

# PENNSYLVANIA BULLETIN

Volume 44  
Saturday, November 8, 2014 • Harrisburg, PA  
Number 45  
Pages 7009—7154

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Resources

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

**No. 480, November 2014**

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**BULLETIN**

(ISSN 0162-2137)

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

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

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

#### **Fiscal Notes**

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

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

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# List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 252—ALLEGHENY COUNTY RULES

### ALLEGHENY COUNTY

**Certification of District Attorney of Allegheny County Pursuant to Pa.R.Crim.P. 507; Criminal Division AD-14-#262-CR**

#### Order of Court

*And Now*, to wit, this 9th day of October, 2014, it is hereby *Ordered, Adjudged and Decreed* that the following Allegheny County Rule of Criminal Procedure, adopted by the Board of Judges on the 9th day of October, 2014, shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

#### **Rule 507.4. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth in Felony 1 Robbery and Robbery of Motor Vehicle Cases.**

The District Attorney of Allegheny County, Stephen A. Zappala, Jr., having filed a certification pursuant to Pa.R.Crim.P. 507, criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging Robbery (18 Pa.C.S. § 3701(a)(1)(i), (ii), or (iii)) and Robbery of Motor Vehicle (18 Pa.C.S. § 3702(a)) shall not hereafter be accepted by any judicial officer unless the criminal complaint and arrest warrant affidavit have the approval of an attorney for the Commonwealth prior to filing.

*By the Court*

JEFFREY A. MANNING,  
*President Judge*

[Pa.B. Doc. No. 14-2303. Filed for public inspection November 7, 2014, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### COLUMBIA AND MONTOUR COUNTIES

**Business of the Courts; Case No. 2014-MV-1**

#### Order

*And Now*, this 23rd day of October, 2014, it is hereby *Ordered and Decreed* that this Court's Order dated September 30th, 2014, adopting revisions to the 26th Judicial District's Local Rules effective thirty (30) days after publication in the *Pennsylvania Bulletin*, is *Hereby Rescinded*.

*By the Court*

HONORABLE THOMAS A. JAMES, Jr.,  
*President Judge*

[Pa.B. Doc. No. 14-2304. Filed for public inspection November 7, 2014, 9:00 a.m.]

## SUPREME COURT

**Mr. Justice Seamus P. McCaffery of the Supreme Court of Pennsylvania; No. 430 Judicial Administration Doc.**

#### Order

*Per Curiam*

*And Now*, this 20th day of October, 2014, pursuant to this Court's King's Bench power and in view of the compelling and immediate need to protect and preserve the integrity of the Unified Judicial System and the administration of justice for the citizens of this Commonwealth, Mr. Justice McCaffery is hereby relieved on an interim basis of any and all judicial and administrative responsibilities as a Justice and is not to take any further judicial or administrative action whatsoever in any case or proceeding now or hereinafter pending in this Court until further Order of this Court.

This Order is in light of the following circumstances, which have been the subject of intense media attention and, individually and cumulatively, impact greatly upon the integrity of the judicial system:

The media has published reports containing allegations that: Justice McCaffery may have improperly contacted a Philadelphia traffic-court official in connection with a traffic citation issued to his wife; Justice McCaffery may have acted in his official capacity to authorize his wife to accept hundreds of thousands of dollars in referral fees from plaintiffs' firms while she served as Justice McCaffery's administrative assistant; and Justice McCaffery may have attempted to exert influence over a judicial assignment on the Philadelphia common pleas bench outside the scope of his official duties.

More recently, Justice McCaffery has publicly accepted responsibility for exchanging hundreds of sexually explicit emails with a member or members of the Office of Attorney General, which surfaced in the course of the Attorney General's review of the handling of the Gerald Sandusky investigation. It also appears that emails sent and received by Justice McCaffery were circulated amongst others within the Office of Attorney General. According to the Chief Justice of Pennsylvania's review of some of the emails in question and attachments to them, the material is extremely disturbing. In this regard, the Chief Justice has indicated that some pictures and videos in the emails and attachments depict explicit sexual acts and these and/or others contain highly demeaning portrayals of members of various segments of the population, including women, elderly persons, and uniformed school girls.

Finally, in a report submitted by Justice Eakin to the Judicial Conduct Board, Justice Eakin has asserted that Justice McCaffery importuned him to urge the Chief Justice to retract a statement of his review of the material received from the Attorney General's Office, or, alternatively, materials embarrassing to Justice Eakin would be released to the media.

Within thirty days, the Judicial Conduct Board shall make a determination, on an emergency basis, whether there is or is not probable cause to file formal misconduct

charges against Justice McCaffery concerning any of the above allegations or any other matters which may be pending before the Board in which Justice McCaffery is the subject of complaint or inquiry, or the Board shall issue a public report detailing why it is unable to perform its constitutionally prescribed duties in a timely fashion. If the determination is that probable cause is lacking, the Board shall issue a report to this Court indicating its reasons in support of such determination. The Board is directed to obtain copies of the materials provided by the Office of Attorney General from the Chief Justice of Pennsylvania as soon as possible and to obtain copies of the attachments thereto, as well as any other emails and attachments pertinent hereto not provided to the Chief Justice, from the Office of Attorney General.

This Order shall not affect Mr. Justice McCaffery's judicial compensation and is without prejudice to his entitlement to seek relief in this Court for the purpose of vacating or modifying this Order. This Order is also without prejudice to the ability of the Court of Judicial Discipline to modify the terms of suspension relative to judicial compensation, should formal charges be filed.

The Honorable Robert L. Byer is hereby appointed as special counsel to the Court in this matter.

Mr. Chief Justice Castille files a concurring statement, and Madame Justice Todd files a dissenting statement.

Messrs. Justice Eakin and McCaffery did not participate in this matter.

#### Concurring Statement

*Mr. Chief Justice Castille*

I join in the immediate suspension of Justice Seamus P. McCaffery and the appointment of special counsel for the Court. However, I respectfully would not refer this matter to the Judicial Conduct Board. In our recent case of *In Re: Bruno*, \_\_\_ A.3d \_\_\_, 2014 WL 4915942 (Pa. 2014), this Court agreed that prosaic complaints about judicial misconduct would go to the Judicial Conduct Board for initial review and that this Court would only step in and assume jurisdiction in extraordinary circumstances. In my opinion, the conduct of Justice Seamus P. McCaffery is such a circumstance. The most recent misconduct of Justice McCaffery—forwarding sexually explicit pornographic emails to employees of the Attorney General's Office (and, in one instance, an email depicting a naked 100 year-old woman as the target of a sexually explicit joke and a video of a woman in sexual congress with a snake that is clearly obscene and may violate the Crimes Code Section on Obscenity) has caused the Supreme Court to be held up to public ridicule. This conduct deserves the immediate action as implemented by this Court today. It would be impossible for this Court to function effectively while Justice McCaffery sits on this Court. His so-called "lapse in judgment" lasted, at least, for many years as an adult. It is more than a lapse in judgment—it has caused unmitigated turmoil in the justice system and has indirectly cost several state prosecutors and high ranking state officials their public careers. At least several of those individuals have had the decency to resign, whereas the instigator of the pornographic emails still draws a taxpayer's salary.

Justice McCaffery by his comments fails to acknowledge the significance of his "lapse" and blames others for this "lapse of judgment." He blames the US Marine Corps for coarse language and crude jokes. He blames the US Air Force for the same conduct, even though a Reserve Colonel in the Air Force would have been court martialed for similar conduct. He blames the Philadelphia Police

Department for the same, although the Police Department would never condone this type of misogynistic behavior. Finally, Justice McCaffery blames me for what he deems a "cooked up controversy" when, in fact, he was the originator of the emails sent to a government agency, and the emails were then made public by the Attorney General's Office. This Court and I had no idea whatsoever that Justice McCaffery was using court equipment to forward this material—we do not monitor a Justice's email. This alleged "cooked up controversy" has cost the careers of others and perhaps even several marriages. As importantly, Justice McCaffery's conduct has brought this Court into enormous disrepute.

Justice McCaffery blames me for a series of egregious acts of misconduct on his part. However, it was not I who caused his wife to be cited for driving the wrong way on Market Street. It was not I who caused Justice McCaffery to meet with the main Philadelphia Traffic Court ticket fixer, an admitted felon, to "discuss" his wife's ticket which was then dismissed by a Traffic Court judge who later pled guilty to federal crimes arising from ticket fixing. It was not I who subpoenaed his wife's traffic ticket file which was then officially brought to my attention as part of the review of Philadelphia Traffic Court—that was the work of the FBI. It was not I who gave his wife, a Supreme Court employee, permission to run a law practice out of a Supreme Court chambers, earning millions of dollars. It was not I who referred that matter to the US Attorney's Office. It was not I, but it was Justice McCaffery, who hired Chadwick Associates to assist in reforming Philadelphia's criminal courts and who was lawfully compensated for his services to the Philadelphia Court system for his professional work. Justice McCaffery claims that I targeted him because of his assertions that I mishandled the Luzerne County juvenile court disaster. As a fact, no such opposition was ever voiced by Justice McCaffery until years after the fact; and, in fact, Justice McCaffery joined the Court's unanimous orders respecting Luzerne County. Justice McCaffery never voiced any concern over the planning and construction of the just-opened Family Court Building at 15th and Arch Streets, unless he did so anonymously in the press and by his denigrations of my reputation to others. In fact, Justice McCaffery doubted the building would ever be built. He was wrong.

Justice McCaffery is correct in one of his allegations against me. I have been attempting to remove Justice McCaffery from this Court. In my two decades of experience on this Court, no other Justice, including Justice Joan Orié Melvin, has done as much to bring the Supreme Court into disrepute. No other Justice has failed to live up to the high ethical demands required of a Justice of this Court or has been the constant focus of ethical lapses to the degree of Justice McCaffery.

Lastly, there is the recent report that Justice J. Michael Eakin was being "asked" by Justice McCaffery to have my public report to the citizens concerning the general content of the pornographic emails Justice McCaffery sent to the Attorney General's Office be withdrawn from the public realm, or else Justice McCaffery would see to the release of other emails allegedly implicating Justice Eakin in similar conduct (although as yet not identified). In my opinion, that sort of threat borders on criminal conduct. I can see little reason why Justice Eakin would implicate Justice McCaffery in these threats after Justice Eakin self-reported the email account to the Conduct Board, unless the charged conduct by Justice McCaffery actually occurred. It would seem that this report of possible misconduct by Justice Eakin to the Judicial

Conduct Board now raises an ethical conflict on the Board's part, thereby calling for an independent review of Justice McCaffery's conduct.

Notably, Justice Eakin has stepped forward and has voluntarily asked for a review of the materials released through Justice McCaffery who clearly had knowledge of the content and the provenance of the emails. This is in contrast to the conduct of Justice McCaffery, who continues to blame others for the ethical lapses arising from his own volition and deliberate conduct.

This Court has a scheduled argument session in the week of November 17, 2014. My question will be: How would it be possible for a court of seven members to sit in judgment of matters as the Commonwealth's court of last resort when one Justice has brought this level of public contempt by his own actions and has threatened another Justice to intervene illegally on Justice McCaffery's behalf to change or alter fact-finding in relation to Justice McCaffery's pornographic emails? Of even more import, how can any party or litigant believe their matter will be heard and decided impartially while these scurrilous charges and accusations remain unresolved?

As a prosecutor in the Philadelphia District Attorney's Office, I often had the occasion to review pre-sentence psychiatric reports, although I do not claim to be an expert in the field. One pathology that I do recall, and as confirmed in a review of a prominent medical journal, describes the pathology of an individual who has the personality traits of not caring about others, thinking he or she can do whatever is in that person's own self-interest and having little or no sympathy for others. The most telling pathology is that when that person is caught, or called out for his transgressions, that person does not accept blame but instead blames others for his or her own misconduct. Those pathological symptoms describe a sociopath. So far in the blame game, Justice McCaffery has blamed the US Marine Corps, the US Air Force, the Philadelphia Police Department, Chadwick Associates, the US Attorney and the FBI, Attorney General Kathleen Kane, now Justice Michael Eakin, and myself for the consequences arising from actions all initiated by him, but thought by him to be of little consequence: just a few "cooked up controversies" by his perceived tormentors.

I agree that this Court cannot continue to function while Seamus McCaffery sits as a Justice. There is no way that citizens could have confidence in the moral authority of the Pennsylvania Supreme Court. If we do not have the confidence of our citizenry, all we as a Court do is for nothing. That is why I support the immediate suspension of Justice McCaffery.

While I respect the work of those persons appointed to the Judicial Conduct Board, I am fully aware of the lack of resources and manpower to investigate charges of this unique significance. In the past, this Court has had to loan \$35,000 to the Conduct Board to meet payroll when the Legislature denied the Board's budgetary needs. The AOPC has even had to lend the expertise of our IT department to set up a case management computer program and system when the Board had not had the ability to do so because of a lack of adequate funding. To undertake an investigation of Justice McCaffery's ethical failures will be an enormous effort by the Judicial Conduct Board which I can only hope will be accomplished by the deadlines in this Court's order.

For these reasons, left to my own devices, I would immediately refer this matter to an outside neutral fact-finder for a report and recommendations.

### Dissenting Statement

*Madame Justice Todd*

I strenuously dissent.

It is obvious from recent events that our Court is embroiled in turmoil and needs to act immediately. My disagreement with the majority of the Court is with respect to what action we should take.

The crisis in which we find ourselves is marked by fact-laden accusations, alleged impropriety, and obvious acrimony. This is precisely the type of conflict—perhaps the prototypical conflict—for which the citizens of our Commonwealth, in response to a similar controversy over two decades ago, constitutionally created the independent Judicial Conduct Board and the Court of Judicial Discipline.

While the basis for my position is procedural and I express no view on the merits, there is no question in my mind that this matter, including the question of suspension, should be immediately referred to the Judicial Conduct Board for expedited treatment, and, if appropriate, for trial and resolution by the Court of Judicial Discipline.

Yet, today, based upon unvetted claims and allegations, a majority of our Court, one of whom is deeply involved in this controversy, has suspended a fellow Justice. No independent investigative body has made any findings regarding merits or credibility, and, unlike the suspension of Justice Joan Orié Melvin, no formal criminal proceedings have been instituted.

Every day, this Court is charged with according due process to litigants, and we faithfully carry out that constitutional obligation. Even a Justice is entitled to due process.

[Pa.B. Doc. No. 14-2305. Filed for public inspection November 7, 2014, 9:00 a.m.]

**Mr. Justice Seamus P. McCaffery of the Supreme Court of Pennsylvania; No. 430 Judicial Administration Doc.**

### Order

*Per Curiam*

*And Now*, this 27th day of October, 2014, in light of the retirement of Justice Seamus P. McCaffery as a Justice of the Supreme Court of Pennsylvania, effective immediately, the Court's Order of October 20, 2014, is vacated as moot.

Mr. Justice Eakin did not participate in this matter.

Madame Justice Todd files a Concurring Statement.

### Concurring Statement

*Madame Justice Todd*

As I expressed in my Dissenting Statement to the Court's October 20, 2014 Order, I believe this matter should have been handled in toto and in the first instance by the Judicial Conduct Board. Accordingly, as in my view that Order should not have been entered, I have no objection to the Court vacating that Order today.

[Pa.B. Doc. No. 14-2306. Filed for public inspection November 7, 2014, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CHS. 271, 272, 273, 284, 285, 287, 288 AND 299 ]

#### Regulated Medical and Chemotherapeutic Waste

The Environmental Quality Board (Board) amends Chapters 271, 272, 273, 284, 285, 287, 288 and 299 to read as set forth in Annex A.

The final-form rulemaking amends Chapter 271 (relating to municipal waste management—general provisions) to add and clarify terms and definitions in § 271.1 (relating to definitions). The final-form rulemaking amends Chapter 284 (relating to regulated medical and chemotherapeutic waste) to provide permits-by-rule for: certain processors of regulated medical waste using autoclave, incineration, steam or superheated water, and chemical treatment techniques; generators of regulated medical waste that are processing small quantities of waste; transfer facilities; and organizations that generate regulated medical waste at multiple locations. The amendments to Chapter 284: simplify testing requirements for autoclaves; provide flexibility in both the storage and transportation of regulated medical waste and chemotherapeutic waste; update practices for manifesting, recordkeeping, signage and disinfectant requirements; and delete provisions that are under the jurisdiction of the United States Occupational Safety and Health Administration (OSHA) to eliminate any potential inconsistencies. The amendments to Chapter 284 also provide language that incorporates by reference the United States Postal Service's program for shipping regulated medical waste through the United States Postal Service. The amendments to Chapters 285 and 299 (relating to storage, collection and transportation of municipal waste; and storage and transportation of residual waste) revise signage requirements for transportation vehicles to be consistent with amendments to Chapter 284. Finally, the amendments to Chapters 272, 273, 287 and 288 replace all references to "infectious" waste with "regulated medical" waste to be consistent with amendments to Chapters 271 and 284.

This final-form rulemaking was adopted by the Board at its meeting on July 15, 2014.

#### A. Effective Date

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

#### B. Contact Persons

For further information, contact Ali Tarquino Morris, Bureau of Waste Management, P. O. Box 69170, Rachel Carson State Office Building, Harrisburg, PA 17106-9170, (717) 783-2388; or Susan Despot, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department of Environmental Protection's (Department) web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (select "Public Participation").

#### C. Statutory Authority

This final-form rulemaking is being made under the authority of the following statutes:

The Solid Waste Management Act (SWMA) (35 P. S. §§ 6018.101—6018.1003), which in section 105(a) (35 P. S. § 6018.105(a)) grants the Board the power and the duty to adopt the rules and regulations of the Department to accomplish the purposes and carry out the provisions of the SWMA. Sections 102(4) and 104(6) of the SWMA (35 P. S. §§ 6018.102(4) and 104(6)) provide the Department with the power and duty to regulate the storage, collection, transportation, processing, treatment and disposal of solid waste to protect the public health, safety and welfare.

The act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6), known as the Infectious and Chemotherapeutic Waste Disposal Law (ICWDL), which in section 4(b) (35 P. S. § 6019.4(b)) grants the Board the power and duty to adopt the rules and regulations of the Department to accomplish the purposes and carry out the provisions of the ICWDL.

Section 1917-A of The Administrative Code of 1929 (71 P. S. § 510-17) authorizes and requires the Department to protect the people of this Commonwealth from unsanitary conditions and other nuisances, including any condition that is declared to be a nuisance by any law administered by the Department. Section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20) grants the Board the power and duty to formulate, adopt and promulgate rules and regulations as may be determined by the Board for the proper performance of the work of the Department.

#### D. Background and Summary

The final-form rulemaking represents a comprehensive revision of the Commonwealth's existing infectious and chemotherapeutic waste regulations, which is necessary for several reasons.

The Federal government identifies infectious waste as "regulated medical waste." This final-form rulemaking includes revisions that identify "infectious waste" as "regulated medical waste," making the terminology consistent with Federal requirements. This change in terminology simplifies the labeling requirements on containers that are used to collect, transport, process and dispose of the waste for persons managing regulated medical waste across multiple jurisdictions. This uniform practice reduces the costs borne by generators and other persons managing regulated medical waste because the same containers and labels can be used to satisfy Federal and Commonwealth requirements.

This final-form rulemaking streamlines the transportation and shipment requirements for regulated medical and chemotherapeutic waste in several respects. The amendments allow generators, transporters and those involved in storage, processing and disposal of regulated medical and chemotherapeutic waste to use standard business documentation, including electronic tracking systems, to demonstrate compliance with the regulations instead of prescriptive and outdated paper manifests. A manifest is a document that accompanies a waste shipment and ensures that the waste being shipped is processed or disposed of in the manner intended by the generator. The ICWDL requires that a person who generates, transports, stores, processes or disposes of regulated medical or chemotherapeutic waste use a manifest to

track waste through the shipping process to the disposal facility. The amendments allow for the manifest requirement to be satisfied with a shipping paper, log or electronic tracking system that provides the required information, allowing the generator to track its waste in accordance with current industry practices. The flexibility added to this process is more efficient for all persons managing this waste stream.

In addition, the amendments authorize the transportation of regulated medical waste under the United States Postal Service's program and requirements for shipping medical waste. The existing regulations specifically provide that sharps from small quantity generators may be sent through the mail. However, the amendments broaden this authorization to include other types of regulated medical waste in any amount or volume provided that certain conditions are satisfied, including the mailing standards and other relevant regulations of the United States Postal Service. This provides generators, especially those generating small quantities of medical waste, with an alternative method for transporting and disposing of medical waste.

The amendments also encourage labor and fuel efficiency by removing certain storage and transportation restrictions. The existing regulations limit storage of regulated medical waste at the generation site for a maximum of 30 days from the date that waste was first placed into the container. The amendments allow for generators to store regulated medical and chemotherapeutic waste for up to 30 days from the date that the container is full or the date the generator seals the container, whichever occurs earlier. These revisions promote more efficient business practices by eliminating the requirement to transport lightly or partially filled containers every 30 days. These final-form regulations allow generators to completely fill containers and only ship when necessary, which results in a cost savings for the generators.

The amendments allow haulers to transport containerized regulated medical waste and chemotherapeutic waste along with other containerized wastes in the same vehicle. This reduces the number of trips needed to transport waste from generators that have both regulated medical waste and other waste streams which require disposal, provided that the transportation can be done in a manner that does not adversely affect public health and safety or the environment.

The amendments delete provisions that relate to areas governed by OSHA. This removes the possibility that provisions may be inconsistent or duplicative of OSHA requirements, but in no way affects the applicability of OSHA requirements to persons within this Commonwealth.

Finally, in response to public comments, the Department made several revisions to accommodate the unique activities conducted at facilities engaged in the research and development or production of vaccines and other biologics, hereinafter referred to as "biologics facilities." Biologics facilities generate large quantities of cultures, containers and other wastes that have come into contact with vaccine components, such as live attenuated preparations of viruses, inactivated whole or subunit virions, purified recombinant proteins or synthetic antigens. The former infectious and chemotherapeutic waste regulations defined these materials as "infectious waste" because the materials have come in contact with "infectious agents," which is defined as "an organism, such as a virus or bacteria, that is capable of being communicated by inva-

sion and multiplication in body tissues and capable of causing disease or adverse health impacts in humans."

The Department recognizes that improvements in practices and technologies employed in biologics facilities have increased the safety of vaccine viruses so that many vaccine agents that were once infectious have been attenuated to the point that they are no longer capable of being communicated by replication or invasion in healthy humans. The Department also recognizes that the wastes generated by biologics facilities are unlike the wastes generated at hospitals, clinics and patient care facilities, and biologics facilities are subject to additional standards imposed by Federal governmental agencies that ensure a high level of protection for public health and safety. The United States Environmental Protection Agency in the Medical Waste Tracking Act of 1988 has excluded from regulation as regulated medical waste those materials that do not pose an appreciable risk of causing disease, including materials classified as Biosafety Level (BSL) 1, citing the Centers for Disease Control's (CDC) *Biosafety in Microbial and Biomedical Laboratories* (BMBL), as guidance in this determination. The CDC defines BSL-1 as "the basic level of protection and is appropriate for agents that are not known to cause disease in normal, healthy humans." Therefore, the Board amended the definitions of "infectious agents" and "infectious waste" in § 271.1 to exclude agents classified as BSL-1 by a biologics facility and wastes, mixtures of wastes and cell lines from biologics facilities where no agent in the waste is classified as BSLs 2—4 as determined by the CDC's BMBL. In addition, plasticware generated by biologics facilities that has not been in contact with agents classified as BSLs 2—4 as determined by the CDC's BMBL has been excluded from the category "used sharps" in the definition of "infectious waste."

#### E. *Summary of Changes to the Proposed Rulemaking*

The following outlines the regulatory requirements that have been amended in the final-form rulemaking and describes the basis for the amendments.

The term "sharps" has been deleted and its provisions incorporated into the definition of "used sharps" under the definition of "Infectious waste." All references to "sharps" have been replaced with "used sharps" throughout Chapters 271, 272, 273, 284, 285, 287, 288 and 299.

#### § 271.1. *Definitions*

The definition of "infectious agent" has been amended to exclude agents classified as BSL-1 by a biologics facility as determined by the protocols in the CDC's BMBL.

In the final-form rulemaking, the definition of "regulated medical waste" is "infectious waste" and thereby incorporates the existing definition of "infectious waste." The following changes have been made to the definition of "infectious waste" in the final-form rulemaking:

- The category of "cultures and stocks" has been reformatted for clarity and amended to add the term "cell lines." Clarification on residues in emptied containers has also been added. In the final-form rulemaking, a determination is made on whether a container is empty by applying the criteria in 40 CFR 261.7(b)(1) or (2) (relating to residues of hazardous waste in empty containers).
- The proposed exclusion of certain preserved tissues from the category of "pathological wastes" was deleted in the final-form rulemaking.
- In the category of "animal wastes," the proposed deletion of "during research" was reinstated in the final-form rulemaking.

- The definitions of “sharps” and “used sharps” were combined in the final-form rulemaking. Used sharps are no longer limited to those generated at medical, research or industrial laboratories. The term now excludes broken or unbroken plasticware generated at biologics facilities where no agent in the waste is classified as BSLs 2—4 as determined by the protocols established in the most recent edition of the CDC’s BMBL.

- Subparagraph (iii)(L) has been added to the exceptions provided under the definition of “infectious waste” and applies to wastes, mixtures of wastes and cell lines from biologics facilities that produce or conduct research and development of vaccines or other biologics, provided no agent in the waste is classified as BSLs 2—4 in accordance with the most recent edition of CDC’s BMBL.

The term “regulated medical waste aggregation facility” has been renamed “regulated medical and chemotherapeutic waste aggregation facility,” and the definition of the term has been amended to include facilities that accept, aggregate or store chemotherapeutic waste.

The definition of “sharps” has been incorporated into the category of “used sharps” under the definition of “infectious waste.”

The reference to “sharps” in the definition of “unrecognizable regulated medical waste” has been changed to “used sharps” in the final-form rulemaking.

#### § 271.101. Permit requirement

Subsection (b)(5) is amended in this final-form rulemaking to change “facility” to “facilities.”

#### § 271.114. Transition period

The former regulation established a time frame for waste disposal facilities authorized to operate under a permit that was issued by the Department prior to December 23, 2000, to comply with radioactive material monitoring and detection requirements which became effective on December 23, 2000. These facilities were required to modify their permits in accordance with this section by December 23, 2002. All the dates provided for compliance with this section have passed. Therefore, the section is no longer necessary and has been rescinded.

#### § 272.532. Limitations on acceptable waste

Subsection (a)(2) is amended in this final-form rulemaking to specify that regulated medical waste, hypodermic needles and syringes may not be accepted at a household hazardous waste collection event.

#### § 273.511. Processed regulated medical waste disposal

A typographical error is corrected in subsection (a).

Subsection (d) is reworded for clarity and unused hypodermic needles or syringes are added.

#### § 284.2. Permits-by-rule for regulated medical or chemotherapeutic waste processing facilities; qualifying facilities; general requirements

In subsection (a)(4), “infectious waste” and “medical waste” have been replaced with “liquid blood and body fluids” for clarity. Subsection (a)(4)(iii) has been added to clarify that chemotherapeutic waste may not be processed under this subsection.

In subsection (a)(5), a requirement to maintain regulated medical and chemotherapeutic waste in a manner that does not attract vectors was added for consistency with other changes made uniformly throughout the final-form rulemaking.

In subsection (b)(2), the term “manifest” has been changed to “log and shipping paper” to mirror the changes made to § 284.701(b)(5) (relating to scope).

Subsection (c)(8) was amended in the final-form rulemaking to delete “manifested” and “manifesting” to reflect the changes made to the heading of Chapter 284, Subchapter H (relating to tracking of regulated medical and chemotherapeutic waste).

#### § 284.3. Regulated medical or chemotherapeutic waste aggregation facilities

Chemotherapeutic waste has been added throughout this section, including the section’s heading, to maintain consistency with the amendments to the definition of “regulated medical and chemotherapeutic waste aggregation facilities” in § 271.1.

In subsection (c), “generator” has been replaced with “operator” for clarity.

#### § 284.111. Application for general permit

In subsection (b)(3)(viii), “infectious” has been changed to “regulated medical” in accordance with the changes that have been applied uniformly throughout the final-form rulemaking.

#### § 284.121. Contents of general permits

In paragraph (8), “manifest” has been changed to “log or shipping paper” in accordance with the changes that have been applied uniformly across the final-form rulemaking. “Manifesting for” has been replaced with “tracking of” to maintain consistency with the changes made to the heading of Chapter 284, Subchapter H.

#### § 284.122. Waiver or modification of certain requirements

The phrase “waiver or modification” in the section heading has been reinstated in the final-form rulemaking.

In subsection (b), the proposed deletion of “waiver or” and the mandatory provisions regarding the Department’s legal right to enter the permitted area, the identification of interested parties, compliance information, verification of the application, and the administration of civil penalties and enforcement actions were not adopted in the final-form rulemaking. Therefore, these provisions remain mandatory.

#### § 284.131. Authorization for persons or municipalities to be included in a general permit

In subsection (c), “must” has been added to correct a typographical error.

#### § 284.230. Storage requirements

This section has been added to clarify that a transfer facility may store regulated medical or chemotherapeutic waste for up to 72 hours provided that the waste remains in its original packaging, is not putrescent and does not attract vectors. This section maintains consistency with § 284.2(a)(5) (relating to permits-by-rule for regulated medical or chemotherapeutic waste processing facilities; qualifying facilities; general requirements) for transfer facilities operating under a permit-by-rule and the changes applied uniformly to the final-form rulemaking.

#### § 284.321. Regulated medical waste monitoring requirements

In subsection (g), “after disinfection” has been deleted for clarity.

Subsection (n) was reorganized and revised in the final-form rulemaking to require autoclave validation at a frequency specified by the manufacturer of the autoclave.

Language was added to subsection (n)(2) to clearly state when the autoclave validation procedure shall be performed.

Proposed subsection (n)(3) was deleted in the final-form rulemaking because the requirement to repeat the autoclave validation procedure at a frequency specified by the manufacturer of the autoclave was incorporated into subsection (n). The requirement to repeat the autoclave validation procedure annually was deleted from the final-form rulemaking.

Proposed subsection (n)(4) was deleted to eliminate the ambiguity of the phrases “significant change” and “problem is evident.” Specific language regarding when the autoclave validation procedure shall be performed was added to subsection (n)(2) in the final-form rulemaking.

Alternate disinfection requirements for biologics facilities that produce or conduct research and development of vaccines have been established in subsections (p) and (q) to allow these facilities, under certain conditions, to utilize alternate disinfection protocols that are specific to the infectious agent or organism present in a facility’s waste.

#### § 284.322. Autoclave validation testing requirements

Paragraph (8) was added to allow biologics facilities that satisfy the requirements of § 284.321(p) (relating to regulated medical waste monitoring requirements) to establish and validate autoclave operating parameters and residence times based on the requirements determined by the institutional biosafety committee or independent certified biosafety professional, or both, which are specific to the infectious agent or organism present in a facility’s waste.

#### § 284.411. Segregation

The term “used” has been added to subsection (b) to be consistent with changes made to the definition of “sharps” and “used sharps” in § 271.1.

Provisions for bags storing chemotherapeutic waste have been moved from subsection (c) to subsection (d) and “pathological waste” has been added to subsection (c).

Subsection (d) has been added to include requirements for bags storing chemotherapeutic waste and provide flexibility in the colored bag requirements for generators who process chemotherapeutic waste onsite.

#### § 284.412. Basic storage requirements

Language has been added to subsection (b) to clarify that containers in enclosures shall be maintained in accordance with § 284.413 (relating to storage containers) and in a manner that minimizes human exposure and vectors.

Subsection (c) has been amended to clarify that regulated medical or chemotherapeutic waste may not be commingled with other wastes in the same container.

For clarity, subsection (d) was revised in the final-form rulemaking to allow regulated medical and chemotherapeutic waste that has been sorted and separately containerized to be stored in the same location as municipal waste, including on a cart.

#### § 284.413. Storage containers

In subsection (a), “and” has been replaced with “or.”

Language has been added to subsection (a)(1) to clarify that containers holding regulated medical or chemotherapeutic waste must be leakproof on the sides and bottom and maintained in an upright position.

In subsection (d)(2), “bag” has been replaced with “bags.”

#### § 284.414. Marking of containers

Subsection (a) has been reworded for clarity.

Final-form subsection (a)(2) and (3) extends the transition period for generators and transporters to comply with the revised container marking requirements from 1 year to 2 years after the effective date of the final-form rulemaking.

The proposed language in subsection (a)(5) regarding a record of the date on which a roll-off was full or sealed to be maintained at the generating facility was moved to subsection (b)(4).

In the final-form rulemaking, subsection (a)(6) was added to clarify that the requirement to label containers with the name, address and telephone number of the generator only applies when waste is transported offsite. For onsite transportation of waste within the same geographical property or facility (such as within a hospital campus), it is no longer necessary for generator and transporter information to be placed on the containers.

Subsection (b) was added to the final-form rulemaking to allow a vehicle or conveyance to serve as the outermost container of regulated medical or chemotherapeutic waste for labeling purposes, rather than labeling each container within the vehicle or conveyance. However, the conditions in subsection (b) must be satisfied and include the requirement that the waste is from a single generator and the vehicle or conveyance is transported offsite every 30 days. Subsection (b)(3) was added to specify that the requirements of § 284.513 (relating to transportation of regulated medical and chemotherapeutic waste; additional provisions) apply if the outermost container of regulated medical or chemotherapeutic waste is a vehicle or conveyance, including a roll-off.

#### § 284.415. Duration of storage of regulated medical and chemotherapeutic waste for generators

The section heading and language throughout the section have been amended to clarify that the requirements also apply to chemotherapeutic waste.

Proposed subsection (a) was deleted because the language duplicates the requirement of § 284.414(a)(5) and (b)(4) (relating to marking of containers).

#### § 284.416. Duration of storage of regulated medical and chemotherapeutic waste for processors

The section heading and language throughout the section have been amended to clarify that the requirements also apply to chemotherapeutic waste.

The storage temperatures in paragraph (1) have been deleted and replaced with “ambient temperature.” Language requiring the waste to be immediately transported offsite if it becomes putrescent or attracts vectors has also been added.

The storage temperature in paragraph (2) was added to correct an error in the proposed language.

#### § 284.511. Transportation of ash residue from regulated medical or chemotherapeutic waste incineration

A typographical error was corrected in subsection (d).

#### § 284.512. Transportation of regulated medical and chemotherapeutic waste; general provisions

A cross-reference to § 284.414(b) has been added to subsection (c)(1)(v).



Subsection (e) clarifies that separately containerized regulated medical or chemotherapeutic waste may be transported in the same vehicle as containerized municipal waste. For clarity, proposed language prohibiting transportation of regulated medical or chemotherapeutic waste in the same vehicle with residual waste has been deleted from the final-form rulemaking.

In subsection (g), chemotherapeutic waste and a requirement that wastes may not attract vectors has been added to maintain consistency with other changes that have been made uniformly in the final-form rulemaking.

§ 284.513. *Transportation of regulated medical and chemotherapeutic waste; additional provisions*

In subsection (b), “or conveyances” has been added to maintain consistency with other transportation requirements referenced throughout Articles VIII and IX (relating to municipal waste; and residual waste management).

Subsection (b)(3) and (4) was added to establish a transition period for transporters to comply with the required signage for vehicles transporting regulated medical waste.

Subsection (d) has been revised to clarify that the cargo area of vehicles transporting regulated medical or chemotherapeutic waste shall be cleaned weekly to ensure that the surfaces of vehicles which are most likely to become contaminated with infectious agents are cleaned on a routine basis.

§ 284.602. *License requirement*

In subsection (a)(3), “manifesting” has been changed to “log and shipping paper” in accordance with the changes that have been applied uniformly across the final-form rulemaking.

§ 284.623. *Conditions of licenses*

In subsection (c), “drivers” has been replaced with “haulers” for clarity and to accommodate industry’s current business practices.

§ 284.632. *Regulated medical or chemotherapeutic waste discharges or spills*

In subsection (c), “manifests” has been changed to “logs or shipping papers” in accordance with the changes that have been applied uniformly to the final-form rulemaking.

*Chapter 284, Subchapter H. Tracking of regulated medical and chemotherapeutic waste*

In the final-form rulemaking, logs or shipping papers, including electronic tracking systems, are recognized as acceptable ways of tracking shipments of regulated medical or chemotherapeutic waste. For clarity, “manifesting for” has been replaced with “tracking of” in the heading of Chapter 284, Subchapter H.

§ 284.711. *Use of logs or shipping papers*

The reference to “manifest” in the section heading was replaced with “logs or shipping papers” in accordance with changes made uniformly to the final-form rulemaking.

§ 284.712. *Preparation of logs or shipping paper*

The reference to “manifest” in the section heading was replaced with “logs or shipping papers” to maintain consistency with the change in terminology that has been applied uniformly to the final-form rulemaking.

Subsection (a)(5) was proposed to be deleted. The intent of this paragraph was added to the final-form rulemaking as subsection (a)(4) to require generators and transport-

ers of regulated medical or chemotherapeutic waste to use waste codes on logs or shipping papers. The applicable waste codes have been added in the final-form rulemaking.

In subsection (c), “manifest” has been replaced with “logs or shipping papers” to reflect the change made to the heading of § 284.722.

§ 284.722. *Preparation and use of logs or shipping papers*

The reference to “manifest” in the section heading was replaced with “logs and shipping papers” in accordance with changes that have been applied uniformly to the final-form rulemaking.

The use of electronic signatures or a stamped signature of an authorized representative has been added to subsection (a) as acceptable means of acknowledging that waste has been accepted on logs or shipping papers.

Language requiring a log or shipping paper to also be delivered to a subsequent transporter has been added to subsection (e).

§ 284.731. *Scope*

“Manifest” has been changed to “logs and shipping papers” in accordance with changes that have been applied uniformly to the final-form rulemaking.

§ 284.732. *Use of logs or shipping papers*

The reference to “manifest” in the section heading was replaced with “logs or shipping papers” to maintain consistency with the change in terminology that has been applied uniformly to the final-form rulemaking.

The use of electronic signatures or a stamped signature of an authorized representative on logs or shipping papers has been added to subsection (b)(3) as acceptable means of acknowledging that waste has been accepted.

§ 299.220. *Signs on vehicles*

The proposed deletion of subparagraph (2)(i) was not adopted in the final-form rulemaking to maintain consistency with the signage requirements in § 285.218 (relating to signs on vehicles).

*F. Summary of Comments and Responses on the Proposed Rulemaking*

The proposed rulemaking was adopted by the Board on April 16, 2013, and published at 43 Pa.B. 4858 (August 24, 2013). During the comment period, seven commentators provided comments to the Board on the proposed rulemaking, including the Independent Regulatory Review Commission (IRRC). The comments received on the proposed rulemaking are summarized in this section and are addressed in a Comment and Response Document which is available from the Department.

*General*

Several commentators suggested that all references to “manifests” be replaced with “logs or shipping papers” for consistency, including references in section headings. The Board replaced “manifest” with “logs or shipping papers” throughout Article VIII in the final-form rulemaking.

§ 271.1. *Definitions*

Commentators representing biologics facilities provided pertinent information on their unique activities, asserting that biologics facilities are highly regulated by the United States Food and Drug Administration, the CDC and the National Institutes of Health, which impose stringent requirements and mandate practices to ensure the purity and safety of vaccine products. Therefore, commentators

recommended amendments that would include provisions which are applicable only to biologics facilities and afford biologics facilities consideration of their unique circumstances.

In its comments on the proposed rulemaking, IRRC asked the Board to consider the reasonableness of the requirements as they relate to biologics facilities, as well as the fiscal or economic impact of the final-form rulemaking. The Department worked cooperatively with representatives of the impacted biologics facilities during the development of the final-form rulemaking and was able to incorporate revisions into the final-form rulemaking that satisfy the comments submitted on behalf of the biologics facilities and maintain a high level of protection for public health and the environment.

The Board recognizes that improvements in practices and technologies employed in biologics facilities have increased the safety of vaccine viruses so that many vaccine agents that were once infectious have been attenuated to the point that they are no longer capable of being communicated by replication or invasion in healthy humans. Furthermore, biologics facilities shall follow biosafety guidelines set forth by the CDC and the National Institutes of Health which require the facilities to classify infectious agents into one of four biosafety levels based on the risk that the agents pose. According to the CDC's guidelines, BSL-1 agents are those that do not pose a risk of disease and do not require special handling or precautions and, therefore, do not warrant additional management requirements that are imposed on materials subject to the definition of "infectious waste." In response to the comments received, the Board amended the definitions of "infectious agents" and "infectious waste" in § 271.1 to exclude agents classified as BSL-1 by a biologics facility and wastes, mixtures of wastes and cell lines from biologics facilities where no agent in the waste is classified as BSLs 2–4 as determined by the CDC's BMBL. In addition, plasticware generated by biologics facilities that has not been in contact with agents classified as BSLs 2–4 as determined by the CDC's BMBL has been excluded from the category "used sharps" in the definition of "infectious waste."

In response to questions raised by commentators concerning how the Board defines "residue in emptied containers," in the definition of "infectious waste" under the category of "cultures and stocks," the Board incorporated the criteria of 40 CFR 261.7(b)(1) or (2) in the final-form rulemaking to determine whether or not a container is empty.

Several commentators expressed that the proposed exclusion in the category of "pathological wastes" under the definition of "infectious waste" required clarification on whether preserved tissues, if excluded from the category "pathological wastes," would also be excluded from the definition of "infectious waste," and, therefore, considered municipal waste for waste management purposes. Commentators also questioned whether autoclave facilities can process preserved tissues under the proposed rulemaking, since those items would no longer be considered pathological wastes. Since agents used to preserve tissues can volatilize during autoclaving, processing these materials can pose a threat to worker safety. In response to these comments, the Board did not adopt the proposed amendments in the final-form rulemaking and, therefore, preserved tissues will remain subject to the definition of "pathological wastes."

The Board received a comment on the definitions of "sharps" and "used sharps," which are existing definitions

that were proposed to be amended slightly in the proposed rulemaking. The commentator noted that having two definitions is confusing since only "used sharps" are managed as regulated medical waste and "sharps" are managed in the same manner as other municipal waste. Therefore, the definition of "sharps" was combined into the category of "used sharps" under the definition of "infectious waste" in the final-form rulemaking.

#### § 284.122. Waiver or modification of certain requirements

In response to a question submitted by IRRC concerning the proposed deletion of language in § 284.122 (relating to waiver or modification of certain requirements) regarding the legal right of the Department to enter the permitted area, the identification of interested parties, compliance information, verification of an application and the administration of civil penalties, the Board did not adopt the proposed amendment, thereby withdrawing the amendment to this section. The requirements of § 284.122 will remain mandatory provisions.

#### § 284.321. Regulated medical waste monitoring requirements

Several commentators requested revisions to or clarification of § 284.321. Commentators requested the deletion of the proposed requirement of § 284.321(n)(3) to repeat the autoclave validation procedure at least once per year, citing that it is not standard industry practice to regularly validate an autoclave. In the final-form rulemaking, the Board did not adopt the proposed language requiring an annual autoclave validation and deleted proposed § 284.321(n)(3). However, the Board maintained the requirement to repeat the autoclave validation procedure at an ongoing frequency specified by the manufacturer of the autoclave in § 284.321(n).

In its comments on the proposed rulemaking, IRRC expressed that in § 284.321(n)(4) use of the phrase "when a significant change in the waste stream occurs or a problem is evident" does not set clear compliance standards for the regulated community and asked the Board to define the phrases or provide examples. In the final-form rulemaking, the Board deleted proposed § 284.321(n)(4) and added language to § 284.321(n)(2) to clarify for the regulated community when the autoclave validation testing requirements of § 284.322 (relating to autoclave validation testing requirements) shall be performed.

A commentator representing biologics facilities requested that additional provisions be added to §§ 284.321 and 284.322 to allow biologics facilities to employ alternate disinfection protocols that are specific to the infectious agents present in the waste generated. IRRC also expressed that the disinfection requirements of the proposed rulemaking may be unnecessarily onerous when applied to the waste streams of biologics facilities, and asked the Board to explain how the provisions are reasonable and necessary for biologics facilities. Recognizing that the wastes generated from a vaccine manufacturing process consist of a single infectious agent that is a known, well-characterized component of a vaccine or other biologic, and biologics facilities are subject to additional standards imposed by Federal governmental agencies that ensure a high level of protection for public health and safety, the Board provided flexibility for biologics facilities to utilize alternate disinfection techniques in the final-form rulemaking, provided that certain criteria are met. These additional provisions are in §§ 284.321(p) and (q) and 284.322(8).

§ 284.411. *Segregation*

Commentators representing biologics facilities also expressed that under proposed § 284.411(a) (relating to segregation), regulated medical (infectious) and chemotherapeutic wastes shall be segregated when discarded. Biologics facilities conduct research by intentionally combining infectious and chemotherapeutic agents, making it unfeasible to segregate those materials when discarded. The commentators requested that an exception be provided in the final-form rulemaking relieving biologics facilities engaged in this research from the requirement to segregate regulated medical and chemotherapeutic waste. However, the regulations do not require that mixtures of infectious and chemotherapeutic agents be separated from each other when discarded. Rather, mixtures of infectious and chemotherapeutic waste shall simply be managed as chemotherapeutic waste when discarded. Therefore, the exception proposed by the commentator was not adopted in the final-form rulemaking.

To address the concerns raised by commentators regarding the segregation requirements of § 284.411(a), the Board added language to § 284.411 to allow flexibility for facilities that are processing chemotherapeutic waste onsite in a captive incinerator operating in accordance with the permit-by-rule provisions in § 284.2, or in accordance with a permit authorized by the Department. The additional language alleviates the prescriptive colored bag requirements for onsite processing of chemotherapeutic waste since those requirements are only necessary when chemotherapeutic waste is transported to an offsite processing facility where it is handled by workers who are unfamiliar with its contents.

§ 284.412. *Basic storage requirements*

Several commentators who represented transporters of regulated medical and chemotherapeutic waste submitted comments regarding § 284.412 (relating to basic storage requirements). Existing regulatory language addressing requirements for enclosures used for the storage of regulated medical and chemotherapeutic waste was relocated from § 284.411(b) to § 284.412(b) in the proposed rulemaking. Commentators expressed that the statement in proposed § 284.412(b) requiring exhaust air from storage areas to be ventilated to minimize human exposure is too broad and recommended that the statement be replaced with “Containers in enclosures must be maintained in a closed upright position when not in use in the storage areas to minimize exposure and vectors.” The Board adopted language similar in the final-form rulemaking, to that recommended by the commentators, but the Board did not eliminate the requirement to ventilate exhaust air from the storage area, as suggested by the commentators. The Board believes that it is important to ensure that some ventilation in waste storage areas is required and that the requirement has not been problematic in the implementation of this provision.

§ 284.412. *Basic storage requirements*

§ 284.512. *Transportation of regulated medical and chemotherapeutic waste; general provisions*

Commentators expressed that the use of “commingled” in proposed § 284.412(c) and § 284.512(e) (relating to transportation of regulated medical and chemotherapeutic waste; general provisions) may cause confusion for the regulated community. The language of the proposed rulemaking may be construed in different ways and does not clearly address whether regulated medical or chemothera-

peutic waste may be stored near or transported with other types of waste provided that it does not become commingled in the same container. The intention of the Department is to allow other wastes to be stored in the same area and transported in the same vehicle as regulated medical and chemotherapeutic wastes, but prevent the mixing of unconsolidated regulated medical or chemotherapeutic wastes with unconsolidated municipal waste in the same container. For clarity, the Board revised § 284.412(c) in the final-form rulemaking to state that regulated medical and chemotherapeutic waste may not be commingled with other wastes in the same container. Likewise, the Board revised § 284.512(e) in the final-form rulemaking to state that separately containerized regulated medical and chemotherapeutic waste may be transported in the same vehicle as containerized municipal waste.

In response to questions raised by commentators concerning the manner in which generators may move regulated medical, chemotherapeutic and municipal waste onsite, the Board revised § 284.412(d) to clarify that sorted and separately containerized regulated medical or chemotherapeutic waste may be stored in the same location, including on a cart.

§ 284.413. *Storage containers*

Several commentators who represented the waste transportation industry requested that the container requirements of § 284.413(a)(1) be revised to require containers of regulated medical or chemotherapeutic waste to be leakproof on the sides and bottom only provided that the containers are maintained in an upright position. The modification will align the Pennsylvania requirements with United States Department of Transportation requirements regarding the transportation of regulated medical or chemotherapeutic waste. Therefore, the Board adopted the change in the final-form rulemaking.

§ 284.414. *Marking of containers*

§ 284.513. *Transportation of regulated medical and chemotherapeutic waste; additional provisions*

§ 284.724. *Transportation limitations*

Several commentators representing transporters of regulated medical and chemotherapeutic waste requested that the transition period for compliance with the amended container marking requirements of § 284.414 and § 284.724(a)(2) (relating to transportation limitations), and vehicle signage requirements of § 284.513(b), respectively, be extended from 1 year, as provided in the proposed rulemaking, to 2 years. The Board adopted the extended transition period in the final-form rulemaking to provide generators and transporters with 2 years from the effective date of this final-form rulemaking to appropriately mark all containers and vehicles.

Commentators questioned whether the requirement in § 284.414(a)(5) to label containers of regulated medical or chemotherapeutic waste with the date the container is full or sealed, whichever occurs earlier, is the responsibility of the generator or the transporter and expressed that § 284.724(a)(2) specifies that transporters may not accept waste that is not properly labeled. The commentators note that when trailers are loaded by the generator, the transporter may not be able to inspect all the containers to ensure compliance with § 284.724(a)(2). Section 284.414 was revised to include labeling provisions that apply when waste from a single generator is placed in a vehicle or conveyance, including a roll-off, provided that

the vehicle or conveyance is transported offsite every 30 days. This amendment provides flexibility by allowing generators and transporters under certain conditions to label the vehicle or conveyance with required information instead of labeling each individual container inside the vehicle or conveyance. The amendment aligns the Pennsylvania container marking requirements with the regulations imposed by the United States Department of Transportation regarding marking of containers for the transportation of regulated medical and chemotherapeutic waste.

When the waste in a vehicle or conveyance is not from a single generator, the Board believes that the responsibility for marking containers in accordance with § 284.414 belongs to the generator and the transporter. The transporter should, to the extent possible, ensure that containers of regulated medical or chemotherapeutic waste are labeled in accordance with this section prior to transporting the containers and refuse to accept waste that is not properly labeled. The Board recognizes that in some cases, when the generator preloads trailers of waste, it is impractical for the transporter to inspect containers that are located in portions of the trailer which are not amenable to inspection. However, the Board expects generators to ensure that containers are labeled in accordance with § 284.414 to the extent that visual inspection of the containers is possible.

