The Transportation Advisory Committee will hold a meeting on Monday, February 3, 2014, from 10 a.m. to 12 p.m. in Conference Room 8N1, Commonwealth Keystone Building, Harrisburg, PA. For more information, contact Julie Harmantzis at (717) 787-2913 or jharmantzi@pa.gov.

The State Transportation Commission will hold a meeting on Thursday, February 13, 2014, from 10 a.m. to 12 p.m. in Conference Room 8N1, Commonwealth Keystone

Building, Harrisburg, PA. For more information, contact Julie Harmantzis at (717) 787-2913 or jharmantzi@pa.gov.

BARRY J. SCHOCH, P.E.,  
*Secretary*

[Pa.B. Doc. No. 14-205. Filed for public inspection January 24, 2014, 9:00 a.m.]

## HISTORICAL AND MUSEUM COMMISSION

### State Surplus Property Program; Deaccession Auction

The Historical and Museum Commission (Commission) will be auctioning museum quality items deaccessioned from its permanent collection. These items are being auctioned because they are duplicates, in poor condition or do not pertain to the history of this Commonwealth. The public auction will be held on the morning of February 15, 2014, at 1500 Paxton Street, Harrisburg, PA. Auction services are provided by Cordier Auctions & Appraisals ([www.CordierAuction.com](http://www.CordierAuction.com)), in conjunction with the Department of General Services surplus property program. The auction will feature a diverse array of items, including railroading publications, objects and ephemera, agricultural tools and equipment, wagon accoutrements, art prints and engravings, a 19th century Conestoga wagon, remains of early 20th century costume jewelry, granite pieces of a house column from an 18th century Lancaster home, as well as an assortment of 19th and 20th century household and merchandising objects.

JAMES M. VAUGHAN,  
*Executive Director*

[Pa.B. Doc. No. 14-206. Filed for public inspection January 24, 2014, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy.

*Final-Form*  
*Reg. No.*

*Agency/Title*

*Received*

*Public*  
*Meeting*

3-51

Department of Banking and Securities  
Assessments

1/08/14

2/13/14

GEORGE D. BEDWICK,  
*Vice Chairperson*

[Pa.B. Doc. No. 14-207. Filed for public inspection January 24, 2014, 9:00 a.m.]

# INSURANCE DEPARTMENT

## Certified Reinsurers Ratings

Under 31 Pa. Code § 161.3a(a)(3)(ii) (relating to requirements for certified reinsurers), the Insurance Commissioner (Commissioner) is publishing a list of Certified Reinsurers and their respective rating. Depending upon the financial strength rating granted by the Commissioner, a Certified Reinsurer will be permitted to post less than 100% collateral and still enable an authorized insurer to qualify for full reserve credit with respect to reinsurance contracts renewed or entered into on or after the date the reinsurer becomes certified.

<i>Financial Strength Rating granted by the Commissioner</i>	<i>Minimum Amount Withheld for Full Credit</i>
Secure-1	0%
Secure-2	10%
Secure-3	20%
Secure-4	50%

<i>Financial Strength Rating granted by the Commissioner</i>	<i>Minimum Amount Withheld for Full Credit</i>
Secure-5	75%
Vulnerable-6	100%

The Commissioner hereby lists those companies deemed a Certified Reinsurer as of January 1, 2014. Note that there were no companies deemed certified during 2013.

### Certified Reinsurers

ACE INA Overseas Insurance Company Ltd	Secure-3
ACE Tempest Reinsurance Ltd	Secure-2

Questions should be directed to Kimberly A. Rankin, Financial Analysis Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-6409, [krankin@pa.gov](mailto:krankin@pa.gov).

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 14-208. Filed for public inspection January 24, 2014, 9:00 a.m.]

## Eligible Surplus Lines Insurer List

In accordance with section 1605(b) of The Insurance Company Law of 1921 (40 P. S. § 991.1605(b)), the Insurance Department publishes the most recent Eligible Surplus Lines Insurer List. This list replaces in its entirety the Eligible Surplus Lines Insurer List published at 43 Pa.B. 386 (January 19, 2013).

Persons with any questions concerning this notice should contact Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735, [cbybee@pa.gov](mailto:cbybee@pa.gov).

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
48123	ACE EUROPEAN GROUP LIMITED	100 LEADENHALL STREET LONDON, United Kingdom EC3A 3BP
10512	ADMIRAL INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10513	ADRIATIC INSURANCE COMPANY	314 EAST THAYER AVENUE BISMARCK, ND 58501
39135	AGENT ALLIANCE INSURANCE COMPANY	3800 SOLLIE ROAD MOBILE, AL 36619
10521	AIG SPECIALTY INSURANCE COMPANY	500 WEST MADISON STREET SUITE 3000 CHICAGO, IL 60661
67489	AIX SPECIALTY INSURANCE COMPANY	103 FOULK ROAD SUITE 202 WILMINGTON, DE 19803
48099	ALLIANZ GLOBAL CORPORATE & SPECIALTY SE	KONIGINASTRASSE 28 MUNICH, Germany D80802
10516	ALLIANZ UNDERWRITERS INSURANCE COMPANY	225 W. WASHINGTON STREET SUITE 1800 CHICAGO, IL 60606
10535	ALLIED WORLD ASSURANCE COMPANY (U.S.) INC.	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
106563	ALLY INTERNATIONAL INSURANCE COMPANY LTD	VICTORIA HALL 11 VICTORIA STREET HAMILTON, Bermuda HM11
10570	ALTERRA EXCESS & SURPLUS INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10519	AMERICAN EMPIRE SURPLUS LINES INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10520	AMERICAN EQUITY INSURANCE COMPANY	2401 WEST PEORIA AVENUE PHOENIX, AZ 85029

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
63828	AMERICAN MODERN SURPLUS LINES INSURANCE COMPANY	7000 MIDLAND BLVD AMELIA, OH 45102-2607
18146	AMERICAN SAFETY INDEMNITY COMPANY	201 ROBERT S. KERR AVENUE OKLAHOMA CITY, OK 73102-4267
104146	AMERICAN SAFETY INSURANCE COMPANY	3715 NORTHSIDE PARKWAY ATLANTA, GA 30327-2806
10522	AMERICAN WESTERN HOME INSURANCE COMPANY	600 BANK OF OKLAHOMA PLAZA OKLAHOMA CITY, OK 73102
83774	AMTRUST INTERNATIONAL UNDERWRITERS LIMITED	40 WESTLAND ROW DUBLIN, Ireland 2
10524	APPALACHIAN INSURANCE COMPANY	270 CENTRAL AVENUE JOHNSTON, RI 02919-4949
33748	ARCH EXCESS & SURPLUS INSURANCE COMPANY	10909 MILL VALLEY ROAD OMAHA, NE 68145
97477	ARCH INSURANCE COMPANY (EUROPE) LIMITED	6TH FLOOR PLANTATION PLACE SOUTH 60 GREAT TOWER STREET LONDON, United Kingdom EC3R 5AZ
10587	ARCH SPECIALTY INSURANCE COMPANY	10909 MILL VALLEY ROAD OMAHA, NE 68145
10588	ARROWOOD SURPLUS LINES INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
51442	ASPEN INSURANCE UK LIMITED	30 FENCHURCH STREET LONDON, United Kingdom EC3M 3BD
35611	ASPEN SPECIALTY INSURANCE COMPANY	316 NORTH FIFTH STREET BISMARCK, ND 58502
22348	ASSICURAZIONI GENERALI S.P.A.	PIAZZA DUCA DEGLI ABRUZZI, 2 TRIESTE, Italy 34132
22349	ASSOCIATED ELECTRIC & GAS INSURANCE SERVICES LIMITED	THE MAXWELL ROBERTS BUILDING 4TH FLOOR ONE CHURCH STREET HAMILTON, Bermuda HM11
94396	ASSOCIATED INDUSTRIES INSURANCE COMPANY	903 N W 65TH STREET BOCA RATON, FL 33487
10525	ASSOCIATED INTERNATIONAL INSURANCE COMPANY	TEN PARKWAY NORTH DEERFIELD, IL 60015
52712	ATAIN INSURANCE COMPANY	2301 E.LAMAR BOULEVARD 5TH FLOOR ARLINGTON, TX 76006
41586	ATLANTIC CASUALTY INSURANCE COMPANY	400 COMMERCE COURT GOLDSBORO, NC 27534
41562	AXA CORPORATE SOLUTIONS ASSURANCE	4 RUE JULES LEFEBVRE PARIS, France 75009
59554	AXIS SPECIALTY EUROPE SE	MOUNT HERBERT COURT 34 UPPER MOUNT STREET DUBLIN, Ireland 2
10592	AXIS SURPLUS INSURANCE COMPANY	303 WEST MADISON SUITE 500 CHICAGO, IL 60606
10584	BERKLEY ASSURANCE COMPANY	11201 DOUGLAS AVENUE URBANDALE, IA 50322
75458	BERKLEY REGIONAL SPECIALITY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801-1120
63055	BERKSHIRE HATHAWAY INTERNATIONAL INSURANCE LIMITED	33 ST MARY AXE LONDON, United Kingdom EC3A 8LL



<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
78247	BRACKEN HILL SPECIALTY INSURANCE COMPANY	233 NORTH MICHIGAN AVENUE SUITE 1840 CHICAGO, IL 60601
22369	BRITISH AVIATION INSURANCE COMPANY LIMITED	FITZWILLIAM HOUSE 10 ST. MARY'S AXE LONDON, United Kingdom EC3A 8EQ
8689	BURLINGTON INSURANCE COMPANY	238 INTERNATIONAL ROAD BURLINGTON, NC 27215-5129
10528	CANAL INDEMNITY COMPANY	400 EAST STONE AVENUE GREENVILLE, SC 29601
75544	CANOPIUS US INSURANCE, INC	C/O THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
48319	CAPITOL SPECIALTY INSURANCE CORPORATION	1600 ASPEN COMMONS MIDDLETON, WI 53562
99474	CATALINA LONDON LIMITED	18 MANSELL STREET LONDON, United Kingdom E1 8AA
64641	CATLIN INSURANCE COMPANY (UK) LIMITED	20 GRACECHURCH STREET LONDON, United Kingdom 3C3V OBG
63239	CATLIN SPECIALTY INSURANCE COMPANY	160 GREENTREE DRIVE SUITE 101 DOVER, DE 19904
10529	CENTENNIAL CASUALTY COMPANY	2200 WOODCREST PLACE SUITE 200 BIRMINGHAM, AL 35209
10531	CENTURY SURETY COMPANY	465 CLEVELAND AVENUE WESTERVILLE, OH 43082
10532	CHUBB CUSTOM INSURANCE COMPANY	C/O CORPORATE SERVICE COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801-1120
72782	CINCINNATI SPECIALTY UNDERWRITERS INSURANCE COMPANY (THE)	BRANDYWINE VILLAGE 1807 NORTH MARKET STREET WILMINGTON, DE 19802-4810
18617	CLARENDON AMERICA INSURANCE COMPANY	196 PRINCETON HIGHSTOWN ROAD BUILDING 2, STE 14A PRINCETON JUNCTION, NJ 08550
10533	COLONY INSURANCE COMPANY	8720 STONY POINT PARKWAY SUITE 300 RICHMOND, VA 23235
10582	COLONY NATIONAL INSURANCE COMPANY	8720 STONY POINT PARKWAY SUITE 300 RICHMOND, VA 23235
10534	COLUMBIA CASUALTY COMPANY	333 S. WABASH, 43S CHICAGO, IL 60604
74670	COMPANION SPECIALTY INSURANCE COMPANY	51 CLEMSON ROAD COLUMBIA, SC 29229
86914	CONIFER INSURANCE COMPANY	26300 NORTHWESTERN HIGHWAY SUITE 410 SOUTHFIELD, MI 48076
96047	COVINGTON SPECIALTY INSURANCE COMPANY	c/o NIXON PEABODY LLP 900 ELM STREET MANCHESTER, NH 03101
37372	CRUM & FORSTER SPECIALTY INSURANCE COMPANY	2999 NORTH 44TH STREET SUITE 250 PHOENIX, AZ 85018
66658	CUMIS SPECIALTY INSURANCE COMPANY, INC.	2000 HERITAGE WAY WAVERLY, IA 50677

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10600	DARWIN SELECT INSURANCE COMPANY	320 WEST CAPITAL STREET SUITE 1000 LITTLE ROCK, AR 72201-3525
37001	DISCOVER SPECIALTY INSURANCE COMPANY	200 NORTH LASALLE STREET CHICAGO, IL 60661
10541	EMPIRE INDEMNITY INSURANCE COMPANY	630 NE 63RD STREET OKLAHOMA CITY, OK 73105
63338	ENDURANCE AMERICAN SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
94256	ENDURANCE SPECIALTY INSURANCE LTD	THE WELLESLEY HOUSE 90 PITTS BAY ROAD PEMBROKE, Bermuda HM 08
10542	ESSEX INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10543	EVANSTON INSURANCE COMPANY	TEN PARKWAY NORTH DEERFIELD, IL 60015
10544	EVEREST INDEMNITY INSURANCE COMPANY	CORPORATION TRUST CENTER 1209 ORANGE STREET WILMINGTON, DE 19801
10545	EXECUTIVE RISK SPECIALTY INSURANCE COMPANY	82 HOPMEADOW STREET SIMSBURY, CT 06070-7683
105001	FAIR AMERICAN SELECT INSURANCE COMPANY	2711 CENTERVILLE ROAD, STE. 400 WILMINGTON, DE 19808
10547	FIREMAN'S FUND INSURANCE COMPANY OF OHIO	41 SOUTH HIGH STREET SUITE 1700 COLUMBUS, OH 43215-6101
10548	FIRST FINANCIAL INSURANCE COMPANY	C/O HINSHAW & CULBERTSON, LLP 400 SOUTH NINTH STREET SPRINGFIELD, IL 62701-1822
10549	FIRST MERCURY INSURANCE COMPANY	ONE SOUTH WACKER DRIVE SUITE 1350 CHICAGO, IL 60606
10550	FIRST SPECIALTY INSURANCE CORPORATION	237 EAST HIGH STREET JEFFERSON CITY, MO 65102
18477	GEMINI INSURANCE COMPANY	CORPORATION TRUST CENTER 1209 ORANGE STREET WILMINGTON, DE 19801
10552	GENERAL SECURITY INDEMNITY COMPANY OF ARIZONA	2338 W. ROYAL PALM ROAD SUITE J PHOENIX, AZ 85021
10554	GENERAL STAR INDEMNITY COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
58119	GEOVERA SPECIALTY INSURANCE COMPANY	4820 BUSINESS CENTER DRIVE SUITE 200 FAIRFIELD, CA 94534
73754	GNV CUSTOM INSURANCE COMPANY	200 MADISON AVENUE NEW YORK, NY 10016-3904
10556	GOTHAM INSURANCE COMPANY	59 MAIDEN LANE, SUITE 2700 NEW YORK, NY 10036
10514	GREAT AMERICAN E & S INSURANCE COMPANY	THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
10518	GREAT AMERICAN FIDELITY INSURANCE COMPANY	THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
10540	GREAT AMERICAN PROTECTION INSURANCE COMPANY	301 EAST FOURTH STREET CINCINNATI, OH 45202