Several commentators requested clarification on the requirement of § 284.513(d) to clean surfaces of vehicles that have not been in direct physical contact with regulated medical or chemotherapeutic waste on a weekly basis. In the final-form rulemaking, the Board amended § 284.513(d) to specify that the cargo area of vehicles used to transport regulated medical or chemotherapeutic waste shall be cleaned weekly to ensure that the vehicle surfaces which are most likely to be contaminated with infectious or chemotherapeutic agents be cleaned on a routine basis.

*§ 284.416. Duration of storage of regulated medical and chemotherapeutic waste for processors*

Several commentators requested that the temperature range given in § 284.416 (relating to duration of storage of regulated medical and chemotherapeutic waste for processors) for storing unrefrigerated regulated medical or chemotherapeutic waste be replaced with a general standard that waste may be stored for 72 hours at ambient temperature, provided that the waste is not putrescent and does not attract vectors. The Board adopted the requested language in the final-form rulemaking.

*§ 284.512. Transportation of regulated medical and chemotherapeutic waste; general provisions*

In its comments on the proposed rulemaking, IRRC asked the Board to explain how the proposed deletion of strength and weight requirements on corrugated fiberboard containers in § 284.512(c)(1)(iv) is protective of public health, safety and welfare. The Board does not believe that the regulations must contain a standard prescriptive strength or weight limit for corrugated fiberboard containers to transport regulated medical and chemotherapeutic waste. Rather, the Board believes that a general performance standard, such as that provided in §§ 284.413(a) and 284.512(c)(1)(iv), is sufficient. This standard requires that containers being used to transport regulated medical and chemotherapeutic waste be “[s]ufficient in strength to prevent puncturing, tearing or bursting during transportation.”

The amendments to § 284.512(c)(1)(iv) eliminate prescriptive strength and weight limits for corrugated fiberboard containers since those limits only apply to corrugated fiberboard containers, but waste may be transported in other types of containers, such as plastics or metal. However, there are not standard strength and weight limits for nonfiberboard containers that could be referenced in this regulation. The Board believes that it is necessary for this regulation to address all types of containers and has provided a consistent performance standard for each type.

Furthermore, the inclusion of prescriptive requirements for fiberboard containers does not guarantee that the performance standard will be satisfied. Even if the prescriptive standards were followed, the containers may still be punctured, torn or burst through mishandling, misuse or other circumstances during the handling of these containers. The Board believes that general performance requirements provide a clear standard for transporters and will eliminate any uncertainty that may result in an enforcement action. In addition, this type of performance standard is commonly used in the Board's regulations, where it is useful to provide the regulated industry flexibility in compliance and where industry standards evolve over time.

*§ 284.623. Conditions of licenses*

At the request of commentators representing the waste transportation industry, the Board amended § 284.623(c) (relating to conditions of licenses) in the final-form rulemaking to clarify that a license to transport regulated medical and chemotherapeutic waste may not be transferred to subcontracted haulers and haulers who provide their own equipment without prior written approval of the Department. The amendment allows transporters authorized by the Department to transport regulated medical and chemotherapeutic waste to utilize temporary or subcontracted drivers without obtaining prior written approval from the Department.

*§ 284.634. Annual report*

*§ 284.712. Preparation of logs or shipping papers*

Commentators noted that in § 284.634(b)(2) (relating to annual report) the quantity of each type of regulated medical or chemotherapeutic waste shall be included in the transporter's annual report. However, the requirement to track the type of waste being transported on logs or shipping papers was proposed to be deleted in § 284.712(a)(5) (relating to preparation of logs or shipping papers). Therefore, the Board added the language from § 284.712(a)(5) to § 284.712(a)(4) in the final-form rulemaking, maintaining the requirement for generators to include the type of waste being transported on logs or shipping papers. By including the waste code on the logs or shipping papers, transporters may continue to include this information in their annual reports, and the Department is able to ensure that regulated medical and chemotherapeutic wastes are processed or disposed of at facilities authorized to accept the waste.

*§ 284.732. Use of logs or shipping papers*

At the request of several commentators, the Board included the use of electronic and stamped signatures as acceptable forms of acknowledging that waste has been received on logs or shipping papers in final-form § 284.732(b)(3) (relating to use of logs or shipping papers).

§ 284.734. *Significant discrepancies*

Several commentators who represented the waste transportation industry recommended revisions to § 284.734(b) (relating to significant discrepancies) regarding the manner in which significant discrepancies between the quantity of waste shipped and the quantity of waste listed on the log or shipping paper are handled. In the proposed rulemaking, when a significant discrepancy exists, the processor shall attempt to reconcile the discrepancy prior to processing or disposing of the waste. The Board recognizes that there are instances when the waste is being processed as it is off-loaded and, therefore, operators at the processing facility may not realize that a discrepancy exists until some or all of the waste has been processed. However, if the waste is no longer available for evaluation, it is unrealistic that the discrepancy could be reconciled. The Board believes that once a discrepancy is identified by the processor, processing of the waste should be stopped, and the remaining waste should be held while the processor attempts to reconcile the discrepancy with the generator. Therefore, the language suggested by the commentator was not included and the amendments to § 284.734(b), as proposed, were adopted by the Board in the final-form rulemaking.

F. *Benefits, Costs and Compliance*

*Benefits*

The final-form rulemaking simplifies the labeling requirements to reduce costs and ensure consistency with Federal requirements. The amendments allow generators, transporters and those involved in storage and processing of regulated medical and chemotherapeutic waste to use standard business documentation to demonstrate compliance with the regulations instead of the currently prescribed, outdated paper manifest. The amendments also encourage labor and fuel efficiency by allowing haulers to transport regulated medical waste along with other wastes in the same vehicle and by allowing facilities more time to completely fill a vehicle before the vehicle must be placed into service. To avoid conflicts with OSHA requirements, duplicative requirements are deleted. The amendments also provide another convenient shipping option by removing barriers to shipping waste through the mail when authorized by the United States Postal Service.

*Compliance costs*

The final-form rulemaking provides a cost savings to the regulated community through: providing consistency with the United States Department of Transportation; reduced transportation costs for generators and transporters due to consolidation of waste in trucks; longer storage times for generators, meaning fewer waste pickups; reduced waste management and disposal costs for biologics facilities; and reduced transportation costs for collection and processing.

*Compliance assistance plan*

The Department will assist the regulated community by developing fact sheets and continuing to work with industry during program implementation. The Department's field staff will provide compliance assistance during routine facility permitting activities and inspections.

*Paperwork requirements*

The final-form rulemaking should result in a reduction of paperwork requirements through the revised provisions for satisfying manifest requirements. The change in terminology from "infectious" to "regulated medical" waste ensures Pennsylvania signage and labeling requirements align with the requirements of the United States Depart-

ment of Transportation. The creation of permits-by-rule for qualifying facilities will eliminate the need to issue general or individual permits to those facilities.

G. *Pollution Prevention*

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) establishes a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials or the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

This final-form rulemaking will continue to ensure that the citizens and the environment of this Commonwealth experience the advantages of a regulated medical waste regulatory program that is protective of public health and the environment. The final-form rulemaking encourages consolidation of waste for transportation, reducing the number of trips needed to transport waste, and, thereby, reducing air emissions from transportation vehicles.

H. *Sunset Review*

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August 5, 2013, the Department submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 4858, to IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy Committees 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 September 17, 2014, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 18, 2014, and approved the final-form rulemaking.

J. *Findings*

The Board 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 regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 43 Pa.B. 4858.

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this preamble.

K. Order

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

(a) The regulations of the Department, 25 Pa. Code Chapters 271, 272, 273, 284, 285, 287, 288 and 299, are amended by adding §§ 284.3, 284.116, 284.230 and 284.322, by deleting §§ 271.114, 284.132, 284.713, 284.721, 284.723 and 284.733 and by amending §§ 271.1, 271.2, 271.101, 271.103, 271.421, 271.601, 271.611, 271.801, 271.811, 272.223, 272.532, 273.411, 273.511, 284.1, 284.2, 284.101, 284.102, 284.111—284.115, 284.121, 284.131, 284.201, 284.210, 284.220, 284.301, 284.311, 284.320, 284.321, 284.401, 284.411—284.419, 284.501, 284.511—284.514, 284.601—284.603, 284.611, 284.612, 284.623, 284.624, 284.631—284.634, 284.641—284.643, 284.701—284.703, 284.711, 284.712, 284.714, 284.722, 284.724, 284.731, 284.732, 284.734, 285.131, 285.218, 285.221, 287.1, 287.2, 288.423 and 299.220 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(Editor's Note: Section 271.114, which was proposed to be amended in the proposed rulemaking published at 43 Pa.B. 4858, is rescinded in Annex A. The addition of § 284.230 was not included in the proposed rulemaking. The amendment to § 284.122 included in the proposed rulemaking has been withdrawn by the Board.)

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

DANA K. AUNKST, Acting Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 6306 (October 4, 2014).)

Fiscal Note: Fiscal Note 7-480 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE VIII. MUNICIPAL WASTE

CHAPTER 271. MUNICIPAL WASTE MANAGEMENT—GENERAL PROVISIONS

Subchapter A. GENERAL

§ 271.1. Definitions.

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

\* \* \* \* \*

Autoclave—A pressure vessel in which regulated medical waste is disinfected using high temperature steam, directly or indirectly, to maintain specified temperatures for retention times consistent with the waste being processed.

\* \* \* \* \*

Body fluids—Liquids emanating or derived from humans and limited to the following: blood; cerebrospinal, synovial, pleural, peritoneal and pericardial fluids; semen and vaginal secretions; and amniotic fluid. The term also includes the following fluids if they contain visible blood: feces, sputum, saliva, urine and vomitus.

\* \* \* \* \*

Commercial establishment—An establishment engaged in nonmanufacturing or nonprocessing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

Commercial regulated medical or chemotherapeutic waste facility—A facility that processes regulated medical or chemotherapeutic waste under either of the following conditions:

(i) The facility does not generate any of the regulated medical or chemotherapeutic waste that it processes.

(ii) If the facility generates the regulated medical or chemotherapeutic waste that it processes, the amount of waste on a monthly average that is generated onsite and offsite by wholly-owned generators of the facility is less than 50% of the waste that it processes.

Community activities—Events sponsored in whole or in part by a municipality, or conducted within a municipality and sponsored privately, which include, but are not limited to, fairs, bazaars, socials, picnics and organized sporting events that will be attended by 200 or more individuals per day.

\* \* \* \* \*

Disinfection—The treatment or processing of regulated medical waste so that it poses no risk of infection or other health risk to individuals handling or otherwise coming into contact with the waste. The term includes autoclaving; dry heat, gas or chemical disinfection; radiation and irradiation; and incineration.

\* \* \* \* \*

Environmental protection acts—The act, The Clean Streams Law (35 P. S. §§ 691.1—691.1001), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904), the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305), the Low-Level Radioactive Waste Disposal Act (35 P. S. §§ 7130.101—7130.905), the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6), known as the Infectious and Chemotherapeutic Waste Disposal Law, the Air Pollution Control Act (35 P. S. §§ 4001—4015), the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19b), the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326), the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), and other State or Federal statutes relating to environmental protection or the protection of public health, including statutes adopted or amended after April 9, 1988.

\* \* \* \* \*

*General composting facility*—A composting facility other than an individual backyard composting facility or yard waste composting facility operating under § 271.103(h) (relating to permit-by-rule for municipal waste processing facilities other than for regulated medical or chemotherapeutic waste; qualifying facilities; general requirements).

\* \* \* \* \*

*Household hazardous waste*—

(i) Waste generated by a household that could be chemically or physically classified as a hazardous waste under the standards of Article VII (relating to hazardous waste management).

(ii) For the purpose of this definition, the term “household” includes those places described as “households” in 40 CFR 261.4(b)(1) (relating to exclusions).

*Incineration*—The act of reducing to ashes by combustion.

*Incinerator*—An enclosed device using controlled combustion for the primary purpose of thermally breaking down solid waste, and which is equipped with a flue as defined in § 121.1 (relating to definitions).

*Incorporating*—Injecting sludge beneath the surface of the soil or mixing sludge with the surface soil.

*Industrial establishment*—An establishment engaged in manufacturing or processing, including, but not limited to, factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

*Infectious agent*—

(i) An organism, such as a virus or bacteria, that is capable of being communicated by invasion and multiplication in body tissues and capable of causing disease or adverse health impacts in humans.

(ii) The term does not include agents classified as Biosafety Level 1 by a facility engaged in the production or research and development of vaccines or other biologics classified under the North American Industrial Classification System (NAICS) as Code 325414—Biological Product (except Diagnostic) Manufacturing or Code 541711—Research and Development in Biotechnology, as determined by the protocols established in the most recent edition of the Centers for Disease Control’s (CDC) *Biosafety in Microbial and Biomedical Laboratories* (BMBL) existing at the time the waste is generated.

*Infectious waste*—

(i) *General.* Municipal and residual waste which is generated in the diagnosis, treatment, immunization or autopsy of human beings or animals, in research pertaining thereto, in the preparation of human or animal remains for interment or cremation, or in the production or testing of biologicals, and which falls under one or more of the following categories:

(A) *Cultures and stocks.* Cultures and stocks of infectious agents and associated biologicals, including the following:

- (I) Cultures from medical and pathological laboratories.
- (II) Cultures and stocks of infectious agents, and cell lines that have been exposed to infectious agents from research and industrial laboratories.
- (III) Wastes from the production of biologicals.

(IV) Discarded live and attenuated vaccines except for residue in emptied containers, as determined by applying the criteria in 40 CFR 261.7(b)(1) or (2) (relating to

residues of hazardous waste in empty containers) to the residue remaining in the container.

(V) Culture dishes, assemblies and devices used to conduct diagnostic tests or to transfer, inoculate and mix cultures.

(B) *Pathological wastes.* Human pathological wastes, including tissues, organs and body parts and body fluids that are removed during surgery, autopsy, other medical procedures or laboratory procedures. The term does not include hair, nails or extracted teeth.

(C) *Human blood and body fluid waste.*

- (I) Liquid waste human blood.
- (II) Blood products.
- (III) Items saturated or dripping with human blood.

(IV) Items that were saturated or dripping with human blood that are now caked with dried human blood, including serum, plasma and other blood components, which were used or intended for use in patient care, specimen testing or the development of pharmaceuticals.

(V) Intravenous bags that have been used for blood transfusions, including soft plastic pipettes and plastic blood vials.

(VI) Items, including dialysate, that have been in contact with the blood of patients undergoing hemodialysis at hospitals or independent treatment centers.

(VII) Items saturated or dripping with body fluids or caked with dried body fluids from persons during surgery, autopsy, other medical procedures or laboratory procedures.

(VIII) Specimens of blood products or body fluids, and their containers.

(D) *Animal wastes.* Contaminated animal carcasses, body parts, blood, blood products, secretions, excretions and bedding of animals that were known to have been exposed to zoonotic infectious agents or nonzoonotic human pathogens during research, production of biologicals, or testing of pharmaceuticals.

(E) *Isolation wastes.* Biological wastes and waste contaminated with blood, excretion, exudates or secretions from:

- (I) Humans who are isolated to protect others from highly virulent diseases.
- (II) Isolated animals known or suspected to be infected with highly virulent diseases.

(F) *Used sharps.*

(I) Broken glass, hypodermic needles, syringes to which a needle is or can be attached, razors, pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, culture dishes, suture needles, slides, cover slips, and other broken or unbroken glass or plasticware that have been in contact with infectious agents or that have been used in animal or human patient care or treatment.

(II) The term does not include broken or unbroken plasticware generated at facilities engaged in the production or research and development of vaccines or other biologics and classified under the NAICS as Code 325414—Biological Product (except Diagnostic) Manufacturing or Code 541711—Research and Development in Biotechnology, where no agent in the waste is classified as Biosafety Levels 2–4 as determined by the protocols established in the most recent edition of the CDC’s BMBL existing at the time the waste is generated.

(ii) *Mixtures.*

(A) The term also includes materials identified under subparagraph (i) that are mixed with municipal and residual waste, including disposable containers.

(B) The term also includes mixtures of materials identified in subparagraph (i) with quantities of radioactive waste not subject to regulation.

(iii) *Exceptions.* The term does not include the following:

(A) Wastes generated as a result of home self-care.

(B) Human corpses, remains and anatomical parts that are intended for interment or cremation, or are donated and used for scientific or medical education, research or treatment.

(C) Etiologic agents being transported for purposes other than waste processing or disposal under the requirements of the United States Department of Transportation (49 CFR 171.1—171.26 (relating to general information, regulations, and definitions)), the Department of Transportation (67 Pa. Code Part I) and other applicable shipping requirements.

(D) Samples of regulated medical waste transported offsite by Commonwealth or United States government enforcement personnel during an enforcement proceeding.

(E) Body fluids, tissues, specimens or biologicals that are being transported to or stored at a laboratory prior to laboratory testing.

(F) Ash residue from the incineration of materials identified in subparagraphs (i) and (ii) if the incineration was conducted in accordance with § 284.321 (relating to regulated medical waste monitoring requirements). The ash residue shall be managed as special handling municipal waste.

(G) Reusable or recyclable containers or other nondisposable materials, if they are cleaned and disinfected, or if there has been no direct contact between the surface of the container and materials identified in subparagraph (i). Laundry or medical equipment shall be cleaned and disinfected in accordance with the United States Occupational Safety and Health Administration requirements in 29 CFR 1910.1030 (relating to blood-borne pathogens).

(H) Soiled diapers that do not contain materials identified in subparagraph (i).

(I) Mixtures of hazardous waste subject to Article VII and materials identified in subparagraph (i) shall be managed as hazardous waste and not regulated medical waste.

(J) Mixtures of materials identified in subparagraph (i) and regulated radioactive waste shall be managed as radioactive waste in accordance with applicable Commonwealth and Federal statutes and regulations, including § 236.521 (relating to minimum requirements for classes of waste).

(K) Mixtures of materials identified in subparagraph (i) and chemotherapeutic waste shall be managed as chemotherapeutic waste in accordance with this article.

(L) Wastes, mixtures of wastes or cell lines from facilities engaged in the production or research and development of vaccines or other biologics and classified under the NAICS as Code 325414—Biological Product (except Diagnostic) Manufacturing or Code 541711—Research and Development in Biotechnology, where no agent in the waste is classified as Biosafety Levels 2—4 as determined

by the protocols established in the most recent edition of the CDC's BMBL existing at the time the waste is generated.

*Institutional establishment*—An establishment engaged in service, including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.

\* \* \* \* \*

*Mobile regulated medical waste processing facility*—A regulated medical waste processing unit that is moved from one waste generation site to another for the purpose of onsite processing of a generator's regulated medical waste. The term refers to any processing activity designed to disinfect waste in accordance with § 284.321 to render the waste noninfectious. The term does not include any permanently placed waste processing units.

\* \* \* \* \*

*Regional groundwater table*—The fluctuating upper water level surface of an unconfined or confined aquifer, where the hydrostatic pressure is equal to the ambient atmospheric pressure. The term does not include the perched water table or the seasonal high water table.

*Regulated medical or chemotherapeutic waste aggregation facility*—A facility that accepts, aggregates or stores regulated medical or chemotherapeutic waste, or both.

*Regulated medical waste*—Infectious waste.

*Related party*—A person or municipality engaged in solid waste management that has a financial relationship to a permit applicant or operator. The term includes a partner, associate, officer, parent corporation, subsidiary corporation, contractor, subcontractor, agent or principal shareholder of another person or municipality, or a person or municipality that owns land on which another person or municipality operates a municipal waste processing or disposal facility.

\* \* \* \* \*

*Sewage sludge*—Liquid or solid sludges and other residues from a municipal sewage collection and treatment system; and liquid or solid sludges and other residues from septic and holding tank pumpings from commercial, institutional or residential establishments. The term includes materials derived from sewage sludge. The term does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of sewage sludge at a municipal sewage collection and treatment system, or grit, screenings and nonorganic objects from septic and holding tank pumpings.

*Site*—The area where municipal waste processing or disposal facilities are operated. If the operator has a permit to conduct the activities, and is operating within the boundaries of the permit, the site is equivalent to the permit area.

\* \* \* \* \*

*Special handling waste*—Solid waste that requires the application of special storage, collection, transportation, processing or disposal techniques due to the quantity of material generated or its unique physical, chemical or biological characteristics. The term includes dredged material, sewage sludge, regulated medical waste, chemotherapeutic waste, ash residue from a solid waste incineration facility, friable asbestos-containing waste, PCB-containing waste and waste oil that is not hazardous waste.

\* \* \* \* \*



*Thermal processing*—A method, technique or process, excluding incineration and autoclaving, designed to disinfect regulated medical waste by means of exposure to high thermal temperatures through methods such as ionizing radiation or electric or plasma arc technologies.

\* \* \* \* \*

*Unrecognizable regulated medical waste*—All components of the waste have been processed to produce indistinguishable and unusable pieces smaller than 3/4 inch, except that all used sharps must be smaller than 1/2 inch. The term does not mean compaction or encapsulation except through:

- (i) Processes such as thermal treatment or melting, during which disinfection and destruction occur.
- (ii) Processes such as shredding, grinding, tearing or breaking, during or after disinfection occurs.
- (iii) Processes that melt plastics and fully encapsulate metallic or other used sharps and seals waste completely in a container that will not be penetrated by untreated used sharps.

\* \* \* \* \*

**§ 271.2. Scope.**

(a) This chapter specifies certain general procedures and rules for persons who operate municipal waste management facilities. This chapter, together with Chapters 273, 275, 277, 279, 281, 283, 284 and 285, specifies the Department's requirements for municipal waste processing, disposal, transportation, collection and storage.

(b) Management of the following types of residual waste is subject to this article instead of Article IX (relating to residual waste management), and shall be regulated as if the waste is municipal waste, regardless of whether the waste is a municipal waste or residual waste.

- (1) Construction/demolition waste, except construction/demolition waste with greater than 4 ppm PCBs.
- (2) Regulated medical and chemotherapeutic waste.
- (3) Leaf waste and grass clippings.
- (4) Waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material.

(c) Management of the following types of waste is subject to Article IX instead of this article, and shall be regulated as if the waste is residual waste, regardless of whether the waste is municipal waste or residual waste:

- (1) Water supply treatment plant sludges.
- (2) Waste oil that is not hazardous waste.
- (3) Waste tires and auto fluff.
- (4) Contaminated soil.
- (5) Used asphalt.
- (6) Dredged material.

(d) The disposal, processing, storage and transportation at a municipal waste management facility of the following types of special handling waste is subject to the applicable additional requirements for the disposal, processing, storage and transportation of these wastes in Article IX, and shall be regulated as if the waste is residual waste, regardless of whether the waste is municipal waste or residual waste:

- (1) Friable asbestos containing waste.
- (2) PCB containing waste.

**Subchapter B. GENERAL REQUIREMENTS FOR PERMITS AND PERMIT APPLICATIONS REQUIREMENT**

**§ 271.101. Permit requirement.**

(a) Except as provided in subsection (b), a person or municipality may not own or operate a municipal waste disposal or processing facility unless the person or municipality has first applied for and obtained a permit for the facility from the Department under the requirements of this article.

(b) A person or municipality is not required to obtain a permit:

- (1) For the use or application of agricultural waste in normal farming operations, unless the proposed use or application of the waste may cause pollution to air, water or other natural resources of this Commonwealth.
- (2) For a source separation and collection program for recycling municipal waste, or for dropoff points, or collection or processing centers for source separated recyclable materials.

(3) For the use as clean fill of the following materials if they are separate from other waste:

- (i) Uncontaminated soil, rock, stone, gravel, unused brick and block and concrete.
- (ii) Waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material.

(4) For the use of waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material if the waste is not hazardous. A person managing waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material, shall implement best management practices. The Department will prepare a manual for the management of waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material which identifies best management practices and may approve additional best management practices on a case-by-case basis. If a person fails to implement best management practices for managing waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material, the Department may require compliance with the disposal, composting, processing and storage operating requirements of this chapter and Chapters 281, 283 and 285 (relating to composting facilities; resource recovery and other processing facilities; and storage, collection and transportation of municipal waste).

(c) Subsection (b) does not relieve a person or municipality of the requirements of an applicable environmental protection act or an applicable regulation promulgated under it. Notwithstanding subsection (b), the Department may require a person or municipality to apply for, and obtain, an individual or general solid waste permit, or take other appropriate action, when the person or municipality is conducting a solid waste activity that harms or presents a threat of harm to the health, safety or welfare of the people or the environment of this Commonwealth.

**§ 271.103. Permit-by-rule for municipal waste processing facilities other than for regulated medical or chemotherapeutic waste; qualifying facilities; general requirements.**

(a) *Purpose.* Facilities and activities described in this section shall be deemed to have a municipal waste permit by rule if the following general requirements are met:

\* \* \* \* \*

**EXISTING FACILITIES**

§ 271.114. (Reserved).

**Subchapter E. CIVIL PENALTIES AND  
ENFORCEMENT**

§ 271.421. **Administrative inspections.**

\* \* \* \* \*

(c) The Department, its employees and agents intend to conduct inspections under the act of:

(1) Facilities for the agricultural utilization of sewage sludge operating under a permit issued under Chapter 275 (relating to land application of sewage sludge) or a beneficial use order issued prior to January 25, 1997, at least two times per year.

(2) Municipal waste processing facilities other than resource recovery facilities, which process or incinerate regulated medical or chemotherapeutic waste, at least two times per year.

(3) Municipal waste processing facilities other than resource recovery facilities, which do not process or incinerate regulated medical or chemotherapeutic waste, at least once per year.

(4) Hospitals where regulated medical or chemotherapeutic waste is generated, at least two times per year.

(5) Locations other than hospitals where regulated medical or chemotherapeutic waste is generated, at least once per year.

(6) Facilities subject to permit-by-rule under § 271.102 (Reserved) at least once per year.

(7) Facilities and beneficial use areas subject to permit-by-rule under § 271.103 (relating to permit-by-rule for municipal waste processing facilities other than for regulated medical or chemotherapeutic waste; qualifying facilities; general requirements), a general permit for beneficial use or processing, or both, under Subchapter I (relating to beneficial use), or a permit for the land application of sewage sludge under Subchapter J (relating to beneficial use of sewage sludge by land application), at least once per year.

\* \* \* \* \*

**Subchapter G. RESIDUAL WASTE  
GENERAL PROVISIONS**

§ 271.601. **Scope.**

(a) This subchapter applies to municipal waste processing or disposal facilities that apply to receive residual waste for processing or disposal. Section 271.611 (relating to chemical analysis of waste) also applies to an application for a general permit for the beneficial use or processing of municipal waste under Subchapter I (relating to beneficial use). This subchapter does not apply to:

(1) Transfer facilities except as otherwise required in writing by the Department.

(2) The disposal at permitted municipal waste landfills of residual waste from a person or municipality that generates a total quantity of 2,200 pounds or less of residual waste per generating location in each month, if the application demonstrates to the Department's satisfaction that the waste is not hazardous.

(3) The disposal at permitted municipal waste landfills of an individual type of residual waste from a person or municipality that generates a total of 2,200 pounds or

less of that type of residual waste per generating location in each month, if approved by the Department in writing.

(b) The requirements of this subchapter are in addition to the application and operating requirements in this article.

(c) The Department may require analyses under this subchapter for special handling waste other than sewage sludge, regulated medical waste, chemotherapeutic waste and ash residue from a resource recovery facility.

**ADDITIONAL APPLICATION REQUIREMENTS**

§ 271.611. **Chemical analysis of waste.**

\* \* \* \* \*

(f) *Waiver.* The Department may, in writing, waive the requirements of this section for special handling waste, waive or modify the requirements of this section for general permits issued under Subchapter I and waive or modify the chemical analysis requirements under § 271.103 (relating to permit-by-rule for municipal waste processing facilities other than for regulated medical or chemotherapeutic waste; qualifying facilities; general requirements).

**Subchapter I. BENEFICIAL USE  
SCOPE**

§ 271.801. **Scope.**

(a) This subchapter sets forth requirements for general permits for the processing and beneficial use of municipal waste, except as follows:

(1) This subchapter does not set forth requirements for general permits for the processing or beneficial use of regulated medical or chemotherapeutic waste.

(2) This subchapter does not set forth requirements for general permits for the beneficial use of sewage sludge by land application, except as provided in § 271.821(b)(6) (relating to application for general permit). A general or individual permit for the beneficial use of sewage sludge not mixed with residual waste will be issued only under Subchapter J (relating to beneficial use of sewage sludge by land application).

(b) An operation that is approved under this subchapter does not require an individual processing or disposal permit under this article. The requirements of Subchapters A—G and Chapters 273, 277, 279, 281, 283 and 285 are applicable to the extent required in § 271.832 (relating to waiver and modification of requirements).

**GENERAL PERMIT FOR PROCESSING OR  
BENEFICIAL USE, OR BOTH, OF MUNICIPAL  
WASTE; AUTHORIZATION AND LIMITATIONS**

§ 271.811. **Authorization for general permit.**

(a) Under §§ 271.812 and 271.821—271.825, the Department may issue general permits on a regional or Statewide basis for a category of processing when processing is necessary to prepare the waste for beneficial use, or for a category of beneficial use, or both, of municipal waste, if the following are met:

(1) The wastes included in the category are generated by the same or substantially similar operations and have the same or substantially similar physical character and chemical composition. If wastes are not the same or substantially similar and are blended for use, the blend shall be consistently reproduced with the same physical character and chemical composition.

(2) The wastes included in the category are proposed for the same or substantially similar beneficial use or processing operations.

(3) The activities in the category can be adequately regulated utilizing standardized conditions without harming or presenting a threat of harm to the health, safety or welfare of the people or environment of this Commonwealth. The Department will not issue a general permit if the use of the waste as an ingredient in an industrial process or as a substitute for a commercial product presents a greater harm or threat of harm than the use of the produce or ingredient which the waste is replacing.

(b) The Department may issue a general permit upon its own motion under § 271.825 (relating to Department initiated general permits) or upon an application from a person or municipality under §§ 271.821—271.824.

(c) The Department may modify, suspend, revoke, issue or reissue a general permit or coverage under a general permit under this subchapter as it deems necessary to prevent harm or the threat of harm to the health, safety or welfare of the people or environment of this Commonwealth.

(d) The Department may modify, suspend, revoke, issue or reissue a general permit or coverage under a general permit under this subchapter as it deems necessary to prevent violation of or interference with the laws or solid waste management plans of any state, county or municipality.

(e) The Department may issue a general permit for processing combinations of municipal and residual wastes when processing is necessary to prepare a waste for beneficial use, or for beneficial use of combinations of municipal and residual wastes, or both, under this article or Article IX (relating to residual waste management), whichever the Department determines is appropriate. The Department will determine which article is appropriate based on factors including whether the facility is captive or noncaptive, and the proportions of municipal and residual wastes. A general permit for processing or beneficial use of combinations of sewage sludge and residual waste will be issued only under this subchapter.

(f) The requirements in this subchapter that apply to municipal waste also apply to residual waste when residual waste is mixed with municipal waste.

(g) The Department will not issue a general permit under this subchapter for the following:

(1) A municipal waste landfill, the use of municipal waste to fill open pits from coal or noncoal mining, or the use of municipal waste solely to level an area or bring the area to grade unless construction activity is completed on the area promptly after placement of the waste.

(2) A facility or activity which should be covered under the individual permitting process required in this article because of its size and potential to affect the environment adversely or because of its relationship to municipal waste management plans.

(3) The processing or beneficial use of regulated medical or chemotherapeutic waste.

(4) The beneficial use of sewage sludge by land application for sewage sludge that is not mixed with residual waste.

(5) The use of a waste for construction or operations at a resource recovery facility or disposal facility.

**CHAPTER 272. MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE REDUCTION**

**Subchapter C. MUNICIPAL WASTE PLANNING PLAN CONTENT**

**§ 272.223. Description of waste.**

(a) The plan shall describe and explain the origin, content and weight or volume of municipal waste currently generated within the county's boundaries, and the origin, content and weight or volume of municipal waste that will be generated within the county's boundaries during the next 10 years. The plan shall also include a statement of the county or other geographical area for which the plan is prepared.

(b) In describing the content of waste, the plan shall specifically address sewage sludge (including septage), regulated medical and chemotherapeutic waste, ash from resource recovery facilities, construction/demolition waste other than waste from demolition of an industrial site and other municipal waste.

(c) In describing the origin of waste, the plan shall provide:

(1) An estimate of the number of residential, commercial, municipal and institutional establishments, and community activities within the county, for municipal waste other than the special handling wastes specifically addressed in this subsection.

(2) An inventory of public and private sewage treatment plants, including mobile homes, restaurants and hotels, and an inventory of septage haulers serving the county, for sewage sludge (including septage).

(3) An inventory of hospitals in the county, and a representative sampling of different medical specialists, such as clinics, doctors, dentists, funeral directors and veterinarians, for regulated medical and chemotherapeutic waste.

(4) An inventory of the facilities serving the county, for ash from resource recovery facilities.

(5) An estimate of the amount of construction/demolition waste currently generated within the county's boundaries and that will be generated within the county's boundaries during the next 10 years; and an estimate of the amount of construction/demolition waste that is currently recycled and that could be recycled during the next 10 years.

(d) In describing the weight or volume of waste, the plan shall provide:

(1) A total waste generation estimate for the planning area derived from best available National studies, sampling data from similar counties or other reliable information, for municipal waste other than special handling waste described in subsection (c).

(2) Sampling or survey data for the planning area, or other reliable information, for the special handling waste described in subsection (c).

(3) A detailed analysis, for each type of waste, of the extent to which recycling currently reduces the weight or volume of waste that requires processing or disposal, and the extent to which waste reduction or recycling will reduce the weight or volume of waste that will require processing or disposal within the next 10 years. If less than 35% of the weight or volume of waste will be recycled or reduced, the plan shall contain a detailed justification.

(e) The plan may also, at the discretion of the county, specifically address one or more of the following:

- (1) Waste tires.
- (2) Household hazardous waste.
- (3) Leaf waste, yard waste and other waste suitable for composting.
- (4) Bulk items from community cleanup days.
- (5) Other components of municipal waste not described in this section.

**Subchapter F. HOUSEHOLD HAZARDOUS WASTE  
COLLECTION, TRANSPORTATION AND  
MANAGEMENT**

**OPERATION OF PROGRAMS**

**§ 272.532. Limitations on acceptable waste.**

(a) The following wastes may not be accepted at a collection event:

- (1) Radioactive material.
- (2) Regulated medical waste, and hypodermic needles or syringes.
- (3) Explosives.

(b) An eligible entity may not deposit more than 1,000 kilograms (2,200 pounds) of waste at an individual collection event. The collection contractor shall weigh waste received at a collection event to ensure that no entity deposits more than 1,000 kilograms of waste at an individual collection event. A sponsor may lower the maximum amount of waste that may be deposited by an eligible entity.

**CHAPTER 273. MUNICIPAL WASTE LANDFILLS**

**Subchapter D. ADDITIONAL APPLICATION  
REQUIREMENTS FOR SPECIAL HANDLING AND  
RESIDUAL WASTES  
SPECIFIC WASTES**

**§ 273.411. Processed regulated medical or chemotherapy waste disposal.**

(a) An application for the disposal of processed regulated medical or chemotherapy waste shall contain necessary plans and specifications showing how the applicant will comply with § 273.511 or § 273.512 (relating to processed regulated medical waste disposal; and chemotherapy waste), or both, whichever is applicable.

(b) The application, on a form provided by the Department, shall contain the following information:

- (1) The name and location of the generator of the waste.
- (2) A description of the origin and content of the waste, its containerization and the expected volume and frequency of waste disposal at the facility.
- (3) A description of the facility where the waste will be disinfected prior to disposal, including its name and location. For a permitted processing facility that is not operating under a permit by rule under Chapter 271, Subchapter B (relating to general requirements for permits and permit applications), the applicant shall provide the permit number.
- (4) A description of the processing methods to be used for each type of waste, including, when necessary, schematic drawings.

(5) A description of the containers to be used for storage during collection and during movement within the facility, including the length of storage.

(6) A description of the alternatives to be used if the processing equipment is inoperable, and the procedures to be used for storage of the waste if it cannot be promptly processed.

(7) A description of handling and safety measures that will be employed for each type of waste, including personal protection and safety as well as modifications to the operational safety plan that are required.

(8) If disinfection will be employed, a description of the monitoring and quality assurance program to ensure proper disinfection.

(9) A description of modifications to an existing processing facility that are required to process the waste, including drawings.

(10) A certification indicating that the waste to be disposed is noninfectious. The certification shall include the method of processing, indicator test results and testing frequency.

**Subchapter E. ADDITIONAL OPERATING  
REQUIREMENTS FOR SPECIAL HANDLING AND  
RESIDUAL WASTES  
SPECIFIC WASTES**

**§ 273.511. Processed regulated medical waste disposal.**

(a) Regulated medical waste may not be disposed of at a municipal waste landfill unless:

(1) The waste has been disinfected in accordance with § 284.321 (relating to regulated medical waste monitoring requirements).

(2) Prior to initial disposal the landfill operator has obtained the necessary approval for disposal from the Department based on the application provided under § 273.411 (relating to processed regulated medical or chemotherapy waste disposal).

(3) The waste being received has been disinfected by a permitted processing facility.

(b) Waste consisting of human anatomical remains, including human fetal remains, may not be disposed at municipal waste landfills unless the waste has first been incinerated at a permitted waste processing facility.

(c) Body fluids and animal body fluids may be disposed by discharge into a permitted sewage treatment system that provides a minimum of secondary treatment in accordance with local, Federal and State requirements, including The Clean Stream Law (35 P.S. §§ 691.1—691.1001).

(d) Used sharps and unused hypodermic needles or syringes shall be rendered incapable of being reused prior to disposal.

**CHAPTER 284. REGULATED MEDICAL AND  
CHEMOTHERAPEUTIC WASTE**

**Subchapter A. GENERAL PROVISIONS  
GENERAL PROVISIONS**

**§ 284.1. Scope.**

This chapter sets forth application and operating requirements for a person or municipality that operates a regulated medical or chemotherapy waste facility. The requirements in this chapter are in addition to the applicable requirements in Chapters 271, 283 and 285

(relating to municipal waste management—general provisions; resource recovery and other processing facilities; and storage, collection and transportation of municipal waste).

**§ 284.2. Permits-by-rule for regulated medical or chemotherapeutic waste processing facilities; qualifying facilities; general requirements.**

(a) The following processing facilities for regulated medical and chemotherapeutic waste will be deemed to have a municipal waste processing permit under this article if the following requirements in this subsection and subsection (c) are met:

(1) A processing facility with an autoclave if the following requirements are met:

(i) The facility processes at least 50% of its own regulated medical waste. The facility may not accept more than 50% of regulated medical waste for disinfection from small quantity generators that generate less than 220 pounds per month.

(ii) The facility does not process pathological waste or chemotherapeutic waste.

(iii) The facility may additionally process regulated medical waste to render the waste unrecognizable by processes such as thermal treatment, melting, encapsulation, shredding, grinding, tearing or breaking.

(iv) The processed waste is disposed of or processed in a landfill or incinerator authorized to accept the waste.

(v) The operator of the facility provides notice to the Department that includes the following:

- (A) An intention to operate under permit-by-rule.
- (B) The name and address of the facility.
- (C) A description of the processing activity.
- (D) The names and telephone numbers of the individuals responsible for operation of the processing facility.

(2) A processing facility with an incinerator if the following requirements are met:

(i) The facility processes at least 50% of its own regulated medical or chemotherapeutic waste. The facility may not accept more than 50% of regulated medical or chemotherapeutic waste for disinfection from small quantity generators that generate less than 220 pounds per month.

(ii) The facility may process other municipal waste generated onsite if the resulting ash is managed as processed regulated medical or chemotherapeutic waste.

(iii) The processed waste is disposed of or processed in a landfill or incinerator authorized to accept the waste.

(iv) The operator of the facility provides notice to the Department that includes the following:

- (A) An intention to operate under permit-by-rule.
- (B) The name and address of the facility.
- (C) A description of the processing activity.
- (D) The names and telephone numbers of the individuals responsible for operation of the processing facility.

(3) A processing facility with steam and superheated water disinfection if the following requirements are met:

(i) The facility processes at least 50% of its own regulated medical waste. The facility may not accept

more than 50% of regulated medical waste for disinfection from small quantity generators that generate less than 220 pounds per month.

(ii) The facility does not process pathological waste or chemotherapeutic waste.

(iii) The facility may additionally process regulated medical waste to render the waste unrecognizable by processes such as thermal treatment, melting, encapsulation, shredding, grinding, tearing or breaking.

(iv) The processed waste is disposed of or processed in a landfill or incinerator authorized to accept the waste.

(v) The operator of the facility provides notice to the Department that includes the following:

- (A) An intention to operate under permit-by-rule.
- (B) The name and address of the facility.
- (C) A description of the processing activity.
- (D) The names and telephone numbers of the individuals responsible for operation of the processing facility.

(4) Onsite processing of liquid blood and body fluids using a glutaraldehyde-based or hypochlorite-based product that encapsulates or converts liquid blood or body fluids into solids or gels so that no free liquids remain. The Department may approve the use of other disinfectant-based products under these provisions if their efficacy can be demonstrated. The processed liquid blood and body fluids may be disposed of at a municipal waste landfill provided:

- (i) No free liquids remain in the processed waste.
- (ii) The landfill has received written approval from the Department authorizing disposal of the processed liquid blood and body fluids.
- (iii) The facility does not process chemotherapeutic waste.

(5) Transfer facilities that temporarily store regulated medical or chemotherapeutic waste for less than 72 hours provided the stored waste remains in its original packaging, is not putrescent and does not attract vectors.

(b) Generators that process and disinfect less than 220 pounds per month of regulated medical waste onsite and render the waste unrecognizable will be deemed to have a municipal waste processing permit under this article if the requirements under subsection (c) are met. Generators that process and disinfect less than 220 pounds per month of regulated medical waste onsite without rendering the waste unrecognizable will be deemed to have a municipal waste processing permit under this article if the following requirements under this subsection and subsection (c) are met:

(1) The generator shall dispose of the processed waste in a landfill or have the waste incinerated in a facility that has written approval from the Department to accept this type of waste.

(2) The generator shall comply with the log and shipping paper requirements in § 284.701(b)(5) (relating to scope).

(c) The following requirements shall be met by facilities identified in subsections (a)(1)—(4) and (b) to operate under a permit-by-rule:

(1) The facility complies with Subchapters E and F (relating to segregation and storage; and collection and transportation) and Chapter 285 (relating to storage, collection and transportation of municipal waste).

(2) The facility has necessary permits under the environmental protection acts, and is operating in accordance with the environmental protection acts and the regulations promulgated thereunder, the terms and conditions of permits and orders of the Department.

(3) The operator maintains at the facility in a readily accessible place the following information:

(i) For a processing facility identified in subsection (a), a written plan for managing regulated medical waste generated at the facility, including waste handling, equipment operation and maintenance, processing method, disinfection monitoring procedures including quality assurance procedures, frequency of calibration and a description of how noninfectious waste is managed to prevent commingling.

(ii) For processing facilities subject to a permit-by-rule, daily records of the weight or volume of the waste that is processed, the method and location of disposal facilities for wastes from the processing facility, and waste handling problems and emergencies.

(4) Processing does not have an adverse effect on public health, safety, welfare or the environment.

(5) The waste is disinfected in accordance with § 284.321 (relating to regulated medical waste monitoring requirements).

(6) Disinfection occurs before or during processing of the waste.

(7) A log is maintained for each disinfection unit and is made available to the Department upon request. The log shall record the following:

- (i) The date, time and operator for each use.
- (ii) The dates and results of calibration.

(iii) The postdisinfection color reading of temperature sensitive tape and the results of biological indicator spore testing, in accordance with § 284.321 for steam disinfection facilities.

(iv) Results of ash testing which utilizes a methodology approved by the Department, for incineration facilities.

(8) Remaining waste is managed in accordance with the act and the regulations promulgated thereunder. For onsite autoclave facilities that do not render the waste unrecognizable, the treated or processed regulated medical waste shall be transported in accordance with Subchapter H (relating to tracking of regulated medical and chemotherapeutic waste).

(9) For incineration facilities, an air quality permit shall be obtained as required under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

(d) Chapter 271, Subchapter E (relating to civil penalties and enforcement) is applicable to facilities subject to permit-by-rule.

(e) Notwithstanding a provision in this section to the contrary, a facility will not be deemed to have a permit-by-rule if it causes or allows violations of the environmental protection acts, the regulations promulgated thereunder, the terms or conditions of a permit issued by the Department, or an order issued by the Department, or causes a public nuisance. A facility that is subject to permit-by-rule is not required to apply for a permit under this article, if that facility operates in accordance with this section.

(f) The requirements under Chapter 271, Subchapter D (relating to financial assurances requirements) that relate

to bonding and insurance are waived for facilities that are deemed to have a permit under this section.

### § 284.3. Regulated medical or chemotherapeutic waste aggregation facilities.

(a) *Applicability.* This section applies to operators of regulated medical or chemotherapeutic waste aggregation facilities.

(b) *Permit-by-rule for regulated medical or chemotherapeutic waste aggregation facilities.* The operator of an aggregation facility may operate under a permit-by-rule. For the operation of a regulated medical or chemotherapeutic waste aggregation facility to be authorized by a permit-by-rule, the owner or operator shall:

(1) Comply with the generator standards in Subchapter E (relating to segregation and storage).

(2) Only accept the following regulated medical or chemotherapeutic waste generated:

(i) Onsite or offsite by the operator of the aggregation facility.

(ii) By physicians in their independent practices or other medical personnel within the same building or complex of buildings.

(c) *Noncompliance.* The Department may require the operator of an aggregation facility operated under permit-by-rule to apply for and obtain a permit, or take other appropriate action, when the operator is not in compliance with the requirements for the permit-by-rule or is conducting an activity that harms or presents a threat of harm to the health, safety or welfare of the people or the environment.

## Subchapter B. GENERAL PERMITS GENERAL

### § 284.101. Authorization for general permits.

(a) In accordance with this subchapter, the Department may issue general permits on a regional or Statewide basis for a category of mobile or stationary regulated medical waste processing facilities or stationary chemotherapeutic waste processing facilities if the Department determines the following:

(1) The processing facilities and the waste to be processed in the category are substantially similar.

(2) The processing facilities in the category can be adequately regulated utilizing standard conditions without harming or presenting a threat of harm to the health, safety or welfare of the people or environment of this Commonwealth.

(3) The processing facilities in the category will comply with the requirements established in the permit and with the standards and requirements for design, construction, operation, maintenance and monitoring in Chapter 283 (relating to resource recovery and other processing facilities) and Subchapter D (relating to processing facilities).

(b) The Department may issue a general permit upon its own motion under § 284.115 (relating to Department-initiated general permits) or upon an application from a person or municipality under §§ 284.111—284.114.

(c) The Department may issue a general permit for the mixing of disinfection products with regulated medical waste to perform processing.

(d) The Department may issue a general permit for the processing of mixtures of the same types of waste that are regulated medical or residual wastes.

(e) The Department may modify, suspend, revoke or reissue general permits under this subchapter as it deems necessary to prevent harm or the threat of harm to the health, safety or welfare of the people or environment of this Commonwealth.

(f) The Department will not issue a general permit for a commercial regulated medical or chemotherapeutic waste processing facility, including commercial incinerators.

**§ 284.102. Nature of a general permit; substitution for individual applications and permits.**

(a) When the Department issues a general permit for a regulated medical or chemotherapeutic waste processing facility on either a regional or Statewide basis, persons or municipalities who intend to process regulated medical or chemotherapeutic waste in accordance with the terms and conditions of the general permit may do so without filing an individual application for, and first obtaining, an individual permit.

(b) The use of an applicable general permit shall satisfy the requirement to obtain a permit in § 271.101 (relating to permit requirement) if the following are met:

(1) The processing activities are conducted in accordance with the terms and conditions of the applicable general permit.

(2) The person or municipality conducting the processing activities is authorized to operate under the general permit at the time that the Department issued the general permit or under the applicable general permit in accordance with § 284.133 (relating to registration).

(c) Notwithstanding subsections (a) and (b), the Department may require a person or municipality authorized by a general permit to apply for, and obtain, an individual permit if a general permit is not available to conduct an activity, when the person or municipality is not in compliance with the conditions of a general permit or is conducting an activity that harms or presents a threat of harm to the health, safety or welfare of the people or the environment of this Commonwealth.

**ISSUANCE OF A GENERAL PERMIT**

**§ 284.111. Application for general permit.**

(a) A person or municipality may apply to the Department for the issuance of a general permit for a specific category of processing of regulated medical or chemotherapeutic waste.

(b) An application for the issuance of a general permit for processing regulated medical or chemotherapeutic waste shall be submitted on a form prepared by the Department and shall contain the following:

- (1) A description of the waste.
- (2) A characterization of the waste as either regulated medical or chemotherapeutic.
- (3) An operation plan which contains the following:
  - (i) A description of the proposed processing activity and equipment.
  - (ii) A description of the method proposed to receive regulated medical or chemotherapeutic waste which ensures the waste is handled separately from other solid waste until processing and disposal, and that prevents unauthorized persons from having access to or contact with the waste.

(iii) A description of the procedure for managing containers which arrive in a leaking condition, which includes whether the waste is processed immediately, repacked or rejected.

(iv) A description of the method proposed to unload and process regulated medical or chemotherapeutic waste, limiting the number of persons handling the waste and minimizing the possibility of exposure of that waste to employees and the public using or visiting the facility.

(v) A description of the method proposed for disinfecting emptied, reusable regulated medical waste containers, transport vehicles and facility equipment which are known or suspected to be contaminated with regulated medical waste.

(vi) A description of the method proposed for handling and disposal of regulated medical or chemotherapeutic waste containers which cannot be reused.

(vii) A description of reuse of containers if the surfaces of the containers have been protected from direct contact with chemotherapeutic waste.

(viii) A description of the means by which provisions will be made to require the use of clean gloves and clean uniforms along with other protective clothing to provide protection of employees against exposure to regulated medical or chemotherapeutic waste.

(ix) A description of the means by which provisions will be made to require decontamination of a person having had bodily contact with regulated medical or chemotherapeutic waste while handling that waste at the facility.

(x) A description of the method proposed to quantify, on a weight basis, the maximum amount of regulated medical or chemotherapeutic waste to be stored and processed each month.

(xi) A schedule of the operating hours of the facility.

(xii) A description of the method proposed to assure that regulated medical or chemotherapeutic waste received at the facility is consistent with § 283.201 (relating to basic limitations).

(xiii) A description of periodic testing using biological indicators which demonstrate effective disinfection of the waste, in accordance with § 284.321 (relating to regulated medical waste monitoring requirements).

(xiv) A description of closure activities which are proposed to be carried out upon cessation of operations, in accordance with § 283.272 (relating to cessation of operations).

(xv) A description of how the processing residue will be managed.

(xvi) A description of how aerosols will be minimized and controlled during processing activities.

(4) A contingency plan which provides procedures to be used for emergency situations including, at a minimum, spills of regulated medical or chemotherapeutic waste and ruptures of containers containing the waste. The plan shall include procedures for cleanup and disinfection of spill area, protection of personnel, disposal of spill residue and repackaging of the waste. The plan shall also include a description of an alternative waste handling system during periods when the proposed facility is not in operation, including procedures to be followed in the case of equipment breakdown. Alternate waste handling procedures may include use of standby equipment, extension of

operating hours and contractual agreements for diversion of regulated medical or chemotherapeutic waste to other facilities.

(5) A personnel training plan which describes the hiring of equipment operators and the training of personnel involved in the handling and processing of regulated medical or chemotherapeutic waste. The plan shall include a detailed explanation of the operation and contingency plans.

(c) A nonrefundable fee in the form of a check payable to the "Commonwealth of Pennsylvania" for \$1,000 shall accompany the application.

(d) The application requirements in subsection (b) may be waived or modified for the mixing of disinfection products with regulated medical waste to perform processing.

**§ 284.112. Completeness review.**

(a) After receipt of an application for the issuance of a general permit, the Department will determine whether the application is administratively complete. For purposes of this subchapter, an application is administratively complete if it contains the necessary analyses, fees, documents and information, regardless of whether the analyses, fees, documents and information would be sufficient for the issuance of the permit.

(b) If the application is not administratively complete, the Department will return it to the applicant, within 60 days of receipt of the application. A written statement of the specific analyses, fees, documents or information that are required to make the application administratively complete will accompany an application which is returned.

(c) The Department will deny the application if the applicant fails to provide the analyses, fees, documents and information within 90 days of receipt of the notice in subsection (b).

**§ 284.113. Public notice and review period.**

(a) The Department will publish notice of receipt of an application for a general permit in the *Pennsylvania Bulletin* when the Department determines that the application is administratively complete.

(b) The notice shall include:

(1) A brief description of the waste and the category of processing of regulated medical or chemotherapeutic waste which is identified in the application as a candidate for a general permit.

(2) The Department's address and telephone number at which interested persons or municipalities may obtain further information and review a copy of the application for the general permit.

(3) A brief description of the procedures for public comment on the general permit application.

(4) A statement that interested persons or municipalities may submit comments to the Department within 60 days of the publication of the notice, and may recommend conditions upon, revisions to, approval or disapproval of the general permit application.

(c) The Department may hold a public meeting or public hearing on the application for a general permit.

(d) Upon issuance of a general permit, the Department will place a notice in the *Pennsylvania Bulletin* of the availability of the general permit. If a county has made recommendations to the Department concerning condi-

tions, revisions or disapproval of the permit during the 60-day comment period, and the Department has overridden the recommendations, the Department will publish its justification for overriding the recommendations in the *Pennsylvania Bulletin*.

(e) Each applicant for coverage under the general permit shall provide written notice to each municipality in which the applicant intends to operate under a general permit.

**§ 284.114. Approval or denial of an application.**

The Department may not issue a general permit for a category of processing of regulated medical or chemotherapeutic waste unless the applicant has affirmatively demonstrated the following:

(1) The application for the general permit is accurate and complete.

(2) The applicant has complied with the requirements of §§ 284.101, 284.102 and 284.111—284.113.

(3) The proposed processing activities will be conducted in a manner that will not harm or present a threat of harm to the health, safety or welfare of the people or environment of this Commonwealth through exposure to constituents of the waste during the processing activities and afterwards.

**§ 284.115. Department-initiated general permits.**

(a) The Department may issue or modify a general permit for a category of processing of regulated medical or chemotherapeutic waste upon its own motion in accordance with this section.

(b) At least 60 days prior to the issuance or modification of a general permit under this section, the Department will publish a notice in the *Pennsylvania Bulletin* of intent to issue or modify a general permit under this section.

(c) The notice required by subsection (b) will include the following:

(1) A clear and specific description of the category of processing of regulated medical or chemotherapeutic waste eligible for coverage under the proposed general permit.

(2) The standards in § 284.101(a) (relating to authorization for general permits), and a brief description of the reasons for the Department's determination that the category of processing is eligible for coverage under a general permit in accordance with these standards.

(3) A brief description of the terms and conditions of the proposed general permit.

(4) A brief description of the procedures for public comment on the general permit in accordance with this subchapter.

(5) The Department address and telephone number at which interested persons or municipalities may obtain further information and review a copy of the proposed general permit.

(6) A statement that interested persons or municipalities may submit comments to the Department within 60 days of the publication of the notice and may recommend conditions upon, revisions to, and approval or disapproval of the proposed general permit.

(d) The Department may hold a public meeting or public hearing on the proposed general permit or proposed modification to the general permit.



(e) Upon issuance or modification of a general permit, the Department will place a notice in the *Pennsylvania Bulletin* of the availability of the new or modified general permit.

**§ 284.116. General permit renewal.**

(a) A person or municipality that plans to process regulated medical or chemotherapeutic waste after the expiration of the term in the general permit shall file notice to the Department of intent to continue operating under the permit at least 180 days before the expiration date of the permit. The notice must include updated registration information on forms provided by the Department, a check payable to the "Commonwealth of Pennsylvania" for \$250 and any suggested changes to the terms or conditions of the permit.

(b) A permit renewal may include all persons or municipalities that have applied for renewal within the time period provided in subsection (a). A person or municipality that does not meet the time period in subsection (a) shall be required to register under a renewed general permit.

(c) At least 120 days prior to the permit expiration, the Department will provide public notice of the permit renewal along with an update of the terms or conditions in accordance with the public notice requirements of § 284.115 (relating to Department-initiated general permits.)

(d) General permits will be renewed for a maximum term of 10 years.

(e) If the Department is unable to reissue the general permit prior to its expiration date, the Department may extend the term of a general permit for a period not to exceed 1 year for any permittee that is operating in compliance with the terms and conditions of the general permit and the environmental statutes and regulations of the Commonwealth.

**CONTENT OF GENERAL PERMITS AND WAIVERS OR MODIFICATIONS**

**§ 284.121. Contents of general permits.**

Each general permit issued by the Department will include, at a minimum:

(1) A clear and specific description of the category of processing of regulated medical or chemotherapeutic waste eligible for coverage under the general permit.

(2) The standards in § 284.101(a) (relating to authorization for general permits) and a brief explanation of the reasons for the Department's determination that the category of processing is eligible for coverage under the general permit in accordance with the standards in § 284.101(a).

(3) A specification of registration requirements established in accordance with § 284.131 (relating to authorization for persons or municipalities to be included in a general permit) and the fee imposed on registrants for coverage under the general permit.

(4) An effective date, and a fixed permit term, which may not exceed 10 years from the effective date. If the Department renews a general permit, the term may not exceed the term of the original permit.

(5) A set of terms and conditions governing the construction, operation, maintenance, inspection and monitoring of the processing activities covered by the general permit as are necessary to assure compliance with this act, this article and the environmental protection acts.

(6) A requirement that persons or municipalities who conduct activities authorized by the general permit shall allow authorized representatives of the Commonwealth, without advance notice or a search warrant, upon the presentation of appropriate credentials, and without delay, to have access to areas in which the activities covered by the general permit will be, are being or have been conducted to ensure compliance with the act and the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6), known as the Infectious and Chemotherapeutic Waste Law, regulations promulgated thereunder and a permit, license or order issued by the Department under the act.

(7) A requirement that the activities authorized by the general permit will not harm or present a threat of harm to the health, safety or welfare of the people or environment of this Commonwealth.

(8) A requirement that waste be accompanied by a properly completed log or shipping paper, in accordance with Subchapter H (relating to tracking of regulated medical and chemotherapeutic waste).

(9) A requirement that waste be delivered by a licensed transporter in accordance with Subchapter G (relating to transporter licensing for regulated medical and chemotherapeutic waste), when appropriate.

(10) A requirement that the processing facility operate in accordance with local, State and Federal requirements.

(11) A requirement that the processing residue be managed in accordance with the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the regulations promulgated thereunder.

(12) A requirement that an up-to-date list of names, addresses and telephone numbers of employees that have been designated by the permittee to respond to emergencies at the processing facility be maintained at the facility.

(13) A requirement that individual employee training records be maintained at the processing facility.

(14) A requirement for use of additional indicators selected by the Department to monitor the disinfection process.

(15) A requirement that daily records of the weight or volume of the waste processed, the method and location of disposal facilities for wastes from the processing facility and waste handling problems and emergencies be maintained for 3 years.

(16) A requirement that a log be maintained for each disinfection unit for 3 years that records the following:

- (i) The date, time and operator for each use.
- (ii) The dates and results of calibration.
- (iii) The results of biological indicator spore testing.
- (iv) Other information that the Department may require relating to the disinfection process.

(17) Requirements for closure.

(18) A prohibition against processing pathological waste or chemotherapeutic waste in an autoclave.

**REGISTRATION**

**§ 284.131. Authorization for persons or municipalities to be included in a general permit.**

(a) A person or municipality is authorized to operate under a general permit if the person or municipality has

registered in accordance with the terms of the general permit and the requirements of this subchapter.

(b) Registration requirements and time limits, if any, will be set forth in the general permit governing each category of processing regulated medical or chemotherapeutic waste. The general permit will also set forth the area or region within which each category of processing is allowed.

(c) At a minimum, the registration must include:

(1) The name, address and location of the person or municipality conducting the activity covered under the general permit.

(2) A description of the waste, including a characterization of the waste as either regulated medical or chemotherapeutic, that will be processed in accordance with the general permit.

(3) A description of the proposed method of processing of the waste.

(4) The name or number of the general permit being utilized for the activity.

(5) A demonstration that the activities which the person or municipality intends to conduct are authorized by the general permit.

(6) A signed and notarized statement by the person or municipality conducting the activity authorized by the general permit, on a form prepared by the Department, which states that the person or municipality agrees to accept the conditions imposed by the general permit for processing of regulated medical or chemotherapeutic waste under the general permit.

(d) A person or municipality that registers for coverage under a general permit shall submit a copy of the registration to each municipality in which the processing activity will be located. The submission shall occur at the same time that the person or municipality files the registration with the Department.

§ 284.132. (Reserved).

### Subchapter C. TRANSFER FACILITIES

§ 284.201. Scope.

This subchapter sets forth application and operating requirements for a person or municipality that operates a transfer facility for regulated medical or chemotherapeutic waste. The requirements in this subchapter are in addition to the applicable requirements in Chapter 271 (relating to municipal waste management—general provisions).

§ 284.210. Application requirements.

An application to operate a transfer facility shall comply with §§ 279.101—279.111.

§ 284.220. Operating requirements.

A person or municipality that operates a transfer facility shall comply with Chapter 279, Subchapters A and C (relating to general; and operating requirements for transfer facilities).

§ 284.230. Storage requirements.

A transfer facility may store regulated medical or chemotherapeutic waste for up to 72 hours provided that the stored waste remains in its original packaging, is not putrescent and does not attract vectors.

### Subchapter D. PROCESSING FACILITIES

§ 284.301. Scope.

This subchapter sets forth application and operating requirements for a person or municipality that operates a processing facility, other than a transfer or composting facility, for regulated medical or chemotherapeutic waste. The requirements in this subchapter are in addition to the applicable requirements in Chapter 271 (relating to municipal waste management—general provisions).

§ 284.311. Plan for monitoring.

An application for a processing facility for regulated medical waste shall contain a plan, including necessary designs, procedures and test protocols on forms provided by the Department, for meeting the requirements of § 284.321 (relating to regulated medical waste monitoring requirements), including the following:

(1) The method by which disinfection will be accomplished.

(2) A description of the monitoring and quality assurance program to ensure disinfection.

§ 284.320. Operating requirements.

A person or municipality that operates a processing facility shall comply with Chapter 283, Subchapter C (relating to operating requirements).

§ 284.321. Regulated medical waste monitoring requirements.

(a) A person or municipality that disinfects regulated medical waste shall monitor the waste to ensure the following:

(1) For thermal processing or incineration, the absence of anaerobic or aerobic bacterial growth in a composite sample of processing residue or ash.

(2) For other disinfection processes, both of the following are met:

(i) The process shall be capable of inactivating mycobacteria at a 6 log 10 reduction or greater.

(ii) The process shall be capable of inactivating *Geobacillus stearothermophilus* spores, *Bacillus pumilus* or *Bacillus atrophaeus* spores at a 4 log 10 reduction or greater.

(b) The operator of a facility that incinerates or thermally processes regulated medical waste shall submit to the Department a microbiological analysis of a composite sample of the processing or ash residue on forms provided by the Department, at a minimum, annually during the life of the facility.

(c) The operator of a facility that incinerates regulated medical waste shall submit to the Department, at least annually during the life of the facility, a chemical analysis of composite samples of the ash residue on forms provided by the Department.

(d) If the facility disinfects regulated medical waste by means other than incineration or thermal processing, the operator shall perform a microbiological analysis of indicators removed from the processed waste. The analysis shall be conducted, at a minimum, every 40 hours during the operational life of the facility, unless otherwise provided in a permit. The analyses shall be made available to the Department upon request.

(e) Unless the Department approves another indicator or test in writing, the following indicators shall be used to establish and verify the following processes:

(1) For autoclaving, spores of *Geobacillus stearothermophilus*.

(2) For dry heat, gas or chemical disinfection, spores of *Bacillus atrophaeus* variety *niger* (globigii). Ethylene oxide may not be used for gas disinfection.

(3) For ionizing radiation, spores of *Bacillus pumilus*.

(f) Indicators used for methods of disinfection other than incineration or thermal processing shall be located prior to disinfection at a point within the load where disinfection will be most difficult to achieve.

(g) Regulated medical waste will be considered to be infectious unless one of the following has occurred:

(1) For disinfection processes other than incineration or thermal processing, the indicator spores are determined by microbiological analysis to have been destroyed in accordance with subsection (a).

(2) For incineration or thermal processing using a test other than an indicator spore, a microbiological analysis determines that disinfection has occurred in accordance with subsection (a).

(h) The operator of the disinfection facility shall so certify that the requirements of subsection (a) have been met on a form provided by the Department.

(i) Ash or other processing residue shall be stored in accordance with § 284.418 or § 284.419 (relating to storage and containment of ash residue from regulated medical or chemotherapeutic waste incineration; and storage and containment of processing residue from a regulated medical or chemotherapeutic waste processing facility).

(j) Ash or other processing residue shall be transported in accordance with § 284.511 or § 284.514 (relating to transportation of ash residue from regulated medical or chemotherapeutic waste incineration; and transportation of processing residue from a regulated medical or chemotherapeutic waste facility).

(k) Compactors, grinders or similar devices may not be used to reduce the volume of regulated medical waste before the waste has been rendered noninfectious. If the volume reduction device is within a continuous, enclosed disinfection process and part of one processing system, then the reduction device may be used.

(l) The operator of a regulated medical waste processing facility shall dispose of ash or other processing residue from the facility in a landfill that has been approved by the Department to accept the waste, if the waste is disposed in this Commonwealth.

(m) An autoclave facility shall comply with all applicable requirements and is prohibited from processing pathological waste or chemotherapeutic waste.

(n) Unless otherwise approved in writing by the Department, an operator of an autoclave facility shall employ the procedures in § 284.322 (relating to autoclave validation testing requirements) to validate the operating parameters and protocols of the processing equipment. These procedures must be employed at an on-going frequency specified by the manufacturer of the autoclave and in the following circumstances:

(1) When a new autoclave is installed.

(2) When an autoclave is modified, repaired or has experienced a malfunction with respect to hardware, software, controls or ancillary equipment.

(o) The facility shall maintain a record of the autoclave validation testing protocols and procedures.

(p) For facilities engaged in the production or research and development of vaccines or other biologics that are classified under the North American Industrial Classification System as Code 325414—Biological Protocol (except Diagnostic) Manufacturing and who meet the following criteria may utilize the alternate disinfection requirements specified in paragraph (5) instead of the requirements of subsections (a)—(o) to process waste containing an infectious agent classified as Biosafety Level 2 or below, as determined by the protocols established in the most recent edition of the Centers for Disease Control's *Biosafety in Microbial and Biomedical Laboratories* existing at the time the waste is generated:

(1) Utilize onsite processing facilities at which at least 50% of the waste processed is generated onsite.

(2) Operate in accordance with United States Food and Drug Administration good manufacturing practices or good laboratory practices.

(3) Employ a production process where the infectious agents or biological, or both, are known and well characterized, inactivation criteria are determined and bioburden is measured and controlled including screening for objectionable organisms.

(4) Specify and approve the decontamination process, method and monitoring, and validation procedures for each specific infectious agent in its waste by either of the following:

(i) Establishing and utilizing an Institutional Biosafety Committee constituted in accordance with the Centers for Disease Control and the National Institute of Health guidelines or composed in whole or in part of a panel of experts, a member of which is a biosafety officer certified by the American Biological Safety Association or the American Society for Microbiology or equivalent.

(ii) Retaining a contractor certified by the American Biological Safety Association or the American Society for Microbiology who accepts responsibility for the process, method and procedures that the contractor specified and approves (Independent Certified Biosafety Professional).

(5) The alternate disinfection process must be conducted as follows:

(i) Disinfection shall be conducted by inactivating all waste material in accordance with the practices, methods and minimum parameters for biological kill established by the facility's Institutional Biosafety Committee or Independent Certified Biosafety Professional, or both, consistent with the Centers for Disease Control and the National Institute of Health guidelines or scientifically accepted protocols, or both.

(ii) Efficacy of the inactivation operations shall be demonstrated through review of decontamination cycle data by trained technicians or other testing methods or studies specified by the Institutional Biosafety Committee or Independent Certified Biosafety Professional, or both, as appropriate for the specific infectious agent or biologic, or both, present in the waste. The procedures for demonstrating the efficacy of the inactivation operations must be set forth in standard operating procedures or other written procedures maintained at the facility, or both.

(iii) Preventative maintenance and calibration programs for decontamination equipment consistent with generally accepted industry standards as specified by the

Institutional Biosafety Committee or Independent Certified Biosafety Professional, or both, shall be established and routinely implemented.

(q) With the exception of used sharps, which remain subject to the additional requirements of this chapter, regulated medical waste that is generated by manufacturers of vaccines and other biologics who satisfy the criteria of subsection (p)(1)—(4) and decontaminated in accordance with the procedures specified in subsection (p)(5), may be managed, stored, transported and disposed of as ordinary municipal waste and is not subject to any of the additional restrictions or requirements pertaining to special handling waste or regulated medical waste.

**§ 284.322. Autoclave validation testing requirements.**

Autoclave operating parameters shall be established in accordance with the following:

(1) For facilities with one autoclave or multiple autoclaves that are not identical, each autoclave must have an initial validation test that establishes its operating parameters.

(2) For facilities with multiple autoclaves that are identical, one autoclave may have an initial validation test that establishes the operating parameters for all identical autoclaves at that facility.

(3) Autoclaves shall be tested using the manufacturer's recommended vacuum pulse plan, operating temperature, operating pressure and residence time at the maximum weight and with the most difficult heat transfer challenge anticipated with the indicators located where disinfection would be most difficult to achieve.

(4) If multiple vacuum pulse plans, residence times, temperatures and pressures are recommended, the autoclave shall be tested to validate its performance at each recommended vacuum pulse plan, residence time, temperature and pressure. If a test fails, more stringent operating parameters shall be used incrementally until a satisfactory test and set of operating parameters is determined.

(5) Autoclave operating parameters must be validated to achieve a minimum of 250°F or 121°C measured at a point where disinfection would be most difficult to achieve.

(6) The residence time required to achieve a 6 log 10 reduction of mycobacteria and a 4 log 10 reduction of *Geobacillus stearothermophilus* spores for the level of heat transfer challenge selected shall be the residence time set into that autoclave's controls.

(7) The vacuum pulse plan, residence time, operating temperature and operating pressure established in the validation test will form the permitted operating parameters for the autoclave tested.

(8) Instead of the temperature, residence time and other requirements of this section, manufacturers of vaccines or other biologics who satisfy the applicability criterion of § 284.321(p) (relating to regulated medical waste monitoring requirements) may establish and validate autoclave operating parameters and residence time based upon the requirements determined by the Institutional Biosafety Committee or Independent Certified Biosafety Professional, or both, as necessary to achieve the required disinfection under § 284.321(p)(5)(ii) for the specific infectious agent or biologic, or both, present in the wastes.

**Subchapter E. SEGREGATION AND STORAGE**

**§ 284.401. Scope.**

This subchapter sets forth operating requirements for a person or municipality that stores regulated medical or chemotherapeutic waste, ash residue from regulated medical or chemotherapeutic waste incineration and processing residue from a regulated medical or chemotherapeutic waste processing facility. The requirements in this chapter are in addition to the applicable requirements in Chapter 271 (relating to municipal waste management—general provisions) and the requirements in §§ 285.111—285.115 and 285.121.

**§ 284.411. Segregation.**

(a) Regulated medical waste and chemotherapeutic waste shall be segregated at the point of origin at the generating facility into the following three categories:

- (1) Regulated medical waste, excluding pathological waste.
- (2) Pathological waste.
- (3) Chemotherapeutic waste.

(b) Each category of waste segregated under subsection (a) shall be placed in a separate container, except used sharps that qualify as regulated medical waste may be placed in a chemotherapeutic waste used sharps container.

(c) When bags are used as containers to segregate the waste, the bags must be fluorescent orange, orange-red or red in color for regulated medical waste or pathological waste.

(d) When bags are used as containers to segregate the waste, the bags must be yellow in color for chemotherapeutic waste, unless the chemotherapeutic waste is processed onsite in an incinerator that operates in accordance with § 284.2 (relating to permits-by-rule for regulated medical or chemotherapeutic waste processing facilities; qualifying facilities; general requirements) or in accordance with a permit authorized by the Department.

(e) When bags are used to segregate and store the waste, the requirements of § 284.413 (relating to storage containers) must be satisfied.

**§ 284.412. Basic storage requirements.**

(a) After regulated medical and chemotherapeutic waste has been segregated and collected for transportation to an onsite or offsite processing facility, the waste shall be stored and contained in a manner that:

(1) Maintains the integrity of the containers, prevents the leakage or release of waste from the containers, and provides protection from water, rain and wind.

(2) Prevents the spread of regulated medical waste or chemotherapeutic agents.

(3) Affords protection from animals and does not provide a breeding place or a food source for insects or rodents.

(4) Maintains the waste in a nonputrescent state, using refrigeration ( $\leq 7^{\circ}\text{C}$  or  $\leq 45^{\circ}\text{F}$ ) or freezing ( $\leq -18^{\circ}\text{C}$  or  $\leq 0^{\circ}\text{F}$ ) when necessary.

(5) Prevents odors from emanating from the container.

(6) Prevents unauthorized access to the waste. As part of this requirement, the following shall be met:

(i) Enclosures and containers used for storage of regulated medical or chemotherapeutic waste shall be secured to deny access to unauthorized persons.

(ii) Enclosures and containers shall be marked with prominent warning signs indicating the storage of regulated medical or chemotherapeutic waste.

(b) Enclosures at a waste generating or processing facility that are used for the storage of regulated medical or chemotherapeutic waste must be constructed of finish materials that are impermeable and capable of being readily maintained in a sanitary condition. Containers located in enclosures used for the storage of regulated medical or chemotherapeutic waste must be maintained in compliance with § 284.413 (relating to storage containers) and in a manner that minimizes human exposure and vectors. Exhaust air from storage areas must be ventilated to minimize human exposure.

(c) Regulated medical and chemotherapeutic waste may not be commingled with other waste in the same container.

(d) The generator may store regulated medical waste, chemotherapeutic waste or municipal waste that has been sorted and separately containerized in the same location, including on a cart.

**§ 284.413. Storage containers.**

(a) Regulated medical or chemotherapeutic waste shall be placed in containers that are:

- (1) Leakproof on the sides and bottom and maintained in an upright position.
- (2) Impervious to moisture.
- (3) Sufficient in strength to prevent puncturing, tearing or bursting during storage.

(b) In addition to the requirements of subsection (a), used sharps shall be placed in containers that are:

- (1) Rigid.
- (2) Tightly lidded.
- (3) Puncture resistant.

(c) In addition to the requirements of subsection (a), regulated medical waste fluids in quantities greater than 20 cubic centimeters and chemotherapeutic waste fluids shall be placed in containers that are:

- (1) Break resistant.
- (2) Tightly lidded or tightly stoppered.

(d) When bags are used as the only container, double or multiple bagging shall be employed and the following requirements shall be met:

- (1) Upon packaging, the bags shall be securely tied.
- (2) The bags must be constructed of material of sufficient single thickness strength to meet the following:

(i) The ASTM Standard D1709, *Test Method for Impact Resistance of Polyethylene Film by the Free Falling Dart Method*, with an impact resistance of 165 grams or greater (Method A).

(ii) The ASTM Standard D1922, *Propagation Tear Resistance of Plastic Film and Thin Sheeting by Pendulum Method*, with a tearing resistance, parallel and perpendicular to the length of the bag of 480 grams.

(iii) If the standards in subparagraphs (i) and (ii) are modified by ASTM, the standard that is in effect on the date of manufacture of the bags shall be applied.

(3) Bags must include one of the following certifications indicating that the ASTM standards have been met:

(i) Each bag must contain a printed certification by the manufacturer.

(ii) The manufacturer may issue a certification letter to the regulated medical or chemotherapeutic waste generator and print a certification on each packaged lot of the bags.

(4) Bags must have sufficient seam strength that is at least equal in resistance to tearing and equally impermeable as the other portions of the bag.

(5) Bags must be fluorescent orange, orange-red or red in color for regulated medical waste and yellow in color for chemotherapeutic waste and contain colorants that are organic pigments with no heavy metal content.

**§ 284.414. Marking of containers.**

(a) For onsite or offsite transportation of regulated medical or chemotherapeutic waste, the outermost containers of regulated medical or chemotherapeutic waste must be labeled with the following:

(1) The words “chemotherapeutic waste” if chemotherapeutic waste is placed in the container.

(2) Until November 8, 2016, the words “infectious waste” or “regulated medical waste” if regulated medical waste is placed in the container.

(3) After November 8, 2016, the words “regulated medical waste” if regulated medical waste is placed in the container.

(4) The universal biohazard symbol that conforms to the design in 29 CFR 1910.1030(g)(1)(i)(B) (relating to bloodborne pathogens) and the word “BIOHAZARD.”

(5) The date the container was full or the date that the generator sealed the container, whichever occurs earlier.

(6) The name, address and telephone number of the generator if the waste is transported offsite.

(b) The requirements of subsection (a) do not apply if the outermost container is a vehicle or conveyance, including a roll-off, and all of the following are satisfied:

(1) The waste in the vehicle or conveyance is from a single generator.

(2) The vehicle or conveyance is transported offsite for processing or disposal every 30 days.

(3) The vehicle or conveyance complies with the requirements of § 284.513 (relating to transportation of regulated medical and chemotherapeutic waste; additional provisions).

(4) The outside of the vehicle or conveyance displays the information required in subsection (a)(5), except when a record of the date the vehicle or conveyance is full or sealed, whichever occurs earlier, is maintained by the generator and available for inspection by the transporter or Department for 1 year.

(5) The outside of the vehicle or conveyance displays the information required in subsection (a)(6).

(c) Nonwall-mounted used sharps containers storing regulated medical waste must have fluorescent orange, orange-red or red markings and chemotherapeutic waste must have yellow markings. The markings must sufficiently identify the waste as regulated medical or chemotherapeutic waste.

(d) The information required under this section must be clearly legible and produced with indelible ink in a color that contrasts with the color of the container, such

as black. If a label is used to provide the information, the label must be securely attached to the container.

**§ 284.415. Duration of storage of regulated medical and chemotherapeutic waste for generators.**

(a) Regulated medical or chemotherapeutic waste may not be stored for longer than 30 days from the date that the storage container is full or sealed by the generator, whichever occurs earlier.

(b) If the regulated medical or chemotherapeutic waste becomes putrescent during the storage period identified in subsection (a), the waste shall be moved offsite within 3 business days for processing or disposal.

**§ 284.416. Duration of storage of regulated medical and chemotherapeutic waste for processors.**

If the waste processing facility is separate from the waste generating facility, regulated medical or chemotherapeutic waste shall be immediately moved offsite if the waste becomes putrescent or attracts vectors during the storage period and may not be stored at the waste processing facility for more than the following periods unless other periods are approved in the facility's permit:

(1) Seventy-two hours at ambient temperature, unless the waste becomes putrescent or attracts vectors.

(2) Seven days in a refrigerator at  $\leq 7^{\circ}\text{C}$  or  $\leq 45^{\circ}\text{F}$ , unless the waste becomes putrescent or attracts vectors.

(3) Thirty days in a freezer at  $\leq -18^{\circ}\text{C}$  or  $\leq 0^{\circ}\text{F}$ , unless the waste becomes putrescent or attracts vectors.

**§ 284.417. Reuse of containers.**

(a) Nonrigid containers shall be managed as either regulated medical or chemotherapeutic waste based upon the contents of the container. These containers may not be reused.

(b) Corrugated fiberboard containers used for storage of regulated medical or chemotherapeutic waste may be reused if the surface of the container has been protected from direct contact with the waste.

(c) A rigid, nonfiberboard container used for the storage of regulated medical waste or chemotherapeutic waste may be reused if one of the following applies:

(1) The container has been decontaminated utilizing a Department-approved decontamination procedure.

(2) The surface of the container has been protected from direct contact with regulated medical and chemotherapeutic waste, as applicable.

**§ 284.418. Storage and containment of ash residue from regulated medical or chemotherapeutic waste incineration.**

(a) Ash residue from regulated medical or chemotherapeutic waste incineration shall be stored in accordance with the following:

(1) In an enclosed container, which may include a properly tarped container, or in an enclosed area, which may include an adequately ventilated building.

(2) On a pad for collecting a spill or release of ash that is no more permeable than  $1 \times 10^{-7}$  cm./sec.

(3) In a manner to prevent the release, dispersal or discharge of ash residue into the air, water or onto land.

(b) Ash residue may be commingled with other municipal waste if the commingled waste is from one generator and if storage of the commingled waste is in accordance with subsection (a).

**§ 284.419. Storage and containment of processing residue from a regulated medical or chemotherapeutic waste processing facility.**

(a) Processing residue from regulated medical or chemotherapeutic waste processing facilities shall be stored in an enclosed container, which may include a properly tarped container, or in an enclosed area, which may include an adequately ventilated building, to:

(1) Prevent the release, dispersal or discharge of processing residue into the air, water or onto land.

(2) Afford protection from animals, rain and wind.

(3) Prevent the development of a breeding place or food source for insects or rodents.

(4) Prevent the leakage of waste from the storage container.

(b) Processing residue from a regulated medical or chemotherapeutic waste processing facility may be commingled with other municipal waste if the commingled waste is from one generator and if storage of the commingled waste is in accordance with subsection (a).

**Subchapter F. COLLECTION AND TRANSPORTATION**

**GENERAL**

**§ 284.501. Scope.**

This subchapter sets forth the requirements for a person or municipality that collects and transports regulated medical or chemotherapeutic waste, ash residue from regulated medical or chemotherapeutic waste incineration and processing residue from a regulated medical or chemotherapeutic waste processing facility. The requirements in this chapter are in addition to the applicable requirements in Chapter 271 (relating to municipal waste management—general provisions) and the requirements in §§ 285.211—285.219 (relating to general provisions).

**TYPES OF WASTE**

**§ 284.511. Transportation of ash residue from regulated medical or chemotherapeutic waste incineration.**

(a) Ash residue from regulated medical or chemotherapeutic waste incineration shall be wetted immediately prior to loading, and shall remain wetted during transportation and unloading at a municipal waste landfill to prevent the dispersal of ash residue.

(b) Ash residue from regulated medical or chemotherapeutic waste incineration shall be transported in an enclosed or covered vehicle to prevent dispersal of the residue.

(c) A generator's ash residue from regulated medical or chemotherapeutic waste incineration shall be transported separately from the ash residue of other generators.

(d) Municipal waste from a generator may be commingled and transported with the generator's ash residue from regulated medical and chemotherapeutic waste incineration if the municipal waste and ash residue are being transported separately from the waste of other generators.

**§ 284.512. Transportation of regulated medical and chemotherapeutic waste; general provisions.**

(a) *General.* This section sets forth general requirements for a person or municipality that transports regulated medical or chemotherapeutic waste. Section 284.513

(relating to transportation of regulated medical and chemotherapeutic waste; additional provisions) sets forth additional provisions relating to the transportation of the waste.

(b) *Manner of transportation.* Regulated medical and chemotherapeutic waste shall be transported in a manner that:

(1) Maintains the integrity of the containers, prevents the leakage or release of waste from the containers and provides protection from water, rain and wind.

(2) Prevents the spread of infectious or chemotherapeutic agents.

(3) Affords protection from animals and does not provide a breeding place or a food source for insects or rodents.

(4) Maintains the waste in a nonputrescent state, using refrigeration ( $\leq 7^{\circ}\text{C}$  or  $\leq 45^{\circ}\text{F}$ ) or freezing ( $\leq -18^{\circ}\text{C}$  or  $\leq 0^{\circ}\text{F}$ ) when necessary.

(5) Prevents odors from emanating from the container.

(6) Prevents unauthorized access to the waste.

(c) *Containers.*

(1) Regulated medical and chemotherapeutic waste shall be transported in containers that are:

(i) Rigid.

(ii) Leakproof.

(iii) Impervious to moisture.

(iv) Sufficient in strength to prevent puncturing, tearing or bursting during transportation.

(v) Labeled in accordance with the requirements in § 284.414 (relating to marking of containers), except as provided in § 284.414(b).

(2) In addition to the requirements of paragraph (1), used sharps shall be transported in containers that are tightly lidded.

(3) In addition to the requirements of paragraph (1), regulated medical waste fluids—quantities greater than 20 cubic centimeters—and chemotherapeutic waste fluids shall be transported in containers that are:

(i) Break resistant.

(ii) Tightly lidded or tightly stoppered.

(4) Bags meeting the requirements of § 284.413 (relating to storage containers) may be used to meet the requirements of this subsection that containers be leak-proof and impervious to moisture.

(d) *Types of vehicles.* Vehicles for transporting regulated medical or chemotherapeutic waste shall be noncompaction type vehicles.

(e) *Commingling of waste.* Separately containerized regulated medical or chemotherapeutic waste may be transported in the same vehicle with containerized municipal waste.

(f) *Cleaning of vehicles.* Load compartments of vehicles holding regulated medical or chemotherapeutic waste for transportation shall be constructed of materials that are impermeable and easily cleaned. Surfaces of vehicles that have been in direct physical contact with regulated medical or chemotherapeutic waste, because of a leak in a bag or container or because of another reason, shall be decontaminated as soon as possible after unloading.

(g) *Refrigeration.* Regulated medical or chemotherapeutic waste may be kept in an unrefrigerated transport vehicle for up to 72 hours provided the waste is not putrescent and does not attract vectors. If the vehicle is refrigerated ( $\leq 7^{\circ}\text{C}$  or  $\leq 45^{\circ}\text{F}$ ) or maintained at freezing temperatures ( $\leq -18^{\circ}\text{C}$  or  $\leq 0^{\circ}\text{F}$ ), the in-transit storage period may not exceed 5 days.

(h) *Chutes.* Chutes may not be used by generators, processors or transporters to transfer regulated medical or chemotherapeutic waste at onsite or offsite locations.

**§ 284.513. Transportation of regulated medical and chemotherapeutic waste; additional provisions.**

(a) This section sets forth additional requirements for the transportation of regulated medical and chemotherapeutic waste. This section does not apply to vehicles used by a generator of less than 220 pounds of regulated medical and chemotherapeutic waste per month for transporting the generator's own waste.

(b) Vehicles or conveyances for transporting regulated medical or chemotherapeutic waste shall be identified on the two sides and back of the cargo compartment with the following:

(1) The transporter's Department-issued regulated medical and chemotherapeutic waste license number, if applicable.

(2) A placard or decal containing the phrase "regulated medical waste" or "chemotherapeutic waste," or both, as applicable, and the universal biohazard symbol that conforms to the design shown in the United States Occupational Safety and Health Administration's regulations at 29 CFR 1910.1030(g)(1)(i)(B) (relating to bloodborne pathogens).

(3) Until November 8, 2016, the words "infectious waste" or "regulated medical waste" if regulated medical waste is being transported.

(4) After November 8, 2016, the words "regulated medical waste" if regulated medical waste is being transported.

(c) A vehicle used for transporting regulated medical or chemotherapeutic waste shall contain, in a readily accessible place, a portable decontamination and spill containment unit, including at a minimum the following:

(1) An adequate amount of absorbent material.

(2) One gallon of EPA-approved disinfectant in an appropriate applicator.

(3) Fifty fluorescent orange, orange-red, or red or yellow, or both, plastic bags that meet the requirements of § 284.413 (relating to storage containers). The bags shall be accompanied by seals and appropriate labels, and shall be large enough to overpack any container normally transported in the vehicle.

(4) Two sets of protective overalls, gloves, boots, caps, goggles and masks. The protective garments shall be oversized or fitted for the vehicle operators.

(5) A first aid kit, boundary marking tape and other appropriate safety equipment.

(d) The cargo area of vehicles used for transporting regulated medical or chemotherapeutic waste that has not been in direct physical contact with regulated medical or chemotherapeutic waste shall be cleaned weekly. Drainage from the cleaning shall be discharged directly or through a holding tank to a sanitary sewer system or treatment facility.

**§ 284.514. Transportation of processing residue from a regulated medical or chemotherapeutic waste facility.**

(a) Processing residue from a regulated medical or chemotherapeutic waste facility shall be transported in an enclosed or covered vehicle to prevent dispersal of the residue.

(b) A transporter shall transport processing residue from regulated medical or chemotherapeutic waste for each generator separately from other generators.

(c) A transporter may transport processing residue from regulated medical or chemotherapeutic waste that is commingled with other municipal waste if the commingled waste is from one generator and the waste is transported separately from another generator's waste.

**Subchapter G. TRANSPORTER LICENSING FOR REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE  
GENERAL PROVISIONS**

**§ 284.601. Scope.**

This subchapter sets forth the Department's requirements for licensing of persons and municipalities that transport regulated medical or chemotherapeutic waste.

**§ 284.602. License requirement.**

(a) Except as provided in subsection (b), a person or municipality may not transport regulated medical or chemotherapeutic waste unless the person has first obtained a license from the Department in accordance with this subchapter.

(b) This subchapter does not apply to the following:

(1) Onsite movement of regulated medical or chemotherapeutic waste by generators.

(2) Onsite movement of regulated medical or chemotherapeutic waste by operators of permitted regulated medical or chemotherapeutic waste management facilities.

(3) Transportation by a generator of less than 220 pounds per month of regulated medical or chemotherapeutic waste when transporting only the generator's own regulated medical or chemotherapeutic waste if the log and shipping paper requirements under § 284.701(b)(3) (relating to scope) are met.

(4) The transportation of regulated medical or chemotherapeutic waste generated outside this Commonwealth destined for processing or disposal outside this Commonwealth.

**§ 284.603. Identification number.**

A person or municipality subject to this chapter may not transport regulated medical or chemotherapeutic waste without first receiving an identification number. The number shall be one of the following:

(1) An EPA identification number obtained under section 3010 of the Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. § 6930).

(2) An identification number obtained from the Department if the identification number under paragraph (1) is not available.

**LICENSE APPLICATION REQUIREMENTS**

**§ 284.611. General application requirements.**

(a) An application for a license to transport regulated medical or chemotherapeutic waste shall be submitted to

the Department, in writing, on forms provided by the Department. An application for a license shall be accompanied by information, specifications and other data required by the Department to determine compliance with this subchapter.

(b) The application shall contain the following:

(1) The applicant's identification number, as required under § 284.603 (relating to identification number).

(2) The name, mailing address, place of business, business telephone number and 24-hour emergency telephone number of the applicant.

(3) The average yearly total tonnage of regulated medical and chemotherapeutic waste picked up or delivered in this Commonwealth.

(4) A nonrefundable application fee in the form of a check payable to the "Commonwealth of Pennsylvania" for \$500.

(5) Information concerning terminal locations that will store regulated medical and chemotherapeutic waste in-transit.

(6) An identification of interests and compliance history, as provided in §§ 271.124 and 271.125 (relating to identification of interests; and compliance information).

(7) Collateral bond, as required under § 284.641 (relating to bond requirement).

(8) Certificate of insurance, as required under § 284.612 (relating to vehicular liability insurance).

(9) A contingency plan consistent with § 284.632 (relating to regulated medical or chemotherapeutic waste discharges or spills).

(c) An application for a license shall be certified by a responsible official of the applicant with a statement that the information contained in the application is true and correct to the best of the official's information and belief.

**§ 284.612. Vehicular liability insurance.**

(a) The application shall include a certificate of insurance issued by an insurance company authorized to do business in this Commonwealth, certifying that the applicant has comprehensive vehicular liability insurance in force covering the operation of vehicles and associated regulated medical and chemotherapeutic waste transportation activities.

(b) The certificate of insurance shall expressly document coverage for property damage and bodily injury to third parties. The insurance coverage shall include coverage for the cost of cleaning up a regulated medical or chemotherapeutic waste spill, and damages arising from the spill. Minimum insurance coverage shall be \$500,000 annual aggregate, exclusive of claims administration and legal defense costs.

(c) Insurance coverage provided under this section shall comply with the following:

(1) The insurance policy shall follow the standard commercial or comprehensive vehicular liability policy forms approved by the Insurance Department, and shall include coverage as specified in subsections (a) and (b).

(2) The insurance policy shall be issued by an insurer having a certificate of authority and a licensed agent authorized to transact the business of insurance in this Commonwealth by the Insurance Department. Insurance may be provided by an excess or surplus lines insurer approved by the Insurance Department.



(3) The full policy amount shall be applicable to each driver and vehicle authorized to operate under the license. There may be no proration of the policy amount of coverage among vehicles.

(4) The insurance policy shall provide that the insurer shall notify the Department by certified mail within 30 days whenever a substantive change is made in the policy, including policy amounts, scope of coverage, tail period, claims procedures, definitions of occurrences or claims, or other provisions related to the requirements of this subchapter.

(d) The licensee shall maintain the insurance required by this section in full force and effect during the term of the license and renewals thereof.

(e) An applicant for a transporter license to transport regulated medical or chemotherapeutic waste which is a department or an agency of the United States or of the Commonwealth may fulfill the requirements under this section by means of one or more of the following:

- (1) Commercial insurance as specified in this section.
- (2) Self-insurance allowed by Federal or State law.
- (3) Additional means approved by the Department.

(f) The amount of liability coverage for departments or agencies of the Commonwealth may not exceed the liability limits of 42 Pa.C.S. Chapter 85 (relating to matters affecting government units).

**LICENSE APPLICATION REVIEW**

**§ 284.623. Conditions of licenses.**

(a) The Department may place terms and conditions upon a license it deems necessary to protect public health, public safety and the environment, and to ensure compliance with the act, the environmental protection acts and this title.

(b) Except to the extent that the license states otherwise, the licensee shall conduct transportation activities as described in the approved application.

(c) A license to transport regulated medical and chemotherapeutic waste is nontransferable and nonassignable. A license applies to the licensee and its employees. Leased or subcontracted haulers, and haulers who provide equipment, have no authority to operate under the licensee's license without prior written approval from the Department.

**§ 284.624. License renewal.**

A licensee that plans to transport regulated medical or chemotherapeutic waste after expiration of the current license term under § 284.622 (relating to term of license) shall file a complete application for license renewal on forms provided by the Department at least 90 days before the expiration date of the license. The application shall include a nonrefundable application fee in the form of a check payable to the "Commonwealth of Pennsylvania" for \$500. The license renewal application will be reviewed by the Department in the same manner as a new application for a license under this subchapter.

**OPERATIONAL REQUIREMENTS**

**§ 284.631. Basic limitations.**

(a) A person or municipality subject to this subchapter that transports regulated medical or chemotherapeutic waste shall comply with the following:

(1) The act, this article and other applicable regulations promulgated under the act, including Subchapter F (relating to collection and transportation).

(2) The terms and conditions of the license, the environmental protection acts, this title and orders issued by the Department.

(b) A transporter shall allow authorized representatives of the Commonwealth, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay, to have access to areas in which operations will be, are being or have been conducted.

**§ 284.632. Regulated medical or chemotherapeutic waste discharges or spills.**

(a) A copy of the most recently approved Transporter Contingency Plan (TCP) shall be carried on each transport vehicle at all times. Information in the TCP shall be kept current.

(b) In the event of a discharge or spill of regulated medical or chemotherapeutic waste during transportation, the transporter shall take appropriate immediate action to protect the health and safety of the public and the environment, in accordance with its approved TCP. The transporter shall also immediately telephone the Department and the affected municipality, and provide the following information:

(1) The name of the person reporting the spill or discharge.

(2) The transporter's name, address, the Department-issued regulated medical and chemotherapeutic waste transporter license number and identification number.

(3) The telephone number where the person reporting the spill or discharge can be reached.

(4) The date, time and location of the spill or discharge.

(5) The mode of transportation and type of transport vehicle.

(6) A brief description of the accident.

(7) For each waste involved in the spill:

(i) The name and identification number of the generators of the waste.

(ii) The estimated quantity of the waste spilled.

(c) If a discharge or spill of regulated medical or chemotherapeutic waste occurs during transportation, and if the immediate removal of the waste is necessary to protect public health and safety or the environment, the Department may authorize the removal of the waste to a selected receiving facility by transporters who do not have identification numbers, licenses, logs or shipping papers under this subchapter.

(d) A transporter shall:

(1) Clean up a regulated medical or chemotherapeutic waste discharge or spill that occurs during transportation or take action that may be required or approved by the Department so that the discharge or spill no longer presents a hazard to public health, public safety or the environment.

(2) File a complete report in writing concerning the incident with the Department's Central Office. The report shall include, at a minimum, a detailed description of the clean-up operation and the disposition of the waste, and the information required by subsection (a).

**§ 284.633. Safety.**

A transporter of regulated medical or chemotherapeutic waste shall provide adequate personnel training to ensure transport activities are conducted safely, in compliance with applicable laws and regulations, and according to the contingency plan approved under § 284.632 (relating to regulated medical or chemotherapeutic waste discharges or spills).

**§ 284.634. Annual report.**

(a) A transporter shall submit to the Department's Central Office an annual report. The report shall be submitted by the end of March of each calendar year. The report shall be submitted on forms supplied by the Department.

(b) The annual report shall be based on the shipments of regulated medical or chemotherapeutic waste during the previous calendar year, and shall include the following:

(1) The name, location, telephone number and permit identification number of each processing or disposal facility to which the transporter delivered regulated medical or chemotherapeutic waste.

(2) The weight or volume of each type of regulated medical or chemotherapeutic waste transported.

(3) When more than one transporter is used to transport a single shipment of regulated medical or chemotherapeutic waste from the generator to the processing or disposal facility, only the first transporter is required to submit information for that shipment on the annual report.

**BOND****§ 284.641. Bond requirement.**

(a) *General.* The applicant shall provide the Department a bond, secured by collateral as specified by this section and which bond is conditional upon compliance by the licensee with the requirements of the act, the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6), known as the Infectious and Chemotherapeutic Waste Law, regulations thereunder, the terms and conditions of the license and Department orders issued to the licensee. The bond shall be consistent with, and subject to, the requirements of this section. The amount, duration, form, conditions and terms of the bond will be specified by the Department. An additional bond amount will not be required of applicants that are also licensed hazardous waste transporters during the term of license or renewal thereof under this subchapter if the applicant or licensee submits a bond endorsement, including an increase in the amount of the bond of a minimum of \$10,000, to the Department that includes liability for regulated medical and chemotherapeutic waste transportation on the hazardous waste transporter bond.

(b) *Approval by Department.* A license to transport regulated medical or chemotherapeutic waste will not be issued by the Department before the applicant for the license has filed a collateral bond payable to the Department on a form provided by the Department, and the bond has been approved by the Department.

(c) *Amount of bond.*

(1) The bond shall be in an amount sufficient to assure that the licensee faithfully performs the requirements of the act, the Infectious and Chemotherapeutic Waste Law and regulations thereunder, the terms and conditions of the license, and Department orders issued to the licensee. The minimum amount of the bond is \$10,000.

(2) The Department may require additional bond amounts if the mode of transporting waste changes, or the Department determines additional bond amounts are necessary to meet the requirements described in paragraph (1).

(d) *Term of bond.* Liability under the bond shall contain at a minimum for the duration of the license, any renewals thereof and for 1 year after expiration, termination, revocation or surrender of the license. The 1-year extended period of liability includes, and shall be automatically extended for, an additional time period during which administrative or legal proceedings are pending involving a violation by the transporter of the act, the Infectious and Chemotherapeutic Waste Law, regulations thereunder, the terms and conditions of the license or Department orders issued to the licensee.

(e) *Collateral for transporter bonds.*

(1) The Department will accept the types of collateral for transporter bonds that are provided in § 271.322 (relating to general terms and conditions for collateral bonds).

(2) The terms and conditions for the bonds shall be as provided in §§ 271.322—271.325.

(3) A department or agency of the United States or the Commonwealth applying for a transporter license to transport regulated medical or chemotherapeutic waste shall satisfy the requirements of this section by filing a bond with the Department under this section, or by another means of financial assurance approved by the Department which satisfies the terms and conditions for bonds under § 271.313(b) (relating to forms, terms and conditions of the bond or trust). The Department may accept a bond executed by a transporter who is not the licensee, instead of a bond executed by the licensee, if the liability on the bond meets the requirements of this subchapter. The transporter may not accept waste or initiate operation prior to the approval by the Department of the financial assurances required by this section.

(f) *Review of bonds.* Bonds will be reviewed for legality and form according to established Department procedures.

**§ 284.642. Release of bond.**

(a) Except as provided in subsection (b), the Department will release a transporter bond 1 year after the expiration or termination of a license upon written request of the licensee.

(b) The Department will not release a bond if the transporter is in violation of the act, the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6), known as the Infectious and Chemotherapeutic Waste Law, regulations thereunder, the terms and conditions of the license or Department orders issued to the licensee, whether or not the violation results from regulated medical or chemotherapeutic waste transportation.