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
22412	GREAT LAKES REINSURANCE (UK) PLC	PLANTATION PLAN 30 FENCHURCH STREET LONDON, United Kingdom EC3M 3AJ
100854	GUIDEONE NATIONAL INSURANCE COMPANY	1111 ASHWORTH ROAD WEST DES MOINES, IA 50265-3538
36489	GUILFORD INSURANCE COMPANY	C/O HINSHAW & CULBERTSON, LLP 400 SOUTH NINTH STREET SUITE 200 SPRINGFIELD, IL 62701-1822
10557	GULF UNDERWRITERS INSURANCE COMPANY	ONE TOWER SQUARE HARTFORD, CT 06183
103324	HALLMARK SPECIALTY INSURANCE COMPANY	201 ROBERT S. KERR AVENUE SUITE 600 OKLAHOMA CITY, OK 73102
66133	HCC SPECIALTY INSURANCE COMPANY	201 ROBERT S. HERR AVENUE OKLAHOMA, OK 73102
100960	HOMELAND INSURANCE COMPANY OF DELAWARE	1209 ORANGE STREET WILMINGTON, DE 19801
44169	HOMELAND INSURANCE COMPANY OF NEW YORK	1000 WOODBURY ROAD SUITE 403 WOODBURY, NY 11797
10559	HOUSTON CASUALTY COMPANY	13403 NORTHWEST FREEWAY HOUSTON, TX 77040
75182	HOUSTON SPECIALTY INSURANCE COMPANY	800 GESSNER, SUITE 600 HOUSTON, TX 77024
102374	HSB SPECIALTY INSURANCE COMPANY	ONE STATE STREET HARTFORD, CT 06102-5024
106322	HUDSON EXCESS INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
37373	HUDSON SPECIALTY INSURANCE COMPANY	100 WILLIAM STREET, 5TH FLR. NEW YORK, NY 10038
10560	ILLINOIS EMCASCO INSURANCE COMPANY	717 MULBERRY STREET DES MOINES, IA 50309-3872
10561	ILLINOIS UNION INSURANCE COMPANY	525 WEST MONROE STREET CHICAGO, IL 60631
10562	INDIAN HARBOR INSURANCE COMPANY	CT CORPORATION SYSTEM 314 EAST THAYER AVENUE BISMARCK, ND 58501
75461	INFRASSURE, LTD	UETLIBERGSTRASSE 134A P O BOX 5089 ZURICH, Switzerland CH8045
28076	INTERNATIONAL INSURANCE CO OF HANNOVER PLC	2ND FLOOR, 1 ARLINGTON SQUARE DOWNSHIRE WAY BERKSHIRE, United Kingdom RG12 1WA
10564	INTERSTATE FIRE & CASUALTY COMPANY	33 WEST MONROE CHICAGO, IL 60603
103749	IRONSHORE EUROPE LIMITED	33 SIR JOHN ROGERSON'S QUAY 2ND FLOOR DUBLIN, Ireland 2
70118	IRONSHORE INSURANCE LTD.	141 FRONT STREET HAMILTON, Bermuda HM19
10596	IRONSHORE SPECIALTY INSURANCE COMPANY	8601 NORTH SCOTTSDALE ROAD SUITE 300 SCOTTSDALE, AZ 85253
10546	JAMES RIVER INSURANCE COMPANY	52 EAST GAY STREET COLUMBUS, OH 43215
36855	KINSALE INSURANCE COMPANY	425 W. CAPITOL AVENUE SUITE 1800 LITTLE ROCK, AR 72201

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
80046	LANCASHIRE INSURANCE COMPANY (UK) LIMITED	LEVEL 11, VITRO 60, FENCHURCH STREET LONDON, United Kingdom EC3M 4AD
75297	LANCASHIRE INSURANCE COMPANY LIMITED	POWERHOUSE 7 PAR-LA-VILLE ROAD HAMILTON, Bermuda HM 11
8967	LANDMARK AMERICAN INSURANCE COMPANY	201 ROBERT KERR AVENUE SUITE 600 OKLAHOMA CITY, OK 73102-4267
10569	LEXINGTON INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
22415	LIBERTY MUTUAL INSURANCE EUROPE LIMITED	3RD FLOOR, TWO MINSTER COURT MINCING LANE LONDON, United Kingdom EC3R 7YE
18457	LIBERTY SURPLUS INSURANCE CORPORATION	175 BERKELEY STREET BOSTON, MA 02117
22416	LLOYD'S, LONDON (UNDERWRITERS AT)	ONE LIME STREET LONDON, United Kingdom EC3M7HA
45736	MAIDEN SPECIALTY INSURANCE COMPANY	C/O CT CORPORATION SYSTEM 150 FAYETTEVILLE STREET BOX 1011 RALEIGH, NC 27601
92689	MAPFRE GLOBAL RISKS COMPANIA INTERNACIONAL DE SEGUROS Y REASEGUROS S A	CARRETERA POZUELO 52 EDIFICIO M-11 MADRID, Spain
22418	MARINE INSURANCE COMPANY LIMITED	ST MARKS COURT. CHART WAY HORSHAM, WEST SUSSEX ENGLAND, Great Britain RH 12 1XL
22455	MARKEL INTERNATIONAL INSURANCE COMPANY LIMITED	THE MARKEL BUILDING 49 LEADENHALL STREET LONDON, United Kingdom EC3A2EA
10527	MAXUM INDEMNITY COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
69016	MEDICAL MUTUAL LIABILITY INSURANCE SOCIETY OF MARYLAND	225 INTERNATIONAL CIRCLE HUNT VALLEY, MD 21030
104147	MEDICAL SECURITY INSURANCE COMPANY	700 SPRING FOREST ROAD, SUITE 400 RALEIGH, NC 27609
75542	MERCHANTS NATIONAL INSURANCE COMPANY	5 BEDFORD FARMS SUITE 101 BEDFORD, NH 03110
10553	MESA UNDERWRITERS SPECIALTY INSURANCE COMPANY	40 WANTAGE AVENUE BRANCHVILLE, NJ 07890
96043	MID-CONTINENT EXCESS AND SURPLUS INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
75518	MITSUI SUMITOMO INSURANCE COMPANY (EUROPE) LIMITED	25 FENCHURCH AVENUE LONDON, United Kingdom EC3M 5AD
94717	MONTPELIER REINSURANCE LTD	MONTPELIER HOUSE 94 PITTS BAY ROAD PEMBROKE, Bermuda HM 08
10571	MT. HAWLEY INSURANCE COMPANY	9025 N. LINDBERGH DRIVE PEORIA, IL 61615
10572	NAMIC INSURANCE COMPANY, INC.	3601 VINCENNES ROAD INDIANAPOLIS, IN 46268
10573	NATIONAL FIRE & MARINE INSURANCE COMPANY	3024 HARNEY STREET OMAHA, NE 68131-3580
10574	NAUTILUS INSURANCE COMPANY	7233 E. BUTHERUS DRIVE SCOTTSDALE, AZ 85260