(c) The release of a bond by the Department does not constitute a waiver or release of other liability provided in law, nor does it abridge or alter rights of action or remedies of a person or municipality presently or prospectively existing in equity or under criminal and civil common or statutory law.

**§ 284.643. Bond forfeiture.**

(a) The Department will declare a bond forfeit if the transporter is in violation of the act, the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6), known as the Infectious and Chemotherapeutic Waste

Law, regulations thereunder, the terms and conditions of the bond, the terms and conditions of the license or Department orders issued to the licensee, whether or not the violation results from regulated medical or chemotherapeutic waste transportation.

(b) If the Department declares a bond forfeit, it will:

(1) Send written notification to the transporter of the Department's determination to declare the bond forfeit and the reasons for the forfeiture.

(2) Advise the transporter and surety of the right to appeal to the EHB under the Environmental Hearing Board Act (35 P. S. §§ 7511—7516).

(3) Proceed to collect on the bond as provided by applicable laws for the collection of defaulted bonds or other debts.

(c) If the Department declares a transporter bond forfeited, it will pay, or direct the State Treasurer to pay, the collateral funds into the Solid Waste Abatement Fund. If upon proper demand and presentation, the banking institution or other person or municipality which issued the collateral refuses to pay the Department the proceeds of a collateral undertaking, the Department will take appropriate steps to collect the proceeds.

**Subchapter H. TRACKING OF REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE**  
**GENERAL**

**§ 284.701. Scope.**

(a) Except as provided in subsection (b), this subchapter applies to a person or municipality that generates, transports, disposes or processes regulated medical or chemotherapeutic waste or processed regulated medical or chemotherapeutic waste that is recognizable.

(b) This subchapter does not apply to a person or municipality for the following activities:

(1) Onsite movement of regulated medical or chemotherapeutic waste by generators.

(2) Onsite movement of regulated medical or chemotherapeutic waste by operators of permitted regulated medical or chemotherapeutic waste management facilities.

(3) Transportation by a generator who generates less than 220 pounds per month of regulated medical and chemotherapeutic waste if the following are met:

(i) The generator only transports his own waste.

(ii) The generator records on a log or shipping paper the following information for each shipment:

(A) The name, address and telephone number of the generator of the waste.

(B) The quantity of the waste transported and accepted by the processing or disposal facility.

(C) The date the waste is transported and accepted by the processing or disposal facility.

(iii) The generator carries and delivers a copy of this log or shipping paper with the waste shipment to the offsite processing or disposal facility.

(4) The transportation of regulated medical waste if the following are met:

(i) The package is sent to a permitted processing or disposal facility in this Commonwealth or to an out-of-State facility by certified mail, return receipt requested, indicating the name and address of the sender, the name

of the addressee, the signature of the addressee, the date of delivery and the address where delivered or by utilizing an alternate tracking system approved in writing by the Department if applicable.

(ii) The mailing standards of the United States Postal Service in 39 CFR 211.2 (relating to regulations of the Postal Service) and incorporated by reference into this chapter authorize the package to be mailed.

(iii) The package is mailed in compliance with United States Postal Service regulations.

(iv) The generator maintains a log or shipping paper containing the following information:

(A) The weight of the waste transported.

(B) The date of shipment.

(C) The name and address of each processing or disposal facility to which the generator is shipping the waste by the United States Postal Service or other mail carrier.

(5) The transportation by a generator who generates and processes onsite less than 220 pounds per month of regulated medical or chemotherapeutic waste, which is recognizable waste, if the following are met:

(i) The generator only transports its own waste.

(ii) The generator records on a log or shipping paper the following information for each shipment:

(A) The name, address and telephone number of the generator of the waste.

(B) The quantity of the waste transported and accepted by the disposal facility.

(C) The name, address and telephone number of the transporter for each shipment of waste. If applicable, the log or shipping paper shall include the identification number of a licensed transporter.

(D) The date the waste is transported and accepted by the processing or disposal facility.

(iii) A copy of the log or shipping paper shall be provided to the disposal facility by the transporter for each shipment of waste.

(6) The transportation through this Commonwealth of regulated medical or chemotherapeutic waste generated outside this Commonwealth that is destined for processing or disposal outside this Commonwealth.

(7) The transportation of processed regulated medical or chemotherapeutic waste to a disposal facility if the waste has been rendered unrecognizable.

**§ 284.702. Transfer facilities.**

Regulated medical waste, chemotherapeutic waste or processed regulated medical or chemotherapeutic waste that is recognizable may be transported to or from a transfer facility in accordance with the following:

(1) The transfer facility is permitted by the Department.

(2) If transported to a transfer facility, the transfer facility shall be considered the designated facility for purposes of this subchapter.

(3) If transported from the transfer facility to a processing or disposal facility, the transfer facility shall be considered the generator and the processing or disposal facility shall be considered the designated facility for purposes of this subchapter.

**§ 284.703. Recordkeeping.**

The records required under this subchapter shall be retained for at least 2 years from the date on which the record was prepared. Records shall be submitted to the Department upon request. The retention period will be extended automatically during the course of an enforcement action or as requested by the Department.

**GENERATOR RESPONSIBILITIES****§ 284.711. Use of logs or shipping papers.**

A generator who transports, or offers for transportation, regulated medical or chemotherapeutic waste for offsite processing or disposal shall ensure proper segregation of regulated medical and chemotherapeutic waste from other types of waste and prepare a log or shipping paper as required under this subchapter. A processor who transports, or offers for transportation, processed regulated medical or chemotherapeutic waste that is recognizable for offsite disposal shall be considered a generator for purposes of this subchapter.

**§ 284.712. Preparation of logs or shipping papers.**

(a) The generator shall create a log or shipping paper of the following information and provide it to the transporter before the offsite transportation of the waste occurs:

(1) The name, mailing address and telephone number of the generator.

(2) Each transporter's company name, identification number, Pennsylvania regulated medical and chemotherapeutic waste transporter license number and telephone number.

(3) The number of containers, types of containers and the total quantity of the waste by weight or volume.

(4) One of the following regulated medical or chemotherapeutic waste code numbers for each waste type, as appropriate:

(i) A100 for regulated medical waste.

(ii) A200 for processed regulated medical waste that is recognizable.

(iii) A300 for chemotherapeutic waste.

(5) The United States Department of Transportation proper shipping name, hazard class and identification number (UN or NA) for each waste identified by 49 CFR Subtitle B, Chapter I, Subchapter C (relating to hazardous materials regulations), if applicable.

(6) Special instructions and information necessary for proper handling of the waste during transportation, processing, storage or disposal, if any.

(7) The printed or typed name and handwritten signature of the generator's authorized representative, and the date of shipment.

(8) The printed or typed name and handwritten signature of the initial transporter's authorized representative, and the date of receipt.

(b) An authorized representative of the generator shall ensure that a legible log or shipping paper has been completed.

(c) After the offsite transportation of the waste, the generator shall receive from the transporter and maintain as a record the log or shipping paper prepared by the transporter in accordance with § 284.722(f) (relating to preparation and use of logs or shipping papers).

**§ 284.713. (Reserved).****§ 284.714. Exception reporting.**

(a) A generator that does not receive a log or shipping paper indicating the designated facility that received its waste within 30 days of the date the generator's waste was accepted by the initial transporter shall:

(1) Contact the transporter or the operator of the designated facility, or both, to determine the status of the shipment.

(2) Notify the Department's appropriate regional office by telephone within 1 business day of the status of the shipment.

(b) If the generator has not received a log or shipping paper indicating the designated facility that received its waste from the transporter within 35 days of the date the generator's waste was accepted by the initial transporter, the generator shall notify the Department's appropriate regional office by telephone and submit an exception report to the Department's Central Office.

(c) The exception report shall include the following:

(1) A record of the waste for which the generator does not have confirmation of delivery.

(2) A cover letter signed by the generator or an authorized representative explaining the efforts taken to locate the waste shipment and the results of those efforts.

**TRANSPORTER RESPONSIBILITIES****§ 284.721. (Reserved).****§ 284.722. Preparation and use of logs or shipping papers.**

(a) Before transporting regulated medical or chemotherapeutic waste or processed regulated medical or chemotherapeutic waste that is recognizable, the transporter shall provide the generator with a dated signature, including, but not limited to, handwritten, electronic or stamped signatures, from an authorized representative of the transporter acknowledging that the transporter has accepted the waste from the generator on the date of acceptance.

(b) The transporter shall ensure that the log or shipping paper required under subsections (c) and (d) accompanies the waste shipment.

(c) A transporter who delivers regulated medical or chemotherapeutic waste or processed recognizable waste to the designated processing or disposal facility shall create a log or shipping paper containing the following information:

(1) The date that each container of waste was delivered to a designated facility.

(2) The name and address of the designated facility for each container of waste.

(d) The transporter who delivers regulated medical or chemotherapeutic waste to another transporter shall create a log or shipping paper containing the following information:

(1) The date that each container of waste was delivered to the subsequent transporter.

(2) The name and address of the subsequent transporter that received each container of waste.

(e) At the time the waste is delivered to the designated facility or subsequent transporter, the transporter shall

provide the operator of the designated facility or subsequent transporter with a log or shipping paper containing the following information:

(1) The name, mailing address and telephone number of the generator for each container of waste.

(2) The number of containers, types of containers and the total quantity of the waste by weight or volume for each generator.

(f) After the waste has been transported to the designated facility, the transporter shall provide the generator with a log or shipping paper containing the following information:

(1) The name, mailing address and telephone number of each designated facility that received each container of the generator's waste.

(2) The number of containers, types of containers and the total quantity of the waste by weight or volume received by each designated facility.

(3) The date that each designated facility received each container of the generator's waste.

(4) Acknowledgment from the designated facility that it accepted each container of the generator's waste.

**§ 284.723. (Reserved).**

**§ 284.724. Transportation limitations.**

(a) A transporter may not accept or transport a shipment of regulated medical or chemotherapeutic waste or processed regulated medical or chemotherapeutic waste that is recognizable if:

(1) The waste is in containers or packaging which appear to be leaking, damaged or otherwise in violation of § 284.413 or § 284.512 (relating to storage containers; and transportation of regulated medical and chemotherapeutic waste; general provisions).

(2) The waste is not labeled or identified as required under § 284.414 (relating to marking of containers).

(3) The number and type of containers and quantity of waste to be transported do not appear to correspond with the number and type of containers and quantity of waste stated in the generator's log or shipping paper at the time of acceptance by the transporter.

(b) A transporter shall ensure that the waste shipment complies with applicable United States Department of Transportation regulations and 67 Pa. Code Part I (relating to Department of Transportation).

**FACILITY RESPONSIBILITIES**

**§ 284.731. Scope.**

Sections 284.732 and 284.734 (relating to use of logs or shipping papers; and significant discrepancies) apply to operators of waste processing or disposal facilities that receive regulated medical or chemotherapeutic waste or processed regulated medical or chemotherapeutic waste that is recognizable from offsite sources.

**§ 284.732. Use of logs or shipping papers.**

(a) Except for waste managed in accordance with § 284.701 (relating to scope), an operator of a designated facility may not accept shipments of regulated medical or chemotherapeutic waste or processed regulated medical or chemotherapeutic waste that is recognizable from offsite sources unless the shipment is accompanied by a log or shipping paper as required under this subchapter.

(b) The operator of the designated facility shall:

(1) Examine the records of the transporter.

(2) Note significant discrepancies in the log or shipping paper of the generator and transporter, as defined in § 284.734 (relating to significant discrepancies).

(3) Provide the transporter with a dated signature, including, but not limited to, handwritten, electronic or stamped signatures, from an authorized representative of the facility, acknowledging that it has accepted the waste from the transporter on that date.

**§ 284.733. (Reserved).**

**§ 284.734. Significant discrepancies.**

(a) This section applies if there is a significant discrepancy in the logs or shipping papers of the generator and transporter. A discrepancy is a difference between the quantity or type of waste designated in the log or shipping paper, and the quantity or type of waste a facility actually receives. A significant discrepancy occurs if one or more of the following apply:

(1) There is a variation greater than 5% in weight, for bulk waste.

(2) There is a variation in piece count, for batch waste, excluding 1% variation for generator-loaded trailers.

(3) There is a difference in waste type which can be discovered by inspection or waste analysis.

(b) If there is a significant discrepancy in the logs or shipping papers, the operator shall attempt to reconcile the discrepancy before the waste is processed or disposed of at the facility or before the waste is accepted at a transfer facility. If the discrepancy is not resolved within 3 business days of receipt of the waste, the operator shall immediately notify the appropriate regional office of the Department by telephone. Within 7 business days of receipt of the waste, the operator shall also send a letter to the regional office describing the discrepancy and attempts to reconcile it.

**CHAPTER 285. STORAGE, COLLECTION AND TRANSPORTATION OF MUNICIPAL WASTE**

**Subchapter A. STORAGE OF MUNICIPAL WASTE  
ADDITIONAL REQUIREMENTS FOR CERTAIN  
TYPES OF WASTE**

**§ 285.131. Storage and containment of ash residue from municipal waste incineration, including from regulated medical or chemotherapeutic waste incineration.**

(a) Ash residue from municipal waste incineration, including from regulated medical or chemotherapeutic waste incineration, shall be stored in accordance with the following:

(1) In an enclosed container, which may include a properly tarped container, or in an enclosed area, which may include an adequately ventilated building.

(2) On a pad that is no more permeable than 1 x 10<sup>-7</sup> cm./sec.

(3) To prevent the release, dispersal or discharge of ash residue into the air, water or onto land.

(b) Ash residue from a regulated medical or chemotherapeutic waste incinerator may be commingled with other municipal waste if the commingled waste is from one generator and if storage of the commingled waste is in accordance with subsection (a).

**ADDITIONAL REQUIREMENTS FOR REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE**

§§ 285.141—285.145. (Reserved).

**Subchapter B. COLLECTION AND TRANSPORTATION OF MUNICIPAL WASTE**

**GENERAL PROVISIONS**

**§ 285.218. Signs on vehicles.**

A vehicle or conveyance that is ordinarily or primarily used for the transportation of solid waste shall bear a sign that meets the following:

(1) The sign shall include the name and business address of the person or municipality that owns the vehicle or conveyance.

(i) The name shall be the actually and commonly recognized name of the person or municipality. Abbreviations or acronyms are permissible if they do not obscure the meaning.

(ii) The address shall include the city, state and five digit zip code for the principal place of business for the person or municipality.

(2) The sign shall include the specific type of solid waste transported by the vehicle or conveyance.

(i) Regulated medical or chemotherapeutic waste shall be designated: Regulated Medical/Chemotherapeutic Waste.

(ii) Other municipal waste shall be designated: Municipal Waste.

(iii) Residual waste shall be designated: Residual Waste.

(iv) Mixed municipal and residual waste shall be designated: Municipal/Residual Waste.

(3) The sign shall have lettering that is 6 inches in height. The lettering shall be placed on the roll-off box or trailer. If available space for lettering on the trailer or roll-off box is so limited that all letters cannot be 6 inches in height, the lettering shall be as close to 6 inches as possible. The required information shall be clearly visible and easily readable.

(4) The sign may be permanent or detachable.

**TYPES OF WASTE**

**§ 285.221. Transportation of ash residue from municipal waste incineration and from regulated medical or chemotherapeutic waste incineration.**

(a) Ash residue from municipal waste incineration and from regulated medical or chemotherapeutic waste incineration shall be wetted immediately prior to loading, and shall remain wetted during transportation and unloading at a municipal waste landfill, to prevent the dispersal of ash residue.

(b) Ash residue from regulated medical or chemotherapeutic waste incineration shall be transported in an enclosed or covered vehicle to prevent dispersal of the residue.

(c) A transporter shall transport separately each generator's ash residue from regulated medical or chemotherapeutic waste.

(d) A transporter may transport ash residue from a regulated medical or chemotherapeutic waste incinerator that is commingled with other municipal waste if the commingled waste is from one generator and the waste is transported separately from another generator's waste.

**ARTICLE IX. RESIDUAL WASTE MANAGEMENT**

**CHAPTER 287. RESIDUAL WASTE MANAGEMENT—GENERAL PROVISIONS**

**Subchapter A. GENERAL**

**§ 287.1. Definitions.**

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

\* \* \* \* \*

*Special handling waste*—Solid waste that requires the application of special storage, collection, transportation, processing or disposal techniques due to the quantity of material generated or its unique physical, chemical or biological characteristics. The term includes dredged material, sewage sludge, regulated medical waste, chemotherapeutic waste, ash residue from a solid waste incineration facility, friable asbestos-containing waste, PCB-containing waste, waste oil that is not hazardous waste, fuel contaminated soil, waste tires and water supply treatment plant sludges.

\* \* \* \* \*

**§ 287.2. Scope.**

(a) This chapter specifies general procedures and rules for persons or municipalities who generate, manage or handle residual waste. This article specifies the Department's requirements for residual waste processing, disposal, transportation, collection and storage.

(b) Management of the following types of residual waste is subject to Article VIII (relating to municipal waste) instead of this article, and shall be regulated as if the waste is municipal waste regardless of whether the waste is a municipal waste or residual waste:

(1) Construction/demolition waste, as defined in § 271.1 (relating to definitions).

(2) Regulated medical and chemotherapeutic waste. The terms shall have the same meaning for residual waste as set forth in § 271.1.

\* \* \* \* \*

**CHAPTER 288. RESIDUAL WASTE LANDFILLS**

**Subchapter D. ADDITIONAL REQUIREMENTS FOR CLASS I RESIDUAL WASTE LANDFILLS**

**ADDITIONAL OPERATING REQUIREMENTS—GENERAL**

**§ 288.423. Minimum requirements for acceptable waste.**

\* \* \* \* \*

(b) A person or municipality may not dispose of municipal waste or special handling waste at a Class I residual waste landfill, except that the Department may, in the permit, approve the storage or disposal of the following types of waste generated by the operator:

(1) Industrial lunchroom or office waste.

(2) Special handling waste, other than sewage sludge, regulated medical or chemotherapeutic waste, waste oil or ash residue from the incineration of municipal waste.

\* \* \* \* \*

**CHAPTER 299. STORAGE AND TRANSPORTATION OF RESIDUAL WASTE**

**Subchapter B. STANDARDS FOR COLLECTING AND TRANSPORTING OF RESIDUAL WASTE**

**GENERAL PROVISIONS**

**§ 299.220. Signs on vehicles.**

A vehicle or conveyance that is ordinarily or primarily used for the transportation of solid waste shall bear a sign that meets the following:

(1) The sign shall include the name and business address of the person or municipality that owns the vehicle or conveyance.

(i) The name shall be the actually and commonly recognized name of the person or municipality. Abbreviations or acronyms are permissible if they do not obscure the meaning.

(ii) The address shall include the city, state and five digit zip code for the principal place of business for the person or municipality.

(2) The sign shall include the specific type of solid waste transported by the vehicle or conveyance.

(i) Regulated medical or chemotherapeutic waste shall be designated: Regulated Medical/Chemotherapeutic waste.

(ii) Other municipal waste shall be designated: Municipal Waste.

(iii) Residual waste shall be designated: Residual Waste.

(iv) Mixed municipal and residual waste shall be designated: Municipal/Residual Waste.

(3) The sign shall have lettering that is 6 inches in height. The lettering shall be placed on the roll-off box or trailer. If available space for lettering on the trailer or roll-off box is so limited that all letters cannot be 6 inches in height, the lettering shall be as close to 6 inches as possible. The required information shall be clearly visible and easily readable.

(4) The sign may be permanent or detachable.

[Pa.B. Doc. No. 14-2307. Filed for public inspection November 7, 2014, 9:00 a.m.]

**Title 58—RECREATION**

**GAME COMMISSION**

**[ 58 PA. CODE CH. 141 ]**

**Hunting and Trapping; Big Game**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its September 23, 2014, meeting amended § 141.42 (relating to parties hunting big game) by deleting the voided roster requirement text.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 44 Pa.B. 5212 (August 2, 2014).

*1. Purpose and Authority*

On January 27, 2014, the act of November 27, 2013 (P. L. 1148, No. 103) (Act 103) became effective. Act 103 amended section 2324 of the code (relating to parties hunting big game) to eliminate the roster requirement and remove the Commission's authority to establish roster requirements. The Commission amends § 141.42 by deleting the voided roster requirement text.

Section 2102(a) of the code (relating to regulations) provides that "[t]he commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 141.42 are adopted under this authority.

*2. Regulatory Requirements*

The final-form rulemaking amends § 141.42 by deleting the voided roster requirement text.

*3. Persons Affected*

Persons wishing to hunt big game within this Commonwealth will be affected by the final-form rulemaking.

*4. Comment and Response Summary*

There were no official comments received regarding the final-form rulemaking.

*5. Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

*6. Effective Date*

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

*7. Contact Person*

For further information regarding the final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

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

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

*Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.42 to read as set forth at 44 Pa.B. 5212.

(b) The Executive Director of the Commission shall certify this order and 44 Pa.B. 5212 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

R. MATTHEW HOUGH,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-367 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 14-2308. Filed for public inspection November 7, 2014, 9:00 a.m.]

**GAME COMMISSION**  
**[ 58 PA. CODE CH. 147 ]**  
**Special Permits; Falconry**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its September 23, 2014, meeting amended §§ 147.101 and 147.103 (relating to definitions; and classes) to make it clear that in the regulations the term “hybrid” applies to all offspring of species listed in 50 CFR 10.13 (relating to list of migratory birds).

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 44 Pa.B. 5213 (August 2, 2014).

1. *Purpose and Authority*

The United States Fish and Wildlife Service (Service) recently amended the definition of “hybrid” in 50 CFR 21.3 (relating to definitions) to include any bird that results from a cross of genetic material between two separate taxa when one or both are listed in 50 CFR 10.13. See 78 FR 65576 (November 1, 2013). This revision clarified that “hybrid” includes any bird resulting from propagation when only one parent is defined as a migratory bird. The previous definition required both parents to be defined as a migratory bird. The previous definition created difficulties due to its inconsistency with the Service’s longstanding interpretation of the same term under the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—712) as requiring only one parent to be defined as a migratory bird. The Commission amended §§ 147.101 and 147.103 to make it clear that in the regulations “hybrid” applies to all offspring of species listed in 50 CFR 10.13. Adoption of this amendment will maintain the Commonwealth’s necessary compliance with the applicable Federal regulations concerning falconry to continue this program in this Commonwealth.

Section 2901(b) of the code (relating to authority to issue permits) provides that “the commission may, as deemed necessary to properly manage the game or wild-

life resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to §§ 147.101 and 147.103 are adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends §§ 147.101 and 147.103 to make it clear that “hybrid” applies to all offspring of species listed in 50 CFR 10.13.

3. *Persons Affected*

Persons wishing to engage in falconry activities within this Commonwealth will be affected by the final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding the final-form rulemaking.

5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding the final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

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

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

*Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending §§ 147.101 and 147.103 to read as set forth at 44 Pa.B. 5213.

(b) The Executive Director of the Commission shall certify this order and 44 Pa.B. 5213 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

R. MATTHEW HOUGH,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-368 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 14-2309. Filed for public inspection November 7, 2014, 9:00 a.m.]



**PENNSYLVANIA GAMING CONTROL BOARD**

[ 58 PA. CODE CHS. 421a, 421b, 439a,  
464a, 465a, 481a, 501a, 503a, 503b,  
513a, 603a AND 633a ]

**Gaming Junket Enterprises, Accounting and Internal Controls, Compulsive and Problem Gambling, Self-Exclusion, Underage Gaming, Equipment, Blackjack**

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(15) and (30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1207(2), (5), (8) and (9), 1212, 13A02(2), 13A26(c), 1509, 1516, 1518(a)(13) and 1602, rescinds Chapters 421b and 503b and amends Chapters 421a, 439a, 464a, 465a, 481a, 501a, 503a, 513a, 603a and 633a to read as set forth in Annex A.

*Purpose of the Final-Form Rulemaking*

This final-form rulemaking will transition two statements of policy on advertising and jackpot credit meter payouts (former Chapters 421b and 503b) into regulations, allow for the conditional licensure of gaming junket enterprises, amend the procedure for removal from the exclusion list for individuals whose period of voluntary exclusion has concluded and add an additional pay table to an already existing side wager in Blackjack.

*Explanation of the Final-Form Rulemaking*

*Advertising*

Section 421a.6 is rescinded as these requirements properly belong in Chapter 501a (relating to compulsive and problem gambling requirements). These provisions are moved to § 501a.7 (relating to advertising). Additionally, the statements of policy in Chapter 421a are rescinded and the requirements are also moved to § 501a.7. Section 501a.7 provides requirements regarding the gambling assistance message that must be on gaming related advertising.

*Conditional licensure for gaming junket enterprises*

The Board added provisions to § 439a.6b (relating to conditional licenses) for a conditional license awarded to gaming junket enterprises provided that certain criteria are satisfied including the following: agreements between a slot machine licensee and gaming junket enterprise are submitted to the Board; the gaming junket enterprise is licensed or otherwise credentialed in good standing in a gaming jurisdiction that the Board has determined has licensing standards that are as comprehensive and thorough and provide similar safeguards as those required under 4 Pa.C.S. Part II (relating to gaming); and the applicant has passed a preliminary criminal history review.

*Internal controls*

In § 465a.20 (relating to personal check cashing), provisions are added prohibiting a licensee or an entity certified or registered with the Board that is operating within a licensed facility from accepting checks made payable to an individual such as Social Security, unemployment, public assistance checks, and the like. Notwithstanding the prohibition, a licensee may cash a payroll check of one of its employees or a check issued to a patron by the licensee. This provision is added as an employee convenience and to allow a licensee to cash its own check made payable to a patron who won a jackpot payout.

The prohibition on check cashing that was moved into § 465a.20 was previously in § 501a.6. Section 501a.6 is

rescinded as the provisions more logically belong in Chapter 465a (relating to accounting and internal controls). Cross-references to § 501a.6 are deleted from § 465a.20 and §§ 465a.21 and 465a.22 (relating to wire transfers; and cash equivalents).

Section 465a.26(b)(2) (relating to jackpot and credit meter payouts) formerly required that two individuals be present to sign off on a jackpot payout more than \$1,200 but less than \$9,999.99. The final-form rulemaking allows operators to utilize only one individual instead of two for credit meter payouts less than \$5,000 provided that both the facility's casino management system and the central control computer system are fully operational. This should reduce the number of personnel required to sign off on a majority of jackpot payouts that occur on a daily basis.

*Diversity*

Chapter 481a (relating to diversity) is amended to reflect that the Bureau of Small Business Opportunities (formerly the Bureau of Minority and Women's Business Enterprises) verifies that a business is minority or women's business enterprise. Amendments to § 481a.6 (relating to diversity reviews) reflect that Board staff conducts diversity reviews, not audits. This technical revision was made for consistency with 4 Pa.C.S. § 1212(b) (relating to diversity goals of board).

*Compulsive and problem gambling*

As previously mentioned, the advertising requirements formerly in § 421a.6 and Chapter 421b are now included in § 501a.7.

A definition of "advertising" is added to § 501a.1 (relating to definitions).

Former language in § 501a.2(i) (relating to compulsive and problem gambling plan) reiterated the requirements already specified in subsections (g) and (h). This redundant language is deleted and a cross-reference is added.

Section 501a.3(b) (relating to employee training program) is added to require that training materials be updated annually to include the most current research on responsible and problem gambling. The remaining subsections are renumbered.

A signage requirement is added to § 501a.5 (relating to signage requirements) to reflect the statutory mandate in 4 Pa.C.S. § 1509(c) (relating to compulsive and problem gambling program). Former subsection (b) is deleted as advertising requirements are now addressed in § 501a.7.

*Self-exclusion*

The Board has amended the provisions associated with self-exclusion in Chapter 503a (relating to self-exclusion). In § 503a.1 (relating to definitions), language is added to the definitions of "fully executed gaming transaction" and "self-exclusion list" to reflect that gaming activity may also be conducted in locations off the gaming floor. The same language is added throughout Chapter 503a to reflect this change. A definition of "gaming activity" is added and the definition of "gaming related activity" is amended in § 503a.1.

In § 503a.2 (relating to request for self-exclusion), the cross-reference in subsection (c) is corrected.

In subsection (e)(5), language is added specifying that a self-excluded individual's gambling winnings will be subject to confiscation to support compulsive and problem gaming programs. Confiscation is consistent with 4 Pa.C.S. § 1516(a) (relating to list of persons self excluded from gaming activities). The confiscation of winnings

language is also included in the waiver individuals are required to sign to be placed on the exclusion list as specified in subsection (e)(6)(iii).

Section 503a.4(a) (relating to duties of slot machine licensees) is amended for clarity and to delete unnecessary language. Final-form subsection (a)(6) (formerly subsection (a)(7)) formerly required licensees to disseminate self-exclusion program materials but did not provide guidelines for licensees to ensure compliance. This paragraph is amended to require licensees to "make available" information on the self-exclusion program. This amendment is consistent with § 609a.12(f) (relating to duties of certificate holders), regarding the voluntary credit suspension program.

In subsection (e), redundant language is deleted and replaced with a cross-reference to the submission and approval process in subsections (c) and (d).

The former process for individuals whose term of voluntary exclusion has concluded is amended in § 503a.5 (relating to removal from self-exclusion list). Formerly, once an individual's period of exclusion has concluded (those with a 1-year or 5-year term), the individual can schedule an appointment and at the appointment time submit a Request for Removal Form. The individual is then required to schedule another appointment and return a second time to sign the form. Requiring individuals to come back to the Board's Harrisburg office or a regional office in Pittsburgh, Conshohocken and Scranton on two separate occasions can present substantial challenges to those individuals who live some distance from a Board office. Therefore, individuals whose term of voluntary exclusion has expired will be required to schedule only one appointment to be removed from the voluntary list once their period of exclusion has ended. Additionally, the Office of Compulsive and Problem Gambling may now approve an alternative location to complete the removal process if circumstances, such as geographical distance, warrant the use of an alternative location. Alternative locations can be discussed with the Director of the Office of Compulsive and Problem Gambling when the self-excluded individual schedules an appointment to be removed from the list.

In subsection (d), the time period for the Board and licensees to remove the name of a self-excluded person is amended from 5 to 15 business days. After an individual completes the process to be removed from the self-exclusion list, the Board will update the database, provide notice to the licensees and the licensees shall update their in-house databases. Based on the Board's experience to date, 15 business days will provide adequate time to the Board and slot machine licensees to complete the administrative process of removing the individual's information from all databases. This additional time should also ensure that individuals who have completed the removal process are not inadvertently ejected from a licensed facility and charged with criminal trespass.

Section 503a.7 (relating to disclosure of information related to persons on the self-exclusion list) specifies the type of general information that the Board may disclose publicly. In accordance with 4 Pa.C.S. § 1516(d), detailed information, including whether a specific individual is on the self-exclusion list, is deemed confidential and will not be publically disclosed.

#### *Underage gaming*

Amendments to Chapter 513a (relating to underage gaming) add additional requirements to ensure the exclusion of underage individuals from gaming and gaming

related activities. Slot machine licensees are required to train their employees and establish procedures to identify underage individuals, refuse gaming related activities to minors, including check cashing and to notify the onsite casino compliance representatives and the Pennsylvania State Police if an underage individual is discovered on the gaming floor or areas off the gaming floor where contests or tournaments are conducted.

In § 513a.4 (relating to signage requirements), the underage prohibition language is updated to add specificity on the type of activity that an underage individual is prohibited from engaging in and to reflect that gaming activity now includes the play of not only slot machines but also table games.

#### *Table gaming equipment*

Section 603a.12 (relating to dice; physical characteristics) requires that dice used in an automated Sic Bo must be a 0.625 inch cube with ball edge corners. These size specifications ensure a proper tumble of the dice in the automated Sic Bo shaker and are consistent with industry standards.

#### *Blackjack*

A payout table is added to § 633a.13(k) (relating to payout odds; payout limitation) for winning Three Card Poker wagers.

#### *Additional Revisions*

The following additional revisions were made in the final-form rulemaking.

#### *Conditional junket enterprise licenses*

A minor revision was made to § 439a.6b(a)(1) to delete the reference to specific names of applications associated with a gaming junket enterprise license that are required to be completed as there are additional applications, beyond those referenced, that may be required depending on the corporate structure of the junket enterprise.

For example, a majority of the junket enterprises that have applied for a license with the Board are sole proprietors and would therefore be required to complete a junket enterprise application and a permit application. However, if a junket enterprise is not a sole proprietor but is a subsidiary of a company that owns 20% or more of the junket enterprise, the junket enterprise's holding company would also be required to complete an application, the Gaming Junket Enterprise Private Holding Company Form.

The first page of the Gaming Junket Enterprise Application lists the various applications associated with the Junket Enterprise License and under what circumstances each of the applications are required to be completed.

#### *Slot machine tournaments*

In § 464a.2(e)(1) (relating to conduct of a slot machine tournament), the cross-references to Chapter 421b and § 421a.6 are deleted and replaced with a cross-reference to § 501a.7.

#### *Check cashing*

Language is added to § 465a.20(g) for consistency with 4 Pa.C.S. § 1516(b), which requires licensed gaming entities to establish procedures designed to deny self-excluded persons access to check cashing privileges. Subsection (h) is added which to hold a company contracted to act on the licensee's behalf to the same standards as those applicable to the licensee.

*Removal from self-exclusion list*

In the proposed rulemaking, language was proposed to be added to §§ 503a.2 and 503a.5 allowing an individual who had signed up for lifetime exclusion from all gaming activities to petition the Board for removal from the exclusion list only after 10 years had elapsed. At this time, the Board decided to withdraw the amendments so those who signed up for lifetime exclusion remain on the list permanently.

*Comment and Response Summary*

Notice of proposed rulemaking was published at 43 Pa.B. 2152 (April 20, 2013) with a 30-day public comment period. During the comment period, the Board received comments from Greenwood Gaming and Entertainment, d/b/a Parx Casino (Parx). On June 19, 2103, the Independent Regulatory Review Commission (IRRC) also submitted comments.

Parx specifically commented on the provisions associated with advertising that were being transitioned from statements of policy into regulation. Parx objected to the proposed language in § 501a.7(e)(3) which would require that for video and television advertisements, the gambling assistance message be displayed at 2% for the entire length of the advertisement. Parx suggested alternative language which would require that the gambling assistance message be displayed at 2% only from the moment the advertisement mentions the casino name or displays a gambling image to the end of the advertisement, for at least 25% of the total length of time for that advertisement.

The Board recognizes that the purpose of advertising is to get the audience's attention and convince or prompt people into action to visit the casino and enjoy its amenities, including gambling. While the Board appreciates advertising a casino's positive attributes and that for most individuals, visiting a casino is entertainment that does not lead to problem gambling. The reality is that for some individuals gambling is an addiction, the social effects of which impact not only the individual with the gambling problem but also his family, friends and coworkers. It is an issue that the Board takes seriously.

Consistent with the objectives of 4 Pa.C.S. Part II, the Board recognizes its duty to protect the public through the regulation and policing of activities involving gaming and to take into consideration the public interest of the citizens of this Commonwealth and the social effects of gaming in any decision or order of the Board. See 4 Pa.C.S. § 1102(1) and (10) (relating to legislative intent). The General Assembly also acknowledged in 4 Pa.C.S. § 1102(13) that authorization of gaming requires the Commonwealth to take steps to increase awareness of compulsive and problem gambling. One effective way to increase awareness of problem gambling, and that treatment for the disease is available, is through the dissemination of the gambling assistance message on all advertising promoting gambling.

While it is unclear to the Board how the 2% print containing the gambling assistance message at the bottom of a television advertisement would negate an advertising campaign in which the message does not make reference that a casino is what is being advertised or which one is being promoted, the Board agrees to provide operators with an option. Operators can display the gambling assistance message for either the entire length of the advertisement or from the time gaming activity is displayed or the casino's name is referenced to the end of the advertisement. If an operator elects to utilize this

option, the gambling assistance must also appear, at 8%, on a screen shot for the last 3 seconds of the advertisement. While the Board appreciates the operator's suggestion that the message be displayed at least 25% of the advertisement, the Board does not believe that amounts to enough time to make the assistance message visible at 2%. A screen shot for 3-second at 8% at the end of the advertisement would be more prominently visible and would equate to 20% of a 15-second advertisement or 10% of a 30-second advertisement regardless of how long gaming activity was displayed. The Board believes this to be a fair compromise while still consistent with the objectives of 4 Pa.C.S. Part II.

At IRRC's suggestion, the Board deleted the definition of "underage individual" from § 513a.1 (relating to definitions) as the term is not used within Chapter 513a.

*Affected Parties*

Slot machine licensees, gaming junket enterprises and individuals who are currently on the voluntary self-exclusion list or may request placement on the list will be affected by this final-form rulemaking.

*Fiscal Impact*

*Commonwealth.* The Board does not expect that this final-form rulemaking will have fiscal impact on the Board or any other Commonwealth agency. Updates to internal control procedures or training materials regarding compulsive and problem gambling submitted by licensees will be reviewed by existing Board staff.

*Political subdivisions.* This final-form rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

*Private sector.* Slot machine licensees will be required to comply with the requirements in this final-form rulemaking and may need to submit updated internal control procedures and training materials regarding compulsive and problem gambling. Most licensees have already been complying with requirements in the statements of policy on advertising. Therefore, it is not anticipated that this final-form rulemaking will have a negative fiscal impact on the licensees.

With respect to the amendment to the number of individuals required for jackpot credit meter payouts, the licensees may see a slight cost savings as licensees will only need one individual instead of two to perform a majority of the credit meter payouts during the gaming day.

*General public.* This final-form rulemaking will not have fiscal impact on the general public.

*Paperwork Requirements*

If a certificate holder selects different options for the play of table games, the certificate holder will be required to submit an updated rules submission reflecting the changes. These forms are available and submitted to the Board electronically.

Additionally, licensees will be required to update their compulsive and problem gambling training annually to include current research and information. This information is submitted electronically to the Director of the Office of Compulsive and Problem Gambling.

*Effective Date*

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

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 5, 2013, the Board submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 2152, to IRRC and the Chairpersons of the House Gaming Oversight 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 September 17, 2014, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 18, 2014, and approved the final-form rulemaking.

*Findings*

The Board finds that:

(1) Public notice of intention to adopt these amendments 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 thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II.

*Order*

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

(1) The regulations of the Board, 58 Pa. Code Chapters 421a, 421b, 439a, 464a, 465a, 481a, 501a, 503a, 503b, 513a, 603a and 633a, are amended by adding §§ 439a.6b, 501a.7 and 503a.7, deleting §§ 421a.6, 421b.1—421b.4, 501a.6 and 503b.1 and amending §§ 464a.2, 465a.20—465a.23, 465a.26, 465a.29, 481a.3, 481a.6, 501a.1—501a.3, 501a.5, 503a.1, 503a.2, 503a.4—503a.6, 513a.1, 513a.3, 513a.4, 603a.12 and 633a.13 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(*Editor's Note:* The amendment to § 464a.2 was not included in the proposed rulemaking published at 43 Pa.B. 2152.)

(2) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

WILLIAM H. RYAN, Jr.,  
Chairperson

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 6306 (October 4, 2014).)

**Fiscal Note:** Fiscal Note 125-168 remains valid for the final adoption of the subject regulations.

## Annex A

## TITLE 58. RECREATION

## PART VII. GAMING CONTROL BOARD

Subpart B. LICENSING, PERMITTING,  
CERTIFICATION AND REGISTRATION

## CHAPTER 421a. GENERAL PROVISIONS

## § 421a.6. (Reserved).

## CHAPTER 421b. (Reserved)

## §§ 421b.1—421b.4. (Reserved).

## CHAPTER 439a. JUNKET ENTERPRISES

## § 439a.6b. Conditional licenses.

(a) The Board may grant an applicant for a gaming junket enterprise license a conditional license to conduct junkets in this Commonwealth. To be eligible to obtain a conditional gaming junket enterprise license, the applicant shall:

(1) Submit completed gaming junket enterprise applications, including the nonrefundable application fees, as posted on the Board's web site, and pass a preliminary review.

(2) Submit agreements entered into between the slot machine licensee and the gaming junket enterprise or representative.

(3) Be licensed or credentialed, in good standing, to arrange or negotiate the terms of a gaming junket in a jurisdiction in the United States or Canada that the Board has determined has licensing standards that are as comprehensive and thorough and provide similar adequate safeguards as those required under the act.

(4) Pass a preliminary review of the applicant's criminal history.

(5) Agree, in writing, that the grant of permission to conduct business with a conditional license does not create a right to continue to conduct business and that the Bureau of Licensing may rescind, at any time, the conditional licensure granted to the applicant, with or without prior notice to the applicant, if the Bureau of Licensing is notified that the suitability of the applicant is at issue or the applicant fails to cooperate in the application process.

(b) If the Office of Enforcement Counsel issues a Notice of Recommendation for Denial to an applicant that has received a conditional gaming junket enterprise license, the Bureau of Licensing may rescind the conditional license. If the conditional license is rescinded, the gaming junket enterprise shall cease conducting business by the date specified in the notice of the rescission sent to the conditional licensee.

(c) If the conditional license is rescinded, the Bureau of Licensing will notify the holder of the conditional license and the slot machine licensee by registered mail that:

(1) Permission for the conditional licensee to conduct business has been rescinded.

(2) The slot machine licensee shall cease conducting business with the gaming junket enterprise by the date specified in the notice.

(d) Pending a hearing on the Notice of Recommendation for Denial, the conditional licensee may not seek or conduct new business in this Commonwealth.

(e) The slot machine licensee shall investigate the background and qualifications of the applicant for a

gaming junket enterprise license with whom the slot machine licensee intends to have a relationship or enter into a contractual agreement.

(f) The slot machine licensee has an affirmative duty to avoid agreements or relationships with persons applying for a gaming junket enterprise license whose background or association is injurious to the public health, safety, morals, good order and general welfare of the people of this Commonwealth or who threaten the integrity of gaming in this Commonwealth.

(g) The slot machine licensee has a duty to inform Board staff of an action by an applicant for or holder of a gaming junket enterprise license which the slot machine licensee believes would constitute a violation of the act or this part.

**Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT**

**CHAPTER 464a. SLOT MACHINE TOURNAMENTS**

**§ 464a.2. Conduct of a slot machine tournament.**

\* \* \* \* \*

(e) Advertising to promote a slot machine tournament must, at a minimum:

(1) Comply with the advertising requirements in § 501a.7 (relating to advertising).

(2) Contain information on who is eligible to participate.

(3) Include a copy of the slot machine tournament rules or state how a copy of the rules may be obtained.

\* \* \* \* \*

**CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS**

**§ 465a.20. Personal check cashing.**

(a) Checks made payable to an individual, including Social Security, unemployment insurance, disability, public assistance and payroll checks, may not be cashed by a slot machine licensee or entity certified or registered with the Board that is operating within the licensed facility. Notwithstanding the prohibition, a slot machine licensee may cash the payroll check of one of its employees or a check issued to a patron by the slot machine licensee. Personal checks accepted by a slot machine licensee which enable a patron to take part in gaming must be:

(1) Drawn on a commercial bank, savings bank, saving and loan association or credit union and payable on demand.

(2) Drawn for a specific amount.

(3) Made payable to the slot machine licensee or entity certified or registered with the Board that is operating within the licensed facility.

(4) Currently dated, but not postdated.

\* \* \* \* \*

(g) Prior to accepting personal checks, each slot machine licensee shall establish a comprehensive system of internal controls applicable to the acceptance of personal checks. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols). The internal controls submitted by the slot machine licensee must address procedures for complying with § 503a.4(a)(4) (relating to duties of slot machine licensees) and this section including the dollar limitation per gaming day contained in subsection (b)(6).

(h) An entity certified or registered with the Board that is cashing checks on behalf of a licensee within a licensed facility shall comply with the requirements in subsections (a)—(f).

**§ 465a.21. Wire transfers.**

(a) A slot machine licensee may accept a wire transfer on behalf of a patron to enable the patron to take part in gaming. A wire transfer accepted by a slot machine licensee shall be recorded in the slot machine licensee's cage accountability no later than the next gaming day.

\* \* \* \* \*

**§ 465a.22. Cash equivalents.**

(a) The requirements in this section are not applicable to gaming chips or plaques.

(b) Prior to accepting cash equivalents for gaming purposes, a slot machine licensee shall establish a comprehensive system of internal controls addressing the acceptance and verification of cash equivalents. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

(c) The internal control procedures developed and implemented by the slot machine licensee under subsection (a) must include:

(1) A requirement that cage employees perform the specific verification procedures required under the issuer of each cash equivalent accepted. The slot machine licensee shall retain adequate documentation evidencing the verification of each cash equivalent.

(2) A requirement that cage employees examine each cash equivalent for counterfeiting, forgery or alteration.

(3) When a slot machine licensee elects to incorporate into its verification procedures a level of reliance on previously accepted cash equivalents, the procedures must articulate the general parameters governing the reliance.

(4) Criteria for cage supervisor involvement in the verification process.

(5) Procedures for verifying any patron signature on the cash equivalent. Signature verification must be accomplished in accordance with the signature verification procedures in § 465a.20 (relating to personal check cashing). The slot machine licensee shall retain adequate documentation evidencing how each signature was verified.

**§ 465a.23. Customer deposits.**

(a) At the request of a patron, a slot machine licensee may hold cash, value chips, plaques, funds accepted by means of personal check in accordance with § 465a.20 (relating to personal check cashing) or wire transfer in accordance with § 465a.21 (relating to wire transfers) or cash equivalents accepted in accordance with § 465a.22 (relating to cash equivalents) for a patron's subsequent use at the licensed facility. For the purposes of this section, after complying with this chapter for acceptance and verification, noncash items shall be considered converted to cash and deposited as cash for credit to the patron in a customer deposit account maintained in the cage.

(b) Prior to agreeing to hold a patron's cash, value chips, plaques, funds accepted by means of personal check in accordance with § 465a.20 or wire transfer in accordance with § 465a.21 or cash equivalents accepted in accordance with § 465a.22 for a patron's subsequent use

at the licensed facility, each slot machine licensee shall establish a comprehensive system of internal controls addressing the receipt and withdrawal of a customer deposit. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

(c) The internal control procedures developed and implemented by the slot machine licensee under subsection (b) must include:

(1) A requirement that customer deposits be accepted at the cage.

(2) A requirement that customer deposits be withdrawn by the patron at the cage, gaming table or upon receipt of a written request for withdrawal whose validity has been established.

(3) A requirement that the patron receive a receipt for any customer deposit accepted reflecting the total amount deposited, the date of the deposit and the signature of the cage employee accepting the customer deposit.

(4) Procedures for verifying the identity of the patron at the time of withdrawal. Signature verification shall be accomplished in accordance with the signature verification procedures under § 465a.20. The slot machine licensee shall maintain adequate documentation evidencing the patron identification process and how the signature was verified.

**§ 465a.26. Jackpot and credit meter payouts.**

\* \* \* \* \*

(b) The internal control procedures must, at a minimum, include:

(1) The use of a two-part electronically generated jackpot/credit meter payout slip created by a slot attendant or slot supervisor or higher slot operations department employee, verifying the winning wager or winning combination of characters or a code corresponding to the winning combination of characters on the slot machine or fully automated electronic gaming table and the amount of the jackpot or credit meter payout based on the observed winning wager or winning combinations.

(2) A requirement that if the jackpot or credit meter payout on a slot machine is equal to or between \$1,200 and \$9,999.99, a security department member or a slot operations department member other than the preparer shall sign the jackpot/credit meter payout slip verifying the winning combination of characters or a code corresponding to the winning combination of characters on the slot machine, the amount of the jackpot or credit meter payout and the payment of the jackpot or credit meter payout to the patron. Notwithstanding the forgoing, if the licensee's slot or casino management system can independently verify a jackpot or credit meter payout, only the preparer is required to sign the jackpot/credit meter payout slip for payouts less than or equal to \$4,999.99 provided that the slot machine licensee's internal control reflect the following:

(i) If the slot machine licensee's slot or casino management system or the central control computer system are not fully operational, or when overrides or adjustments are required, two individuals shall verify a jackpot or credit meter payout that is equal to or between \$1,200 and \$9,999.99 as specified in this paragraph.

(ii) Jackpot payouts that are equal to or greater than \$1,200 shall be accompanied by the issuance of a W-2G Form.

(3) A requirement that if the jackpot or credit meter payout is equal to or between \$10,000 and \$24,999.99 on a slot machine, or between \$5,000 and \$24,999.99 on a fully automated electronic gaming table, a security department member, a slot supervisor or other employee holding the same or greater level of authority than a slot supervisor shall sign the jackpot/credit meter payout slip verifying the winning wager or winning combination of characters or a code corresponding to the winning combination of characters on the slot machine or fully automated electronic gaming table, the amount of the jackpot or credit meter payout, and the payment of the jackpot or credit meter payout to the patron. If the two-part electronically generated jackpot/credit meter payout slip required under paragraph (1) is created by a slot supervisor or higher slot operations department employee, the verification required by this paragraph may be completed by a slot attendant, security department member, a slot supervisor or other employee holding the same or greater level of authority as a slot supervisor.

(4) A requirement that if the jackpot or credit meter payout on a slot machine or fully automated electronic gaming table is \$25,000 or more, a slot supervisor or other employee holding the same or greater level of authority as a slot supervisor shall sign the jackpot/credit meter payout slip verifying the winning wager or winning combination of characters or a code corresponding to the winning combination of characters on the slot machine or fully automated electronic gaming table, the amount of the jackpot or credit meter payout, and the payment of the jackpot or credit meter payout to the patron. If the two-part electronically generated jackpot/credit meter payout slip required under paragraph (1) is created by a slot supervisor or higher slot operations department employee, the verification required by this paragraph may be completed by a slot attendant, security department member, a slot supervisor or other employee holding the same or greater level of authority as a slot supervisor.

(5) A requirement that the following information be on all two-part electronically generated jackpot/credit meter payout slips:

(i) The date and time of the jackpot or credit meter payout.

(ii) The asset number of the slot machine or fully automated electronic gaming table on which the jackpot or credit meter payout was registered.

(iii) The winning wager or winning combination of characters constituting the jackpot or a code corresponding to the winning combination of characters constituting the jackpot.

(iv) The type of win (that is, progressive, jackpot or credit meter payout).

(v) The amount that is to be paid to the winning patron. This amount may, at the slot machine licensee's discretion, be rounded up to the nearest whole dollar.

(vi) A unique number generated by the slot monitoring system.

(vii) The signature or, if the slot accounting system has approved controls for access to the system, the electronic authorization of the preparer.

(viii) The signature or, if the slot accounting system has appropriate controls for access, the electronic authorization of the witness when the amount is equal to or greater than \$1,200, except as provided in paragraph (2).

(ix) The signature or identification code of the cashier providing the funds to the preparer, if applicable.

(6) A requirement that the two-part electronically generated jackpot/credit meter payout slip not be susceptible to any changes or deletion from the slot monitoring system by any personnel after preparation.

(7) A requirement that whenever a winning patron is paid directly by a slot attendant's imprest fund, a two-part manual jackpot/credit meter payout slip is completed that contains the following information:

(i) The date and time of the jackpot or credit meter payout.

(ii) The asset number of the slot machine or fully automated electronic gaming table on which the jackpot or credit meter payout was registered.

(iii) The winning wager or winning combination of characters constituting the jackpot or a code corresponding to the winning combination of characters constituting the jackpot.

(iv) The type of win (that is, progressive, jackpot or credit meter payout).

(v) The amount paid to the winning patron. This amount may, at the slot machine licensee's discretion, be rounded up to the nearest whole dollar.

(vi) The signature and Board-issued credential number of the preparer.

(vii) The signature and Board-issued credential number of the witness when the amount is equal to or greater than \$1,200, except as provided in paragraph (2).

\* \* \* \* \*

**§ 465a.29. Automated teller machines.**

(a) Automated teller machines may be placed at any location within a licensed facility. Automated teller machines that offer credit card advances may not be placed on the gaming floor.

(b) An automated teller machine must have a label on the top and front of the automated teller machine that displays a unique identification number of the automated teller machine. The labels must have white lettering on a black background or another color combination approved by the Bureau of Casino Compliance, may not be easily removed and must be easily visible to the surveillance department. The label on the top of the automated teller machine must be at least 1.5 inches by 5.5 inches and the label on the front of the automated teller machine must be at least 1 inch by 2.5 inches.

(c) A slot machine licensee may utilize an automated teller machine that also contains an automated gaming voucher redemption machine, an automated coupon redemption machine or bill breaker provided that the machine complies with § 465a.34 (relating to automated gaming voucher and coupon redemption machine accounting controls).

(d) Automated teller machines located within a licensed facility may not accept Pennsylvania Access/Electronic Benefits Transfer Cards.

**Subpart G. MINORITY AND WOMEN'S BUSINESS ENTERPRISES**  
**CHAPTER 481a. DIVERSITY**

**§ 481a.3. Diversity participation.**

(a) The list of the minority and women's business enterprises that are verified by the Bureau of Small Business Opportunities of the Department of General Services under 62 Pa.C.S. Part I (relating to Common-

wealth Procurement Code) may be used by a regulated entity to establish the eligibility of an enterprise as a minority or women's business enterprise for the purpose of promoting and ensuring minority and women's business participation.

(b) It is the responsibility of the regulated entity to verify that a minority or women's business enterprise that is not verified by the Bureau of Small Business Opportunities of the Department of General Services is a minority or women's business enterprise as defined in 4 Pa. Code § 58.302 (relating to definitions).

**§ 481a.6. Diversity reviews.**

(a) Onsite diversity reviews may be performed on an annual basis or at the discretion of Board staff to ensure compliance with this chapter.

(b) Advanced written notice will be provided to a regulated entity prior to the conduct of an onsite diversity review by Board staff.

**Subpart I. COMPULSIVE AND PROBLEM GAMBLING**

**CHAPTER 501a. COMPULSIVE AND PROBLEM GAMBLING REQUIREMENTS**

**§ 501a.1. Definitions.**

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

*Advertisement*—Gaming related marketing materials including a notice or communication by a licensee, certified or registered entity or its agent to the public through signs, billboards, broadcasts, publications, mail, e-mail, text message, tweet or other means of dissemination.

*OCPG*—The Office of Compulsive and Problem Gambling.

**§ 501a.2. Compulsive and problem gambling plan.**

(a) An applicant for a slot machine license shall submit a compulsive and problem gambling plan for review at the time of submission of the application. The plan must, at a minimum, contain the elements listed in subsection (d).

(b) The compulsive and problem gambling plan of an applicant for a slot machine license that has been approved to receive a slot machine license must be approved by the Director of OCPG. An applicant for a slot machine license who has been approved to receive a slot machine license will be notified in writing of any deficiencies in the plan and may submit revisions to the plan to the Director of OCPG. A slot machine licensee may not commence operations until the Director of OCPG approves the plan.

\* \* \* \* \*

(f) The Board may provide the plan submitted by the slot machine licensee to the Department of Health for its use in administering the act. The Department of Health may provide comments and recommendations to the OCPG and the licensee relating to the plan.

(g) A slot machine licensee shall submit amendments to the compulsive and problem gambling plan to the Director of OCPG for review and approval at least 30 days prior to the intended implementation date of the amendments. The slot machine licensee may implement the amendments on the 30th calendar day following the

filing the amendments unless the slot machine licensee receives a notice under subsection (h) objecting to the amendments.

(h) If during the 30-day review period the Director of OCPG determines that the amendments may not promote the prevention of compulsive and problem gambling or assist in the proper administration of responsible gaming programs, the Director of OCPG may, by written notice to the slot machine licensee, object to the amendments. The objection will:

(1) Specify the nature of the objection and, when possible, an acceptable alternative.

(2) Direct that the amendments not be implemented until approved by the Director of OCPG.

(i) When amendments have been objected to under subsection (h), the slot machine licensee may submit revised amendments for review in accordance with subsections (g) and (h).

### § 501a.3. Employee training program.

(a) The employee training program required under § 501a.2(d)(5) (relating to compulsive and problem gambling plan) must include instruction in the following:

(1) Characteristics and symptoms of compulsive behavior, including compulsive and problem gambling.

(2) The relationship of compulsive and problem gambling to other addictive behavior.

(3) The social and economic consequences of compulsive and problem gambling, including debt, treatment costs, suicide, criminal behavior, unemployment and domestic issues.

(4) Techniques to be used when compulsive and problem gambling is suspected or identified.

(5) Techniques to be used to discuss compulsive and problem gambling with patrons and advise patrons regarding community, public and private treatment services.

(6) Procedures designed to prevent serving alcohol to visibly intoxicated gaming patrons.

(7) Procedures designed to prevent persons from gaming after having been determined to be visibly intoxicated.

(8) Procedures for the dissemination of written materials to patrons explaining the self-exclusion program.

(9) Procedures for removing an excluded person, an underage individual or a person on the self-exclusion list from a licensed facility including, if necessary, procedures that include obtaining the assistance of appropriate law enforcement personnel.

(10) Procedures for preventing an excluded person or a person on the self-exclusion list from being mailed any advertisement, promotion or other target mailing no later than 5 business days after receiving notice from the Board that the person has been placed on the excluded person or self-exclusion list.

(11) Procedures for preventing an individual under 21 years of age from receiving any advertisement, promotion or other target mailing.

(12) Procedures to prevent an excluded person, an individual under 21 years of age or a person on the self-exclusion list from having access to or from receiving complimentary services, or other like benefits.

(13) Procedures to prevent an excluded person, an individual under 21 years of age or a person on the self-exclusion list from cashing checks.

(b) Training and training materials shall be updated annually and include current research and information on responsible and problem gambling.

(c) Training for employees shall be conducted by a person with specialized knowledge, skill, training and experience in responsible gaming employee training programs as part of the employee's orientation.

(d) Employees who have received training shall be certified by the slot machine licensee under § 501a.2(d)(6) upon completion of the training.

(e) Employees are required to receive periodic reinforcement training at least once every calendar year starting with the year following the year in which the employee was hired. The date of the reinforcement training shall be recorded in each employee's personnel file.

(f) Employees shall report suspected or identified compulsive or problem gamblers to a designated key employee or other supervisory employee.

(g) The identity of an individual suspected of known compulsive or problem gambling shall be confidential except as provided under § 503a.3(f) (relating to self-exclusion list) and section 1516(d) of the act (relating to list of persons self excluded from gaming activities).

(h) Slot machine licensees may collaborate with a person with specialized knowledge, skill, training and experience in responsible gaming employee training programs to develop an in-house or Internet-based employee training program to provide the training and reinforcement training required under this chapter.

### § 501a.5. Signage requirements.

Under section 1509(c) of the act (relating to compulsive and problem gambling program), each slot machine licensee shall post at least 20 signs that include a gambling assistance message that complies with § 501a.7(d) (relating to advertising). The complete text of the sign shall be submitted for approval to the Director of OCPG utilizing the process contained in § 501a.2(g) (relating to compulsive and problem gambling plan). The signs must be prominently posted at the following locations:

(1) Within 50 feet of each entrance and exit of the facility.

(2) Above or below the cash dispensing opening on all automated teller machines, automated gaming voucher and coupon redemption machines, and other machines that dispense cash to patrons in the licensed facility.

### § 501a.6. (Reserved).

### § 501a.7. Advertising.

(a) A licensee, certified or registered entity, or its agent may not employ or contract with an individual or entity to persuade or convince a person to engage in gaming or play a specific slot machine or table game while on the gaming floor of a licensed facility.

(b) A licensee, certified or registered entity, or its agent shall discontinue as expeditiously as possible the use of a particular advertisement upon receipt of written notice that the OCPG has determined that the use of the particular advertisement in, or with respect to, this Commonwealth could adversely impact the public or the integrity of gaming.



(c) Advertisements used by a licensee, certified or registered entity, or its agent may not:

- (1) Contain false or misleading information.
- (2) Fail to disclose conditions or limiting factors associated with the advertisement.
- (3) Use a font, type size, location, lighting, illustration, graphic depiction or color obscuring conditions or limiting factors associated with the advertisement or the statement required under subsection (d).

(d) Advertisements must contain a gambling assistance message that is similar to one of the following:

- (1) If you or someone you know has a gambling problem, help is available. Call (toll free telephone number).
- (2) Gambling Problem? Please call (toll free telephone number).
- (3) Gambling Problem? Call (toll free telephone number).

(e) The complete text of the gambling assistance message and the font to be used for the statement, if it has not been previously approved, shall be submitted to the Director of OCPG for approval utilizing the process in § 501a.2(g) (relating to compulsive and problem gambling plan) and comply with the following:

(1) For signs, direct mail marketing materials, posters and other print advertisements, the height of the font used for the gambling assistance message must be the greater of:

- (i) The same size as the majority of the text used in the sign, direct mail marketing material, poster or other print advertisement.
- (ii) Two percent of the height or width, whichever is greater, of the sign, direct mail marketing material, poster or other print advertisement.

(2) For billboards, the height of the font used for the gambling assistance message must be at least 5% of the height or width, whichever is greater, of the face of the billboard.

(3) For video and television, the gambling assistance message must be visible for either:

- (i) The entire time the video or television advertisement is displayed. The height of the font used for the gambling assistance message must be at least 2% of the height or width, whichever is greater, of the image that will be displayed.
- (ii) From the first time a table game, table game device, slot machine, associated equipment or casino name is displayed or verbally referenced, and on a dedicated screen shot visible for at least the last 3 seconds of the video or television advertisement. If the licensee elects to utilize this option, the height of the font used for the gambling assistance message displayed:

(A) During the advertisement must be at least 2% of the height or width, whichever is greater, of the image that will be displayed.

(B) On the dedicated screen shot must be at least 8% of the height or width, whichever is greater, of the image that will be displayed.

(4) For web sites, including social media sites:

(i) The gambling assistance message must be posted on each webpage or profile page and on a gaming related advertisement posted on the webpage or profile page.

(ii) The height of the font used for the gambling assistance message must be at least the same size as the majority of the text used in the webpage or profile page.

(iii) For advertisements posted on the webpage or profile page, the height of the font used for the gaming assistance message must comply with paragraph (1).

**CHAPTER 503a. SELF-EXCLUSION**

**§ 503a.1. Definitions.**

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

*Fully executed gaming transaction*—An activity involving a slot machine, table game or associated equipment which occurs on the gaming floor of a licensed facility or in areas off the gaming floor where contests or tournaments are conducted which results in an individual obtaining any money or thing of value from, or being owed any money or thing of value by, a slot machine licensee or slot system operator.

*Gaming activity*—The play of slot machines or table games including play during contests, tournaments or promotional events.

*Gaming related activity*—An activity related to the play of slot machines or table games including applying for player club memberships or credit, cashing checks, or accepting a complimentary gift, service, promotional item or other thing of value at a licensed facility.

*OCPG*—Office of Compulsive and Program Gambling.

*Self-excluded person*—A person whose name and identifying information is included, at the person’s own request, on the self-exclusion list maintained by the Board.

*Self-exclusion list*—A list of names and identifying information of persons who, under this chapter, have voluntarily agreed to be:

- (i) Excluded from the gaming floor and areas off the gaming floor where gaming activity is conducted.
- (ii) Excluded from engaging in all gaming related activities at a licensed facility.
- (iii) Prohibited from collecting any winnings or recovering any losses resulting from gaming activity.

*Winnings*—Any money or thing of value received from, or owed by, a slot machine licensee or slot system operator as a result of a fully executed gaming transaction.

**§ 503a.2. Request for self-exclusion.**

(a) A person requesting placement on the self-exclusion list shall submit, in person, a completed Request for Voluntary Self-exclusion from Gaming Activities Form to the Board. The submission may be made by scheduling an appointment at the Board’s Harrisburg office, one of the Board’s other offices or at a licensed facility. To make an appointment, a person may contact the OCPG at (717) 346-8300.

(b) A request for self-exclusion must include the following identifying information:

- (1) Name, including any aliases or nicknames.
- (2) Date of birth.
- (3) Address of current residence.
- (4) Telephone number.

(5) Social Security number, when voluntarily provided in accordance with section 7 of the Privacy Act of 1974 (5 U.S.C.A. § 552a).

(6) Physical description of the person, including height, weight, gender, hair color, eye color and any other physical characteristic that may assist in the identification of the person.

(c) The information provided in subsection (b) shall be updated by the self-excluded person within 30 days of a change. Updated information shall be submitted on a Change of Information Form to the following address. A copy of the form can be obtained by calling the OPCG at (717) 346-8300 or by writing to:

PENNSYLVANIA GAMING CONTROL BOARD

OFFICE OF COMPULSIVE AND PROBLEM  
GAMBLING  
P. O. BOX 69060  
HARRISBURG, PA 17106-9060

(d) The length of self-exclusion requested by a person must be one of the following:

- (1) One year (12 months).
- (2) Five years.
- (3) Lifetime.

(e) A request for self-exclusion must include a signed release which:

(1) Acknowledges that the request for self-exclusion has been made voluntarily.

(2) Certifies that the information provided in the request for self-exclusion is true and accurate.

(3) Acknowledges that the individual requesting self-exclusion is a problem gambler.

(4) Acknowledges that a person requesting a lifetime exclusion is prohibited from requesting removal from the self-exclusion list and that a person requesting a 1-year or 5-year exclusion will remain on the self-exclusion list until a request for removal under § 503a.5 (relating to removal from self-exclusion list) is approved.

(5) Acknowledges that if the individual is discovered on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming related activities at any licensed facility, that the individual will be subject to removal and arrest for criminal trespass under 18 Pa.C.S. § 3503 (relating to criminal trespass) and the individual's winnings will be subject to confiscation and remittance to support compulsive and problem gambling programs.

(6) Releases, indemnifies, holds harmless and forever discharges the Commonwealth, the Board and all slot machine licensees from claims, damages, losses, expenses or liability arising out of, by reason of or relating to the self-excluded person or to any other party for any harm, monetary or otherwise, which may arise as a result of one or more of the following:

(i) The failure of a slot machine licensee to withhold gaming privileges from or restore gaming privileges to a self-excluded person.

(ii) Otherwise permitting or not permitting a self-excluded person to engage in gaming activity in a licensed facility while on the list of self-excluded persons.

(iii) Confiscation of the individual's winnings.

(f) Self-exclusions for 1 year or 5 years remain in effect until the period of self-exclusion concludes and the person requests removal from the Board's self-exclusion list under § 503a.5.

(g) A person submitting a self-exclusion request shall present a valid government-issued photo identification containing the person's signature and photograph when the person submits the request.

(h) A person requesting self-exclusion under this chapter shall have a photograph taken by the Board, or agent thereof, upon acceptance of the request to be on the list.

**§ 503a.4. Duties of slot machine licensees.**

(a) A slot machine licensee shall train its employees and establish procedures to:

(1) Identify a self-excluded person when present on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming related activities and, upon identification, immediately notify the following persons:

(i) Employees of the slot machine licensee whose duties include the removal of self-excluded persons.

(ii) Casino compliance representatives at the licensed facility.

(iii) The Pennsylvania State Police.

(2) Refuse wagers from and deny gaming privileges to a self-excluded person.

(3) Deny gaming related activities, gaming junket participation and other similar privileges and benefits to a self-excluded person.

(4) Ensure that self-excluded persons do not receive, either from the slot machine licensee or any agent thereof, gaming junket solicitations, targeted mailings, telemarketing promotions, player club materials or other promotional materials relating to gaming activities at its licensed facility as required under § 501a.3(a)(10) (relating to employee training program).

(5) Comply with § 503a.3(d) (relating to self-exclusion list).

(6) Make available to patrons written materials explaining the self-exclusion program.

(b) A slot machine licensee shall submit a copy of its procedures and training materials established under subsection (a) to the Director of OCPG for review and approval at least 30 days prior to initiation of gaming activities at the licensed facility. The slot machine licensee will be notified in writing of any deficiencies in the procedures and training materials and may submit revisions to the procedures and training materials to the Director of OCPG. A slot machine licensee may not commence operations until the Director of OCPG approves the procedures and training.

(c) A slot machine licensee shall submit amendments to the procedures and training materials required under subsection (b) to the Director of OCPG for review and approval at least 30 days prior to the intended implementation date of the amendments. The slot machine licensee may implement the amendments on the 30th calendar day following the filing of the amendments unless the slot machine licensee receives a notice under subsection (d) objecting to the amendments.

(d) If during the 30-day review period the Director of OCPG determines that the amendments to the procedures and training materials may not promote the prevention of

gaming by self-excluded individuals or assist in the proper administration of the self-exclusion program, the Director of OCPG may, by written notice to the slot machine licensee, object to the amendments. The objection will:

(1) Specify the nature of the objection and, when possible, an acceptable alternative.

(2) Direct that the amendments not be implemented until approved by the Director of OCPG.

(e) When the amendments to the procedures and training materials have been objected to under subsection (d), the slot machine licensee may submit revised amendments in accordance with subsections (c) and (d).

(f) A slot machine licensee shall post signs at all entrances to a licensed facility indicating that a person who is on the self-exclusion list will be subject to arrest for trespassing under 18 Pa.C.S. § 3503 (relating to criminal trespass) if the person is on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming related activities in the licensed facility. The text and font size of the signs shall be submitted for approval to the Director of OCPG under the procedures specified in subsection (b).

(g) The list of self-excluded persons is confidential, and any distribution of the list to an unauthorized source constitutes a violation of the act.

(h) Under section 1516 of the act (relating to list of persons self excluded from gaming activities), slot machine licensees and employees thereof may not be liable for damages in any civil action, which is based on the following:

(1) Failure to withhold gaming privileges from or restore gaming privileges to a self-excluded person.

(2) Permitting or not permitting a self-excluded person to gamble.

(3) Good faith disclosure of the identity of a self-excluded person to someone, other than those authorized by this chapter, for the purpose of complying with this chapter.

(i) A slot machine licensee shall report the discovery of a self-excluded person on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming related activities to the Director of OCPG within 24 hours.

**§ 503a.5. Removal from self-exclusion list.**

(a) For individuals who are self-excluded for 1 year or 5 years, upon the conclusion of the period of self-exclusion, the individual may request removal from the self-exclusion list by scheduling an appointment with the OCPG at (717) 346-8300. At the scheduled appointment time, the individual requesting removal shall submit, in person, a completed Request for Removal from Voluntary Self-Exclusion Form as required under subsections (b) and (c). With an appointment, removal from the list may be conducted at the Board's Harrisburg office, one of the Board's regional offices or other location approved by the OCPG.

(b) A Request for Removal from Voluntary Self-Exclusion Form must include:

(1) The identifying information specified in § 503a.2(b) (relating to request for self-exclusion).

(2) The signature of the person requesting removal from the self-exclusion list indicating acknowledgment of the following statement:

"I certify that the information that I have provided above is true and accurate. I am aware that my signature below constitutes a revocation of my previous request for self-exclusion, and I authorize the Board to permit all slot machine licensees of the Commonwealth of Pennsylvania to reinstate my gaming privileges at licensed facilities."

(c) A person submitting a Request for Removal from Voluntary Self-Exclusion Form shall be required to present a valid government-issued photo identification containing the person's signature when the form is submitted during the person's scheduled appointment.

(d) Within 15 business days after the Request for Removal from Voluntary Self-Exclusion Form is accepted by Board staff, the OCPG will delete the name of the individual from the self-exclusion list and notify each slot machine licensee of the removal. An individual who was removed from the voluntary self-exclusion list may not enter the gaming floor, areas off the gaming floor where contests or tournaments are conducted or engage in gaming related activities for 15 business days from the date Board staff accepts the request to be removed from the voluntary self-exclusion list or may be subject to arrest for trespassing under 18 Pa.C.S. § 3503 (relating to criminal trespass).

**§ 503a.6. Exceptions for individuals on the self-exclusion list.**

The prohibition against allowing self-excluded persons to be on the gaming floor or in areas off the gaming floor where gaming activity is conducted does not apply to an individual who is on the self-exclusion list if all of the following apply:

(1) The individual is carrying out the duties of employment or incidental activities related to employment.

(2) The slot machine licensee's security department and the Board's office located at the licensed facility have received prior notice.

(3) Access to the gaming floor or areas off the gaming floor where gaming activity is conducted is limited to the time necessary to complete the individual's assigned duties.

(4) The individual does not otherwise engage in any gaming activities.

**§ 503a.7. Disclosure of information related to persons on the self-exclusion list.**

(a) The Board may periodically release to the public demographics and general information regarding the self-exclusion list such as the total number of individuals on the list, gender breakdown and age range.

(b) The Board may make selected data available, upon request, for the limited purpose of assisting in the proper administration of responsible gaming programs.

(c) The Board will not disclose identifying information or confirm or deny the existence of an individual's name on the Board's voluntary self-exclusion list.

**CHAPTER 503b. (Reserved)**

**§ 503b.1. (Reserved).**

**Subpart J. EXCLUSION OF PERSONS**

**CHAPTER 513a. UNDERAGE GAMING**

**§ 513a.1. Definitions.**

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

*Fully executed gaming transaction*—An activity involving a slot machine, table game or associated equipment which occurs on the gaming floor of a licensed facility or in areas off the gaming floor where contests or tournaments are conducted and which results in an individual obtaining any money or thing of value from, or being owed any money or thing of value by, a slot machine licensee.

*OCPG*—The Office of Compulsive and Problem Gambling.

*Winnings*—Any money or thing of value received from, or owed by, a slot machine licensee as a result of a fully executed gaming transaction.

**§ 513a.3. Responsibilities of licensees, permittees, registrants and certification holders.**

(a) A person holding a license, permit, certification or registration issued by the Board is prohibited from permitting or enabling an individual to engage in conduct that violates § 513a.2(a), (b), (c) or (d) (relating to exclusion requirements).

(b) The slot machine licensee shall train its employees and establish procedures to:

(1) Identify and remove individuals who are less than 21 years of age and not otherwise authorized to be in the licensed facility as provided in § 513a.2(a).

(2) Immediately notify the casino compliance representatives at the licensed facility and the Pennsylvania State Police when an individual less than 21 years of age is discovered on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming related activities.

(3) Refuse wagers from and deny gaming privileges to an individual less than 21 years of age.

(4) Deny check cashing privileges, player club memberships, extensions of credit, complementary goods and services, junket participation, and other similar privileges and benefits to an individual less than 21 years of age.

(5) Ensure that individuals less than 21 years of age do not receive, either from the slot machine licensee or an agent thereof, junket solicitations, targeted mailing, telemarketing promotions, player club membership materials or other promotional materials relating to gaming activities.

(c) Slot machine licensees shall establish procedures to prevent violations of this chapter and submit a copy of the procedures to the Director of OCPG 30 days prior to initiation of gaming activities at the licensed facility. A slot machine licensee will be notified in writing of any deficiencies in the plan and may submit revisions to the plan to the Director of OCPG. The slot machine licensee may not commence operations until the Director of OCPG approves its procedures. Amendments to these procedures must be submitted to and approved by the Director of OCPG prior to implementation.

(d) A slot machine licensee may be subject to Board imposed administrative sanctions if a person engages in conduct that violates § 513a.2(a), (b), (c) or (d) at its licensed facility. Under § 513a.2(e), winnings obtained by a slot machine licensee from or held on account of a person under 21 years of age shall be remitted to the Board to support compulsive and problem gambling programs of the Board.

(e) A person holding a license, permit, registration or certification issued by the Board who violates a provision of this chapter may be held jointly or severally liable for the violation.

**§ 513a.4. Signage requirements.**

A slot machine licensee shall post signs that include a statement that is similar to the following: "It is unlawful for any individual under 21 years of age to enter or remain in any area where slot machines or table games are operated. It is unlawful for any individual under the age of 21 to wager, play or attempt to play a slot machine or table game. Individuals violating this prohibition will be removed and may be subject to arrest and criminal prosecution." The complete text of the sign shall be submitted to and approved by the Director of OCPG as part of the procedures required under § 513a.3(b) (relating to responsibilities of licensees, permittees, registrants and certification holders). The signs shall be prominently posted within 50 feet of each entrance and exit of the gaming floor.

**Subpart K. TABLE GAMES**

**CHAPTER 603a. TABLE GAME EQUIPMENT**

**§ 603a.12. Dice; physical characteristics.**

\* \* \* \* \*

(c) Dice used in the table game of Sic Bo must comply with subsection (a) except each die used in an automated Sic Bo shaker must be formed in the shape of a cube 0.625 inch on each side with ball edge corners.

\* \* \* \* \*

**CHAPTER 633a. BLACKJACK**

**§ 633a.13. Payout odds; payout limitation.**

\* \* \* \* \*

(k) The certificate holder shall pay out winning Three Card Poker Wagers at odds in one of the following pay tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Straight Flush	9 to 1	30 to 1
Three-of-a-kind	9 to 1	20 to 1
Straight	9 to 1	10 to 1
Flush	9 to 1	5 to 1
	* * * * *	

[Pa.B. Doc. No. 14-2310. Filed for public inspection November 7, 2014, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF TRANSPORTATION

[ 67 PA. CODE CH. 101 ]

### Authorizing Appropriately Attired Persons to Direct, Control or Regulate Traffic

The Department of Transportation (Department), under the authority in 75 Pa.C.S. §§ 3102 and 6103 (relating to obedience to authorized persons directing traffic; and promulgation of rules and regulations by department), proposes to amend Chapter 101 (relating to authorizing appropriately attired persons to direct, control or regulate traffic) to read as set forth in Annex A.

#### *Purpose of Chapter 101*

The purpose of Chapter 101 is to identify those persons, other than uniformed police officers, who are authorized to direct, control or regulate traffic and to prescribe minimum suitable safety attire in accordance with 75 Pa.C.S. § 3102.

#### *Purpose of the Proposed Rulemaking*

The purpose of this proposed rulemaking is to update the list of authorized persons and the requirements for safety apparel to be worn by persons directing, controlling and regulating traffic. Chapter 101 will be amended to reflect industry practices that are consistent with standards established by the Federal Highway Administration (FHWA) and the Department's policies relative to persons directing, controlling and regulating traffic.

#### *Summary of Significant Amendments*

Section 101.2(2) (relating to persons authorized to direct traffic) is proposed to be amended to authorize adult school crossing guards to also assist the ingress and egress of school buses and school vans to and from a school.

Section 101.2(7) is proposed to be amended to reflect that Department of Conservation and Natural Resources personnel are authorized to direct, control and regulate traffic.

Section 101.2(8) is proposed to be added to include persons controlling traffic at authorized parades, processions or other public assemblies.

Section 101.2(9) is proposed to be added to include persons assisting the ingress and egress of traffic from an industrial or mineral extraction site.

Section 101.3 (relating to minimum attire) is proposed to be amended to meet FHWA and Department high-visibility safety apparel requirements for authorized persons within the highway's right-of-way. High-visibility safety apparel is described as personal protective safety clothing that is intended to provide conspicuity during daytime and nighttime usage that meets the Performance Class 2 or 3 requirements of the American National Standards Institute/International Safety Equipment Association (ANSI/ISEA) 107-2004, "American National Standard for High-Visibility Safety Apparel and Headwear." The proposed amendments also authorize emergency and incident responders to wear high-visibility safety apparel that meets the requirements of ANSI/ISEA 207-2006

Publication 6, "American National Standard for High-Visibility Public Safety Vests." The high-visibility safety apparel must be fluorescent orange, fluorescent yellow-green or a combination of these colors.

Proposed amendments to § 101.4 (relating to emergencies) clarify that anyone may temporarily direct traffic at the scene of an emergency until an authorized person as identified in Chapter 101 arrives. Proposed amendments to § 101.4 also define "emergency."

#### *Persons and Entities Affected*

This proposed rulemaking will affect persons who are authorized to direct, control or regulate traffic in accordance with this chapter and 75 Pa.C.S. § 3102.

#### *Fiscal Impact*

This proposed rulemaking should not require the expenditure of additional funds by the Commonwealth, local municipalities or persons referenced in § 101.2 and 75 Pa.C.S. § 3102 as the regulated community has already incurred costs to meet FHWA standards that are already followed by the regulated community.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 28, 2014, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. A copy of this material is available to the public upon request.

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

#### *Sunset Provisions*

The Department is not establishing a sunset date for these regulations since these regulations are needed to administer provisions required under 75 Pa.C.S. (relating to Vehicle Code) and FHWA standards. The Department, however, will continue to closely monitor these regulations for their effectiveness.

#### *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Glenn C. Rowe, PE, Acting Chief, Highway Safety and Traffic Operations Division, Bureau of Maintenance and Operations, Department of Transportation, Commonwealth Keystone Building, 400 North Street, 6th Floor, Harrisburg, PA 17120, glowe@pa.gov within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

#### *Contact Person*

The contact person for technical questions about this proposed rulemaking is Glenn C. Rowe, PE, Acting Chief, Highway Safety and Traffic Operations Division, Bureau

of Maintenance and Operations, Department of Transportation, Commonwealth Keystone Building, 400 North Street, 6th Floor, Harrisburg, PA 17120, (717) 783-6479, glrowe@pa.gov.

BARRY J. SCHOCH, PE,  
*Secretary*

**Fiscal Note:** 18-461. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 67. TRANSPORTATION

#### PART I. DEPARTMENT OF TRANSPORTATION

##### Subpart A. VEHICLE CODE PROVISIONS

##### ARTICLE VI. OPERATION OF VEHICLES

#### CHAPTER 101. AUTHORIZING APPROPRIATELY ATTIRED PERSONS TO DIRECT, CONTROL OR REGULATE TRAFFIC

##### § 101.1. Purpose.

This chapter indicates those persons, other than a uniformed police [ **officers** ] **officer, sheriff, constable or, in an emergency, a railroad or street railway police officer**, who are authorized to direct, control or regulate traffic, and [ **to prescribe minimum suitable attire and equipment for those persons** ] **prescribes minimum suitable safety apparel.**

##### § 101.2. Persons authorized to direct traffic.

The following persons are authorized to direct, control or regulate traffic:

(1) Traffic control persons on utility, maintenance or construction projects.

(2) Adult school crossing guards for assisting school children across busy or hazardous highways **or for assisting the ingress or egress of school buses and school vans to and from a school.**

(3) Railroad crossing guards at railroad grade crossings, for purposes of stopping vehicular traffic to permit the safe passage of trains.

(4) Civil defense, National Guard and military police while performing their regular duties or during National or local emergencies.

(5) Personnel of emergency organizations such as, **but not limited to**, fire departments, hospitals, river rescue associations, ambulance associations and personnel of emergency vehicles designated by the State Police under 75 Pa.C.S. § 6106 (relating to designation of emergency vehicles by the Pennsylvania [ **police** ] **State Police**) while performing their duties.

(6) Highway service vehicle personnel of tow trucks and road service vehicles.

(7) [ **Park Maintenance Supervisors, Park Rangers I and Environmental Education Specialists of the Department of Environmental Resources, Bureau of State Parks, who have completed the Department of Environmental Resources' Traffic Control Training Course, while performing their official duties.** ] Department of Conservation and Natural Resources personnel while performing their official duties.

(8) Persons controlling traffic at authorized parades, processions or other public assemblies. These persons shall have successfully completed

**and participated in a formal flagging procedures and guidelines training course as defined and outlined by the Department.**

(9) Persons assisting to improve highway safety by the directing, control or regulation of traffic volumes created by the ingress or egress to or from a commercial, industrial, manufacturing, agricultural, or natural resource or mineral extraction operation. These persons shall have successfully completed and participated in a formal flagging procedures and guidelines training course as defined and outlined by the Department.

(10) Persons authorized by 75 Pa.C.S. § 3102 (relating to obedience to authorized persons directing traffic).

##### § 101.3. Minimum attire.

[ This section sets forth standards for minimum attire and equipment so that persons directing, controlling or regulating traffic are easily distinguishable and so that their directions can be understood.

(1) Traffic control persons on utility, maintenance or construction projects shall wear orange, fluorescent red-orange or fluorescent yellow-orange vests and a protective helmet. In addition, they shall be equipped with a flagman traffic control sign, a paddle with a Stop sign on one face and a Slow sign on the opposite face, as described in Publication 203 of the Department.

(2) Adult school crossing guards shall wear as a minimum a safety vest or safety belt manufactured from retroreflective and fluorescent material visible both day and night at 300 feet to approaching motorists.

(3) Members of the National Guard or military police shall wear their official uniforms and members of the civil defense shall wear their official arm bands and white hats or other distinctive clothing.

(4) Emergency vehicle personnel and Park Maintenance Supervisors, Park Rangers I and Environmental Education Specialists of the Department of Environmental Resources, Bureau of State Parks, shall wear their official uniform or shall utilize a red flag to control traffic during daylight hours and a flashlight with a red luminaire during hours of darkness. A firefighter's hat is sufficient attire for a firefighter and an official hat and badge is sufficient attire for fire police.

(5) Personnel of highway service vehicles shall wear red or yellow fluorescent vests which shall be reflectorized for nighttime operations.

(6) Railroad crossing guards shall be equipped with a red flag during daylight hours and with a lighted lantern capable of providing both red and white aspects during the hours of darkness. ]

This section sets forth the minimum standards for high-visibility safety apparel for authorized persons directing, controlling or regulating traffic so that they are more easily distinguishable. Authorized persons directing, controlling or regulating traffic as identified in § 101.2 (relating to persons authorized to direct traffic) shall wear high-visibility safety apparel as follows:

(1) High-visibility safety apparel is personal protective safety clothing that is intended to provide conspicuity during daytime and nighttime usage, and that meets the Performance Class 2 or 3 requirements of the American National Standards Institute/International Safety Equipment Association (ANSI/ISEA) 107-2004, "American National Standard for High-Visibility Safety Apparel and Headwear," including future amendments or an equivalent designated by the Department through publication in the *Pennsylvania Bulletin*.

(2) Emergency and incident responder personnel may wear high visibility safety apparel that meets the performance requirements of the ANSI/ISEA 207-2006 Publication 6, "American National Standard for High-Visibility Public Safety Vests," including future amendments or an equivalent designated by the Department through publication in the *Pennsylvania Bulletin*.

(3) The high-visibility safety apparel must be fluorescent orange, fluorescent yellow-green, a combination of fluorescent orange and yellow-green, or another color designated by amendments to the ANSI/ISEA or the Department through publication in the *Pennsylvania Bulletin*.

§ 101.4. Emergencies.

[ Nothing in this chapter precludes a person from temporarily directing traffic at the scene of an emergency. ]

(a) A person at the scene of an emergency may temporarily direct traffic, with or without being properly attired in high-visibility safety apparel, until an authorized person as identified in § 101.2 (relating to persons authorized to direct traffic) arrives.

(b) An emergency as used in subsection (a) means an unplanned or unforeseen incident that warrants an immediate action to direct, control or regulate traffic to minimize threats to public health or public safety.

[Pa.B. Doc. No. 14-2311. Filed for public inspection November 7, 2014, 9:00 a.m.]

# GAME COMMISSION

[ 58 PA. CODE CH. 143 ]

## Hunting and Furtaker Licenses; Hunter Education Training

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its September 23, 2014, meeting proposed to amend § 143.12 (relating to hunter education training) to authorize the Commission to develop and implement an online hunter-trapper education course of study and assess vendor fees that may be incurred through the course of instruction and certification.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the September 23, 2014, meeting of the Commission. Comments can be sent, until January 23, 2015, to the Director, Bureau of Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

Hunter education delivery methods continue to evolve across the United States. The use of independent study is one delivery method which has been in use for nearly a decade in this Commonwealth. A student studies the majority of the course on his own then attends an abbreviated 2-hour class to meet the local Wildlife Conservation Officer, who leads a lesson on hunting laws and regulations. At the conclusion of this lesson, the student completes the certification exam and receives a training certificate.

Recently, online training programs have been developed to not only provide the training component, but also enable online testing and certification of students as well. Upon successful completion of the course of study, a student can print a certificate of training and purchase a hunting license. This capability continues to improve customer service and convenience. Additionally, it removes potential barriers for students who are unable to attend a traditional, instructor-led class or one of the Commission's independent study classes. It provides another tool for the Commission to reach a large audience of people interested in learning to hunt or trap.

Vendors who develop and manage online hunter education training and certification courses typically charge a user fee to recover the ongoing development and maintenance costs of the program. The proposed amendment to § 143.12 enables the Commission to offer a completely online hunter-trapper education training and certification course while providing for a convenience fee to be paid by those students who choose this option. The Commission will continue to offer nearly 1,000 instructor-led hunter-trapper education classes each year. These classes will continue to meet the legislative mandate for hunter-trapper education instruction to be free of charge.

Section 2102(a) of the code (relating to regulations) provides that "[t]he commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 143.12 are proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 143.12 to authorize the Commission to develop and implement an online hunter-trapper education course of study and assess vendor fees that may be incurred through the course of instruction and certification.

3. *Persons Affected*

Persons seeking hunter-trapper education within this Commonwealth may be affected by the proposed rulemaking.

#### 4. *Cost and Paperwork Requirements*

The proposed rulemaking will not result in additional cost or paperwork.

#### 5. *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### 6. *Contact Person*

For further information regarding the proposed rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,  
*Executive Director*

**Fiscal Note:** 48-369. No fiscal impact; (8) recommends adoption.

### Annex A

## TITLE 58. RECREATION

### PART III. GAME COMMISSION

#### CHAPTER 143. HUNTING AND FURTKAKER LICENSES

##### Subchapter A. GENERAL

#### § 143.12. Hunter education training.

(a) *Course registration fees.* Upon application for enrollment in each fee-based hunter education course, a student shall remit the associated, nonrefundable course registration fee in the form of cash, credit card, check or money order. Checks or money orders must be made payable to the "Pennsylvania Game Commission."

**(b) *Online hunter-trapper education independent study.* The Commission may develop and implement an online hunter-trapper education course of study as a convenience to license buyers seeking first-time or supplemental training and certification. The Director will establish the course of instruction and assess vendor fees that may be incurred through this course of instruction and certification.**

**[(b)] (c) *Training certificate.*** The Commission will issue an appropriate certificate of training to each student who successfully completes an approved hunter education course. The Commission will issue a replacement hunter education training certificate to a person who provides sufficient affirmation or evidence of successful completion of that course of instruction. A certificate replacement fee shall be remitted by any person requesting a replacement hunter education training certificate.

**[(c)] (d) *Waiver.*** The Director may waive any course registration fee required by this section when the waiver is determined to be consistent with the Commission's hunter education training program or the intent of the act.

**[(d)] (e) *Establishment of fees.*** The Director will establish the value of a course registration fee or certificate replacement fee required under this section.

[Pa.B. Doc. No. 14-2312. Filed for public inspection November 7, 2014, 9:00 a.m.]

### [ 58 PA. CODE CH. 131 ]

#### Preliminary Provisions; Pennsylvania Hunting Heritage Registration Plate Fee

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its September 23, 2014, meeting proposed to add § 131.10 (relating to Pennsylvania Hunting Heritage registration plate fee) to require applicants seeking authorization to request a Pennsylvania Hunting Heritage registration plate to pay a fee of \$25.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the September 23, 2014, meeting of the Commission. Comments can be sent, until January 23, 2015, to the Director, Bureau of Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

##### 1. *Purpose and Authority*

Section 1355.1 of 75 Pa.C.S. (relating to Pennsylvania Hunting Heritage registration plates) establishes the Department of Transportation's authority, in consultation with the Commission, to issue Pennsylvania Hunting Heritage registration plates for eligible classes of vehicles. Section 1355.1 of 75 Pa.C.S. requires the Commission to charge a fee for the authorization to request the registration plate, but does not itself establish the fee amount. The Commission is proposing to add § 131.10 to require applicants seeking authorization to request a Pennsylvania Hunting Heritage registration plate to pay a fee of \$25.

Section 2102(a) of the code (relating to regulations) provides that "[t]he commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." Section 131.10 is proposed to be added under this authority.

##### 2. *Regulatory Requirements*

The proposed rulemaking will add § 131.10 to require applicants seeking authorization to request a Pennsylvania Hunting Heritage registration plate to pay a fee of \$25.

##### 3. *Persons Affected*

Persons seeking Pennsylvania Hunting Heritage registration plates for eligible classes of vehicles will be affected by the proposed rulemaking.

##### 4. *Cost and Paperwork Requirements*

The proposed rulemaking will result in a new fee of \$25 for applicants seeking authorization to request the new Pennsylvania Hunting Heritage registration plate. This fee will be in addition to any fee collected by the Department of Transportation under 75 Pa.C.S. § 1931(b) (relating to personal and organization registration plates). The proposed rulemaking will also create new paperwork



requirements for the implementation of this program. However, these new paperwork requirements are anticipated to be minimal.

5. *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,  
*Executive Director*

**Fiscal Note:** 48-370. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 131. PRELIMINARY PROVISIONS**

**§ 131.10. Pennsylvania Hunting Heritage registration plate fee.**

Applicants seeking authorization to request a Pennsylvania Hunting Heritage registration plate issued under 75 Pa.C.S. § 1355.1 (relating to Pennsylvania Hunting Heritage registration plates) will be assessed a fee of \$25 in addition to fees collected by the Department of Transportation under 75 Pa.C.S. § 1931(b) (relating to personal and organization registration plates).

[Pa.B. Doc. No. 14-2313. Filed for public inspection November 7, 2014, 9:00 a.m.]

**[ 58 PA. CODE CH. 147 ]**

**Special Permits; Nuisance Wildlife Control Operator**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its September 23, 2014, meeting proposed to amend § 147.726 (relating to operation) to authorize the use of raptors for nuisance wildlife abatement by persons in possession of a Nuisance Wildlife Control Operator Permit and a Special Purpose—Abatement Using Raptors Permit.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the September 23, 2014, meeting of the Commission. Comments can be sent, until January 23, 2015, to the Director, Bureau of Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

The United States Fish and Wildlife Service has the authority to issue a Special Purpose—Abatement Using Raptors Permit. This permit generally allows qualified individuals to utilize raptors to handle nuisance wildlife issues for other persons. The Commission requires a

person to obtain a Nuisance Wildlife Control Operators Permit if that person conducts nuisance wildlife control work for another person in this Commonwealth. For raptors to be utilized by properly permitted nuisance wildlife control operators in this Commonwealth, the Commission must amend its regulations. The Commission is proposing to amend § 147.726 to authorize the use of raptors for nuisance wildlife abatement by persons in possession of a Nuisance Wildlife Control Operator Permit and a Special Purpose—Abatement Using Raptors Permit.

Section 2901(b) of the code (relating to authority to issue permits) provides that “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to § 147.726 are proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 147.726 to authorize the use of raptors for nuisance wildlife abatement by persons in possession of a Nuisance Wildlife Control Operator Permit and a Special Purpose—Abatement Using Raptors Permit.

3. *Persons Affected*

Persons wishing to utilize raptors for nuisance wildlife abatement within this Commonwealth will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking will not result in additional cost or paperwork.

5. *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,  
*Executive Director*

**Fiscal Note:** 48-371. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 147. SPECIAL PERMITS**

**Subchapter T. NUISANCE WILDLIFE CONTROL OPERATOR**

**§ 147.726. Operation.**

(a) Approved methods and devices are as follows:

\* \* \* \* \*

(4) Dogs used to harass nuisance geese. The authorization to harass geese with dogs is prohibited at any time when goslings are present at the site and during the period from June 16 to July 20, when the majority of adult birds are flightless.

(5) **Raptors may be utilized for nuisance wildlife abatement by a permitted nuisance wildlife control operator only when the permitted nuisance wildlife control operator possesses a valid Special Purpose—Abatement Using Raptors Permit issued by the United States Fish and Wildlife Service. Other regulations pertaining to nuisance wildlife control operators apply to persons using this approved method and device.**

(b) The agent shall have the approval of the property owner or lessee and confine all activities to that property.

\* \* \* \* \*

[Pa.B. Doc. No. 14-2314. Filed for public inspection November 7, 2014, 9:00 a.m.]

[ 58 PA. CODE CHS. 133 and 147 ]

**Wildlife Classification of Birds; Special Permits for Falconry**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its September 23, 2014, meeting, proposed to amend §§ 133.21 and 147.101 (relating to classification of birds; and definitions) and to add § 147.111b (relating to Arctic peregrine limited take special permit) to authorize the limited take of Arctic Peregrine Falcons (*Falco peregrinus tundrius*) within this Commonwealth by qualified falconers.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the September 23, 2014, meeting of the Commission. Comments can be sent, until January 23, 2015, to the Director, Bureau of Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

The United States Fish and Wildlife Service (Service) has the authority to grant states within the Atlantic Flyway the ability to permit certain qualified falconers the opportunity to take Arctic Peregrine Falcons (*Falco peregrinus tundrius*) for falconry purposes. Although various states within the Atlantic Flyway currently participate in the limited allowable take of Arctic Peregrine Falcons (*Falco peregrinus tundrius*), the Commonwealth does not.

For the Commission and qualified falconers in this Commonwealth to participate in this program, it must amend its regulations to distinguish between Arctic Peregrine Falcons (*Falco peregrinus tundrius*) and Peregrine Falcon (*Falco peregrines anatum*) which is currently listed as a Pennsylvania endangered species. Furthermore, the Commission must define the allowable take to establish limitations on the number of Arctic Peregrine Falcons (*Falco peregrinus tundrius*) that can be taken in any given permit year. Finally, the Commission must establish a special permit program that includes eligibility criteria as well as application and issuance standards.

Upon the establishment of this regulatory structure, the Commission will seek approval from the Service for the Commonwealth and qualified falconers to participate

in the limited take of Arctic Peregrine Falcons (*Falco peregrinus tundrius*) within this Commonwealth. The Commission is proposing to amend §§ 133.21 and 147.101 and to add § 147.111b to authorize the limited take of Arctic Peregrine Falcons (*Falco peregrinus tundrius*) within this Commonwealth by qualified falconers.

Section 322(c)(8) of the code (relating to powers and duties of commission) specifically empowers the commission to “[a]dd to or change the classification of any wild bird or wild animal.” Section 2901(b) of the code (relating to authority to issue permits) provides that “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to §§ 133.21 and 147.101 and the addition of § 147.111b are proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend §§ 133.21 and 147.101 and add § 147.111b to authorize the limited take of Arctic Peregrine Falcons (*Falco peregrinus tundrius*) within this Commonwealth by qualified falconers.

3. *Persons Affected*

Qualified falconers wishing to participate in the limited take of Arctic Peregrine Falcons within this Commonwealth will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking will not result in additional cost or paperwork.

5. *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,  
*Executive Director*

**Fiscal Note:** 48-372. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 133. WILDLIFE CLASSIFICATION**

**Subchapter B. BIRDS**

**§ 133.21. Classification of birds.**

The following birds are classified:

(1) *Endangered.*

\* \* \* \* \*

(v) Peregrine Falcon (*Falco [ peregrinus ] peregrines anatum*)

\* \* \* \* \*

**CHAPTER 147. SPECIAL PERMITS**

**Subchapter F. FALCONRY**

**§ 147.101. Definitions.**

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

**Allowable take—The total number of Arctic Peregrine Falcons authorized by the United States Fish and Wildlife Service to be taken from the wild within this Commonwealth during a given permit year.**

*Bate*—Attempt to fly.

\* \* \* \* \*

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

**§ 147.111b. Arctic peregrine limited take special permit.**

(a) *Purpose.* This permit is intended to permit the limited take of the Arctic Peregrine Falcon (*Falco peregrinus tundrius*) solely for use in the practice of falconry.

(b) *Application.*

(1) Applications for the Arctic peregrine limited take special permit issued under this section shall be made on PGC-12 (Special Permit/Examination Request-Application).

(2) Applications shall be completed in full and include a copy of the applicant's falconry permit, Pennsylvania hunting license and a nonrefundable application fee of \$25.

(3) Applications shall be sent directly to the Special Permits Enforcement Division in Harrisburg.

(4) Applications will be accepted beginning May 1 and must be submitted no later than July 31 to be eligible for the drawing for that permit year.

(5) Only one application per eligible falconer may be submitted during each permit year. If more than one application is submitted by an eligible falconer, the applications submitted by the applicant will be rejected and the applicant will be ineligible for that year's drawing.

(c) *Eligibility.*

(1) Applications will only be accepted from persons who possess a current and valid master class falconry permit issued under this subchapter and Pennsylvania resident hunting license.

(2) Applicants shall be a resident of this Commonwealth.

(3) Applicants who were successfully drawn for an Arctic peregrine limited take special permit during the previous 2 permit years are ineligible to make application.

(d) *Drawing.*

(1) Each year the Commission will determine the allowable take of Arctic Peregrine Falcons for the season based on the guidelines provided by the United States Fish and Wildlife Service.

(2) If the allowable take authorized for this Commonwealth is one or more in any given year, the Commission will hold a public drawing by August 15 at a location to be determined by the Commission to determine the successful applicants.

(3) The Commission will randomly draw the names of eligible applicants up to and including the total allowable take. The number of permits issued will be based solely on the total allowable take each year. When the total allowable take number is reached, the drawing will be closed and additional permits will not be issued.

(4) The Commission will issue an Arctic peregrine limited take special permit to successful applicants by August 31 each year.

(e) *Authorized activities.*

(1) Arctic Peregrine Falcons (*Falco peregrinus tundrius*) may only be taken by persons in possession of a valid master class falconry permit, a resident Pennsylvania hunting license and an Arctic peregrine limited take special permit.