<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10575	NAVIGATORS SPECIALTY INSURANCE COMPANY	ONE PENN PLAZA 32nd FLOOR NEW YORK, NY 10119-0002
10537	NOETIC SPECIALTY INSURANCE COMPANY	100 EAST STATE STREET MONTPELIER, VT 05602
10576	NORTH AMERICAN CAPACITY INSURANCE COMPANY	650 ELM STREET MANCHESTER, NH 03101-2524
79123	NORTH LIGHT SPECIALTY INSURANCE COMPANY	2775 SANDERS ROAD NORTHBROOK, IL 60062-7127
22388	NORTHBRIDGE INDEMNITY INSURANCE CORPORATION	595 BURRARD STREET, SUITE 1500 BOX 49115 BENTALL TOWER THREE VANCOUVER, British Columbia V7X 1G4
10577	NORTHFIELD INSURANCE COMPANY	1270 OFFICE PLAZA DRIVE WEST DES MOINES, IA 50266
10578	NUTMEG INSURANCE COMPANY	ONE HARTFORD PLAZA HARTFORD, CT 06155
22421	OCEAN MARINE INSURANCE COMPANY LIMITED	ST. HELEN'S 1 UNDERSHAFT LONDON, United Kingdom EC3P3DQ
10579	OLD REPUBLIC UNION INSURANCE COMPANY	307 NORTH MICHIGAN AVENUE CHICAGO, IL 60601
10566	PACIFIC INSURANCE COMPANY, LIMITED	ONE HARTFORD PLAZA HARTFORD, CT 06155
99478	PARTNERRE IRELAND INSURANCE LIMITED	5TH FLOOR, BLOCK 1, THE OVAL 160 SHELBOURNE ROAD, BALLSBRIDGE DUBLIN, Ireland 4
58179	PENN-PATRIOT INSURANCE COMPANY	526 KING STREET ALEXANDRIA, VA 22314
74667	PRIME INSURANCE COMPANY	303 WEST MADISON #2075 CHICAGO, IL 60606
23150	PRINCETON EXCESS AND SURPLUS LINES INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
44436	PROASSURANCE SPECIALTY INSURANCE COMPANY, INC.	100 BROOKWOOD PLACE SUITE 500 BIRMINGHAM, AL 35209
75543	PROTECTIVE SPECIALTY INSURANCE COMPANY	1099 NORTH MERIDIAN STREET INDIANAPOLIS, IN 46204
22449	QBE INSURANCE (EUROPE) LIMITED	PLANTATION PLACE 30 FENCHURCH STREET LONDON, United Kingdom EC3M 3BD
47448	QBE SPECIALTY INSURANCE COMPANY	314 EAST THAYER AVENUE BISMARCK, ND 58501
44715	RENAISSANCERE SPECIALTY RISKS LIMITED	RENAISSANCE HOUSE 12 CROW LANE PEMBROKE, Bermuda HM19
70898	REPUBLIC-VANGUARD INSURANCE COMPANY	2390 E. CAMELBACK ROAD PHOENIX, AZ 85016
10603	ROCKHILL INSURANCE COMPANY	8601 N. SCOTTSDALE ROAD, SUITE 300 SCOTTSDALE, AZ 85253
10589	SAFECO SURPLUS LINES INSURANCE COMPANY	62 MAPLE AVENUE KEENE, NH 03431
10590	SAVERS PROPERTY AND CASUALTY INSURANCE COMPANY	700 WEST 47TH STREET KANSAS CITY, MO 64112-1802
94496	SCOR UK COMPANY LIMITED	10 LIME STREET LONDON, United Kingdom EC3M 7AA

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10591	SCOTTSDALE INSURANCE COMPANY	ONE NATIONWIDE PLAZA COLUMBUS, OH 43215
44276	SENECA SPECIALTY INSURANCE COMPANY	2999 NORTH 44TH STREET SUITE 250 PHOENIX, AZ 85018-7256
33514	SIRIUS INTERNATIONAL INSURANCE CORPORATION	BIRGER JARISGATAN 57B STOCKHOLM, Sweden SE 113 96
86970	SPARTA SPECIALTY INSURANCE COMPANY	CITYPLACE II 185 ASYLUM STREET HARTFORD, CT 06103
10593	ST. PAUL SURPLUS LINES INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
79898	STARR SURPLUS LINES INSURANCE COMPANY	500 WEST MONROE STREET 26TH FLOOR CHICAGO, IL 60661
10594	STEADFAST INSURANCE COMPANY	SUITE 202 32 LOOCKERMAN SQUARE DOVER, DE 19904
22453	SWISS RE INTERNATIONAL SE	2A, RUE ALBERT BORSCHETTE KIRCHBERG, Luxembourg L1246
10583	TDC SPECIALTY INSURANCE COMPANY	1050 K STREET SUITE 400 WASHINGTON, DC 20001
22456	THROUGH TRANSPORT MUTUAL INSURANCE ASSOCIATION LIMITED	FIRST FLOOR CHEVRON HOUSE 11 CHURCH STREET HAMILTON, Bermuda HM11
73071	TOKIO MARINE EUROPE INSURANCE LIMITED	150 LEADENHALL STREET LONDON, United Kingdom EC3V 4TE
8705	TOKIO MARINE SPECIALTY INSURANCE COMPANY	1807 NORTH MARKET STREET WILMINGTON, DE 19802
98475	TORUS INSURANCE (UK) LIMITED	5TH FLOOR 88 LEADENHALL STREET LONDON, United Kingdom EC3A 3BP
40659	TORUS SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801-1120
10597	TRAVELERS EXCESS AND SURPLUS LINES COMPANY	ONE TOWER SQUARE HARTFORD, CT 06183
54486	TT CLUB MUTUAL INSURANCE LIMITED	90 FENCHURCH STREET LONDON, United Kingdom ECM 4ST
10598	TUDOR INSURANCE COMPANY	50 WASHINGTON STREET KEENE, NH 03431
10599	U. S. UNDERWRITERS INSURANCE COMPANY	316 NORTH FIFTH STREET SIXTH FLOOR BISMARCK, ND 58501
10558	UNITED NATIONAL SPECIALTY INSURANCE COMPANY	411 EAST WISCONSIN AVENUE SUITE 700 MILWAUKEE, WI 53202
64798	UNITED SPECIALTY INSURANCE COMPANY	160 GREENTREE DRIVE SUITE 101 DOVER, DE 19904
82097	UTICA SPECIALTY RISK INSURANCE COMPANY	2435 N CENTRAL EXPRESSWAY SUITE 400 RICHARDSON, TX 75080
10605	VOYAGER INDEMNITY INSURANCE COMPANY	260 INTERSTATE NORTH CIRCLE SE ATLANTA, GA 30339

Key#	Company Name	Statutory Home Address
99476	W. R. BERKLEY INSURANCE (EUROPE) LIMITED	2ND FLOOR 40 LIME STREET LONDON, United Kingdom EC3M 7AW
10607	WESTCHESTER SURPLUS LINES INSURANCE COMPANY	11575 GREAT OAKS WAY SUITE 200 ALPHARETTA, GA 30022
10608	WESTERN HERITAGE INSURANCE COMPANY	9200 E. PIMA CENTER PKWY SUITE 350 SCOTTSDALE, AZ 85258
10610	WESTERN WORLD INSURANCE COMPANY	50 WASHINGTON STREET KEENE, NH 03431
49219	WILSHIRE INSURANCE COMPANY	702 OBERLIN ROAD RALEIGH, NC 27605-0800
10604	XL SELECT INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
100530	YORK INSURANCE COMPANY OF MAINE	707 SABLE OAKS DRIVE, SUITE 100 SO. PORTLAND, ME 04106-6917

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 14-209. Filed for public inspection January 24, 2014, 9:00 a.m.]

### Keystone Health Plan East; Medically Underwritten Individual HMO Product Rate Filing

Keystone Health Plan East requests approval to increase the rates for the Medically Underwritten Individual HMO Product. The requested rate increase is 17.0%. The proposed rate increase would affect approximately 26,000 members and would produce additional income of about \$6.7 million. The requested effective date of the change is July 1, 2014.