(2) Arctic Peregrine Falcons (*Falco peregrinus tundrius*) may be taken only during the period of September 20 to October 20, inclusive.

(3) Banded Peregrine Falcons may not be taken under the authorizations of this section. Banded Peregrine Falcons shall be released immediately upon capture and the band numbers of the released birds shall be reported to the Special Permits Enforcement Division within 24 hours.

(4) Arctic Peregrine Falcons may only be captured by devices authorized under § 147.105a(4) (relating to resident falconers).

(5) Persons issued an Arctic peregrine limited take special permit shall abide by other applicable State and Federal falconry laws and regulations.

(6) Upon successful capture of an Arctic Peregrine Falcon the permittee shall notify the Special Permits Enforcement Division with 24 hours. The permittee shall arrange for inspection within 3 days of the capture as directed by the Special Permits Enforcement Division.

(7) Upon inspection by the Commission as indicated, the Arctic Peregrine Falcon shall be marked with a permanent, nonreusable numbered leg band provided by the Commission.

(f) *Conformance with Federal regulations.* If the Federal regulations regarding dates or times of application, drawing or take change, the Executive Director has the authority to conform the Commonwealth's dates to the Federal regulations for that year in which the dates under Federal regulations have changed.

(g) *Violations.* Violations of the requirements of this section are subject to the penalties in the act.

[Pa.B. Doc. No. 14-2315. Filed for public inspection November 7, 2014, 9:00 a.m.]

## LIQUOR CONTROL BOARD

[ 40 PA. CODE CH. 3 ]

### Breweries

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P. S. § 2-207(i)), proposed to add § 3.93 (relating to breweries).

#### Summary

The purpose of § 3.93 is to clarify the privileges of breweries with regard to on-premises consumption of the malt or brewed beverages (beer) produced on the licensed premises. Recent changes to the Liquor Code prompt the need for this proposed rulemaking.

Formerly, and for many years, section 440 of the Liquor Code (47 P. S. § 4-440) prohibited manufacturers from offering beer for on premises consumption:

*No manufacturer shall sell any malt or brewed beverages for consumption on the premises where sold . . . nor shall any manufacturer maintain or operate within the Commonwealth any place or places other than the place or places covered by his or its license where malt or brewed beverages are sold or where orders are taken.*

(Emphasis added.)

The act of February 18, 1998 (P. L. 162, No. 25) (Act 25) created the brewery pub license, whereby a brewery could operate a restaurant or brewery pub on the licensed premise. See section 446(a)(2) of the act (47 P. S. § 4-446(a)(2)). When Act 25 was enacted, the only location where a brewery could sell its own beer for on-premises consumption was by obtaining a license for a brewery pub. The brewery pub was to be operated under the conditions and regulations as the Board deemed appropriate. Ultimately, those conditions were codified at § 3.92 (relating to brewery pubs).

The act of December 22, 2011 (P. L. 530, No. 113) (Act 113) triggered the need for this proposed rulemaking. Act 113 amended section 440 of the Liquor Code, allowing a brewery to permit on premises consumption: “*A manufacturer may sell malt or brewed beverages produced and owned by the manufacturer to individuals on the licensed premises for consumption on the licensed premises where sold only if it complies with the conditions and regulations placed upon holders of brewery licenses under section 446(a)(1).*” (Emphasis added.)

The reference to section 446(a)(1) of the Liquor Code is significant to this proposed rulemaking because it provides the Board with the specific authority to clarify under what circumstances a brewery may sell for on premises consumption. Section 446(a)(1) of the Liquor Code states that holders of a brewery license may “[s]ell malt or brewed beverages produced and owned by the brewery under such conditions and regulations as the board may enforce, to individuals for consumption on the licensed premises in any container or package of any volume and to hotel, restaurant, club and public service liquor licensees.” (Emphasis added.)

Although section 446(a)(1) of the Liquor Code now provides that breweries are permitted to offer beer for on premises consumption, they may only do so “under such conditions and regulations as the board may enforce.” Because the regulations do not presently address consumption on a brewery’s premises in the absence of a brewery pub license, there has been confusion in the industry in this regard. The purpose of this proposed rulemaking is to provide the industry with guidance as to the lawful consumption of beer on a brewery’s premises.

#### *Affected Parties*

As of September 9, 2014, there were 170 breweries with active licenses issued by the Board. Approximately 1/3 of these breweries also hold retail licenses, such as a restaurant liquor license, which allow them to sell any type of liquor or beer. Another third of these brewers also hold brewery pub licenses, which allows a brewery to sell its own beer for consumption on the brewery pub premises. Therefore, this proposed rulemaking most directly affects the final third of breweries that, without this proposed section, may not allow patrons to consume beer on the licensed premises.

In addition, the proposed rulemaking states clearly that a brewery may offer tastings, for on-premises consumption, of the malt or brewed beverages the brewery has

produced on the licensed premises. This proposed rulemaking, therefore, may benefit every licensed brewery in this Commonwealth.

#### *Paperwork Requirements*

The proposed rulemaking seeks to clarify the privileges inherent with the issuance of a brewery license. Therefore, additional paperwork on behalf of a brewery licensee is not required. In fact, as a result of this proposed rulemaking, some breweries may decide to discontinue holding a brewery pub license. This decision would result in less paperwork for that brewery, as the additional brewery pub license paperwork would not need to be filed.

#### *Fiscal Impact*

The brewery industry provides a significant fiscal impact on the economy in this Commonwealth. The Brewers Association, a nonprofit organization dedicated to America’s craft brewers, determined that small and independent American craft brewers contributed \$33.9 billion to the United States economy in 2012. See [www.brewersassociation.org/statistics/economic-impact-data/](http://www.brewersassociation.org/statistics/economic-impact-data/). That figure is calculated from the total impact of craft-brewed beer moving through the three-tier system (breweries, wholesalers and retailers) and all nonbeer products, such as food and merchandise sold by brewpubs and breweries. According to the Brewers Association, the craft brewing industry also provided more than 360,000 jobs, including 108,440 jobs at breweries and brewpubs.

In 2012, Pennsylvania ranked in the top five states (bested only by California, Texas and New York) when looking at the impact of the craft brewing industry on a state’s economy. The Brewers Association calculated the economic impact of craft brewers in this Commonwealth to be \$2 billion in 2012.

The proposed rulemaking would provide meaningful support to this important industry. For example, in early 2012, the Commonwealth of Virginia passed a bill allowing breweries to sell beer for on-premises consumption. In the 8 years before the passage of this bill, the number of breweries increased an average of 2.7 breweries a year. In the 2 years after the passage of the bill, the number of breweries increased by 33, for an average of 16.5 breweries a year.

The proposed rulemaking can also have a positive fiscal impact not only on the number of breweries, but also with production volumes. In 2013, states that allowed on premises consumption by breweries had greater production volumes (2.8 gallons produced per adult resident over 21 years of age) than states that do not allow on premises consumption (1/2 gallon produced per adult resident over 21 years of age).

#### *Effective Date*

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

#### *Public Comments*

Interested persons are invited to submit written comments about the proposed rulemaking to Rodrigo Diaz, Executive Deputy Chief Counsel, or Norina Blynn, Assistant Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001 within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Public comments will be posted on the Independent Regulatory Review Commission’s (IRRC) web site. Personal information will not be redacted from the public comments received.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 28, 2014, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the House Liquor Control Committee and Senate Committee on Law and Justice. A copy of this material is available to the public upon request.

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

JOSEPH E. BRION,  
*Chairperson*

**Fiscal Note:** 54-80. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 40. LIQUOR**

**PART I. LIQUOR CONTROL BOARD**

**CHAPTER 3. LICENSE APPLICATIONS**

**Subchapter J. MALT OR BREWED BEVERAGE MANUFACTURERS**

**§ 3.93. Breweries.**

(a) The holder of a brewery license may not allow patrons to consume alcohol on the licensed premises except as set forth in this section.

(b) If the holder of a brewery license has obtained a brewery pub, restaurant liquor, eating place retail dispenser or hotel license for use on the licensed premises, it may allow on-premises consumption of alcohol on the licensed premises in conformity with the requirements of the brewery pub, restaurant liquor, eating place retail dispenser or hotel license.

(c) If the holder of a brewery license has not obtained a brewery pub, restaurant liquor, eating place retail dispenser or hotel license for use on the licensed premises, it may allow on-premises consumption of alcohol on the licensed premises only under the following conditions:

(1) Consumption may occur between 10 a.m. and midnight.

(2) The only alcohol that may be consumed on the licensed premises is the malt or brewed beverages produced on the licensed premises by the brewery.

(3) There must be at least ten seats on the licensed premises for use by patrons while they are consuming alcohol.

(4) The brewery shall make food available to each patron who is consuming alcohol on the licensed premises while that person is consuming alcohol. Food must, at a minimum, consist of potato chips, pretzels and similar foods. Food may be prepared by the brewery or by a third party.

(d) The holder of a brewery license may offer tastings of malt or brewed beverages produced on the licensed premises by the brewery in accordance with §§ 13.201 and 13.211 (relating to definitions; and tasting events).

[Pa.B. Doc. No. 14-2316. Filed for public inspection November 7, 2014, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Environmental Protection

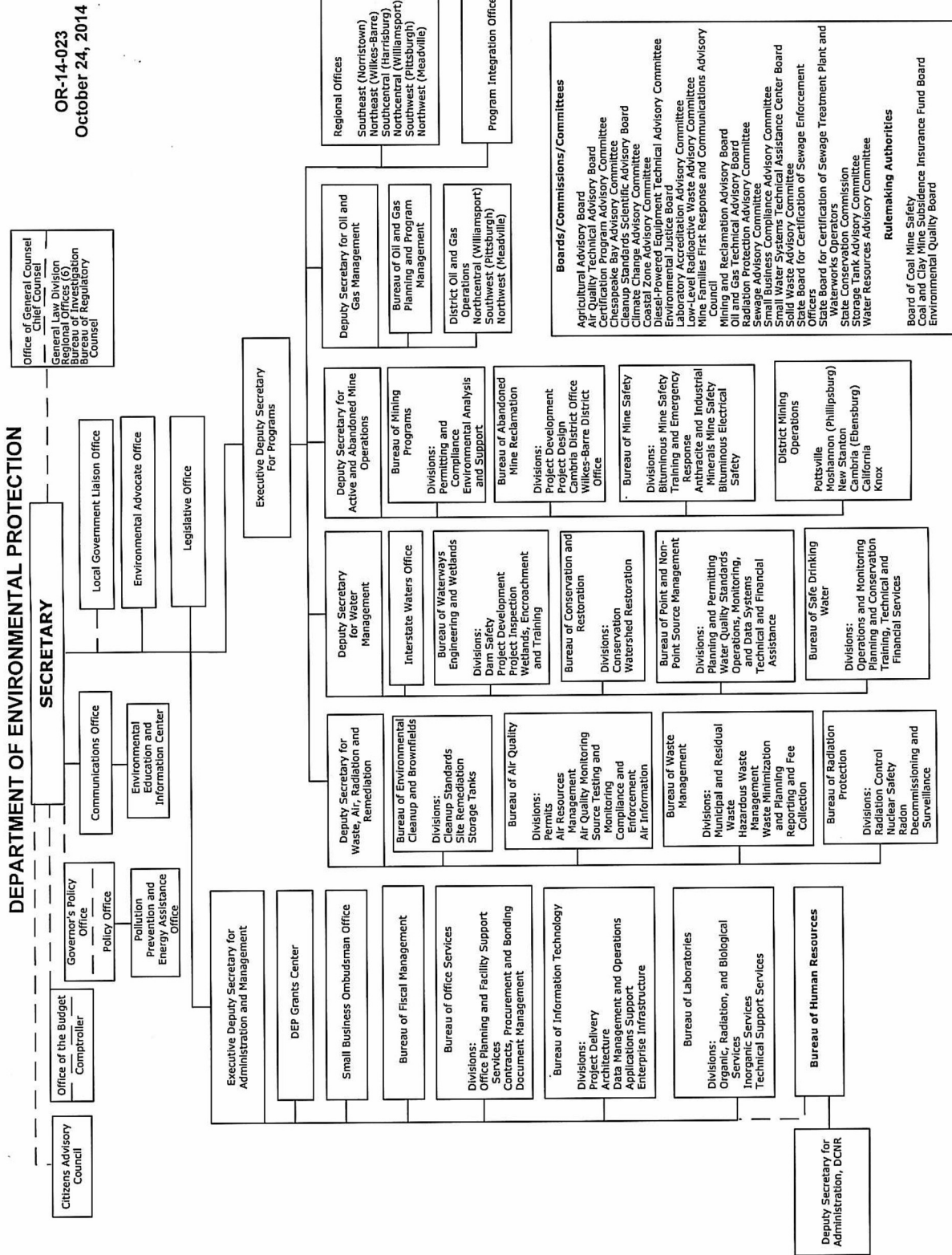
The Executive Board approved a reorganization of the Department of Environmental Protection effective October 24, 2014.

The organization chart at 44 Pa.B. 7079 (November 8, 2014) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 14-2317. Filed for public inspection November 7, 2014, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under to the authority contained in the Act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking 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 October 28, 2014.

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

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-23-2014	GNB Financial Services, Inc. Gratz Dauphin County  Application for approval to acquire 100% of FNBM Financial Corporation, Minersville, and thereby indirectly acquire 100% of The First National Bank of Minersville, Minersville.	Filed
10-24-2014	Beneficial Bancorp, Inc. Philadelphia Philadelphia County  Beneficial Bancorp, Inc., a holding company in formation filed an application for approval to acquire 100% of Beneficial Mutual Savings Bank, Philadelphia, in connection with Beneficial Mutual Savings Bank's conversion from a Pennsylvania State-chartered mutual savings bank to a Pennsylvania State-chartered stock savings bank. Beneficial Mutual Savings Bank will change its name to Beneficial Bank.	Approved

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-23-2014	The Gratz Bank Gratz Dauphin County  Application for approval to merge The First National Bank of Minersville, Minersville, with and into The Gratz Bank, Gratz.	Filed
10-24-2014	PeoplesBank, a Codorus Valley Company York York County  Application for approval to merge Madison Square Federal Savings Bank, Baltimore, MD, with and into PeoplesBank, a Codorus Valley Company, York.	Approved

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-20-2014	Somerset Trust Company Somerset Somerset County	900 West Crawford Avenue Connellsville Fayette County	Opened
10-24-2014	York Traditions Bank York York County	361 Eisenhower Drive Hanover York County	Opened



**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-18-2014	Royal Bank America Narberth Montgomery County	<i>To:</i> 1651 Blackwood Clementon Road Blackwood Camden County, NJ  <i>From:</i> 1990 New Brooklyn Road Sicklerville Gloucester County, NJ	Effective

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 14-2318. Filed for public inspection November 7, 2014, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, November 19, 2014, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Questions concerning this meeting or agenda items can be directed to Gretchen Leslie at (717) 787-9293. Persons who wish to participate during the public comment section are encouraged to submit their comments in writing to Gretchen Leslie, Advisor, Conservation and Natural Resources Advisory Council, 400 Market Street, Harrisburg, PA 17101.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Lauren Adair directly at (717) 787-9293 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

ELLEN FERRETTI,  
*Secretary*

[Pa.B. Doc. No. 14-2319. Filed for public inspection November 7, 2014, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application by Point Park University to Amend Articles of Incorporation

#### Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application for approval of a Certificate of Authority for Point Park University to amend its Articles of Incorporation.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without a hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with the Division of Higher and Career Education, 333 Market Street, Harrisburg, PA 17126-0333 on or before the due date prescribed by this notice. Persons wishing to review the application should phone (717) 783-8228 or write to the previous address to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and requires an auxiliary aid, service or other accommodation to participate should contact the Division of Higher and Career Education at (717) 783-8228 to discuss accommodations.

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

[Pa.B. Doc. No. 14-2320. Filed for public inspection November 7, 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

*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>
PA0021806 (Sew)	Annville Township PO Box 178 Annville, PA 17003-0178	Lebanon County North Annville Township	Quittapahilla Creek / 7-D	Y
PA0086142 (Sew)	Washington Township 120 Barto Road Barto, PA 19504	Berks County Washington Township	West Branch Perkiomen Creek / 3-E	Y

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0070319 (IW)	Berks County Dept. of Emergency Services 2561 Bernville Road Reading, PA 19605	Berks County Reading City	Angelica Creek / 3-C	Y

Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0114049 (Sewage)	Lewis Township 1599 Millmont Road Millmont, PA 17845	Union County Lewis Township	Penns Creek (6-A)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed#)	EPA Waived Y/N?
PA0041831 (Sewage)	Northwest Crawford County Sewer Authority STP PO Box 56, 105 Project Street, Springboro, PA 16435-0056	Crawford County Springboro Borough	Conneaut Creek (15-A)	Y
PA0221601 (Sewage)	Hunters Station STP Township Road T-750 Tionesta, PA 16353	Forest County Tionesta Township	Allegheny River (16-E)	Y
PA0239356 (Sewage)	Robert C. Montgomery SFTF 1042 Enterprise Road, Grove City, PA 16127	Mercer County Pine Township	Unnamed Tributary to the Swamp Run (20-C)	Y

Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0232530 (Industrial Storm Water)	Mill Hall Fluid Management Service Facility 27 Clay Drive Mill Hall, PA 17751	Clinton County Porter Township	Fishing Creek (9-C)	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

**PA0020575**, Sewage, SIC Code 4952, **DELCORA**, 100 East Fifth Street, P. O. Box 999, Chester, PA 19016. Facility Name: Rose Valley Borough STP. This existing facility is located in Rose Valley Borough, **Delaware 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), Ridley Creek, is located in State Water Plan watershed 3-G and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.13 MGD.

Parameters	Mass (lb/day)		Instant. Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
CBOD <sub>5</sub>	27.1	43.4	XXX	25	40	50

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
BOD <sub>5</sub>						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	32.5	48.8	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Total Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Total Phosphorus						
(Interim)	XXX	XXX	XXX	Report	XXX	Report
(Final)	2.2	XXX	XXX	2.0	XXX	4.0

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

- A. No Stormwater
- B. Acquire Necessary Property Rights
- C. Proper Sludge Disposal
- D. Chlorine Optimization
- E. Operator Notification
- F. TMDL/WLA Analysis
- G. Fecal Coliform 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 in effect.

**PA0051802**, Industrial Waste, SIC Code 2759, **QG Printing III Co.**, 668 Gravel Pike, East Greenville, PA 18041-2199. Facility Name: QG Printing III Co. This existing facility is located in Upper Hanover Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated process water, boiler blowdown, and sewage. This facility is also transferring ownership from Gruner Jahr USA Group Inc. to Quad/Graphics, Inc.

The receiving stream(s), Unnamed Tributary to Perkiomen Creek, is located in State Water Plan watershed 3-E and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.014 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (GPD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	3.0	Report	XXX	XXX
CBOD <sub>5</sub>						
May 1 - Oct 31	1.75	XXX	XXX	15	30	38
Nov 1 - Apr 30	2.92	XXX	XXX	25	50	63
Total Suspended Solids	3.5	XXX	XXX	30	60	75
Total Dissolved Solids	XXX	XXX	XXX	1,500	2,000	2,500
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	0.18	XXX	XXX	1.5	3.0	3.8
Nov 1 - Apr 30	0.53	XXX	XXX	4.5	9.0	11.0
Total Phosphorus	0.048	XXX	XXX	0.5	1.0	1.25
Total Copper	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfalls 002 and 003 are based on a stormwater event.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Minimum</i>	<i>Instant. Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH	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
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX

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

- Obtain Necessary Property Rights
- Proper sludge Disposal
- WQM Permits
- BAT/BCT Reopener
- Chlorine Usage Requirements
- Chemical Additives
- Stormwater Requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

**PA0058343**, Sewage, SIC Code 4952, **Bedminster Municipal Authority**, 432 Elephant Road, Perkasio, PA 18944. Facility Name: Bedminster WWTF. This existing facility is located in Bedminster Township, **Bucks County**.

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

The receiving stream(s), Unnamed Tributary to Deep Run, is located in State Water Plan watershed 2-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.302525 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>						
Influent	Report	Report	XXX	Report	Report	XXX
May 1 - Oct 31	25	38	XXX	10	15	20
Nov 1 - Apr 30	50	76	XXX	20	30	40
BOD <sub>5</sub>						
Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids	25	38	XXX	10	15	20
Total Suspended Solids						
Influent	Report	Report	XXX	Report	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
UV Intensity (mW/cm <sup>2</sup> )	XXX	XXX	Report Min	Geo Mean XXX	XXX	XXX
Nitrate-Nitrite as N	25	XXX	XXX	10	XXX	20
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	2.5	XXX	XXX	1.0	XXX	2.0
Nov 1 - Apr 30	5.0	XXX	XXX	2.0	XXX	4.0
Total Phosphorus						
May 1 - Oct 31	1.26	XXX	XXX	0.5	XXX	1.0
Nov 1 - Apr 30	1.51	XXX	XXX	0.6	XXX	1.2

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

- Responsible Operator
- Remedial Measures
- No Stormwater
- Small Stream Discharge
- Change in Ownership
- Sludge Disposal
- Operation and Maintenance (O & M) Plan
- SPW Discharge

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

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

**PA0086312**, Sewage, SIC Code 1522, **James Dorwart (Quaker Station Apartments)**, 1375 Old Quaker Road, Eppers, PA 17319. Facility Name: Quaker Station Apartments STP. This existing facility is located in Fairview Township, **York County**.

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

The receiving stream(s), Unnamed Tributary to Bennett Run, is located in State Water Plan watershed 7-F 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 0.025 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Total Monthly	Daily Maximum		Average Monthly		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
UV Transmittance (%)	XXX	XXX	Report	Geo Mean Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	1.0	XXX	2.0
Nov 1 - Apr 30	XXX	XXX	XXX	3.0	XXX	6.0
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				

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

The EPA Waiver is in effect.

**PA0111422**, Sewage, SIC Code 4952, **Thompstontown Borough Municipal Authority Juniata County**, P. O. Box 154, Thompstontown, PA 17094-154. Facility Name: Thompstontown STP. This existing facility is located in Delaware Township, **Juniata County**.

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

The receiving stream(s), Delaware Creek, is located in State Water Plan watershed 12-B and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.2 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (mgd)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
D.O.	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	Report	0.5	XXX	1.6
Total Suspended Solids (TSS)	50	75	XXX	30	45	50
		Wkly Avg				
TSS						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
CBOD <sub>5</sub>	42	67	XXX	25	40	50
		Wkly Avg				
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
NH <sub>3</sub> -N						
(5/1 to 10/31)	17	XXX	XXX	10	XXX	20
(11/1 to 4/30)	Report	XXX	XXX	Report	XXX	Report
Fecal Coliform						
(5/1 to 9/30)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
(10/1 to 4/30)	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameter</i>	<i>Discharge</i>	<i>Mass Units (lbs)</i>		<i>Concentration (mg/l)</i>		<i>Inst. Maximum</i>
		<i>Total Monthly</i>	<i>Total Annual</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	
NH <sub>3</sub> -N		Report	Report	XXX	Report	XXX
TKN-N		Report	XXX	XXX	Report	XXX
NO <sub>3</sub> -NO <sub>2</sub> as N		Report	XXX	XXX	Report	XXX
Total Nitrogen						
(TKN + NO <sub>2</sub> + NO <sub>3</sub> )		Report	Report	XXX	Report	XXX
Total Phosphorus		Report	Report	XXX	Report	XXX
Net Total Nitrogen		Report	7032	XXX	XXX	XXX
Net Total Phosphorus		Report	974	XXX	XXX	XXX

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

- 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 Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

The EPA Waiver is not in effect.

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

**PA0272906**, Sewage, SIC Code 4952, 8800, **Joseph Albright**, 126 Purvis Road, Butler, PA 16001. Facility Name: Joseph Albright SRSTP. This proposed facility is located in Franklin Township, **Butler County**.

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

The receiving stream is an unnamed tributary to Little Connoquenessing Creek, located in State Water Plan watershed 20-C and is classified for Cold Water Fish, 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 0.0006 MGD.

Parameters	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Minimum	Average Monthly	Instant. Maximum
Flow (MGD)	Report	XXX	XXX	XXX
pH (S.U.)	XXX	6.0	XXX	9.0
Total Residual Chlorine	XXX	XXX	Report	XXX
COD <sub>5</sub>	XXX	XXX	10	20
Total Suspended Solids	XXX	XXX	10	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	200 Geo Mean	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

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

**WQM Permit No. 0107202, Amendment No. 1**, CAFO, **Hillandale Gettysburg, LP**, 3910 Oxford Road, Gettysburg, PA 17325.

This proposed facility is located in Tyrone Township, **Adams County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction / operation of a new HDPE lined egg washwater pond and associated access areas at Hillandale Site 2.

**WQM Permit No. 0114201**, CAFO, **Hillandale Gettysburg, LP**, 3910 Oxford Road, Gettysburg, PA 17325.

This proposed facility is located in Tyrone Township, **Adams County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction / operation of a new HDPE lined egg washwater pond and associated access areas at Hillandale Site 1.

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

**WQM Permit No. 2571403**, Sewage, Amendment, **Wattsburg Area School District**, 10782 Wattsburg Road, Erie, PA 16509.

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

Description of Proposed Action/Activity: Amendment to replace sand filter with mixed media filters.

**WQM Permit No. 1014403**, Sewage, **PA DCNR**, P. O. Box 8551, Harrisburg, PA 17105-8451.

This existing facility is located in Muddy Creek Township, **Butler County**.

Description of Proposed Action/Activity: New WWTP facilities to replace existing WWTP facilities at Moraine State Park.

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01 1514035	500 Chesterbrook Boulevard, LP c/o VIFIC 120 W. Warner Road King of Prussia, PA 19422	Chester	Tredyffrin Township	Unnamed Tributary to Valley Creek EV—MF



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

*Lackawanna County Conservation Dist., 1038 Montdale Road, Suite 109, Scott Twp., PA 18447*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023514002	PPL Electric Corporation Two North Ninth Street GENN 4 Allentown, PA 18101	Lackawanna	Clifton Township, Covington Township, Thornhurst Township	Kendall Creek (EV, MF) Lehigh River (EV, MF) Choke Creek (EV, MF) Sand Spring Creek (EV, MF) Pond Creek (EV, MF) Buckey Run (EV, MF) Spruce Run (EV, MF) Fenner Mill Run (EV, MF) Ash Creek (EV, MF) Silver Creek (EV, MF) Rucks Run (EV, MF) Meadow Brook (EV, MF) Tamarack Creek (EV, MF) Lake Run (HQ-CWF, MF) Emerson Run (HQ-CWF, MF) Roaring Brook (HQ-CWF, MF) East Branch Roaring Brook (HQ-CWF, MF)
		Luzerne	Buck Township	Stony Run (HQ-CWF, MF)

*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>
PAI023907005R(2)	David M. Jaindl Jaindl Land Company 3150 Coffeetown Road Orefield, PA 18069	Lehigh	Upper Macungie Township	Hassen Creek (HQ-CWF, MF) UNT to Hassen Creek (HQ-CWF, MF)

*Monroe County Conservation District, 8050 Running Valley Rd., Stroudsburg PA 18360-0917*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024514010	Center Rock Realty 505 Fawn Road East Stroudsburg, PA 18301	Monroe	Coolbaugh Township	Indian Run (EV)

*Northampton County Conservation District, 14 Gracedale Avenue Greystone Bldg., Nazareth PA 18064-9211*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024812018(1)	Gretchen Longenbach Redevelopment Authority of Easton, PA 1 South Third Street, 4th Floor Easton, PA 18042	Northampton	City of Easton	Bushkill Creek (HQ-CWF, MF)

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.*

Permit #	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI032114009	Carlisle Auto Industries, Inc. 1000 Bryn Mawr Road Carlisle, PA 17013	Cumberland	Carlisle Borough	Letort Spring Run (HQ-CWF, MF)
PAI032114006	South Middleton School District 4 Forge Road Boiling Springs, PA 17007	Cumberland	South Middleton Township	Yellow Breeches Creek (HQ-CWF, MF)

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

Permit No.	Applicant & Address	County	Municipality	Stream Name
PAI052614002	PennDOT Dist. 12-0 825 N. Gallatin Ave. Ext. Uniontown, PA 15401	Fayette	Wharton Township	Deadmans Run (HQ-CWF)
PAI056314008	Woodside Development 382 West Chestnut St Suite 102 Washington, PA 15301	Washington	North Strabane Township	UNT to Little Chartiers Creek (HQ-WWF)
PAI056514009	James Tobin 322 Unity Plaza Latrobe, PA 15650	Westmoreland	Murrysville Municipality	Haymaker Run (HQ-CWF)

## STATE CONSERVATION COMMISSION

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

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

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

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

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

## APPLICATIONS

### NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

Agricultural Operation Name and Address	County	Total Acres	Animal Equivalent Units	Animal Type	Special Protection Waters (HQ or EV or NA)	Renewal/New
Round Hill Poultry 255 Lake Meade Road York Springs, PA 17372	Adams	15	611.86	Turkeys	NA	Renewal
Ryan Rutt 524 North Garfield Road Bernville, PA 19506	Berks	117.8	749.38	Finishing Swine and Broiler	NA	Renewal

## 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

*Southeast Region: Safe Drinking Water Program Manager, 2 East Main Street, Norristown, PA 19401*

**Permit No. WA-182-D**, Public Water Supply

Applicant	<b>Pennsylvania American Water Company</b>
City	Chester
Township	West Caln
Responsible Official	David Lentowski 4 Wellington Blvd. Suite 2 Reading, PA 19610
Type of Facility	PWS
Consulting Engineer	Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100
Application Received Date	October 3, 2014
Description of Action	Water allocation application to withdraw water from the Rock Run Reservoir.

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**Application No. 6414505**, Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> 1775 North Main Street Honesdale, PA 18431
[Township or Borough]	Hawley Borough <b>Wayne County</b>
Responsible Official	Roswell S. McMullen Manager, Special Projects Aqua Pennsylvania, Inc. 1775 North Main Street Honesdale, PA 18431
Type of Facility	PWS
Consulting Engineer	Douglas E. Berg, P.E. Entech Engineering, Inc. 4 South Fourth Street P. O. Box 32 Reading, PA 19603
Application Received Date	October 20, 2014
Description of Action	This application proposes addition of pH adjustment using caustic soda at the Fern Street Well facility of the Hawley Water System, for corrosion control.

**Application No. 6414504**, Public Water Supply.

Applicant	<b>Pocono Water Works Co., Inc.</b> P. O. Box 189 Hamlin, PA 18427
[Township or Borough]	Paupack Township, <b>Wayne County</b>
Responsible Official	Joseph R. Bonamico, Sr. Pocono Water Works Co., Inc. P. O. Box 189 Hamlin, PA 18427
Type of Facility	PWS
Consulting Engineer	Sarah J. Bue-Morris, PE Bue-Morris Associates, Inc. P. O. Box 201 Newfoundland, PA 18445

Application Received Date	10/8/2014
Description of Action	The applicant has proposed the construction of a water system to serve the Port Florence Subdivision including one supply well, abandonment of two existing wells, booster station, disinfection facilities, storage and distribution system facilities.

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

**Permit No. 2514504**, Public Water Supply

Applicant	<b>Erie City Water Authority</b>
Township or Borough	Millcreek Township
County	<b>Erie</b>
Responsible Official	Craig H. Palmer, P.E.
Type of Facility	Public Water Supply

Consulting Engineer Edward J. St. John, P.E.  
CDM Smith  
1468 West 9th Street  
Cleveland, OH 44113

Application Received Date October 14, 2014

Description of Action Convert PACI Bulk Tank No. 1 to a Citric Acid Bulk Tank; replace PACI Transfer Pump No. 1 with a new Citric Acid Transfer Pump.

**DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS**

**Application for Determination of Applicability for General Permit Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401*

**General Permit Application No. WMGM044SE002. Accurate Recycling Corporation**, 508 East Baltimore Pike, Lansdowne, PA 19050. This determination of applicability (DOA) application is for the processing and beneficial use of solid waste under the terms and conditions of General Permit No. (WMGM044) at Accurate Recycling Corporation's Lansdowne Facility located at 508 East Baltimore Pike, Lansdowne, PA 19050, in Upper Darby Township, **Delaware County**. The application for determination of applicability was accepted as administratively complete by the Southeast Regional Office on August 8, 2014.

**OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

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

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

**Permit Application No. 101600. Waste Reduction Recycling & Transfer, Inc.**, 2100 Sans Souci Parkway, Wilkes-Barre, PA 18706. An application for permit renewal for the continued operation of this municipal waste transfer station located in Hanover Township, **Luzerne County**. The application was received in the Regional Office on October 22, 2014 and was found to be administratively complete as of October 24, 2014.

Comments concerning the application should be directed to Regional Waste Management Program Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

**AIR QUALITY**

**PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS**

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of the application, the Department's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department's Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P. S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

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

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

**55-0002D: Pa. Department of Public Welfare/Selinsgrove Center** (1000 Route 522, Selinsgrove, PA 17870) on October 8, 2014, for the request to establish federally enforceable operating restrictions that require limited use operation of their coal boilers. The request is related to the facility's compliance method for the area source Boiler MACT rule which regulates the coal boilers located at their steam plant in Penn Township, **Snyder County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Devendra Verma, New Source Review Chief—Telephone: 814-332-6940*

**43-363A: Pennex Aluminum Company** (93 Werner Road, Greenville, PA 16125-9499), for the reclassification of source 103 (#1 Melting Furnace, 20 MMBtu/hr, Group 2) from a Group 2 furnace to a Group 1 furnace in accordance with 40 CFR Part 63, Subpart RRRR. This facility will be located in Sugar Grove Township, **Mercer County**.

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

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

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

**09-0142C: ML 35, LLC.** (35 Runway Road, Levittown, PA 19057) for increasing its eleven (11) existing emergency generators demand response hours, and requesting stack test for CO emissions from engines G7 through G11 at its data center in Bristol Township, **Bucks County**. This facility is a synthetic minor facility for nitrogen oxides (NO<sub>x</sub>) and carbon monoxide (CO) emissions. The facility wide NO<sub>x</sub> emissions are limited to below 25 tons per year. The engines are subject to the requirements of 40 C.F.R. Part 60 Subpart IIII or Part 63 Subpart ZZZZ—Standards for compression ignition internal combustion engines. The Plan Approval and Operating Permit will contain all applicable requirements that apply to each engine including recordkeeping, reporting, work practice, etc. designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-5226*

**04-00727A: Five Points Veterinary Clinic** (2057 Brodhead Rd, Aliquippa, PA 15001). Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection (“Department”) intends to issue Air Quality Plan Approval PA-04-00727A to authorize temporary operation of one (1) Matthews International-Cremation Division IE43-PPJr natural gas-fired crematory incinerator for the cremation of animal remains at the above referenced facility located in Hopewell Township, **Beaver County**. The crematory incinerator has a maximum cremation rate of 75 pounds per hour and was previously installed under the authority of GP14-14-00727.

The crematory incinerator has an annual potential to emit (PTE) of 1 ton of carbon monoxide (CO); less than 1 ton each of nitrogen oxides (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), total particulate matter (PM, PM<sub>10</sub>, and PM<sub>2.5</sub>), and volatile organic compounds (VOC); and less than 0.1 ton of total hazardous air pollutants (HAP). Best available technology (BAT) for the proposed crematory incinerator includes good combustion practices; operation and maintenance in accordance with the manufacturer's specifications and instructions; and multi-chamber design with a minimum secondary chamber temperature of 1800°F. The proposed crematory incinerator is subject to applicable portions of 25 Pa. Code Chapters 123 and 127. The proposed Plan Approval has been conditioned to ensure compliance with all applicable regulations and includes emissions limitations, limitations on hours of operation, and also work practice, monitoring, recordkeeping, and reporting requirements.

A person may oppose the proposed plan approval by filing a written protest with the Department through Devin P. Tomko, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Additional written comments may also be submitted. Each protest or set of written comments must contain the name, address, and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-04-00727A) and concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

All comments must be received prior to the close of business 30 days after the date of this publication.

For additional information you may contact Devin P. Tomko at 412-442-5231.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Devendra Verma, New Source Review Chief—Telephone: 814-332-6940*

**43-363B: Pennex Aluminum** (2205 Pennsylvania Avenue, York, PA 17404) for the reclassification of source 103 (#1 Melting Furnace, 20 MMBtu/hr, Group 2) from a Group 2 to a Group 1 furnace, in accordance with 40 CFR Part 63, Subpart RRRR. This facility is at 93 Werner Road, in Greenville, Pennsylvania (16125-9499), which is located in Sugar Grove Township, **Mercer County**.

Pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (DEP) intends to issue Plan Approval 43-363B to Pennex Aluminum for the Reclassification of source 103. This facility is located in Sugar Grove Township, Mercer County. The

Plan Approval will subsequently be incorporated into a facility Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 43-363B is for the reclassification of source 103. The utilization of good combustion practices and proper burner tuning will be used to minimize nitrogen oxide emissions. Based on the information provided by the applicant and DEP's own analysis, source 103 will have the projected actual emissions of approximately 8.76 tons per year (tpy) of nitrogen oxides, 7.538 tpy of carbon monoxide, 1.86 tpy of particulate matter, 0.482 tpy of volatile organic compounds, 0.053 tpy of sulfur oxides, 1.087 tpy of hydrochloric/hydrofluoric acid and 0.000024 tpy of dioxins/furans.

The Plan Approval will contain emission and fuel restrictions, along with testing, monitoring, recordkeeping, reporting, work practice and additional requirements designed to keep the facility operating within all applicable air quality requirements.

Source 103 at this facility is subject to 40 CFR Part 63 Subpart RRR (National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production). This facility will be considered an area source for HAP emissions.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the DEP's Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Edward F. Orris, PE, Air Quality Regional Program Manager, may be contacted at 814-332-6632, or PA DEP NWRO, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335, for additional information or for the submission of comments or protests.

#### OPERATING PERMITS

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

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

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

**59-00002: Dominion Transmission Inc.** (5000 Dominion Boulevard Glen Allen, VA 23060) to issue a renewal Title V Operating Permit for their Tioga Transmission Station located in Farmington Township, **Tioga County**. The facility is currently operating under Title V Operating Permit 59-00002. The facility's main sources include one 24.2 MMBtu/hr natural-gas-fired heater, two 4200

brake-horsepower natural-gas-fired compressor engines equipped with oxidation catalysts, one 576 brake-horsepower natural-gas-fired emergency engine, and various storage tanks.

The facility has potential annual emissions of 190.44 tons of carbon monoxide, 259.01 tons of nitrogen oxides, 0.20 ton of sulfur oxides, 2.81 tons of particulate matter including particulate matter less than 10 microns in size, 2.81 tons of particulate matter less than 2.5 microns in size, 44.19 tons of volatile organic compounds, 5.88 tons of formaldehyde, 9.60 tons of hazardous air pollutants, and 29,635 tons of greenhouse gases. The terms and condition of Plan Approval 59-00002C are being incorporated into TVOP 59-00002. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 40 CFR Part 63 Subpart ZZZZ and Part 52 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.

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

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

*Contact: Janine Tullock-Reid, New Source Review Chief—Telephone: 610-832-6242*

**09-00126: Air Liquide Electronics U.S. LP**, (19 Steel Road West, Morrisville, PA 19067) is a non-Title V, Natural Minor facility located in Falls Township, **Bucks County**. This action is a renewal of a State Only Operating Permit (Natural Minor). The facility is involved in the gas cylinder cleaning processes, the purification of industrial gases, and the distribution of compressed specialty gases and liquefied chemicals. The facility operates seven process hood lines for processing hydride gases, pyrophoric gases, hydrocarbon gases, chloride gases, and fluoride gases, and each process line is set with a specific control device combination. The facility has an annual limit on particulate matter of 55 pounds on a 12-month rolling period and has an annual limit on volatile organic compounds of 279 pounds on a 12-month rolling period. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00144: US Department of Agriculture—Eastern Regional Research Center ("USDA")** (600 East Mermaid Lane, Wyndmoor, PA 19038; Attn: Mr. Marshall Reed) for the renewal of a Synthetic Minor Operating Permit in Springfield Township, **Montgomery County**. The initial operating permit was issued on March 18, 2004, and was effective May 1, 2004. USDA's primary focus at this facility is the preservation of produce for longer periods of time before it becomes inedible. This renewal of the Synthetic Minor Operating Permit incorporates the requirements and conditions from General Permit No. GP1-46-0240, for Source ID 034. The primary

sources of air emissions from the facility are boilers (Source IDs 034, 101, 102, and 103), emergency generators (Source IDs 105 and 106), and two parts washers (Source ID 200). Source IDs 034, 101, and 102 are dual fuel fired boilers, using natural gas as the primary fuel and No. 2 fuel oil as backup. These units shall not be subject to 40 CFR Part 63, Subpart JJJJJ, on the basis of 40 CFR §§ 63.11195(e) and 63.11237. Source ID 103 burns No. 2 fuel oil exclusively, and is subject to 40 CFR Part 63, Subpart JJJJJ. Applicable conditions have been incorporated into the operating permit. Applicable requirements from 40 CFR Part 60, Subpart JJJJ, have been incorporated for Source ID 106. Source ID 105 has been deemed exempt from 40 CFR Part 63, Subpart ZZZZ, on the basis of 40 CFR § 63.6585(f)(3). Requirements from 25 Pa. Code § 129.63 have been incorporated as appropriate for Source ID 200. Potential emissions from the facility are less than the following emission rates: 3.0 tpy for VOCs, 2.0 tpy for HAP, 5.0 tpy for PM, 24.9 tpy for NO<sub>x</sub>, 74.0 tpy for SO<sub>x</sub>, and 20.0 tpy for CO. The permit contains monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**15-00133: Immaculata University** (1145 King Road, Immaculata, PA 19345-9903), for the renewal of a State Only, Synthetic Minor Operating Permit in East Whiteland Township, **Chester County**. The facility operates four boilers for heating purposes and seven emergency generators for backup power. The proposed renewal of the Operating Permit does not authorize any increase in air emissions, of regulated pollutants, above previously approved levels. This renewal also includes a change in the responsible official for the facility. The renewed permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable local, state, and federal air quality requirements.

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4762, Lisa Dorman, New Source Review Permitting Chief—Telephone: 717-705-4863 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**22-03052: Harman Home Heating** (352 Mountain House Road, Halifax, PA 17032) to issue a State Only Operating Permit for their spray painting operations at the Halifax Plant in Jackson Township, **Dauphin County**. The facility's potential emissions include 31.7 tpy of VOCs, and less than 10 tpy of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**67-05107: Crown Cork & Seal USA, Inc.** (1650 Broadway, Hanover, PA 17331) to issue a State Only Operating Permit for metal can manufacturing operations at the plant in Penn Township, **York County**. Potential emissions of volatile organic compounds (VOC) from the plant are restricted to 49 tons per year. Actual VOC emissions for 2013 were 11.34 tons. Potential emissions of other pollutants are minimal. The Operating Permit includes emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

**53-00010: National Fuel Gas Supply Corp.** (1100 State Street, Erie, PA 16512) to issue a renewal State Only Operating Permit for their Costello Station located in Portage Township, **Potter County**. The facility is currently operating under State Only Operating Permit 53-00010. The facility's main sources include two 720 horsepower natural-gas-fired compressor engines, 10 natural-gas-fired heaters and water heaters with a total heat input capacity of 1.99 MMBtu/hr, and one 45 horsepower natural-gas-fired emergency generator.

The facility has potential annual emissions of 18.43 tons of carbon monoxide, 47.02 tons of nitrogen oxides, 0.07 ton of sulfur oxides, 0.20 of particulate matter including particulate matter less than 10 microns in size and less than 2.5 microns in size, 8.45 tons of volatile organic compounds, 2.90 tons of formaldehyde, 5.39 tons of hazardous air pollutants, and 8727 tons of greenhouse gases.

The engines are subject to 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 as well as 40 CFR Part 63.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3693.

**49-00019: Sunoco Partners Marketing & Terminals L.P.** (RD #1 box 285, Northumberland, PA 17857) for their petroleum bulk storage and distribution (Northumberland Terminal) facility located in Point Township, **Northumberland County**. The facility is currently operating under State Only Operating Permit 49-00019. The facility's main sources include a seven (7) storage tanks and two loading racks.

The facility has taken synthetic minor restrictions to limit its volatile organic compounds, single hazardous air pollutant and total combined hazardous air pollutants emissions below the major emission thresholds. With synthetic minor restriction, the facility has potential emissions of 46.95 tons per year of volatile organic compounds, and 2.49 tons per year of total hazardous air pollutants (HAPs). No emission or equipment changes are being proposed by this action.

This facility is subject to the requirements of 40 CFR Part 63, Subpart BBBB—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Sections 63.11080—63.11100. The tanks are subject to Federal Standards of Performance for New Stationary Sources, 40 CFR Part 60, Subpart Kb. The permittee shall comply with all applicable requirements of 40 CFR Section 60.110b—60.117b.

The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 as well as 40 CFR Part 60 and 63

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

**49-00055: Jeff's Autobody and Recycling Center, Inc.** (5446 Snyderstown Road, Paxinos, PA 17860-7534) to issue a renewal State Only Operating Permit for their auto body and recycling center facility located in Shamokin Township, **Northumberland County**. The facility is currently operating under State Only Operating Permit 49-00055. The facility's main sources include space heaters and furnace, aluminum scrap metal melting furnace with afterburner, and motor vehicle and mobile equipment repair and refinishing operations which includes a spray booth with panel filters.

The facility has potential emissions as follows: NO<sub>x</sub> equal to 0.6 tpy; CO equal to 0.2 tpy; SO<sub>x</sub> equal to 0.2 tpy; PM<sub>10</sub>/PM<sub>2.5</sub> equal to 0.1 tpy; VOC equal to 2 tpy; GHG (reported as CO<sub>2e</sub>) less than 500 tpy and HAP less than 0.1 tpy. This renewal operating permit incorporates the changes to Source ID 031. The space heaters were replaced during the previous permit term with newer ones. The replacement is exempt from plan approval requirements pursuant to 25 Pa. Code § 127.14.

The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting conditions have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 as well as 40 CFR Part 63.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy

of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

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

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

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

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

### *Coal Applications Received*

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

**32901602 and NPDES No. PA0214442. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the I-22 Tipple in Burrell Township, **Indiana County** and related NPDES permit. No additional discharge. The application was considered administratively complete on October 21, 2014. Application received: December 13, 2013.

**32011302 and NPDES No. PA0235521. AMFIRE Mining Company LLC**, (One Energy Place, Latrobe, PA 15650). To revise the permit for the Gillhouser Run Deep Mine in Brush Valley and Buffington Townships, **Indiana County** and related NPDES permit to install a water pipeline from Gillhouser Run Deep Mine to Barrett Mine to modify the water handling plan. Application also includes a request for a Section 401 Water Quality Certification. Surface Acres Proposed 14.5. No additional Discharges. The application was considered administratively complete on October 21, 2014. Application received: April 9, 2014.

**30831303 and NPDES No. PA0013511. 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** and related NPDES permit to install 22 gob ventilation boreholes for panels 65 and 66. Surface Acres Proposed 15.71. No additional discharges. The application was considered administratively complete on October 22, 2014. Application received: June 18, 2014.



**17071301 and NPDES No. PA0235784. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Harmony Mine in Burnside Township, **Clearfield County** to install a sludge disposal borehole and associated pipeline. Surface Acres Proposed 1.3. No additional discharges. The application was considered administratively complete on October 22, 2014. Application received: July 18, 2014.

**30743711 and NPDES No. PA0235440. Cumberland Coal Resources, LP**, (158 Portal Road, PO Box 1020, Waynesburg, PA 15370). To revise the permit for the Cumberland Mine Coal Refuse Disposal Facility in Whiteley Township, **Greene County** and related NPDES permit to modify the water handling plan for the Advanced Water Treatment (AWT) project. Surface Acres Proposed 26.6. No additional discharges. The application was considered administratively complete on October 23, 2014. Application received: March 31, 2014.

**30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC**, (1525 Pleasant Grove Road, PO Box J, Claysville, PA 15323). To revise the permit for the Bailey Mine and Prep Plant in Richhill Township, **Greene County** and related NPDES to install the 2L-1 degas borehole. Surface Acres Proposed 3.5. No additional discharges. The application was considered administratively complete on October 23, 2014. Application received: August 18, 2014.

**32141302 (formerly 32891701) and NPDES No. PA0124591. Bellaire Corporation**, (196 Grange Hall Rd., PO Box 245, Armagh, PA 15920-0245). To renew the permit for the Hutchinson Hollow Treatment Plant in East Wheatfield Township, **Indiana County** and related NPDES permit. No additional discharges. The application was considered administratively complete on October 23, 2014. Application received: May 12, 2014.

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

**Permit No. 32010102, TLH Coal Co.**, 4401 Pollock Road, Marion Center, PA 15959, renewal for reclamation only of a bituminous surface mine in East Mahoning Township, **Indiana County**, affecting 86.2 acres. Receiving stream: unnamed tributaries to Pickering Run classified for the following use: high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 23, 2014.

**Permit No. 32663056 and NPDES No. PA0606111, Beilchick Brothers**, P. O. Box 7, Heilwood, PA 15745, renewal for the continued operation and restoration of a bituminous surface mine in Pine Township, **Indiana County**, affecting 748.0 acres. Receiving streams: unnamed tributaries Little Yellow Creek classified for the following use: high quality cold water fishery. The first downstream potable water supply intake from the point of discharge is Indiana County Water Authority Yellow Creek Surface Water Withdrawal. Application received: October 9, 2014.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**24110101 and NPDES Permit No. PA0259055. RES Coal, LLC** (P. O. Box 228, Armagh, PA 15920). Renewal of an existing bituminous surface and auger mine and associated NPDES permit in Fox Township, **Elk County**, affecting 68.0 acres. Receiving streams: Little Toby Creek, classified for the following uses: CWF. There are no

potable surface water supply intakes within 10 miles downstream. Application received: October 20, 2014.

**16940105 and NPDES Permit No. PA0212130. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767). Renewal of an existing bituminous surface mine and associated NPDES permit in Perry Township, **Clarion County**, affecting 220.0 acres. Receiving streams: unnamed tributaries to the Allegheny River, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 21, 2014.

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

**17813024 and NPDES PA 0608777. EnerCorp, Inc.** (1310 Allport Cutoff, Morrisdale, PA 16858). Transfer of an existing bituminous surface mine from E. M. Brown, Inc. and revision to reduce permit acreage from 106.2 to 8.3 located in Bradford Township, **Clearfield County**, affecting 106.2 acres. Receiving stream(s): Unnamed Tributary to West Branch Susquehanna River classified for the following use(s): WWF. There are no potable water supply intakes within 10 miles downstream. Application received: October 14, 2014.

**17803023 and NPDES PA 0128198. EnerCorp, Inc.** (1310 Allport Cutoff, Morrisdale, PA 16858). Permit renewal and transfer from E. M. Brown, Inc. on an existing bituminous surface mine located in Cooper Township, **Clearfield County**, affecting 14.2 acres. Receiving stream(s): Basin Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: October 14, 2014.

**17940107 and NPDES PA 0219801. River Hill Coal Company, Inc.** (P. O. Box 141, Kylertown, PA 16847). Permit renewal to an existing bituminous surface mine/coal refuse disposal located in Karthaus Township, **Clearfield County** affecting 449.8 acres. Receiving streams: Unnamed Tributaries to Saltlick Run, Unnamed Tributaries to Upper Three Runs, classified for the following use(s): High Quality Waters-CWF. There are no potable water supply intakes within 10 miles downstream. Application received: October 17, 2014.

*New Stanton District Mining Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500*

**03020102 and NPDES Permit No. PA0250058. D. J. & W. Mining, Inc.** (Box 425, Indiana, PA 15701). Renewal application for reclamation only to an existing bituminous surface mine, located in Cadogan and North Buffalo Townships, **Armstrong County**, affecting 48.9 acres. Receiving streams: unnamed tributaries to Allegheny River, classified for the following use: WWF. The potable water supply intake within 10 miles downstream from the point of discharge: Municipal Authority of Buffalo Township/Freeport Plant. Renewal application received: October 9, 2014.

**65100101 and NPDES Permit No. PA0251887. Britt Energies, Inc.** (P. O. Box 515, Indiana, PA 15701). Renewal application for reclamation only to an existing bituminous surface mine, located in Derry Township, **Westmoreland County**, affecting 69.6 acres. Receiving streams: unnamed tributary to McGee Run and Conemaugh River, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: October 16, 2014.

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

**Permit No. 40940206R4. Heavy Media, Inc.**, (PO Box 27, Nanticoke, PA 18634), renewal of an existing anthracite coal refuse reprocessing operation in Larksville Borough, **Luzerne County** affecting 15.9 acres, receiving stream: Boston Run, classified for the following use: cold water fishes. Application received: September 30, 2014.

*Noncoal Applications Received*

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

**Permit No. 4274SM11 and NPDES No. PA0212512, New Enterprise Stone & Lime Co., Inc.**, P. O. Box 77, New Enterprise, PA 16664, commencement, operation and restoration of a noncoal surface mine to deepen a 24.9 acre portion of the existing quarry in Taylor Township, **Blair County**, affecting 467.1 acres. Receiving streams: Plum and Halter creeks classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 8, 2014.

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

**Permit No. 58990804. Mark W. Lewis**, (327 Barefooters Boulevard, New Milford, PA 18834), Stage I & II release of a quarry operation in Harford Township, **Susquehanna County** affecting 3.0 acres on property owned by Virginia Brainard. Application received: October 1, 2014.

**Permit No. 58110801. Endless Mountain Landscaping**, (3223 Ridge Road, Montrose, PA 18801), Stage I & II release of a quarry operation in Bridgewater Township, **Susquehanna County** affecting 5.0 acres on property owned by Kimberly and Kesse Harris. Application received: October 1, 2014.

**Permit No. 09920302C5 and NPDES Permit No. PA0595497. Delaware Valley Landscape Stone, Inc.** (PO Box 778, New Hope, PA 18938), renewal of NPDES

Permit for discharge of treated mine drainage from a quarry operation in Middletown Township, **Bucks County** affecting 16.9 acres, receiving stream: unnamed tributary to Neshaminy Creek, classified for the following uses: warm water fishes and migratory fishes. Application received: October 7, 2014.

**Permit No. 46030301C2 and NPDES Permit No. PA0224308. Gibraltar Rock, Inc.**, (335 Newbold Road, Fairless Hills, PA 19030), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in New Hanover Township, **Montgomery County** affecting 241.0 acres, receiving streams: unnamed tributary to Swamp Creek and Scioto Creek; classified for the following uses: trout stock fishes and migrator fishes. Application received: October 14, 2014.

**MINING ACTIVITY NPDES DRAFT PERMITS**

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

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

*Effluent Limits for Coal Mining Activities*

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

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

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

\*The parameter is applicable at all times.

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

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

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

*Effluent Limits for Noncoal Mining Activities*

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

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

\* The parameter is applicable at all times.

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

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

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

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

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

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

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

*Coal NPDES Draft Permits*

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

**NPDES No. PA0262803 (Mining Permit No.56090108), Hoffman Mining, Inc.**, P. O. Box 130, 118 Runway Road, Friedens, PA, 15541 revision of an NPDES permit for surface mining in Shade Township, **Somerset County**, affecting 185.0 acres. Receiving stream: Dark Shade Creek, classified for the following use: cold water fishes. This receiving stream is included in the Kiskiminetas-Conemaugh River Watershed TMDL. Application received: May 29, 2014.

The outfalls listed below discharge to Dark Shade Creek

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001—Sediment Pond 1	N
002—Sediment Pond 2	N
003—Sediment Pond 3	N
004—Treatment Pond 1	N
005—Treatment Pond 2	N
006—Treatment Pond 3	N
007—Sediment Pond 4	Y

The proposed effluent limits for the above listed outfalls are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. 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			

**NPDES No. PA0119296 (Mining Permit No. 56793091), Hardrock Coal Company**, 275 Saddle Ridge Road, Berlin, PA 15530, renewal of an NPDES permit for a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 559.9 acres. Receiving streams: unnamed tributaries to Millers Run, unnamed tributaries to/and Tubs Run, classified for the following use: cold water fishery. This receiving stream is included in the Buffalo Creek TMDL. Application received: September 12, 2014.

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

The treated wastewater outfalls listed below discharge to unnamed tributaries to Millers Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 001 and 002</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</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	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			50
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The treated wastewater outfalls listed below discharge to Unnamed Tributaries to and Tubs Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
003	N
004	N
005	N
006	N
007	N
009	N
011	N
012	N

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 003, 004, 005, 006, 007, 009, 011, 012</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			50
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfalls listed below discharge to unnamed tributaries to Millers Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
014	N
015	N
025	N

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 014, 015, 025</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</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	0.89	0.89
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			

The stormwater outfalls listed below discharge to unnamed tributaries to/and Tubs Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
019	N
020	N
021	N
022	N
024	N
026	N
027	N
028	N
029	N
031	N

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**NPDES No. PA0615218 (Permit No. 10813005). Magnum Minerals, Inc. d/b/a Lucas Coal Company c/o Three Rivers Management, Inc.**, (Manor Oak One, Suite 200, 1920 Cochran Road, Pittsburgh, PA 15220) Revision to an NPDES permit for a bituminous surface and tippel refuse disposal mine in Washington Township, **Butler County**, affecting 222.5 acres. Receiving streams: Unnamed tributary to Slippery Rock Creek, classified for the following uses: CWF. TMDL: None. Application received: June 20, 2014.

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

The outfall(s) listed below discharge to unnamed tributary to Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			10.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		2	4	5
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

<sup>1</sup> The parameter is applicable at all times.

**NPDES No. PA0259519 (Permit No. 16140104). Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) New NPDES permit for a bituminous surface mine in Limestone Township, **Clarion County**, affecting 78.0 acres. Receiving streams: Unnamed tributaries to Sloan Run and Parsons Run, both classified for the following uses: CWF. TMDL: Lower Clarion River. Application received: August 12, 2014.

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

The outfall(s) listed below discharge to unnamed tributaries to Sloan Run and Parsons Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TA	Y
TB	Y
TC	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		0.75	1.5	1.88
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

<sup>1</sup> The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributaries to Sloan Run and Parsons Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	Y
B	Y
C	Y
D	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

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

**NPDES No. PA029620 (Mining Permit No. 17130106), Horton Coal Company, LLC**, 446 Wm. Cemetery Road, Curwensville, PA 16833. New NPDES permit for coal mining in Bloom Township, **Clearfield County**, affecting 10.5 acres. Receiving stream(s): Unnamed Tributary to Anderson Creek classified for the following use(s): CWF.

The outfall(s) listed below discharge to Unnamed Tributary to Anderson Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
B	Y
E	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.5	3.0	3.7
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.75	0.75	0.75
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35.0	70.0	35.0
Osmotic Pressure (milliosmoles/kg)				50

<sup>1</sup> The parameter is applicable at all times.

*New Stanton District Mining Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500*

**NPDES No. PA0126375 (Mining permit no. 03803044), Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, renewal and revised NPDES permit for an existing bituminous surface mine in East Franklin Township, **Armstrong County**, affecting 97.9 acres. Receiving streams: unnamed tributaries to Limestone Run, classified for the following use: WWF. Application received: June 24, 2014.

The treated wastewater outfall(s) listed below discharge to unnamed tributaries to Limestone Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>TYPE</i>
002	Y	MDT
004	N	MDT

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
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
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfall(s) listed below discharge to unnamed tributaries to Limestone Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>TYPE</i>
001	Y	SW
003	N	SW

The proposed effluent limits for the above listed outfall(s) are as follows: for dry weather discharges

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
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
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.

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### Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

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#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900*

**E09-984. Warrington Township**, 852 Easton Road, Warrington, PA 18976-1413, Warrington Township, **Bucks County** ACOE Philadelphia District.

To rehabilitate approximately 1,250 linear feet of existing UNT to Little Neshaminy Creek stream channel (WWF); and to replace 160 linear feet of an existing 48 inch RCP pipe and 142 linear feet of an existing 60 inch RCP pipe between Blackhorse drive and Palomino Drive Crossings (Amblor, PA USGS; Lat. 40.239 inches; Long. -75.1302).

**E15-848. Bondsville Road Realty Ventures, LLC**, 2298 Horseshoe Pike, Honey Brook, PA 19344, Caln Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain an 18 foot by 5 foot long by 5.83 foot high span bridge in and along a UNT to Beaver Creek (TSF, MF) for access to proposed develop-

ment consisting of 57 residential dwellings, along with associated stream modifications, and an outfall structure.

The site is located approximately 1,200 feet south of the S.R. 0030 bypass and Bondsville Road exit interchange. (Lat. 40.0016, Long. -75.444).

**E23-511. Tincum Township**, 629 N. Governor Printz Boulevard, Essington, PA 19029, Tincum Township, **Delaware County**, ACOE Philadelphia District.

To construct and maintain a 10 foot multiuse trail system in and along the 100-year floodplain of Darby Creek associated with drainage improvements for the purpose of Parkway Rte. 291/13 beautification and Greenway plan.

The site is located along Rte. 291 from Darby Creek Bridge to Wannamaker Avenue (Bridgeport, PA USGS map, Lat, 39.577; Long. -75.18.31).

**E23-511. Tincum Township**, 629 N. Governor Printz Boulevard, Essington, PA 19029, Tincum Township, **Delaware County**, ACOE Philadelphia District.

To construct and maintain a 10 foot multiuse trail system in and along the 100-year floodplain of Darby Creek associated with drainage improvements for the purpose of Parkway Rte. 291/13 beautification and Greenway plan.

The site is located along Rte. 291 from Darby Creek Bridge to Wannamaker Avenue (Bridgeport, PA USGS map, Lat, 39.577; Long. -75.18.31).

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E35-455. Eric Gillenwater**, 1500 Garden Street, Apt. 10E, Hoboken, NJ 07030, in Clifford Township, **Lackawanna County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 6-foot by 12-foot floating dock in Big Bass Lake (EV). The project is located at 86 Sheffick Drive near its intersection with Lake Drive (Sterling, PA Quadrangle, Latitude: 41°15'33.28"; Longitude: -75°29'28.5").

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E07-453. U.S. Fish and Wildlife Service**, 315 S. Allen St. State College PA, 16801 in Blair Township, **Blair County**, U.S. Army Corps of Engineers Baltimore District

To (1) relocate and maintain 670 linear feet of Poplar Run (CWF, MF), (2) install and maintain 28 log vanes, 17 deflectors deflector, 11 mudsills approximately 591 feet in total length, 8 bankfull benches 2,104 linear feet in total length in Poplar Run (CWF, MF), all beginning at Latitude: 40° 23' 19.30"; Longitude: -78° 25' 3.54" and continuing to Latitude: 40° 23' 28.13"; Longitude -78° 24' 46" in Poplar Run (CWF, MF), and (3) install and maintain 4 floodplain permanently impacting 0.004 acre of Exceptional Value (EV) Palustrine Emergent (PEM) wetland all for the purpose of improving restoring this reach of Poplar Run.

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**E02-1699. Steel City Rowing Club**, 101 Arch Street, Verona, PA 15147; Municipality of Penn Hills, **Allegheny County**; ACOE: Pittsburgh District

The applicant is proposing to do the following:

1. Construct and maintain an 80' x 8' dock and pilings, headwall and concrete landing, within the floodway of the Allegheny River (WWF, N),

2. Construct and maintain an 1,196 ft<sup>2</sup> dock and pilings within the Allegheny River, and

3. Construct and maintain a 28' x 8' gangway, to connect the aforementioned docks, for the purpose of providing river access and a boat dock, for the members of the Steel City Rowing Club. The project site is located near the terminus of Arch Street (Braddock, PA USGS topographic quadrangle; Latitude: 40° 29' 44.28"; Longitude: -79° 50' 51.35"), in the Municipality of Penn Hills, Allegheny County.

**E63-659. PennDOT Engineering District 12-0**, 825 North Gallatin Avenue Uniontown, PA 15401; Fallowfield Township, **Westmoreland County**; ACOE Pittsburgh District

The applicant is proposing to remove the existing SR 481, 116 ft long, 10 ft wide by 6 ft high, RC arch enclosure; and to construct and maintain a 10 ft by 8 ft, 80 ft long RC box culvert replacement on a UNT to Pigeon Creek (WWF) with a drainage area of 189 acres, Latitude 40° 7' 29" and Longitude -79° 57' 35";

Extend 104 ft upstream and 110 ft downstream, and maintain an existing SR 70, 292 ft long, 6 ft by 7 ft RC box enclosure with a final length of 526 ft and with a drainage area of 139 acres;

Fill and maintain a 378 ft long section of UNT to Pigeon Creek between the SR 481 enclosure replacement and the SR 70 enclosure extension; and construct and maintain a relocated 328 ft long open channel replacement of the filled UNT Pigeon Creek with a drainage area of 110 acres;

In addition install and maintain road associated stormwater outfalls; fill and maintain 340 ft of UNTs to Pigeon Creek (WWF) with drainage areas less than 100 acres; and construct and maintain a 138 ft long open channel of UNTs to Pigeon Creek with drainage areas

less than 100 acres; fill and maintain a total 0.4 acre of PEM/PSS wetland; temporarily impact 689 ft of stream and 0.17 acre of PEM wetland for construction of the encroachments. Stream mitigation will occur offsite on Sherrick Run (WWF), located in Mount Pleasant Township, Westmoreland County. Wetland mitigation will occur offsite at the Jacobs Creek Wetland Bank, Mount Pleasant Township, Westmoreland County.

This project is associated with the SR 70 and SR 481 interchange improvement project with these encroachments extending approximately half a mile east and west from the SR 481 and SR 70 intersection Fallowfield Township, Washington County (Beginning Monongahela Quadrangle, North 0.6 inch and West 12.1 inches, Latitude 40° 7' 38" and Longitude -79° 57' 38"; and extending to California Quadrangle, North 22.2 inches and West 12.1 inches, Latitude 40° 7' 25" and Longitude -79° 57' 29").

**E65-965. PennDOT District 12-0**, 825 North Gallatin Avenue, Uniontown, PA 15017; Municipality of Murrysville, **Westmoreland County**; ACOE Pittsburgh District

The applicant is proposing to remove the existing SR 4053 two lane, 32 foot wide by 28.75 foot long single span bridge having a minimum underclearance of 6.0 feet; construct and maintain a replacement two lane 33.5 foot wide by 46 foot long single span bridge having a minimum underclearance of 6.0 feet in Turtle Creek (WWF) with a drainage area of 11.1 square miles; fill and maintain 112 ft of a UNT to Turtle Creek; construct and maintain 123 ft of replacement channel with a drainage area of less than 100 acres; and temporarily impact 47 ft of Turtle Creek for construction of the replacement bridge.

In addition the applicant will construct and maintain stormwater outfalls and on site mitigation for the purpose of improving the SR 4053 bridge and approach roads. The project is located on the border of the Borough of Export (Murrysville Quadrangle, N 8.5 inches; W 1.5 inches; Latitude: 40° 25' 19"; Longitude: -79° 38' 8.7") in the Municipality of Murrysville, Westmoreland County.

## ACTIONS

### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential



septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### I. NPDES Renewal Permit Actions

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

<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>
PA0084107 (IW)	Cycle Chem, Inc. 550 Industrial Drive Lewisberry, PA 17339-9537	York County Fairview Township	UNT of Fishing Creek / 7-E	Y
PA0084514 (Sew)	Shade Gap Borough Area Joint Municipal Authority PO Box 185 Shade Gap, PA 17255-0185	Huntingdon County Shade Gap Borough	Shade Creek / 12-C	Y
PA0055352 (Sew)	Berks Properties Inc. 3613 Seisholtzville Road Hereford, PA 18056	Berks County Hereford Township	West Branch Perkiomen Creek / 3-E	Y
PA0261319 (SRSTP Sew)	Steven K. Sheets and Cindy M. Sheets 1669 Old Carlisle Road Aspers, PA 17304	Adams County Butler Township	Opossum Creek / 7-F	Y
PA0082163 (Sew)	New Life for Girls, Inc. PO Box 170 Dover, PA 17315-1832	York County Conewago Township	UNT to Laurel Run / 7-F	Y
PA0086932 (Sew)	Keystone Kommunities PO Box 247 Silver Springs, PA 17575	York County Lower Windsor Township	UNT to Cabin Creek / 7-I	Y
PA0085570 (IW)	Millersburg Borough Area Authority 101 West Street Millersburg, PA 17061-1363	Dauphin County Upper Paxton Township	Wiconisco Creek / 6-C	Y
PA0083909 (Sew)	Conestoga Wood Specialties Corp. 245 Reading Road East Earl, PA 17519-0158	Lancaster County East Earl Township	Conestoga River / 7-J	Y
PA0085235 (SFTF Sew)	Degrazia LLC 604 Memorial Drive Fleetwood, PA 19522-8812	Berks County Robeson Township	UNT to Allegheny Creek / 3-C	Y
PA0260631 (CAFO)	Peach Glen Farm LLC Peach Glen Farm 367 Georgetown Road Gardners, PA 17324	Cumberland County Dickinson Township	UNT Tugg Run / 7-E	Y
PA0246468 (CAFO)	Virgil Gutshall Jr Beaver Ridge Farm 1400 Fowler Hollow Road Blain, PA 17006-9447	Perry County Jackson Township	UNT Shermans Creek / 7-A	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0031950 (Sew)	PA DCNR State Parks Bureau 1579 State Park Road Newport, PA 17074	Perry County Juniata Township	Little Buffalo Creek / 12-B	Y
PA0261106 (IW)	Voith Hydro, Inc. PO Box 712 York, PA 17405	York County West Manchester Township	UNT of Codorus Creek / 7-H	Y
<i>Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701</i>				
<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0228796 (Sewage)	Matthew M. Barr SFTF 1957 Halfmoon Valley Road Port Matilda, PA 16870	Centre County Halfmoon Township	Halfmoon Creek (11-A)	Y
<i>Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481</i>				
<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>
PA0239453 (Industrial Waste)	Intech Metals 7028 Ridgway Street / Marys Road Ridgway, PA 15853	Elk County Ridgway Borough	Elk Creek (17-A)	Y
PA0035289 (Sewage)	Glen Lake Estates MHP 1037 Barkeyville Road, Grove City, PA 16127	Mercer County Pine Township	Unnamed Tributary to the Wolf Creek (20-C)	Y
PA0222780 (Sewage)	Scott W. Zimmerman SFTF 4822 Glen Hazel Road, Wilcox, PA 15870	Elk County Jones Township	Unnamed Tributary to the East Branch Clarion River (17-A)	Y

## 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. PA0244503 Amendment 1**, Sewage, **Meyer Dean**, P.O. Box 71, Wagontown, PA 19376.

This proposed facility is located in West Caln Township, **Chester County**.

Description of Proposed Action/Activity: Approval for a transfer of an NPDES permit to discharge treated sewage from a facility known as Meyer 191 SRSTP to West Branch Brandywine Creek in Watershed 3H.

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

**NPDES Permit No. PA0063258**, Industrial Waste, SIC Code 4941, **Mahanoy Township Authority**, 46 North Main Street, Mahanoy City, PA 17948.

This existing facility is located in Mahanoy Township, **Schuylkill County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated filter backwash wastewater.

**WQM Permit No. 02481401**, Sewage, **Bethlehem City Northampton County**, 10 East Church Street, Bethlehem, PA 18018.

This proposed facility is located in Bethlehem City, **Northampton County**.

Description of Proposed Action/Activity: This project will upgrade the existing pump station to increase pumping capacity.

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

**NPDES Permit No. PA0083992**, Sewage, **Dolores J. Carrigan**, 112 Pondview Lane, Clearville, PA 15535.

This proposed facility is located in Southampton Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to a UNT to Sweet Root Creek in Watershed 13-A.

**NPDES Permit No. PA0248568**, Sewage, **Barbara and James Angelo**, 12295 Turkey Farm Road, Huntingdon, PA 16652.

This proposed facility is located in Walker Township, **Huntingdon County**.

Description of Proposed Action/Activity: Authorization to discharge to a UNT of Crooked Creek in Watershed 11-B.

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

**PA0023043**, Sewage, SIC Code 4952, **North East Borough Erie County**, 31 W Main Street, North East, PA 16428-1135.

Facility Name: North East Borough STP.

This existing facility is located in North East Borough, **Erie County**.

Description of Existing Activity: Renewal of an NPDES permit for an existing discharge of treated Sewage.

### III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

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

**WQM Permit No. 1014402**, Sewage, **Joseph Albright**, 126 Purvis Road, Butler, PA 16001.

This proposed facility is located in Franklin Township, **Butler County**.

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

### VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI015114006-1	Liberty Property 18th & Arch, LP 1628 John F. Kennedy Boulevard Suite 1100 Philadelphia, PA 19103	Philadelphia	City of Philadelphia	Schuylkill River WWF—MF

*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>
PAI024014008	UGI Utilities, Inc. 1 UGI Center Wilkes-Barre, PA 18711	Luzerne County	Dallas Township Lehman Township Jackson Township	Huntsville Creek (CWF, MF) Browns Creek (CWF, MF) East Fork Harveys Creek (CWF, MF) Harveys Creek (CWF, MF) EV Wetlands.

*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>
PAI055609002-2	PennDOT Dist. 9-0 16620 North Juniata Street Hollidaysburg, PA 16648	Somerset	Brothers Valley Township, Black Township, and Summit Township	Blue Lick Creek (CWF), Casselman River (CWF), UNT to Casselman River (CWF), Swamp Creek (CWF), Buffalo Creek (CWF), UNT to Buffalo Creek (CWF), Wilson Creek (WWF), UNT to Laurel Run (WWF), UNT to Kimberly Run (CWF)
PAI056310004-2	Penn DOT Dist. 12-0 PO Box 459 Uniontown, PA 15401	Washington	South Strabane Township	UNT to Little Chartiers Creek (HQ-WWF)
PAI052613002	DCNR—Bureau of State Parks 400 Market Street, 8th Floor Harrisburg, PA 17101	Fayette	Ohioptyle Borough	Youghioghny River (HQ-CWF, MF)
PAI056313007	Hardy Credit Company, LP 1019 Route 519 Eighty Four, PA 15330	Washington	North Strabane Township	Little Chartiers Creek (HQ-WWF)

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI052614003	DG Strategic II, LLC 14600 Detroit Ave Suite 1500 Lakewood, OH 44107	Fayette	Wharton Township	UNT to Deadman Run (HQ-CWF)
PAI056314007	PA American Water Company 300 Galley Road McMurray, PA 15317	Washington	Hopewell Township and Canton Township	Brush Run (HQ-WWF), Cross Creek (HQ-WWF), and Chartiers Creek (WWF)
PAI056514005	Rolling Rock Farms PO Box 717 Ligonier, PA 15658	Westmoreland	Ligonier Township	Rolling Rock Creek (HQ-CWF) and Laughlinton Run (HQ-CWF)

### VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

#### List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

#### General Permit Type—PAG-02

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Warwick Township Bucks County	PAG0200 09 14048	Shihadeh Contracting, LLC 2357 Tohickon Lane Warrington, PA 18976	Little Neshaminy Creek WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Makefield Township Bucks County	PAG0200 0905091R(1)	Toll Brothers, Inc. 250 Gibraltar Road Horsham, PA 19044	Houghs Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Doylestown Township Bucks County	PAG0200 0914052	Doylestown Township 425 Wells Road Doylestown, PA 18901	Unnamed Tributary to Neshaminy Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hilltown Township Bucks County	PAG0200 0914061	Toll PA XV, L.P. 250 Gibraltar Road, 2E Horsham, PA 19044	Unnamed Tributary to Pleasant Spring Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Warminster Township Bucks County	PAG0200 0913071	Christ's Home, Inc. 800 North York Road Warminster, PA 18974	Unnamed Tributary to Little Neshaminy Creek WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-590
Trappe Borough Montgomery County	PAG0200 4607143R	Longview Development LP 1055 Westlakes Drive, Suite 170 Berwyn, PA 19312	Perkiomen Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-590
Upper Providence Township Montgomery County	PAG0200 4607116R	CNS Properties II, LLC 119 Summit Drive P. O. Box 1057 Phoenixville, PA 19460	Unnamed Tributary to Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<i>Facility Location: Municipality &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>
East Penn Township Carbon County	PAG02001314002	Loft at Birch Wilds, LLC 474 Mulberry Drive Walnutport, PA 18088	Lizard Creek (TSF, MF)	Carbon County Conservation District 610-377-4894
Hanover Township Luzerne County	PAG02004009014R	Countrywood Realty, LLC c/o Tracey Gribble 47 Tower Lane Dallas, PA 18612-9731	Solomon Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
Borough of Hellertown Northampton County	PAG02004814007	Borough of Hellertown c/o Cathy Hartranft 685 Main Street Hellertown, PA 18055	Saucon Creek (CWF, MF)	Northampton County Conservation District 610-746-1971

*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802*

<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>
Bethel Township Fulton County	PAG02002914006 Issued	LC Trucking, LLC 2433 Wertzville Road Needmore, PA 17238	Little Tonoloway Creek/TSF, MF	Fulton County Conservation District 216 North Second Street, Suite 15 McConnellsburg, PA 17233 Phone: 717-485-3547, x121
South Heidelberg Township Berks County	PAG02000614041 Issued	Galen Hall Corporation 855 Berkshire Boulevard Wyomissing, PA 19601	Cacoosing Creek/CWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-0520 610.372.4657
Lower Heidelberg Township Berks County	PAG02000604068R Issued	SFH5, Inc. 307 International Circle, Suite 600 Hunt Valley, MD 21030	UNT to Spring Creek/TSF, MF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-0520 610.372.4657
New Morgan Borough Berks County	PAG02000614035 Issued	New Morgan Borough 75 Grace Boulevard Morgantown, PA 19543	UNT to Conestoga River/WWF, MF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-0520 610.372.4657

<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>
Penn Township Berks County	PAG02000614051 Issued	Fulton Bank, NA 118 West Market Street West Chester, PA 19382	UNT to Blue Marsh, Northkill Creek/CWF, MF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-0520 610.372.4657
Bethel Township Berks County	PAG02000614045 Issued	Maine Drilling & Blasting 423 Brunswick Avenue Gardiner, ME 04345	UNT to Swatara Creek/CWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-0520 610.372.4657
Windsor Township Berks County	PAG02000614053 Issued	Greth Development Group 155 Tuckertown Road Reading, PA 19605	UNT to Schuylkill River/WWF, MF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-0520 610.372.4657
Lower Paxton Township Dauphin County	PAG02002214015(1) Issued	Eastern Planning & Development 7300 Derry Street Harrisburg, PA 7111	Beaver Creek/WWF, MF	Dauphin County Conservation District 1451 Peter's Mountain Road Dauphin, PA 17018-9504 717.921.8100
Littlestown Borough Adams County	PAG02000112009R Issued	Donald R. Smith 25 Foxtown Drive Abbottstown, PA 17301	Alloway Creek/WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 717.334.0636
East Hanover Township Dauphin County	PAG02002214037 Issued	PA Dept. of General Services 18th & Herr Streets Harrisburg, PA 17125	Bow Creek/WWF	Dauphin County Conservation District 1451 Peter's Mountain Road Dauphin, PA 17018-9504 717.921.8100
East Hanover Township Dauphin County	PAG02002214038 Issued	PA Dept. of General Services 18th & Herr Streets Harrisburg, PA 17125	Bow Creek/WWF	Dauphin County Conservation District 1451 Peter's Mountain Road Dauphin, PA 17018-9504 717.921.8100
Middlesex Township	PAG02002114034 Issued	Howard Detraglia 281 Texaco Road Mechanicsburg, PA 17055	Hogestown Run/CWF	Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Silver Spring Township	PAG02002114041 Issued	Silver Spring Association 51 Madison Avenue, 9th Floor New York, NY 10010	Hogestown Run/CWF	Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Upper Allen and Lower Allen Townships Cumberland County	PAG02002114037 Issued	UGI Utilities, Inc. 1301 AIP Drive Middletown, PA 17057	UNT Cedar Run/CWF, MF	Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Decatur Township Mifflin County	PAG02004412003R Issued	Curvin Groff 135 Gerry Lane McClure, PA 17841	UNT to Jacks Creek/CWF	Mifflin County Conservation District 20 Windmill Hill, #4 Burnham, PA 17009 717.248.4695 ext. 110

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Hamiltonban Township Adams County	PAG02000109010R Issued	Hamiltonban Township PO Box 526 Fairfield, PA 17320	UNT to Middle Creek/CWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 717.334.0636
Spring Township and Sinking Spring Borough Berks County	PAG02000608050R Issued	Metropolitan Development Group 1030 Reed Avenue, Suite 100 Wyomissing, PA 19610	UNT to Cacoosing Creek/CWF, MF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-0520 610.372.4657
South Heidelberg Township and Wernersville Borough Berks County	PAG02000614006 Issued	VIST Bank 1240 Broadcasting Road Wyomissing, PA 19610	Manor Creek and Little Cacoosing Creek/TSF, MF, WWF, MF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-0520 610.372.4657
Bethel Township Berks County	PAG02000614046 Issued	Eugene Sensenig 14 Little Swatara Church Road Richland, PA 17087	Little Swatara Creek/WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-0520 610.372.4657
Derry Township Dauphin County	PAG02002214031 Issued	HERCO 300 Park Boulevard Hershey, PA 17033	Little Swatara Creek/WWF	Dauphin County Conservation District 1451 Peter's Mountain Road Dauphin, PA 17018-9504 717.921.8100
Hummelstown Borough Dauphin County	PAG02002214043 Issued	Hummelstown Borough PO Box 307 Hummelstown, PA 17036-0307	Swatara Creek/WWF	Dauphin County Conservation District 1451 Peter's Mountain Road Dauphin, PA 17018-9504 717.921.8100
Earl Township Lancaster County	PAG02003607076R Issued	Soco Enterprises Company 1330 Charlestown Road Phoenixville, PA 19460	Mill Creek/CWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361
Warwick Township Lancaster County	PAG02003613067(1) Issued	Rock Lititz One Ellen Avenue Lititz, PA 17543	Santo Domingo Creek/WWF, MF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361
East Lampeter Township Lancaster County	PAG02003614090 Issued	PennDOT 2140 Herr Street Harrisburg, PA 17103	Pequea Creek, UNT Mill Creek/WWF, MF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361
Providence Township Lancaster County	PAG02003614098 Issued	Mount Airy Holdings LLC 209 Mount Airy Road New Providence, PA 17560	Huber Run/CWF, MF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361

<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>
Penn Township Lancaster County	PAG02003614054 Issued	Kreider Farms 1461 Lancaster Avenue Manheim, PA 17545	UNT Lititz Run/WWF, MF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361
Warwick Township Lancaster County	PAG02003614076 Issued	Gary Willier 610 Water Edge Road Lititz, PA 17543	UNT Bachman Run/TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361
Oxford Township Adams County	PAG02000114032 Issued	The Brethren Home Community 2990 Carlisle Pike New Oxford, PA 17350	UNT to South Branch Conewago Creek/WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 717.334.0636
City of York and Spring Garden Township York County	PAG02006709065R Issued	York College of Pennsylvania 441 Country Club Road York, PA 17403	Codorus Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Codorus Township York County	PAG02006706064-2R Issued	Codorus Ventures, LLC 113 Westminster Road Suite 200 Reisterstown, MD 21136	UNT to Codorus Creek/TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Penn Township York County	PAG02006714046 Issued	CFR Partners, L.P. 1623 Pot Spring Road Lutherville, MD 21093	UNTs to Furnace Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Fairview Township York County	PAG02006713057 Issued	West Shore Sportsmen's Association 564 Ridge Road PO Box 219 Lewisberry, PA 17339-9591	UNT to Fishing Creek/TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Spring Garden Township & City of York York County	PAG02006714055 Issued	Columbia Gas of Pennsylvania 1600 Colony Road York, PA 17408	UNT to Codorus Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Dillsburg Borough & Carroll Township York County	PAG02006708071R Issued	R2 Development, LLC 330 Millway Road Ephrata, PA 17522	Fishers Run/CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Hopewell Township York County	PAG02006713063-1 Issued	Bridgeview Investments, LP 200 Bailey Drive Suite 202 Stewartstown, PA 17363	Ebaughs Creek/CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
West Manchester Township York County	PAG02006714062 Issued	Columbia Gas of Pennsylvania 1600 Colony Road York, PA 17408	UNT to Codorus Creek/WWF, MF; UNT to Willis Run/WWF, MF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430



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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Penn Township York County	PAG02006714039 Issued	Legacy 92, LLC 300 Fame Avenue Hanover, PA 17331-1582	UNTs to Oil Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Dover Township York County	PAG02006706008R Issued	Joel C. McNaughton 4400 Deer Path Road Harrisburg, PA 17110	UNT to Fox Run/TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Shrewsbury Borough York County	PAG02006712027-1 Issued	MA McCleary, LLC 4244 Shangri-La Road Stewartstown, PA 17363	Trout Run/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Logan Township Blair County	PAG02000711013R Issued	Donald A. Degol 3229 Pleasant Valley Boulevard Altoona, PA 16601	UNT to Brush Run/WWF, MF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648
East Hanover Township Lebanon County	PAG02003809001R Issued	Commonwealth of PA Deputy Training Site Commander Building 0-11 FTIG Annville PA 17003	Indiantown Run/TSF; Swatara Creek/WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext 4
Union Township Lebanon County	PAG02003809011(17) Issued	Joel Sattazahn 1500 York Road Annville, PA 17003	Qureg Run/WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext 4
South Lebanon Township Lebanon County	PAG02003814027 Issued	Samaritan Real Estate 830 Tuck Street Lebanon, PA 17042	Hazel Dyke/TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext 4

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3636*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Bradford County Canton Township	PAG02000814012	Chris Wissel-Tyson Alpaca Energy LLC 6051 Wallace Rd Ext Ste 100 Wexford PA 15090	Alba Creek CWF	Bradford County Conservation District Stoll Natural Resource Ctr 200 Lake Rd Ste E Towanda PA 18848 (570) 265-5539, X 6
Centre County Rush Township	PAG02001414016	Dept of General Services 1800 Herr St Harrisburg PA 17125  Phase One Develop Corp 137 Monica Dr Pittsburgh PA 15239	Cold Stream CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte PA 16823 (814) 355-6817

*Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
West Mifflin Borough Allegheny County	PAG205000203022-1R	A. Merante Contracting 4740 Streets Run Road, Pittsburgh, PA 15236	Streets Run (WWF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Franklin Park Borough Allegheny County	PAG02000214027	Franklin Park Borough 2344 West Ingomar Road, Pittsburgh, PA 15237	UNT to Bear Run (TSF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Upper Saint Clair Township Allegheny County	PAG02000214070	Shenandoah Land Development, LLC 1121 Boyce Road, Suite 400 Pittsburgh, PA 15241	UNT to Chartiers Creek (WWF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Hampton Township Allegheny County	PAG02000212052R	William Miller's Sons 100 Stotz Avenue Pittsburgh, PA 15205	UNT to Pine Creek (TSF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Pine Township Allegheny County	PAG02000210025R	Sierra Pine Associates, LLC 409 Broad Street Sewickley, PA 15142	Breakneck Creek (WWF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Municipality of Monroeville Allegheny County	PAG2000209048R	Frank Zokaites Group Six Sigma/ Sigma Six Associates 375 Golfside Drive Wexford, PA 15090	Leak Run to Turtle Creek (WWF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Franklin Park Borough Allegheny County	PAG2000209048R	Signature Homes, Inc., 20421 Route 19 Suite 330 Cranberry Township, PA 16066	UNT to Fish Run (CWF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Bradford Woods Borough, Marshall Township, Pine Township Allegheny County	PAG02000214063	American Transmissions Systems, Inc. 800 Cabin Hill Drive Greensburg, PA 15601	North Fork Pine Creek, Pine Creek, Wexford Run (CWF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Findlay Township Allegheny County	PAG2000204039R1	Maronda Homes, Inc. 1383 State Route 30 Clinton, PA 15026	Potato Garden Run (WWF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
North Fayette Township Allegheny County	PAG02000214054C	Community College of Allegheny County 800 Allegheny Avenue Pittsburgh, PA 15233	Robinson Run (WWF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Findlay Township Allegheny County	PAG02000214069	W. Scott Caplan CRG-Park West PA, LLC 2199 Interbelt Business Center Dr. St. Louis, MO 63114	McClarens Run (TSF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Neville Township Allegheny County	PAG02000214040	Gottlieb, Inc. 5603 Grand Avenue Pittsburgh, PA 15225	Ohio River (WWF-N)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Harrison Township Allegheny County	PAG02000214074	Highlands Land Holdings, LP 2801 Liberty Avenue, Suite 100 Pittsburgh, PA 15222	Little Bull Creek Tributary to Bull Creek (TSF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
City of Pittsburgh Allegheny County	PAG02000214080	UPMC Presbyterian Hospital 200 Lothrop Street Pittsburgh, PA 15213	Monongahela River (WWF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Marshall Township Allegheny County	PAG02000212013R	Bentley of Pittsburgh 2020 West Liberty Avenue Pittsburgh, PA 15226	Brush Creek (TSF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Indiana and West Deer Townships Allegheny County	PAG02000214066	Management Science Associates, Inc. 6565 Penn Avenue Pittsburgh, PA 15201	Little Deer Creek (TSF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
City of Pittsburgh Allegheny County	PAG02000214076	Three Crossings, LP, Agent One Oxford Center 301 Grant Street Suite 4500 Pittsburgh, PA 15219-1400	Allegheny River (WWF-N)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
McKees Rocks Borough Allegheny County	PAG02000212042R	Greenville Commercial Properties, LP One Atlantic Avenue Pittsburgh, PA 15202-1714	Ohio River (WWF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Municipality of Monroeville Allegheny County	PAG02000214056	The Wendy's Company, Cassity Butler, Engineering 1 Dave Thomas Boulevard Dublin, Ohio 43017	Turtle Creek (TSF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Indiana Township Allegheny County	PAG02000214068	Peoples Gas TWP, LLC 205 North Main Street Butler, PA 16001	UNT to Little Deer Creek (TSF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
North Fayette Township Allegheny County	PAG02000214058	2 Point Properties II, LLC 10053 Old Farm Court Cincinnati, OH 45242	UNT to North Branch of Robinson Run (WWF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Sewickley Hills Borough Allegheny County	PAG2000208062R	Pelly Properties, Inc. 150 Lake Drive Suite 1055 Wexford, PA 15080	UNT to Kilbuck Run (CWF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
Plum Borough Allegheny County	PAG20002090081R	T.D. Holdings, LLC 100 Saxonsburg Boulevard Cheswick, PA 15024	Plum Creek (WWF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645
South Park Township Allegheny County	PAG02000214046	South Park School District 2005 Eagle Ridge Road South Park, PA 15129	Catfish Run (WWF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Municipality of Mt. Lebanon Allegheny County	PAG02000214061	Municipality of Mt. Lebanon 710 Washington Rd Pittsburgh, PA 15228	UNT to Painters Run (WWF)	Allegheny County CD 33 Terminal Way 325B Pittsburgh, PA 15219 (412) 241 7645

*Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Adams Township Butler County	PAG02001005025R	St. Barnabas c/o Mr. William V. Day 5850 Meridian Road Gibsonia PA 15044	UNT Breakneck Creek WWF	Butler County Conservation District 724-284-5270
Cranberry Township Butler County	PAG02001009009R	Hank Tumpa Dimension Development Corporation 10592 Perry Hwy, Suite 350 Wexford PA 15090	UNT Brush Creek WWF	Butler County Conservation District 724-284-5270
Cranberry Township Butler County	PAG02001012043R	Robert Ferree Dutilh Property Associates LP 4848 Route 8 Allison Park PA 15101	UNT Brush Creek WWF	Butler County Conservation District 724-284-5270
Forward Township Butler County	PAG02001014021	America First Enterprise LLP 1768 North Main Street Ext, Suite 4 Butler PA 16001	Breakneck Creek WWF	Butler County Conservation District 724-284-5270
Cranberry Township Butler County	PAG02001014024	BEKKS 2 LLC 101 Bradford Road Suite 200 Wexford PA 15090	Brush Creek WWF	Butler County Conservation District 724-284-5270
Cranberry Township Butler County	PAG02001014031	Foxmoor Condominium Association 21 Stockton Ridge Cranberry Township PA 16066	Brush Creek WWF	Butler County Conservation District 724-284-5270
Adams Township Butler County	PAG02001014037	Taylor Ridge Associates LP c/o Mr. Donald B. Rodgers 215 Executive Dr., Ste. 300 Cranberry Township PA 16066	UNT Breakneck Creek WWF	Butler County Conservation District 724-284-5270
City of Erie Erie County	PAG02002512003(3)	Erie County Convention Center 809 French Street Erie PA 16501	Presque Isle ay WWF	Erie County Conservation District 814-825-6403
North East Borough/ North East Township Erie County	PAG0202514024	Agracel Inc. 2201 N. Willenborg Street, Suite 2 Effingham IL 62401 & North Coast Packaging 24 Mountainberry Road Brampton ON L6R 1J2	UNT Lake Erie CWF	Erie County Conservation District 814-825-6403
Liberty Township McKean County	PAG02004214002	Portage Industrial Properties LLC 4901 Route 155 Port Allegany PA 16743	Alleghany River CWF	McKean County Conservation District 814-887-4001

## NOTICES

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*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>
Pittston Township Luzerne County	PAG032206	Gulf Oil Limited Partnership 100 Crossing Boulevard Framingham, MA 01702	Mill Creek—05A	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Avoca Borough Luzerne County	PAR802210	Wilkes-Barre/Scranton International Airport 100 Terminal Road Avoca, PA 18641	Lidy Creek—CWF, MF and Spring Brook—CWF, MF	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Taylor Borough Lackawanna County	PAR232221	Polychemie, Inc. 10 Stauffer Industrial Park Taylor, PA 18517	Keyser Creek—05A	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Franklin County Antrim Township	PAR803675	Con-Way Freight Inc. 2211 Old Earhart Road, Suite 100 Ann Arbor, MI 48105 <hr/> Con-Way Freight—XHG 445 Mason Dixon Road Greencastle, PA 17225	UNT of Conococheague Creek / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County Hanover Borough	PAR203550	Gerard Daniel Worldwide 34 Barnhart Drive Hanover, PA 17331-9586 <hr/> Gerard Daniel Worldwide Factory Street Facility 150 Factory Street Hanover, PA 17331	Oil Creek / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Dauphin County Swatara Township	PAR803624	Pitt Ohio Express, LLC 15 27th Street Pittsburgh, PA 15222 <hr/> Pitt Ohio Express LLC (Harrisburg) 5641 Grayson Road Harrisburg, PA 17111	UNT to Spring Creek / CWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Juniata County Fermanagh Township	PAR603566	Steve's Used Cars 241 Butcher Shop Road Mifflintown, PA 17059	UNT to Schweyer Run / CWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Cumberland County Hampden Township	PAR803647	New Penn Motor Express, Inc. 625 South 5th Avenue Lebanon, PA 17402 <hr/> New Penn Motor Express—Camp Hill (03) 475 Terminal Road Camp Hill, PA 17011	UNT to Cedar Run / CWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

<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>
Berks County Reading City	PAR803505	New Penn Motor Express, Inc. 625 South 5th Avenue Lebanon, PA 17402	Laurel Run / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Limestone Township Clarion County	PAG038316	New Penn Motor Express—Reading (02) 3725 Pottsville Pike Reading, PA 19605-1721	Little Piney Creek 17-B	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
<i>General Permit Type—PAG-4</i>				
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Bedford County Monroe Township	PAG043684	James J. Glah 7800 Black Valley Road Everett, PA 15537	Clear Creek /TSF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Pine Grove Township Warren County	PAG048682	Jeffrey L. Keller 2288 Swede Hill Road, Russell, PA 16345	Unnamed Tributary to the Wiltsie Run 16-B	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Harborcreek Township Erie County	PAG041171	Charles Callahan 6767 Station Road, Erie, PA 16510-4740	Unnamed Tributary to the Sixmile Creek 15-A	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Glade Township Warren County	PAG048389	Charles W. Hice 2614 Egypt Hollow Road, Russell, PA 16345	Widdlefield Run 16-B	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
West Salem Township Mercer County	PAG048432	Dana Shaffer 94 N Summit Road, Greenville, PA 16125-9228	Big Run 20-A	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
<i>General Permit Type—PAG-10</i>				
<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>
Pittston Township Luzerne County	PAG102316	Gulf Oil Limited Partnership 100 Crossing Boulevard Framingham, MA 01702	Collins Creek—05A	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511

<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>
Bridgewater Township Susquehanna County	PAG102320	Williams Field Service Co., LLC Wyalusing Pipeline Project Park Place Corporate Center 2 2000 Commerce Drive Pittsburgh, PA 15275-1026	Pettis Creek and South Branch Wyalusing Creek—4-D	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Asylum Township Bradford County	PAG104845	Valley Energy Inc. 523 S. Keystone Avenue P.O. Box 340 Sayre, PA 18840	Susquehanna River—4-D	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530

*General Permit Type—PAG-12*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Lancaster County Penn Township	PAG123791	Mike Cassel Mike Cassel Farm 259 Auction Road Manheim, PA 17545	Chiques Creek / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County Rapho Township	PAG123792	Arlin Benner Yippee Farm 880 Pinkerton Road Mount Joy, PA 17552	Little Chiques Creek / TSF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Middlecreek Township Snyder County	PAG124836	Rowe Family Farms Co. 216 Pawling Station Road Selinsgrove, PA 17870	Middle Creek—6-A	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530

## 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 #4614521** issued to: **Schwenksville Borough Authority** 298 Main Street Schwenksville, PA 19473, [(PWSID)] Schwenksville Borough, **Montgomery County** on October 21, 2014 for the operation of Tank No.1 Repainting.

**Operations Permit#1514524** issued to: **Atglen Borough** P.O. Box 250 Atglen, PA 19310, [(PWSID)] Atglen Borough, **Chester County** on October 20, 2014 for the operation of Atglen Borough Well Nos. 1 and 3 New Well Pumps facilities approved under construction permit #1513501.

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**Permit No. 4812504MA, Operations Permit Public Water Supply.**

Applicant	<b>Green Acres Park, LLC</b> (Green Acres Mobile Home Park) 66 Ridge Avenue Staten Island, NY 10304
[Borough or Township]	Williams Township
County	<b>Northampton</b>
Type of Facility	PWS
Consulting Engineer	N/A
Permit to Operate Issued	October 23, 2014

**Permit No. 2450092, Operations Permit Public Water Supply.**

Applicant	<b>Mountain Water Authority of Joliett</b> 207 Main St. Joliett, PA 17981
[Borough or Township]	Porter Township
County	<b>Schuylkill</b>
Type of Facility	PWS
Consulting Engineer	N/A
Permit to Operate Issued	10/20/2014

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

**Permit No. 4914502—Construction—Public Water Supply.**

Applicant	<b>Aqua Pennsylvania, Inc.—Roaring Creek System</b>
Township/Borough	Ralpho and Coal Townships
County	<b>Northumberland</b>
Responsible Official	Marc A. Lucca, P.E. Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010
Type of Facility	Public Water Supply
Consulting Engineer	Richard Kotwica Aqua Pennsylvania, Inc. 2133 SR 54 Elysburg, PA 17824
Permit Issued	October 24, 2014
Description of Action	Installation of mixing systems for TTHM removal in the Ralpho and Trevorton finished water storage tanks.

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

**Operation Permit** issued to **Sugarcreek Borough**, PWSID No. 6610044, Sugarcreek Borough, **Venango County**. Permit Number 6105501-MA1 issued October 21, 2014 for the operation of the PAX PWM-400 Water Technology mixing system within the 191,000-gallon steel standpipe. This permit is issued in response to the Certificate of Construction Completion/Modification form and subsequent Bacteriological and VOC test results submitted to the Department on October 6, 2014.

**Operation Permit** issued to **Jeffrey Steele**, PWSID No. 5101013, Clearfield Township, **Butler County**. Permit Number 1014502 issued October 15, 2014 for the operation of the Steele Station Public Water Supply system. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on October 2, 2014.

**Operation Permit** issued to **The Municipal Authority of the Borough of Greenville**, PWSID No. 6430037, Hempfield Township, **Mercer County**. Permit Number 4388510-MA2 issued October 16, 2014 for the Tideflex Technology Mixing System within the Hadley Road 0.25 MG Standpipe. This permit is issued in response to the Certificate of Construction Completion/Modification form and subsequent Bacteriological and VOC test results submitted to the Department on September 15, 2014.

**Operation Permit** issued to **Johnsonburg Municipal Authority**, PWSID No. 6240007, Johnsonburg Borough, **Elk County**. Permit Number 2064-T1-MA4 issued October 16, 2014 for the operation of the modifications to the Powers Run Water Treatment Plant. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on October 6, 2014.

**Operation Permit** issued to **UPMC Senior Communities, Inc.**, PWSID No. 6610002, Sugarcreek Borough, **Venango County**. Permit Number 6198503-C2 issued October 20, 2014 to amend the special conditions associated with Permit No. 6198503-C1. Specifically, the request was to change the required chemical additive from Aquadene, which is no longer manufactured, to Carus 8105.