Unless formal administrative action is taken prior to April 9, 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."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [rmathur@pa.gov](mailto:rmathur@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 14-210. Filed for public inspection January 24, 2014, 9:00 a.m.]

### Pennsylvania Compensation Rating Bureau; F-Classification and USL&HW Rating Value Filing

On January 10, 2014, the Insurance Department received from the Pennsylvania Compensation Rating Bureau (Bureau) proposed revisions to rates and rating values pertaining to F-Classification and United States

Longshore and Harbor Workers (USL&HW) Compensation Act coverages to be effective April 1, 2014. The filing proposes the following:

\* An overall average decrease in collectible F-Classification rates of 1.84%.

\* An overall average decrease in manual rates for F-Classifications of 2.14% consistent with the proposed overall average change in collectible rates. The proposed changes in manual rates for individual F-Classifications range from a decrease of 3.2% to a decrease of 0.8%.

\* A change in the USL&HW compensation coverage percentage from 78.1% to 77.5%.

The filing is available for review on the Bureau's web site at [www.pcrb.com](http://www.pcrb.com) in the "Filings" section.

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [gzhou@pa.gov](mailto:gzhou@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 14-211. Filed for public inspection January 24, 2014, 9:00 a.m.]

### QCC Insurance Company; Individual Medically Underwritten Rate Filing

QCC Insurance Company submitted a rate filing to increase the premium rates for its Medically Underwritten Direct Pay PPO Product. The filing proposes a rate increase of 17% and will affect approximately 13,000 members. The proposed rate increase will generate approximately \$2.5 million of additional revenue. The requested effective date of the change is July 1, 2014.

Unless formal administrative action is taken prior to April 9, 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."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cheri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [csandersjo@pa.gov](mailto:csandersjo@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 14-212. Filed for public inspection January 24, 2014, 9:00 a.m.]

### Qualified Jurisdictions for Certified Reinsurers

Under 31 Pa. Code § 161.3a(a)(1)(i) (relating to requirements for certified reinsurers), the Insurance Commissioner lists those jurisdictions deemed qualified jurisdictions for purposes of certified reinsurer status. The qualified jurisdiction status is as of January 1, 2014. There were no jurisdictions deemed qualified during 2013.

#### Qualified Jurisdictions

Bermuda—The Bermuda Monetary Authority (BMA)

Germany—The German Federal Financial Supervisory Authority (BaFin)

Switzerland—The Swiss Financial Market Supervisory Authority (FINMA)

United Kingdom—The Prudential Regulation Authority of the Bank of England (PRA)

All United States jurisdictions that meet the requirement for accreditation under the National Association of Insurance Commissioners (NAIC) financial standards and accreditation program. See the most recent Accredited United States Jurisdictions list maintained by the NAIC.

Questions should be directed to Kimberly A. Rankin, Financial Analysis Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-6409, [krankin@pa.gov](mailto:krankin@pa.gov).

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 14-213. Filed for public inspection January 24, 2014, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has 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 insured's automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administra-

tive Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of State Farm Fire and Casualty Company; file no. 13-188-154528; Debra and Daniel Bruton; Doc. No. P13-12-022; February 12, 2014, 1 p.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. 14-214. Filed for public inspection January 24, 2014, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' homeowners policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure);



and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in Hearing Room 2019, Piatt Building, 301 5th Avenue, Pittsburgh, PA 15222.

Appeal of Matthew and Laura Tighe; file no. 13-115-151999; Donegal Mutual Insurance Company; Doc. No. P13-12-019; February 20, 2014, 11 a.m.

Appeal of Bruce Arkwright, Jr.; file no. 13-198-151754; American Modern Select Insurance Company; Doc. No. P13-11-018; February 21, 2014, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 14-215. Filed for public inspection January 24, 2014, 9:00 a.m.]

## PENNSYLVANIA ALZHEIMER'S DISEASE PLANNING COMMITTEE

### Public Meeting

The Pennsylvania Alzheimer's Disease Planning Committee (Committee), created by Executive Order 2013-01, will be holding a public meeting on Thursday, January 30, 2014. The meeting will begin at 1:30 p.m. at the Rachel Carson State Office Building, Room 105, 1st Floor, 400 Market Street, Harrisburg, PA 17101.

Residents, local government officials and organizations in this Commonwealth who are interested in listening to discussion on current Committee activities are welcome to attend.

For information on the Committee visit [www.aging.state.pa.us](http://www.aging.state.pa.us).

BRIAN M. DUKE,  
*Chairperson*

[Pa.B. Doc. No. 14-216. Filed for public inspection January 24, 2014, 9:00 a.m.]

## PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY

### Financial Statement

Under the provisions of Section 207 of the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class (53 P. S. § 12720.207) the Pennsylvania Intergovernmental Cooperation Authority (Authority) is required to publish a "concise financial statement" annually in the *Pennsylvania Bulletin*. The Authority has issued its annual report for its fiscal year ended June 30, 2013, which includes an audit for this period performed in accordance with generally accepted auditing standards by an independent firm of certified public accountants. The complete annual report of the Authority may be obtained from the Authority's web site, [www.picapa.org](http://www.picapa.org) or at 1500 Walnut Street, Suite 1600, Philadelphia, PA 19102, (215) 561-9160.

HARVEY RICE,  
*Executive Director*

**PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY**  
**STATEMENT OF NET POSITION**  
**June 30, 2013**

**ASSETS**

	<u>Governmental Activities</u>
Cash and cash equivalents:	
Held by trustee	\$ 44,565,729
Other	7,581,111
Investments	61,848,940
PICA taxes receivable	4,976,942
Fair value of derivative instruments	3,006,319
Accrued interest receivable	2,429
Prepaid expenses	22,541
	<u>122,004,011</u>
<b>Total assets</b>	<b>122,004,011</b>

**LIABILITIES**

Accounts payable and accrued expenses	161,183
Due to City of Philadelphia	4,977,925
Current portion of bonds payable	45,640,000
Noncurrent portion of bonds payable	400,676,363
	<u>451,455,471</u>
<b>Total liabilities</b>	<b>451,455,471</b>

**NET POSITION**

Restricted for debt service	79,378,119
Restricted for the benefit of the City of Philadelphia	13,039,986
Unrestricted:	
Board-designated for operating budget	600,000
Undesignated (deficit)	(422,469,565)
	<u>(329,451,460)</u>
<b>Total net position</b>	<b>(329,451,460)</b>
	<b>\$ 122,004,011</b>

**PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY  
STATEMENT OF ACTIVITIES  
FOR THE YEAR ENDED JUNE 30, 2013**

	<u>Governmental Activities</u>
<b>Expenses:</b>	
Grants to City of Philadelphia	\$ 321,696,905
General management and support- general operations	817,545
Interest on long-term debt	22,539,100
Investment expenses	466,221
Amortization of bond costs	223,104
	345,742,875
<b>Total Expenses</b>	<b>345,742,875</b>
<b>Revenues:</b>	
PICA taxes	376,379,066
Amortization of bond premium	3,912,711
Revenue related to forward delivery contract	1,666,923
Investment income	996,088
Settlement proceeds	2,354,650
Other	1,548,129
	386,857,567
<b>Total Revenues</b>	<b>386,857,567</b>
Change in net position	41,114,692
Net position- July 1, 2012	(368,412,246)
Cumulative effect of a change in accounting principle	(2,153,906)
Adjusted net position - July 1, 2012	(370,566,152)
Net position- June 30, 2013	\$ (329,451,460)

PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY  
STATEMENT OF FUND NET POSITION - GOVERNMENTAL FUNDS

	General	Debt Service Funds			Debt Service Reserve Fund	Rebate Fund	Expendable Trust Funds Capital Projects Funds			Total Governmental Funds
		2010	2009	2009			1992	1993	1994	
<b>Assets:</b>										
Cash and cash equivalents	\$ 57,581,111			\$ 24,010,845	1,992,844	377,725	449,894	12,212,151	\$ 52,146,840	
Investments	13,397,757		3,429,412	48,451,183	-	-	-	-	61,849,340	
PICA Taxes receivable	4,976,942								4,976,942	
Accrued interest receivable	253	203	344	396	34	5	7	204	2,429	
Prepaid expenses	22,541								22,541	
<b>Total assets</b>	<b>21,001,662</b>	<b>2,093,061</b>	<b>3,429,756</b>	<b>72,462,424</b>	<b>1,992,878</b>	<b>377,730</b>	<b>449,901</b>	<b>12,212,355</b>	<b>118,997,692</b>	
<b>Liabilities:</b>										
Accounts payable	\$ 111,780	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 111,780	
Accrued payroll and taxes	49,403								49,403	
Due to the City of Philadelphia	4,977,925								4,977,925	
<b>Total liabilities</b>	<b>161,183</b>								<b>5,139,108</b>	
<b>Fund balances:</b>										
Restricted:										
For debt service		2,093,061	3,429,756	71,862,424	1,992,878	377,730	449,901	12,212,355	79,378,119	
For benefit of City of Philadelphia									13,039,986	
Committed:										
For subsequent PICA administration	13,952,635			600,000					600,000	
For future swaption activity	6,887,844								13,952,635	
Unassigned	20,840,479	2,093,061	3,429,756	72,462,424	1,992,878	377,730	449,901	12,212,355	6,887,844	
<b>Total fund balance</b>	<b>20,840,479</b>	<b>2,093,061</b>	<b>3,429,756</b>	<b>72,462,424</b>	<b>1,992,878</b>	<b>377,730</b>	<b>449,901</b>	<b>12,212,355</b>	<b>113,858,584</b>	
<b>Total liabilities and fund balances</b>	<b>\$ 21,001,662</b>	<b>\$ 4,977,925</b>	<b>\$ 3,429,756</b>	<b>\$ 72,462,424</b>	<b>\$ 1,992,878</b>	<b>\$ 377,730</b>	<b>\$ 449,901</b>	<b>\$ 12,212,355</b>	<b>\$ 118,997,692</b>	

Amounts reported for governmental activities in the statement of net assets are different due to:

Long-term liabilities are not due and payable in the current period and therefore are not reported in the governmental fund statements

Fair value derivative instruments are not reported in the governmental funds statements

Premium on bonds is deferred in the government wide statements

Net assets of governmental activities

(409,280,000)	3,006,319	(37,036,363)	\$ (329,451,460)
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**PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY**  
**STATEMENT OF REVENUE, EXPENDITURES, AND CHANGES IN FUND BALANCES - GOVERNMENTAL FUNDS**  
**FOR THE YEAR ENDED JUNE 30, 2013**

	General	PICA Tax Revenue		Debt Service Funds		Debt Service Reserve Fund	Rebate Fund	Expendable Trust Funds			Total Governmental Funds
		2010	2009	2009	2009			1992	1993	1994	
<b>Revenue:</b>											
PICA taxes	\$ -	\$ 376,379,066	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 376,379,066
Investment income	167,627	14,139	7,088	11,924	1,189,516	1,373	263	441	9,245	-	1,401,616
Settlement proceeds	2,354,650	-	-	-	-	-	-	-	-	-	2,354,650
Other	1,548,129	-	-	-	-	-	-	-	-	-	1,548,129
<b>Total revenue</b>	<b>4,070,406</b>	<b>376,393,205</b>	<b>7,088</b>	<b>11,924</b>	<b>1,189,516</b>	<b>1,373</b>	<b>263</b>	<b>441</b>	<b>9,245</b>	<b>-</b>	<b>381,683,461</b>
<b>Expenditures:</b>											
Grants to the City of Philadelphia	-	313,492,063	-	-	-	-	-	422,746	5,427,446	-	319,342,255
Settlement proceeds to City	2,354,650	-	-	-	-	-	-	-	-	-	2,354,650
<b>Debt Service:</b>											
Principal	-	-	16,335,000	27,320,000	-	-	-	-	-	-	43,655,000
Interest	-	-	8,841,750	13,697,350	-	-	-	-	-	-	22,539,100
Administration	466,221	-	-	-	-	-	-	-	-	-	466,221
Investment expenses	817,545	-	-	-	-	-	-	-	-	-	817,545
<b>Total expenditures</b>	<b>3,638,416</b>	<b>313,492,063</b>	<b>25,176,750</b>	<b>41,017,350</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>422,746</b>	<b>5,427,446</b>	<b>-</b>	<b>389,174,771</b>
<b>Excess of revenues over (under) expenditures</b>	<b>431,990</b>	<b>62,901,142</b>	<b>(25,169,662)</b>	<b>(41,005,426)</b>	<b>1,189,516</b>	<b>1,373</b>	<b>263</b>	<b>(422,305)</b>	<b>(5,418,201)</b>	<b>-</b>	<b>(7,491,310)</b>
<b>Other financing sources (uses)-</b>											
Net operating transfers in (out)	(948,129)	(62,901,142)	25,163,688	41,015,417	(2,329,834)	-	-	-	-	-	-
<b>Change in net position</b>	<b>(516,139)</b>	<b>-</b>	<b>(5,974)</b>	<b>9,991</b>	<b>(1,140,318)</b>	<b>1,373</b>	<b>263</b>	<b>(422,305)</b>	<b>(5,418,201)</b>	<b>-</b>	<b>(7,491,310)</b>
<b>Fund Balances, July 1, 2012</b>	<b>21,356,618</b>	<b>-</b>	<b>2,099,035</b>	<b>3,419,765</b>	<b>73,602,742</b>	<b>1,991,505</b>	<b>377,467</b>	<b>872,206</b>	<b>17,630,556</b>	<b>-</b>	<b>121,349,894</b>
<b>Fund Balances June 30, 2013</b>	<b>\$ 20,840,479</b>	<b>\$ -</b>	<b>\$ 2,093,061</b>	<b>\$ 3,429,756</b>	<b>\$ 72,462,424</b>	<b>\$ 1,992,878</b>	<b>\$ 377,730</b>	<b>\$ 449,901</b>	<b>\$ 12,212,355</b>	<b>\$ 113,858,584</b>	<b>\$ (7,491,310)</b>
<b>Reconciliation of change in fund balance to change in net position:</b>											
Change in fund balance											
Repayment of bond principal is an expenditure in the governmental funds, but the repayment reduces the long-term liabilities in the government-wide statements											
Bond premium is amortized over the life of bonds in the government-wide statements											
Bond issuance costs are amortized in the government wide statements											
Derivative valuation adjustment is recognized as an asset and revenue in the government wide statements											
Revenue from forward delivery contract in the government wide statements											
Change in net position											

[Pa.B. Doc. No. 14-217. Filed for public inspection January 24, 2014, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

**RNK, Inc. d/b/a RNK Pennsylvania, Inc.**

Public Meeting held  
January 9, 2014

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

*RNK, Inc. d/b/a RNK Pennsylvania, Inc.; A-311449;  
A-311449F0002; A-311449F0003*

## **Tentative Order**

*By the Commission:*

RNK, Inc. d/b/a RNK Pennsylvania, Inc. (RNK or the Company), whose utility code is 311449, is a facilities-based interexchange reseller, a competitive local exchange carrier, and a competitive access provider certificated at A-311449, A-311449F0002, and A-311449F0003, respectively, on August 30, 2007.

RNK is delinquent in filing its 2011 annual report as required by 66 Pa.C.S. § 504 and our regulations at 52 Pa. Code § 63.36. However, on February 17, 2012, RNK, its parent Wave2Wave, and its affiliates filed for chapter 11 bankruptcy protection in the New Jersey federal courts. In August 2012, the bankruptcy court approved sale procedures that allowed RNK to enter into an Asset Purchase Agreement with Signal Point Corporation (Signal), a New York corporation, which would transfer all the assets and telecommunications licenses of RNK to Signal. The transfers were contingent upon regulatory approval. On September 27, 2012, the bankruptcy court approved the sale and the Asset Purchase Agreement closed on September 28, 2012.

Thereafter, on November 14, 2012, RNK and Signal filed an application with the Commission pursuant to 52 Pa. Code § 63.324 seeking approval to allow RNK and Signal to consummate the transfer of RNK's licenses and assets to Signal. Signal is not jurisdictional to the Commission. After this filing with the Commission, no further filings were made pursuant to this application, and the matter was left pending.

Thereafter, Commission staff mailed its 2013 annual assessment to RNK in September 2013, and it was later returned by Signal with notations that RNK is no longer in business following conversion of its chapter 11 bankruptcy proceeding to a chapter 7 proceeding on September 28, 2012. In a follow up call by Commission staff on November 8, 2013, with counsel representing Signal, the attorney advised that the transfer of assets was later cancelled and RNK's customers ultimately went to a different carrier. The attorney confirmed that RNK is no longer in business.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Currently, while RNK has been assigned telephone number resources, Nuestar is working on finding new NXX Code/block holders for the numbering resources that it has not yet reclaimed. Based on the above facts, we tentatively conclude that it is appropriate to revoke RNK's certificates of public convenience

without the necessity of a formal complaint as being in the public interest; *Therefore,*

*It Is Ordered That:*

1. Revocation of RNK, Inc. d/b/a RNK Pennsylvania, Inc.'s certificates of public convenience are hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Bureau of Investigation & Enforcement, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. Absent the filing of adverse public comment within 30 days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services shall prepare a Final Order for entry by the Secretary and shall advise the affected Bureaus within the Commission in writing that the certificates of public convenience held by RNK, Inc. d/b/a RNK Pennsylvania, Inc., utility code A-311449, are cancelled and the case may be closed.

4. Upon entry of the Final Order described in ordering Paragraph No. 3 above, RNK, Inc. d/b/a RNK Pennsylvania, Inc.'s name will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 14-218. Filed for public inspection January 24, 2014, 9:00 a.m.]

## **Service of Notice of Motor Carrier Applications**

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by February 10, 2014. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2013-2384752. Corner Acres Farm Transport, LLC** (235 Loop Road, Quarryville, Lancaster County, PA 17566) for the right to transport, as a common carrier, by motor vehicle, persons in call or demand service, from points in Lancaster County, to points in Pennsylvania, and return.

**A-2013-2390503. Tengiz Kalandaze, t/a Philadelphia Limo** (234 Inverness Circle, Chalfont, Montgomery County, PA 18914) in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Berks, Bucks, Chester, Dela-

ware, Lehigh and Montgomery, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

**A-2013-2393823. Extra Care Transportation, LLC** (1030 Van Kirk Street, Philadelphia, PA 19149) for the right to begin to transport as a common carrier, by motor vehicle, persons in paratransit service between points in the City and County of Philadelphia.

**A-2013-2396211. Smith Bus Company, Inc.** (271 Old William Penn Highway, Blairsville, PA 15717) in paratransit service, from points in the Counties of Armstrong, Indiana and Westmoreland, to points in Pennsylvania, and return.

**A-2013-2396271. Kelly J. Kuhn, t/a Park Avenue Executive Limousine** (104 Park Avenue, Selinsgrove, Snyder County, PA 17870) to transport as a common carrier, by motor vehicle, persons in limousine service, between points in the Counties of Snyder, Juniata, Perry, Mifflin, Union, Montour, Dauphin, Northumberland and Clinton.

**A-2013-2396442. Darvey L. Johnson, t/a Johnson Transportation Service** (5958 Springfield Avenue, Philadelphia, PA 19143) for the right to begin to transport as a common carrier, by motor vehicle, persons in paratransit service from points in the City and County of Philadelphia, to points in Pennsylvania and return.

**A-2013-2396596. Triple Play Transportation, Inc.** (528 Grant Street, Hazleton, PA 18201) in paratransit service, from points in the City of Hazleton, Luzerne County and within 5 airline miles of said city limits, to the TJ Maxx operations center located in Pittstown, Luzerne County, and return.

**A-2013-2398206. KRK Transportation Group, LLC** (148 East Street Road, Feasterville, PA 19053) in paratransit service, between points in the City and County of Philadelphia.

**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-2013-2345738 (Amended). J Hink Enterprises, LLC** (673 Chesapeake Court, Hermitage, PA 16148) for the right to begin to transport, as common carrier, by motor vehicle, household goods in use, for moves arranged by The Right Sort, LLC, between points in the Counties of Mercer and Lawrence, and from points in those counties, to points in Pennsylvania, and vice versa. (Attorney: Dwight L. Koerber, Jr., 110 North South Street, P. O. Box 1320, Clearfield, PA 16830.)

**A-2013-2393811. Gentle Giant Moving Company (DC), LLC, t/d/b/a Gentle Giant Moving & Storage** (29 Harding Street, Somerville, MA 02143) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in the City and County of Philadelphia and the Counties of Bucks, Chester, Delaware and Montgomery and from said counties to points in Pennsylvania, and vice versa. (Attorney: Richard T. Mulcahey, Jr., Esquire, 121 South Broad Street, 20th Floor, Philadelphia, PA 19107-4533.)

**A-2013-2398393. 1-800-PACK-RAT, LLC** (6400 Goldsboro Road, Suite 300, Bethesda, MD 20817) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

**A-2014-2399728. Tori R. Cummings** (22 Jake Drive, Ronks, Lancaster County, PA 17572) discontinuance of service and cancellation of her certificate, as a common carrier, persons in paratransit service, between points in the Borough of Christiana, Lancaster County, and within an airline distance of 10 statute miles of the limits of said borough, and from points in said area, to points in Pennsylvania, and return;

Subject to the following condition: That the service is limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles.

**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-2013-2392114. Kissel Moving & Storage, LLC** (1254 Voskamp Street, Pittsburgh, PA 15212) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, which is to be a transfer of all the rights authorized under the certificate of public convenience issued at A-00120714 on October 4, 2004, to Mildred A. Kissel, t/a Kissel Moving and Storage.

**Applications of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.**

**A-2013-2390121. Cheryl Wilson** (633 Cambridge Road, Honey Brook, Lancaster County, PA 19344) discontinuance of service and cancellation of her certificate, as a common carrier, persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster and that portion of Chester County west of Route 10, to points in Pennsylvania, and return.

**A-2013-2390157. Lake Region Fitness, LLC, t/a Lake Region Limo** (8 Silk Mill Drive, Suite 120, Hawley, Wayne County, PA 18428) for the discontinuance of service and cancellation of the certificate as a common carrier, by motor vehicle, persons in paratransit service from points within a 30-mile radius of Hawley, Wayne County, to points in Pennsylvania, and return; excluding transportation under the jurisdiction of the Philadelphia Parking Authority.

**A-2013-2392773. Gold Cross Ambulance Service of PA** (P. O. Drawer F, Scottsdale, AZ 85252) for the discontinuance of service and cancellation of its certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons, in paratransit service, from points in Mercer County, to points in Pennsylvania, and return. (Attorney: Jennifer Holsman Tetreault, 9221 East Via DeVentura, Scottsdale, AZ 85258.)

**A-2013-2394440. Adventure Limousine, LLC** (2024 South Fordge Road, Palmyra, Lebanon County, PA 17078) for the discontinuance of service and cancellation of its certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons, in limousine service, from points in Lebanon, Lancaster and Dauphin Coun-



ties, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 14-219. Filed for public inspection January 24, 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 February 3, 2014, and must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Tiffany Transportation, Inc.; Doc. No. C-2013-2389745*

#### 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 Tiffany Transportation, Inc., (respondent) is under suspension effective July 13, 2013 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at PO Box 14023, Reading, PA 19612.
3. That respondent was issued a Certificate of Public Convenience by this Commission on August 19, 2002, at A-00117714.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00117714 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: 11/6/2013

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within twenty (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 Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, Pennsylvania 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor  
Harrisburg, Pennsylvania 17120

Additionally, please serve a copy on:

Wayne T. Scott, Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, Pennsylvania 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.



C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. A cord 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 admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the proposed penalty in this Complaint, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

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 optional fine set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 14-220. Filed for public inspection January 24, 2014, 9:00 a.m.]

### Telecommunications

**A-2014-2400120. United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink, TCG Pittsburgh and TCG New Jersey, Inc.** Joint petition of United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink, TCG Pittsburgh and TCG New Jersey, Inc. for approval of ICC Reciprocal Compensation Amendment to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink, TCG Pittsburgh and TCG New Jersey, Inc., by its counsel, filed on January 9, 2014, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of ICC Reciprocal Compensation

Amendment to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of the United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink, TCG Pittsburgh and TCG New Jersey, Inc. joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 14-221. Filed for public inspection January 24, 2014, 9:00 a.m.]

### Telecommunications

**A-2014-2400149. Windstream Pennsylvania, LLC, Windstream D&E, Inc., Windstream Conestoga, Inc., Windstream Buffalo Valley, Inc. and New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility.** Joint petition of Windstream Pennsylvania, LLC, Windstream D&E, Inc., Windstream Conestoga, Inc., Windstream Buffalo Valley, Inc. and New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Windstream Pennsylvania, LLC, Windstream D&E, Inc., Windstream Conestoga, Inc., Windstream Buffalo Valley, Inc. and New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility, by its counsel, filed on January 10, 2014, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Windstream Pennsylvania, LLC, Windstream D&E, Inc., Windstream Conestoga, Inc., Windstream Buffalo Valley, Inc. and New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 14-222. Filed for public inspection January 24, 2014, 9:00 a.m.]

### Telecommunications Services

**A-2014-2400418, A-2014-2400419, A-2014-2400422, A-2014-2400424, A-2014-2400425, A-2014-2400426 and A-2014-2400427. Lumos Networks of West Virginia, Inc.** Application of Lumos Networks of West Virginia, Inc. for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territories of Armstrong Telephone Company—North, Bentleyville Telephone Company, Citizens Telephone Company of Kecksburg, Hickory Telephone Company, Laurel Highland Telephone Company, Pymatuning Independent Telephone Company and Yukon Waltz Telephone Company.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 10, 2014. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Lumos Networks of West Virginia, Inc.

*Through and By Counsel:* Michael Gruin, Esquire, Steven & Lee Lawyers and Consultants, 17 North Second Street, 16th Floor, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 14-223. Filed for public inspection January 24, 2014, 9:00 a.m.]

### Telecommunications Services

**A-2014-2400630, A-2014-2400712, A-2014-2400713, A-2014-2400714, A-2014-2400715, A-2014-2400716 and A-2014-2400717. Qwest Communications Company, LLC, d/b/a CenturyLink QCC.** Application of Qwest Communications Company, LLC, d/b/a CenturyLink QCC for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territories of Consolidated Communications of Pennsylvania, Frontier Commonwealth Telephone Company, Ironton Telephone Company, Marianna and Scenery Hill Telephone Company, North Eastern Pennsylvania Telephone Company, United Telephone Company of Pennsylvania, d/b/a CenturyLink and Windstream Pennsylvania, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 10, 2014. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Qwest Communications Company, LLC, d/b/a CenturyLink QCC

*Through and By Counsel:* Sue Benedek, Associate General Counsel, Qwest Communications Company, 240 North Third Street, Suite 300, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 14-224. Filed for public inspection January 24, 2014, 9:00 a.m.]

### Telecommunications Services

**A-2014-2400669, A-2014-2400718 and A-2014-2400719. Teleport Communications America, LLC.** Application of Teleport Communications America, LLC for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territories of Consolidated Communications of Pennsylvania, Frontier Commonwealth Telephone Company and Windstream Pennsylvania, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 10, 2014. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Teleport Communications America, LLC

*Through and By Counsel:* Michele Painter, Painter Law Firm, LLC, 13017 Dunhill Drive, Fairfax, VA 22030

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 14-225. Filed for public inspection January 24, 2014, 9:00 a.m.]

# PHILADELPHIA REGIONAL PORT AUTHORITY

## Condensed Statement of Changes in Fund Net Position

June 30, 2013 and 2012

AUDITED

	<i>Year to Date June 30, 2013</i>	<i>Year to Date June 30, 2012</i>
Total Revenues	\$ 9,129,129	\$ 8,932,910
Total Operating Expenses	\$ 34,361,680	\$ 28,491,215
Operating Gain (Loss)	\$ (25,232,551)	\$ (19,558,305)
Net Nonoperating Revenues (Expenses)	\$ 676,100	\$ 11,464
(Loss) Gain Before Capital Grants	\$ (24,556,451)	\$ (19,546,841)
Capital Grants and Appropriations	\$ 42,636,390	\$ 81,896,118
Change in Net Position	\$ 18,079,939	\$ 62,349,277
Net Position, Beginning of Year	\$ 369,791,592	\$ 307,442,315
Net Position, End of Year	\$ 387,871,531	\$ 369,791,592

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 14-226. Filed for public inspection January 24, 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>
David L. and Marilee R. Kiliti 62 Kiliti Road Berwick, PA 18603	Luzerne County/ Salem Township	713.42	Swine	New	Approved
Mason Dixon Farms, Inc. 1800 Mason Dixon Road Gettysburg, PA 17325	Adams County/ Freedom Township	0	Cattle	Amended	Approved
Dale Snader 264 Sunset Drive Fredericksburg, Pa 17026	Lebanon County/ Bethel Township	127.3	Broilers	New	Approved

<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>
Elvin and Lynford Nolt 282 Bloody Spring Road Bernville, PA 19506	Berks County/ Upper Tulpehocken Township	138.5	Broilers, Cattle	New	Approved
Brian Eckman 357 Black Barren Road Peach Bottom, PA 17563	Lancaster County/ Fulton Township	186.4	Broilers	New	Approved
Wingert Farms, Inc.— Heifer Farm 7938 Juniata Valley Pike Alexandria, PA 16611	Huntingdon County/ Porter Township	70.5	Cattle	New	Approved
Walmoore Holsteins, Inc.— Unit 4 2206 Gap Newport Pike West Grove, PA 19390	Chester County/ Londonderry Township	0	Cattle	New	Approved
Leonard Hoover 6188A Old Route 22 Bernville, PA 19506	Berks County/ Upper Tulpehocken Township	288.4	Broilers	New	Approved
Jason Ecenroad 985 Mountain Drive Fredericksburg, PA 17026	Lebanon County/ Bethel Township	192.35	Broilers	New	Approved

GEORGE D. GREIG,  
*Chairperson*

[Pa.B. Doc. No. 14-227. Filed for public inspection January 24, 2014, 9:00 a.m.]