**Operation Permit** issued to **Hawthorn Redbank Redbank Municipal Authority**, PWSID No. 6160026, Redbank Township, **Clarion County**. Permit Number 1612504 issued October 24, 2014 for the new conventional package water filtration plant. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on May 2, 2014 and September 23, 2014.

#### SEWAGE FACILITIES ACT PLAN DISAPPROVAL

#### Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

#### Plan Location:

Borough or Township	Borough or Township Address	County
Lurgan Township	8650 McClays Mill Rd, Newburg, PA 17240	Franklin



*Plan Description:* The Component 1 planning module for Thomas H. Timmons, DEP Code No. A3-28911-115-1, APS Id 854409, consisting of one single family residential lot using an individual on-lot sewage disposal system, is disapproved. The module failed to provide a plot plan plot showing all required items listed in Component 1, Section G.1. The module failed to support the use of replacement area testing as the method of providing long-term sewage disposal in accordance with the instructions for the Component 1 form, which require that at least one soil evaluation probe and complete percolation test has been conducted for both the primary and replacement absorption area on each lot.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Bucher Property**, 1143 B Evergreen Drive, Fell Township, **Lackawanna County**, Martin Gilgallon, PA Tecton-

ics, Inc., has submitted a Final Report on behalf of his clients, Mr. & Mrs Bucher, 321 Rowland Road, Greely, PA 18425, concerning the remediation of soil due to a the release of 75-100 gallons of kerosene from an aboveground storage tank located on the property used for heating a mobile home. The applicant proposes to remediate the site to meet the residential Statewide Health Standards for soil. The intended future use of the site is residential. A summary of the Final Report was published in *The Scranton Times* on October 3, 2014.

**Bilukbash Estate**, 4 Village Edge Drive, Chestnuthill Township, **Monroe County**, Richard D. Trimpi, Trimpi Associates Inc., has submitted an NIR and Final Report, on behalf of his client, Aysha Hoxha, PO Box 176, Sciota, PA 18354, concerning the remediation of soil from heating oil due to a release during the replacement of a furnace. The applicant proposes to remediate the site to meet the Statewide Health Standard for soil. The intended use of the site is residential. A summary of the Final Report and, NIR (Notice of Intent to Remediate) were published in *The Pocono Record* on September 4, 2014.

**Lehigh University Transportation Services Building**, 126 Goodman Drive, City of Bethlehem, **Northampton County**, Michael Bingaman, Hafer Environmental Services Inc., has submitted a Final Report on behalf of his client, Lehigh University, concerning the remediation of soil from hydraulic oil & fluid due to a leaking underground lift system. The applicant proposes to remediate the site to meet the Statewide Health Standard for soil. The intended future use of the site is for ongoing operation and maintenance activities associated with the University's transportation, transit, and parking services. A Summary of the Final Report was published in *The Morning Call* on October 10, 2014.

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

**Dowell Schlumberger**, 1375 West Pleasant Street, City of Corry, **Erie County**. URS Corporation, 257 West Genesee Street, Suite 400, Buffalo, NY 14202, on behalf of Schlumberger Technology Corporation, 105 Industrial Boulevard, Sugar Land, TX 77478, submitted a Remedial Investigation/Risk Assessment/Final Report concerning the remediation of site soil contaminated with 1,1,1-Trichloroethane, 1,1,2,2-Tetrachloroethane, 1,1,2-Trichloro-1,2,2-trifluoroethane, 1,1,2-Trichloroethane, 1,1-Dichloroethane, 1,1-Dichloroethene, 1,2,4-Trichlorobenzene, 1,2-Dibromo-3-chloropropane, 1,2-Dichlorobenzene, 1,2-Dichloroethane, 1,2-Dichloropropane, 1,3-Dichlorobenzene, 1,4-Dichlorobenzene, 2-Hexanone, 4-Methyl-2-pentanone, Acetone, Benzene, Bromodichloromethane, Bromoform, Bromomethane, Carbon disulfide, Carbon Tetrachloride, Chlorobenzene, Chloroethane, Chloroform, Chloromethane, cis-1,2-Dichloroethene, cis-1,3-Dichloropropene, Cyclohexane, Dibromochloromethane, Dichlorodifluoromethane, Ethylbenzene, Isopropylbenzene (Cumene), Methyl acetate, Methyl Ethyl Ketone (2-Butanone), Methyl tertiary butyl ether (MTBE), Methylcyclohexane, Methylene chloride, Styrene, Tetrachloroethylene (PCE), Toluene, Total Xylenes, trans-1,2-Dichloroethene, trans-1,3-Dichloropropene, trans-1,2-Dichloropropene, Trichloroethene (TCE), Trichlorofluoromethane, Vinyl Chloride, 2,4,5-Trichlorophenol, 2,4,6-Trichlorophenol, 2,4-Dichlorophenol, 2,4-Dimethylphenol, 2,4-Dinitrophenol, 2,4-Dinitrotoluene, 2,6-Dinitrotoluene, 2-Chloronaphthalene, 2-Chlorophenol, 2-Methylnaphthalene, 2-Methylphenol, 2-Nitroaniline, 2-Nitrophenol, 3,3'-Dichlorobenzidine, 3-Nitroaniline, 4,6-Dinitro-2 Methyl-

phenol, 4-Bromophenyl phenyl ether, 4-Chloro-3-methylphenol, 4-Chloroaniline, 4-Chlorophenyl phenyl ether, 4-Nitroaniline, 4-Nitrophenol, Acenaphthene, Acenaphthylene, Acetophenone, Anthracene, Atrazine, Benzaldehyde, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]perylene, Benzo[k]fluoranthene, Benzyl Butyl phthalate, Biphenyl (Diphenyl), Bis(2-chloroisopropyl) ether, Bis(2-chloroethoxy) methane, Bis(2-chloroethyl) ether, Bis(2-ethylhexyl) phthalate, Caprolactam, Carbazole, Chrysene, Dibenz[a,h]anthracene, Dibenzofuran, Diethyl phthalate, Dimethyl phthalate, Di-n-butyl phthalate, Di-n-octyl phthalate, Fluoranthene, Fluorene, Hexachlorobenzene, Hexachlorobutadiene, Hexachlorocyclopentadiene, Hexachloroethane, Indeno[1,2,3-c,d]pyrene, Isophorone, Naphthalene, Nitrobenzene, N-nitrosodi-n-propylamine, N-nitrosodiphenylamine, Pentachlorophenol, Phenanthrene, Phenol, Pyrene, Ethylene Glycol and groundwater contaminated with 1,1,1-Trichloroethane, 1,1,2,2-Tetrachloroethane, 1,1,2-Trichloroethane, 1,1,2-Trichlorotrifluoroethane, 1,1-Dichloroethane, 1,1-Dichloroethene, 1,2,4-Trichlorobenzene, 1,2-Dibromo-3-Chloropropane, 1,2-Dibromoethane (EDB), 1,2-Dichlorobenzene, 1,2-Dichloroethane, 1,2-Dichloroethylene (total), 1,2-Dichloropropane, 1,3-Dichlorobenzene, 1,4-Dichlorobenzene, 2-Butanone, 2-Hexanone, 4-Methyl-2-pentanone (MIBK), Acetone, Benzene, Bromodichloromethane, Bromoform, Bromomethane, Carbon disulfide, Carbon Tetrachloride, Chlorobenzene, Chlorodibromomethane, Chloroethane, Chloroform, Chloromethane, cis-1,2-Dichloroethene, Cyclohexane, Dichlorodifluoromethane, Ethylbenzene, Isopropylbenzene, Methyl acetate, Methyl tert-butyl ether, Methylene Chloride, cis-1,3-Dichloropropene, Styrene, Tetrachloroethylene (PCE), Toluene, Total Xylenes, trans-1,2-dichloroethene, Methylcyclohexane, Trichloroethene (TCE), Trichlorofluoromethane, and Vinyl Chloride. 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.*

**Little Mountain Estates Lot 30 / Oyler Residence**, 398 Kings Highway, Marysville, PA 17053, Marysville Borough, **Perry County**. Cardno MM&A, 2 Gunpowder Road, Mechanicsburg, PA 17050, on behalf of P. C. Sekhar Chadaga, d/b/a Little Mountain Estates, 110 Inverness Drive, Blue Bell, PA 19422-3202, and Property Management, Inc., 1300 Market Street, PO Box 622, Lemoyne, PA 17043-0622, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on October 21, 2014.

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

**Gallaher No. 1-54**, State Route 18, Summerhill Township, **Crawford County**. Environmental Coordination Services & Recycling, Inc., 3237 U.S. Highway 19, Cochran, PA 16314, on behalf of Range Resources—Appalachia, LLC, 100 Throckmorton Street, Suite 1200, Fort Worth, TX 76102, submitted a Final Report concerning the remediation of site soil contaminated with Benzene, Toluene, Ethyl Benzene, Xylenes (Total), and TPH. The Final Report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on October 23, 2014.

**Dowell Schlumberger**, 1375 West Pleasant Street, City of Corry, **Erie County**. URS Corporation, 257 West Genesee Street, Suite 400, Buffalo, NY 14202, on behalf of Schlumberger Technology Corporation, 105 Industrial Boulevard, Sugar Land, TX 77478, submitted a Remedial Investigation/Risk Assessment/Final Report concerning the remediation of site soil contaminated with 1,1,1-Trichloroethane, 1,1,2,2-Tetrachloroethane, 1,1,2-Trichloro-1,2,2-trifluoroethane, 1,1,2-Trichloroethane, 1,1-Dichloro-

ethane, 1,1-Dichloroethene, 1,2,4-Trichlorobenzene, 1,2-Dibromo-3-chloropropane, 1,2-Dichlorobenzene, 1,2-Dichloroethane, 1,2-Dichloropropane, 1,3-Dichlorobenzene, 1,4-Dichlorobenzene, 2-Hexanone, 4-Methyl-2-pentanone, Acetone, Benzene, Bromodichloromethane, Bromoform, Bromomethane, Carbon disulfide, Carbon Tetrachloride, Chlorobenzene, Chloroethane, Chloroform, Chloromethane, cis-1,2-Dichloroethene, cis-1,3-Dichloropropene, Cyclohexane, Dibromochloromethane, Dichlorodifluoromethane, Ethylbenzene, Isopropylbenzene (Cumene), Methyl acetate, Methyl Ethyl Ketone (2-Butanone), Methyl tertiary butyl ether (MTBE), Methylcyclohexane, Methylene chloride, Styrene, Tetrachloroethylene (PCE), Toluene, Total Xylenes, trans-1,2-Dichloroethene, trans-1,3-Dichloropropene, trans-1,2-Dichloropropene, Trichloroethene (TCE), Trichlorofluoromethane, Vinyl Chloride, 2,4,5-Trichlorophenol, 2,4,6-Trichlorophenol, 2,4-Dichlorophenol, 2,4-Dimethylphenol, 2,4-Dinitrophenol, 2,4-Dinitrotoluene, 2,6-Dinitrotoluene, 2-Chloronaphthalene, 2-Chlorophenol, 2-Methylnaphthalene, 2-Methylphenol, 2-Nitroaniline, 2-Nitrophenol, 3,3'-Dichlorobenzidine, 3-Nitroaniline, 4,6-Dinitro-2 Methylphenol, 4-Bromophenyl phenyl ether, 4-Chloro-3-methylphenol, 4-Chloroaniline, 4-Chlorophenyl phenyl ether, 4-Nitroaniline, 4-Nitrophenol, Acenaphthene, Acenaphthylene, Acetophenone, Anthracene, Atrazine, Benzaldehyde, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]perylene, Benzo[k]fluoranthene, Benzyl Butyl phthalate, Biphenyl (Diphenyl), Bis(2-chloroisopropyl) ether, Bis(2-chloroethoxy) methane, Bis(2-chloroethyl) ether, Bis(2-ethylhexyl) phthalate, Caprolactam, Carbazole, Chrysene, Dibenz[a,h]anthracene, Dibenzofuran, Diethyl phthalate, Dimethyl phthalate, Di-n-butyl phthalate, Di-n-octyl phthalate, Fluoranthene, Fluorene, Hexachlorobenzene, Hexachlorobutadiene, Hexachlorocyclopentadiene, Hexachloroethane, Indeno[1,2,3-c,d]pyrene, Isophorone, Naphthalene, Nitrobenzene, N-nitrosodi-n-propylamine, N-nitrosodiphenylamine, Pentachlorophenol, Phenanthrene, Phenol, Pyrene, Ethylene Glycol and groundwater contaminated with 1,1,1-Trichloroethane, 1,1,2,2-Tetrachloroethane, 1,1,2-Trichloroethane, 1,1,2-Trichlorotrifluoroethane, 1,1-Dichloroethane, 1,1-Dichloroethene, 1,2,4-Trichlorobenzene, 1,2-Dibromo-3-Chloropropane, 1,2-Dibromoethane (EDB), 1,2-Dichlorobenzene, 1,2-Dichloroethane, 1,2-Dichloroethylene (total), 1,2-Dichloropropane, 1,3-Dichlorobenzene, 1,4-Dichloroethene, 2-Butanone, 2-Hexanone, 4-Methyl-2-pentanone (MIBK), Acetone, Benzene, Bromodichloromethane, Bromoform, Bromomethane, Carbon disulfide, Carbon Tetrachloride, Chlorobenzene, Chlorodibromomethane, Chloroethane, Chloroform, Chloromethane, cis-1,2-Dichloroethene, Cyclohexane, Dichlorodifluoromethane, Ethylbenzene, Isopropylbenzene, Methyl acetate, Methyl tert-butyl ether, Methylene Chloride, cis-1,3-Dichloropropene, Styrene, Tetrachloroethylene (PCE), Toluene, Total Xylenes, trans-1,2-dichloroethene, Methylcyclohexane, Trichloroethene (TCE), Trichlorofluoromethane, and Vinyl Chloride. The Report was disapproved by the Department on October 16, 2014.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**XTO Energy Inc.—Curtis Poole #5 Well Site**, Blacklegs Road, Young Township, **Indiana County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township 16066 on behalf of XTO Energy, Inc., 395 Airport Road, Indiana, PA 15701 submitted a Final Report concerning the remediation of

site soils contaminated with volatile and semi-volatile compounds (VOC's & SVOC's), metals and chloride. The Final Report demonstrated attainment of Site Specific standard for chlorides and a residential Statewide Health Standard for constituents sampled for in soils. The Final Report was approved by the Department on October 21, 2014.

**Windber Development** (former auto junk yard), SR-1033 (Verla Drive) Windber, Paint Township, **Somerset County**. CME Engineering LP, 165 East Union Street, Somerset, PA 15501 on behalf of Somerset County Economic Development Council, P.O. Box 48, 125 North Center Avenue, Somerset, PA 15501, submitted a Final Report to concerning site soils contaminated with leaded gasoline and diesel fuel. The Final Report demonstrated attainment of the residential Statewide Health standard for soil and was approved by the Department on October 28, 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.**

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

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

**GP3-46-0116: Haines & Kibblehouse, Inc.** (394 Sanatoga Road, Pottstown, PA 19464) On October 17, 2014, was authorized to relocate and operate a portable nonmetallic mineral crushing plant in Lower Pottsgrove Township, **Montgomery County**.

**GP9-46-0074: Haines & Kibblehouse, Inc.** (394 Sanatoga Road, Pottstown, PA 19464) On October 17, 2014, was authorized to relocate and operate a diesel or No. 2 fuel-fired internal combustion engine for a portable nonmetallic mineral crushing plant in Lower Pottsgrove Township, **Montgomery County**.

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

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

**GP5-41-721B: Atlas Resources, LLC** (Park Place Corporate One Center, 1000 Commerce Drive, 4th Floor, Pittsburgh, PA 15275) on October 21, 2014, for the construction and operation of one (1) 1,775 bhp Caterpillar model #G3606LE natural gas-fired compressor engine, equipped with a DCL America catalytic oxidizer, one (1) 1,380 bhp Caterpillar model #G3516BLE natural gas-fired compressor engine, equipped with a DCL America catalytic oxidizer, two (2) 60 MMscfd TEG dehydration units, each equipped with a 0.5 MMBtu/hr natural gas-fired reboiler, three (3) gas processing units, each equipped with a 1.5 MMBtu/hr natural gas-fired line heater, one (1) 118 bhp Cummins model #G8.3C118 natural gas-fired emergency generator engine, equipped with an EMIT Technologies catalytic oxidizer, six (6) engine/compressor oil storage tanks, two (2) produced water storage tanks and various fugitive emissions, pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) at the Stubler Well Pad A site located in Gamble Township, **Lycoming County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Devendra Verma, New Source Review Chief—Telephone: 814-332-6940*

**GP3-37-332C: Amerikohl Aggregates Inc** (609 Chewton-Wurtemberg Rd., Wampum, PA 16157) on October 16, 2014, for the installation and operation of additional sources at your existing portable nonmetallic mineral processing plant consisting of a Metso ST620 screen and three (3) associated conveyors (BAQ-GPA/GP3) located at Wayne Township, **Lawrence County**.

**GP11-37-332D: Amerikohl Aggregates Inc** (609 Chewton-Wurtemberg Rd., Wampum, PA 16157) on October 16, 2014, for the installation and operation of two (2) diesel or No. 2 fuel fired nonroad internal combustion engines (Caterpillar C13) (BAQ-GPA/GP11) located at Wayne Township, **Lawrence County**.

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**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4762, Lisa Dorman, New Source Review Permitting Chief—Telephone: 717-705-4863 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**36-05107D: Pepperidge Farm, Inc.** (2195 North Reading Road, Denver, PA 17517) on October 14, 2014, to install of a new Catalytic Oxidizer 5 to control Cracker Oven 8 and re-routing the exhaust so only Cracker Oven 7 exhausts to Catalytic Oxidizer 4 at the Pepperidge Farm bakery located in East Cocalico Township, **Berks County**.

**ER-38-05003A: Carmeuse Lime, Inc.** (3 Clear Springs Road, Annville, PA 17003) on October 24, 2014, for an Air Quality Emission Reduction Credit (ERC) approval of the following emission reductions from the shutdown of Kiln 3 (Source 110), at the lime manufacturing facility in North Londonderry Township, **Lebanon County**.

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

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

**14-00029B: Con-Stone, Inc.** (PO Box 28, Bellefonte, PA 16823), issued plan approval on October 16, 2014 for the construction of a new Canica 2000SD vertical shaft impact crusher, a Simplicity 5' x 12' 1D screen and two truss conveyors at the Aaronsburg plant, located in Haines Township, **Centre County**.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**57-00005B: Appalachia Midstream Services, LLC** (PO Box 54382, Oklahoma City, OK 73154-1382) on

October 22, 2014, to extend the authorization an additional 180 days from November 10, 2014 to May 9, 2015, in order to continue the compliance evaluation and permit operation pending issuance of an operating permit for the facility. The extension authorization allows continued operation of the sources located in Cherry Township, **Sullivan County**. The plan approval has been extended.

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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-5226*

**11-00356C: (Allegheny Valley Connector, LLC, 625 Liberty Ave., Suite 1700, Pittsburgh, PA 15222)** On October 21, 2014, to allow additional time for the temporary operation of one lean burn natural gas-fired compressor engine rated at 1,340 bhp and known as Laurel Ridge Engine #3, and one thermal oxidizer controlling dehydrators #1 & #2 until October 26, 2014, at Laurel Ridge / Rager Mountain Compressor Station located in Jackson Township, **Cambria County**. Two rich burn natural gas-fired compressor engines rated at 1,480 bhp each and originally authorized to be installed at this facility under PA-11-00356C are no longer authorized as the 18-month period to commence construction specified under 25 Pa. Code § 127.13(b) has passed.

**65-01026A: BenBilt Building Systems, LP** (123 BenBilt Place, Greensburg, PA 15601) Plan Approval Extension issuance date effective October 24, 2014, to grant a 180-day extension for the temporary operation to facilitate the shake-down of sources, until June 04, 2015, at their Finishing and Assembly Plant located in Unity Township, **Westmoreland County**.

**63-00969A: MarkWest Liberty Midstream and Resources, LLC** (1515 Arapahoe Street Tower 2, Suite 700, Denver, CO 80202-2126) on October 27, 2014, to extend the period of temporary operation of new rich burn natural gas-fired compressor engines rated at 1,980 bhp each and controlled by three-way catalysts authorized under PA-63-00969A until May 2, 2015, at the Three Brothers Compressor Station located in Smith Township, **Washington County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Devendra Verma, New Source Review Chief—Telephone: 814-332-6940*

**16-161A: Kelly IMG Energy, LLC** (301 Oxford Valley Rd., Ste. 1603A, Yardley, PA 19067) on October 27, 2014, effective October 31, 2014 will issue a plan approval extension for the construction of a 6.2 MW electric generating station, consisting of two (2) 4,835 bhp natural gas-fired engines with associated oxidation catalysts, in Toby Township, **Clarion County**.

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

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

**08-00003: Jeld Wen, Inc.** (PO Box 311, Towanda, PA 18848-0311) on October 24, 2014, issued a Title V operating permit for their facility located in Wysox Township, **Bradford County**. The state only operating permit

contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**46-00200: John Middleton Co.** (PO Box 85108, Richmond, VA 23285) On October 20, 2014, for their tobacco manufacturing facility at 418 Church Road, King of Prussia in Upper Merion Township, **Montgomery County**. The renewal permit is for a non-Title V (State only) facility. Air emissions sources at the facility include a dual oil/natural gas fired 350 hp boiler, a natural gas fired 500 hp boiler and a Top Dressing Storage and Mixing area. Most of the tobacco manufacturing equipment operates under Plan Approval 46-0200E, which is not being incorporated in the Operating Permit at this time. The 500 hp boiler was previously regulated under GP1-46-0239. Conditions of the general permit are being incorporated with the renewal. Both boilers are equipped with Low NO<sub>x</sub> (nitrogen oxides) Burners and Flue Gas Recirculation. The facility has taken restrictions to limit emissions of volatile organic compounds to 24.9 tons/year on a 12-month rolling basis. Estimated potential to emit for other pollutants, including sources in Plan Approval 46-0200E are: particulate matter (PM) 7.1 tons/year, nitrogen oxides (NO<sub>x</sub>) 15.4 tons/year, sulfur dioxide (SO<sub>2</sub>) 18.1 tons/year, and carbon monoxide (CO) 8.8 tons/year, all on a 12-month rolling basis. The 350 hp boiler is subject to 40 CFR Part 63 Subpart JJJJJ, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources, if it is operated as an oil-fired boiler as defined by the Subpart. Both boilers are subject to 40 CFR Part 60, Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. The operating permit will include monitoring and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531*

**39-00102: R.R. Donnelley and Sons, Company** (700 Nestle Way Suite 200, Breinigsville, PA 18031) issued on October 24, 2014 for the operation of a printing operation in Upper Macungie Township, **Lehigh County**. The sources consist of eight (8) printing machines. This is a new State-Only operating permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

**45-00010: H.G. Smith Wilbert Vault Co. Inc.** (2120 N 5th Street, Stroudsburg, PA 18360-2802) issued on October, 24, 2014, for the operation of four (4) crematories in Stroudsburg Borough, **Monroe County**. The emissions are controlled by a secondary afterburner. This is an initial State-Only Operating Permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4762, Lisa Dorman, New Source Review Permitting Chief—Telephone: 717-705-4863 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**36-03002: High Concrete Structures, Inc.** (125 Denver Road, Denver, PA 17517-9314) on October 20, 2014, for their precast concrete manufacturing facility in East Cocalico Township, **Lancaster County**. The State-only permit was renewed.

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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-5226*

**32-00365: Rosebud Mining Company** (301 Market Street, 435, Kittanning, PA 16201), On October 23, 2014, the Department issued an initial facility-wide Natural Minor Operating Permit for the operation of a coal preparation plant, known as the Dutch Run Parker Mine Site Coal Preparation Plant, located in Washington Township, **Indiana County**.

The facility contains air contamination sources consisting of coal stockpiles, conveyers, screens, and roadways. Air pollution prevention equipment at the facility includes covers, enclosures, a water truck, and tarping of truck loads. The facility is limited to a maximum opacity from any processing equipment of 20 percent. The facility is subject to applicable requirements of 40 CFR 60, Subpart Y, and 40 CFR 63, Subpart ZZZZ.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SOOP have been derived from the applicable requirements of 40 CFR Parts 52 60, and 63 and Pa. Code Title 25, Article III, Chapters 121 through 145.

**56-00219: Berwind Coal Sales Company** (509 15th Street, Windber, PA 15963), On October 23, 2014, the Department issued a renewed Natural Minor Operating Permit for the operation of a coal preparation plant, known as the Huskin Run Tipple, located in Shade Township, **Somerset County**.

The facility contains air contamination sources consisting of coal stockpiles, conveyers, one coal feed hopper/bin, one rotary breaker, radial stacker, coal loadout, and roadways. Air pollution prevention equipment at the Facility includes enclosures, conveyors, rotary breaker, water truck, tarping of truck loads, and periodic chipping and maintenance as of roadways. The facility is limited to a maximum opacity from any processing equipment of 20 percent. The facility is subject to applicable requirements of 40 CFR 60, Subpart Y.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SOOP have been derived from the applicable requirements of 40 CFR Parts 52 and 60 and Pa. Code Title 25, Article III, Chapters 121 through 145.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

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

**46-00162: Hammond Lead Products, Inc.** (10 Grosstown Road, Pottstown, PA 19454) On October 17, 2014, located in West Pottsgrove Township, **Montgomery County**, for operation of the existing lead oxide manufacturing plan. The facility is a considered a Title V facility according to National Emission Standard for Hazardous Air Pollutants (NESHAP) requirements. All sources located at the facility are subject to the requirements of 40 CFR Part 63, Subpart VVVVVV—National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources (producing NAICS Code 325 materials). The facility-wide potential to emit for all criteria pollutants, including lead, is less than major source threshold levels for the Philadelphia Consolidated Metropolitan Statistical Area. Particulate matter and lead emissions from each source are collected by baghouses and then controlled by high efficiency particulate air (HEPA) filter systems. Administrative Amendment of the Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The Administrative Amendment incorporates terms and conditions of Plan Approval No. 46-0162C, which allows for the installation of three (3) new Barton Processes and related equipment. Plan Approval No. 46-0162C superseded Plan Approval No. 46-0162B. The amended permit will include monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements.

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4762, Lisa Dorman, New Source Review Permitting Chief—Telephone: 717-705-4863 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**38-05003: Carmeuse Lime, Inc.** (3 Clear Spring Road, Annville, PA 17003-0160) on October 22, 2014, for their lime manufacturing facility in North Londonderry Township, **Lebanon County**. The Title V permit was administratively amended to incorporate the requirements of Plan Approval No. 38-05003H.

## **ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

### *Coal Permits Issued*

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

**17080115 and NPDES PA 0256960. RES Coal, LLC** (224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920). Permit renewal for reclamation only to an existing bituminous surface mine located in Beccaria Township, **Clearfield County** affecting 103.6 acres. Receiving stream(s): Unnamed Tributary to Banian Run and Muddy Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: July 23, 2014. Permit issued: October 23, 2014.

**17940101 and NPDES PA0219746. Forcey Coal, Inc.** (475 Banion Road, Madera, PA 16661). Permit renewal of an existing bituminous surface mine located in Beccaria Township, **Clearfield County** affecting 53.0 acres. Receiving streams: Unnamed Tributary to Muddy Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: June 18, 2014. Permit issued: October 21, 2014.

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

**Permit No. 40663020C13. Pagnotti Enterprises, Inc.**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), correction to an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation to updated the permitted acres, revise Module 25 and the reclamation in Hazle Township, **Luzerne County** affecting 536.0 acres, receiving streams: Black Creek and Nescopock Creek. Application received: December 5, 2008. Correction issued: October 20, 2014.

### *Noncoal Permits Issued*

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

**Permit No. 56920301 and NPDES No. PA0599417, New Enterprise Stone & Lime Co., Inc.**, Box 77, New Enterprise, PA 16664, renewal of NPDES permit, located in Ogle Township, **Somerset County**. Receiving streams: unnamed tributaries to Clear Shade Creek classified for the following use exceptional value. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek SWW. Application received: May 16, 2014. Permit issued: October 15, 2014.

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**20032809. Andrew M. Kosturick** (8565 Highway 285, Conneaut Lake, PA 16316-2109). Final bond release for a small industrial minerals surface mine in East Fallowfield Township, **Crawford County**. Restoration of 4.0 acres completed. Receiving streams: Jackson Run. Application received: July 29, 2014. Final bond release approved: October 16, 2014.

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

**53090801. Laurence T. Coole** (567 Bryant Hollow Road, Coudersport, PA 16915). Final bond release for a small industrial minerals surface mine located in Hebron Township, **Potter County**. Restoration of 1.0 acre completed. Receiving stream(s): Bryant Hollow to Oswayo River. Application received: August 29, 2014. Final bond release approved: October 21, 2014.

**53092801. Fox Hill Farms** (1572 Fox Hill Road, Ulyssess, PA 16948). Final bond release for a small industrial minerals surface mine located in Ulysses Township, **Potter County**. Restoration of 2.38 acres completed. Receiving stream(s): Unnamed Tributary to Ludington Run. Application received: October 6, 2014. Final bond release approved: October 23, 2014.

**4773SM4 and NPDES PA0115461. Hanson Aggregates Pennsylvania, LLC** (7660 Imperial Way, Allentown, PA 18195). NPDES renewal for continued operation and reclamation of a large noncoal surface mining site located in Liberty Township, **Tioga County** affecting 145.7 acres. Receiving stream(s): Blacks Creek and Bellman Run classified for the following use(s): CWF. Application received: July 15, 2014. Permit issued: October 22, 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. 22144110. Douglas Explosives, Inc.**, (PO Box 77, Philipsburg, PA 16866), construction blasting for Creekvale Subdivision in West Hanover Township, **Dauphin County** with an expiration date of December 30, 2015. Permit issued: October 23, 2014.

**Permit No. 48144109. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Fields at Trio in Lower Nazareth Township, **Northampton County** with an expiration date of October 15, 2015. Permit issued: October 23, 2014.

**Permit No. 58144176. Meshoppen Blasting, Inc.**, (P.O. Box 127, Meshoppen, PA 18630), construction blasting for SWN RU 51 pad and access road in Jackson Township, **Susquehanna County** with an expiration date of October 13, 2015. Permit issued: October 23, 2014.

**MINING ACTIVITY NPDES DRAFT PERMITS**

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

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

*Effluent Limits for Coal Mining Activities*

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

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

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

\* The parameter is applicable at all times.

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

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

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

*Effluent Limits for Noncoal Mining Activities*

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

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

\* The parameter is applicable at all times.

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

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

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

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

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

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

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

#### *Coal NPDES Draft Permits*

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

**NPDES No. PA0262803 (Mining Permit No.56090108), Hoffman Mining, Inc.**, P.O. Box 130, 118 Runway Road, Friedens, PA 15541 revision of an NPDES permit for surface mining in Shade Township, **Somerset County**, affecting 185.0 acres. Receiving stream: Dark Shade Creek, classified for the following use: cold water fishes. This receiving stream is included in the Kiskiminetas-Conemaugh River Watershed TMDL. Application received: May 29, 2014. The outfalls listed below discharge to Dark Shade Creek

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001—Sediment Pond 1	N
002—Sediment Pond 2	N
003—Sediment Pond 3	N
004—Treatment Pond 1	N
005—Treatment Pond 2	N
006—Treatment Pond 3	N
007—Sediment Pond 4	Y

The proposed effluent limits for the above listed outfalls are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. 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			

**NPDES No. PA0119296 (Mining Permit No. 56793091), Hardrock Coal Company**, 275 Saddle Ridge Road, Berlin, PA 15530, renewal of an NPDES permit for a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 559.9 acres. Receiving streams: unnamed tributaries to Millers Run, unnamed tributaries to/and Tubs Run, classified for the following use: cold water fishery. This receiving stream is included in the Buffalo Creek TMDL. Application received: September 12, 2014.

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

The treated wastewater outfalls listed below discharge to unnamed tributaries to Millers Run:



<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 001 and 002</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</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	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			50
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The treated wastewater outfalls listed below discharge to Unnamed Tributaries to and Tubs Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
003	N
004	N
005	N
006	N
007	N
009	N
011	N
012	N

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 003, 004, 005, 006, 007, 009, 011, 012</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			50
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfalls listed below discharge to unnamed tributaries to Millers Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
014	N
015	N
025	N

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 014, 015, 025</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</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	0.89	0.89
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			

The stormwater outfalls listed below discharge to unnamed tributaries to/and Tubs Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
019	N
020	N
021	N
022	N
024	N
026	N
027	N
028	N
029	N
031	N

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**NPDES No. PA0615218 (Permit No. 10813005). Magnum Minerals, Inc. d/b/a Lucas Coal Company** (c/o Three Rivers Management, Inc., Manor Oak One, Suite 200, 1920 Cochran Road, Pittsburgh, PA 15220) Revision to an NPDES permit for a bituminous surface and tippel refuse disposal mine in Washington Township, **Butler County**, affecting 222.5 acres. Receiving streams: Unnamed tributary to Slippery Rock Creek, classified for the following uses: CWF. TMDL: None. Application received: June 20, 2014.

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

The outfall(s) listed below discharge to unnamed tributary to Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			10.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		2	4	5
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

<sup>1</sup>The parameter is applicable at all times.

**NPDES No. PA0259519 (Permit No. 16140104). Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) New NPDES permit for a bituminous surface mine in Limestone Township, **Clarion County**, affecting 78.0 acres. Receiving streams: Unnamed tributaries to Sloan Run and Parsons Run, both classified for the following uses: CWF. TMDL: Lower Clarion River. Application received: August 12, 2014.

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

The outfall(s) listed below discharge to unnamed tributaries to Sloan Run and Parsons Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TA	Y
TB	Y
TC	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		0.75	1.5	1.88
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

<sup>1</sup>The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributaries to Sloan Run and Parsons Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	Y
B	Y
C	Y
D	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

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

**NPDES No. PA029620 (Mining Permit No. 17130106). Horton Coal Company, LLC**, 446 Wm. Cemetery Road, Curwensville, PA 16833. New NPDES permit for coal mining in Bloom Township, **Clearfield County**, affecting 10.5 acres. Receiving stream(s): Unnamed Tributary to Anderson Creek classified for the following use(s): CWF.

The outfall(s) listed below discharge to Unnamed Tributary to Anderson Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
B	Y
E	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant.</i>
Maximum pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.5	3.0	3.7
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.75	0.75	0.75
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35.0	70.0	35.0
Osmotic Pressure (milliosmoles/kg)				50

<sup>1</sup>The parameter is applicable at all times.

*New Stanton District Mining Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500*

**NPDES No. PA0126375 (Mining permit no. 03803044), Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, renewal and revised NPDES permit for an existing bituminous surface mine in East Franklin Township, **Armstrong County**, affecting 97.9 acres. Receiving streams: unnamed tributaries to Limestone Run, classified for the following use: WWF. Application received: June 24, 2014.

The treated wastewater outfall(s) listed below discharge to unnamed tributaries to Limestone Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
002	Y	MDT
004	N	MDT

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
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
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfall(s) listed below discharge to unnamed tributaries to Limestone Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	Y	SW
003	N	SW

The proposed effluent limits for the above listed outfall(s) are as follows: for dry weather discharges

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
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
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 Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A.

§§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed

with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Southeast Region: Waterway and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.*

**E09-986. North Penn Water Authority**, 300 Forty Foot Road, P.O. Box 1659, Lansdale, PA 19446, New Britain Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain a water transfer and energy recovery station of size 40-foot long and 30-foot wide. The facility is located within the 100 year flood plain of the West Branch of Neshaminy Creek (WWF, MF).

The site is located about 200 feet northwest of Railroad Avenue and Schoolhouse Road (Doylestown, PA USGS Quadrangle Latitude: 40.2814; Longitude: -75.2403).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E49-332. Pennsylvania State Sportsmen's Association**, 405 Monastery Road, Elysburg, PA 17824. Culvert extension, in Ralpho Township, **Northumberland County**, ACOE Baltimore District (Shamokin, PA Quadrangle Latitude: 40° 52' 2"; Longitude: -76° 32' 18").

Giving consent to construct a 110 linear foot, 60 inch diameter enclosure extension and to operate and maintain the entire 341 linear feet, 60 inch diameter enclosure installed in an Unnamed Tributary to Shamokin Creek, which carries a water quality designation of Cold Water Fishery. The current culvert conveys flow from an unnamed tributary to Shamokin Creek through the trap and skeet range. The culvert extension will eliminate the potential for shotgun shot to enter the stream system and be carried downstream. The proposed project will not

impact any landowners upstream since the Sportsmen's Association owns all properties that may be impacted by a backwater from the system. This project is located 0.78 miles east on SR 487 from the intersection with SR 54 in Ralpho Township, Northumberland County. This permit also includes 401 Water Quality Certification.

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-856-A3. Cheswick Marina**, 2476 Henry Road, Sewickley, PA 15143; Cheswick Borough, **Allegheny County**; ACOE Pittsburgh District.

Permit E02-856-A2 is hereby amended to include the following:

1. dredge and maintain a 160' X 141' area within a cove along the Allegheny River (WWF, N), by removing approximately 2,200 cy of material from the river, for the purpose of deepening the current 1.5' depth of water in the cove to an approximately 8' depth, to accommodate boat traffic from a boat ramp and dock, which are described below, and an existing dock, within the cove, at the Cheswick Marina;

2. place and maintain the dredge materials in and along the Allegheny River, up to elevation 739', behind an approximately 190' long earth and rock berm, to create an approximately 4,000 ft<sup>2</sup> picnic area, at the marina;

3. construct and maintain an approximately 14' X 100' concrete boat ramp in the cove, to launch boats within the marina;

4. construct and maintain an approximately 1,980 ft<sup>2</sup>, L-shaped, floating dock within the cove, which will be secured in place with five (5) pilings, to provide twenty (20) additional boat slips; and

5. construct and maintain a concrete pad and gangway, to provide access from the picnic area to the dock.

The marina is located on the south side of Blockdale Street, approximately 200.0 feet southwest from the intersection of Blockdale Street, Freeport Road and Pittsburgh Street (New Kensington West, PA Quadrangle: N: 7.2 inches; W: 7.9 inches; Latitude: 40°32'20.6" N; Longitude: -79°48'24.8") in Cheswick Borough, Allegheny County. The marina's new final dimensions will be approximately 630.0 feet in length and 330.0 feet in width (as measured from the normal pool elevation).

**E02-1673-A1. Neville Island Terminals Corporation**, P.O. Box 2621, Harrisburg, PA 17105; Neville Township, **Allegheny County**; ACOE Pittsburgh District

Permit No. E02-1673 is hereby amended to include the construction and maintenance of an additional 24.0 foot diameter mooring cell in the channel and along the left bank of the Ohio River, a 59.25 ft. x 20.0 ft. two tier platform in the channel and along the left bank of the Ohio River and to remove the existing 255.0 ft. long x 1.0 ft diameter steel piping and electrical conduit and to construct and maintain two (2) 10 inch diameter product pipelines and a 12 inch diameter vapor pipeline along the existing truss located on the left bank of the Ohio River for the purpose of upgrading the existing facility.

The project is located on and along the left bank of said stream, approximately 1,500.0 feet downstream from the Emsworth Dam (Emsworth, PA Quadrangle N: 0.75 inch; W: 13.25 inches; Latitude: 40° 30' 14"; Longitude: -80° 05' 42") in Neville Township, Allegheny County.

**E04-347. Pennsylvania Department of Transportation—District 11-0**, 45 Thoms Run Road, Bridgeville, PA 15017; Independence Township, **Beaver County**; ACOE Pittsburgh District

Has been given consent to remove the existing SR 3020, single lane, 18.5 ft width, single span concrete arch bridge having a total span length of 42 ft, and having a minimum underclearance of 12.2 ft; and to construct and maintain a single span, two lane, 84 ft width replacement concrete arch culvert having a total span length of 42 ft, and having a minimum underclearance of 10.1 ft over Service Creek (WWF) with a drainage area of 16.38 square miles. In addition the project includes 232 lf of temporary stream encroachments for construction and demolition; and encroachments associated with modification or replacement of stormwater facilities and approach road alignment adjustment. The PennDOT improvement and relocation project is in Independence Township, PA (Aliquippa Quadrangle; N: 13.8 inches; W: 12.0 inches; Latitude 40° 34' 39.5"; Longitude -80° 20' 14.75") in Beaver County.

**E63-654. Montour Trail Council**, 304 Hickman Street, Suite 3, Bridgeville, PA 15017.

Has been given consent to construct and maintain a bridge over Valley Brook Road and Brush Run (WWF), having a span of 160', with a minimum underclearance of 15'-6" over Valley Brook Road and approximately 28' over Brush Run, and to construct and maintain various stormwater outfalls to Brush Run, for the purpose of completing a connection between two segments of the Montour Trail, which is a bike/pedestrian trail. The bridge will be located approximately 900' from the intersection of S.R. 19 and Valley Brook Road (Bridgeville, PA Quadrangle, N: 7.97 inches; W: 14.91 inches; Latitude: 40° 17' 38"; Longitude: -80° 6' 25"), in Peters Township, **Washington County**.

**E65-959. Municipal Authority of Westmoreland County**, 124 Park and Pool Road, New Stanton, PA 15672; New Stanton Borough and Hempfield Township, **Westmoreland County**; ACOE Pittsburgh District.

Has been given consent to construct, operate and maintain two 48" waterline stream crossings on Belson Run (WWF). As a result of this project, approximately 60 LF of stream and 16,250 SF of wetland will be impacted. The project is located along Center Avenue, and will cross over Bridge Street, Sandworks Road, Sunny Lane, and Corporate Road (Mount Pleasant, PA Quadrangle N: 13.25 inches; W: 14.25 inches, Latitude: 40° 11' 25"; Longitude: -79° 35' 34"), in New Stanton Borough and Hempfield Township, Westmoreland County.

**E65-962. Edith Shapira**, 6550 Beacon Street, Pittsburgh, PA 15217; Fairfield Township, **Westmoreland County**; ACOE Pittsburgh District.

Has been given consent to excavate in the floodway of an unnamed tributary to Snyders Run (TSF), to construct and maintain a non-jurisdictional dam across this unnamed tributary and along the floodway of Snyders Run (TSF), with outlet works along Snyders Run, and to construct and maintain an intake structure and a j-hook in Snyders Run, for the purpose of enlarging an existing, approximately 0.2 acre pond, into an approximately 2.0 acre pond. In total, the project will impact approximately 217.5' of watercourse. Two (2) boat and fishing docks will be installed within the enlarged pond. A 0.64 acre wetland will also be created within the floodway of Snyders Run. The project is located along Orchard Hollow Road, Ligonier, PA 15658 (Wilpen, PA USGS topographic

quadrangle; N: 15.37 inches; W: 10.81 inches; Latitude: 40° 20' 4.6"; Longitude: -79° 12' 9.2"), in Fairfield Township, Westmoreland County.

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, 16335.*

**E10-450A, Buffalo Township**, 109 Bear Creek Road, Sarver, PA 16055 in Butler Township and City of Butler, **Butler County**, ACOE Pittsburgh District, (N: 40° 51' 19.50"; W: 79° 52' 52")

To construct and maintain 460 feet of extension to the Butler-Freeport Community Trail on a former railroad grade connecting to Kaufman Drive approximately 500 feet north of Zeigler Avenue including a 12-foot wide 5 span steel beam bridge having a total structure length of 129 feet and providing a clear channel span of approximately 22 feet and an underclearance of 14 feet across Coal Run.

**E61-297, PA DOT District 1-0**, 255 Elm St., Oil City, PA 16301. SR 0062 Section B08 Washington's Crossing Scour Protection Project, in the City of Franklin, **Venango County**, ACOE Pittsburgh District (Franklin, PA Quadrangle N: 41°, 23', 40.7"; W: -79°, 49', 24.2").

To install and maintain scour protection on pier 2 & 3 of the existing structure that carries SR 0062 over French Creek (WWF) including a total of 77 linear feet of permanent impact and 209 linear feet of temporary impact associated with installation and removal of temporary cofferdams in French Creek approximately 1,000 feet upstream from the mouth of French Creek

*District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E4129-083: Seneca Resources Corporation**, 51 Zents Boulevard, Brookville, PA 15825, Gamble & Lewis Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) one 12-inch water line and a timber mat bridge impacting 2,868 square feet of palustrine emergent (PEM) wetland (Trout Run, PA Quadrangle 41°24'48"N, 77°03'17"W);

2) one 12-inch water line and a timber mat bridge impacting 520 square feet of palustrine emergent (PEM) wetland (Trout Run, PA Quadrangle 41°24'38"N, 77°03'11"W);

3) one 12-inch water line and a timber mat bridge impacting 354 square feet of palustrine emergent (PEM) wetland (Trout Run, PA Quadrangle 41°24'21"N, 77°03'18"W);

4) one 8-inch water line impacting 15 linear feet of an unnamed tributary to Lycoming Creek (HQ-CWF, MF) and 444 square feet of adjacent palustrine scrub-shrub (PSS) wetland (Trout Run, PA Quadrangle 41°23'26"N, 77°03'02"W);

5) one 8-inch water line impacting 153 linear feet of Lycoming Creek (EV, MF) (Trout Run, PA Quadrangle 41°23'19"N 77°02'57"W);

6) one 12-inch water line and a timber mat impacting 434 square feet of palustrine scrub-shrub (PSS) wetland (Trout Run, PA Quadrangle 41°23'10"N 77°02'57"W);

7) one 8-inch water line impacting 10 linear feet of an unnamed tributary to Lycoming Creek (HQ-CWF, MF) and 193 square feet of palustrine forested (PFO) wetland adjacent to Ringler Road (Trout Run, PA Quadrangle 41°22'56"N 77°03'03"W);

8) one 8-inch water line impacting 1,007 square feet of palustrine emergent (PEM) wetland adjacent to Trout Run Mountain Road (Cogan Station, PA Quadrangle 41°22'26"N 77°01'52"W);

9) one 12-inch water line and a timber mat bridge impacting 39 linear feet of an unnamed tributary to Mill Creek (EV, MF) adjacent to Trout Run Mountain Road (Cogan Station, PA Quadrangle 41°22'24"N 77°01'42"W);

10) one 12-inch water line and a timber mat bridge impacting 75 linear feet of an unnamed tributary to Mill Creek (EV, MF) and 1,956 square feet of adjacent palustrine emergent (PEM) wetland (Trout Run, PA Quadrangle 41°22'30"N 77°01'45"W);

11) one 12-inch water line and a timber mat bridge impacting 777 square feet of palustrine emergent (PEM) wetland (Trout Run, PA Quadrangle 41°22'31"N 77°01'43"W);

12) one 12-inch water line and a timber mat bridge impacting 440 square feet of palustrine emergent (PEM) wetland (Trout Run, PA Quadrangle 41°22'32"N 77°01'41"W);

13) one 12-inch water line and a timber mat bridge impacting 1,169 square feet of palustrine emergent (PEM) wetland (Trout Run, PA Quadrangle 41°22'35"N 77°01'34"W);

14) one 12-inch water line and a timber mat bridge impacting 39 linear feet of an unnamed tributary to Mill Creek (EV, MF) (Trout Run, PA Quadrangle 41°22'42"N, 77°01'31"W).

The project will result in a total of 331 linear feet of stream impacts and 0.23 acre of wetland impacts all for the purpose of installing a water line and temporary access roadways for Marcellus well development.

**E5829-082: Lenox Township**, Regency Marcellus Gas Gathering, LLC; 101 West Third Street, Williamsport, PA 17701; Lenox Township, **Susquehanna County**; ACOE Baltimore District.

To construct, operate, and maintain:

1) an 8 inch diameter steel natural gas pipeline impacting 7,639 square feet of floodway to an unnamed tributary to Utley Brook (CWF, MF) (Lenoxville, PA Quadrangle, N 41° 41' 19", W -75° 44' 40"),

2) an 8 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,602 square feet (0.04 acre) of a palustrine emergent (PEM) wetland (Lenoxville, PA Quadrangle, N 41° 41' 20", W -75° 44' 40"),

3) an 8 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,817 square feet (0.04 acre) of a palustrine emergent (PEM) wetland (Lenoxville, PA Quadrangle, N 41° 41' 22", W -75° 44' 40"),

4) an 8 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,485 square feet (0.03 acre) of a palustrine emergent (PEM) wetland (Lenoxville, PA Quadrangle, N 41° 41' 23", W -75° 44' 40"),

5) an 8 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 892 square feet (0.02 acre) of a palustrine emergent (PEM) wetland (Lenoxville, PA Quadrangle, N 41° 41' 19", W -75° 44' 41"),

6) an 8 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 84 lineal feet

of unnamed tributary to Utley Brook (CWF, MF) (Lenoxville, PA Quadrangle, N 41° 41' 22", W -75° 44' 40"),

7) an 8 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 85 lineal feet of unnamed tributary to Utley Brook (CWF, MF) (Lenoxville, PA Quadrangle, N 41° 41' 23", W -75° 44' 40"),

8) a temporary timber mat crossing impacting 568 square feet (0.01 acre) of a palustrine emergent (PEM) wetland (Lenoxville, PA Quadrangle, N 41° 41' 25", W -75° 44' 43"),

9) an 8 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 14,632 square feet (0.34 acre) of a palustrine emergent (PEM) wetland (Lenoxville, PA Quadrangle, N 41° 41' 31", W -75° 44' 38"),

10) a temporary timber mat crossing impacting 1,271 square feet (0.03 acre) of a palustrine emergent (PEM) wetland (Lenoxville, PA Quadrangle, N 41° 41' 32", W -75° 44' 17"),

11) an 8 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,632 square feet (0.04 acre) of a palustrine emergent (PEM) wetland (Lenoxville, PA Quadrangle, N 41° 41' 34", W -75° 44' 12"),

12) an 8 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,828 square feet (0.04 acre) of a palustrine forested (PFO) wetland (Lenoxville, PA Quadrangle, N 41° 41' 35", W -75° 44' 11"),

13) a temporary timber mat crossing impacting 506 square feet (0.01 acre) of a palustrine emergent (PEM) wetland (Lenoxville, PA Quadrangle, N 41° 41' 35", W -75° 44' 11"),

14) an 8 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 5,382 square feet (0.12 acre) of a palustrine emergent (PEM) wetland (Lenoxville, PA Quadrangle, N 41° 41' 37", W -75° 44' 06"),

15) an 8 inch diameter steel natural gas pipeline crossing impacting 456 square feet (0.01 acre) of a palustrine forested (PFO) wetland (Lenoxville, PA Quadrangle, N 41° 41' 37", W -75° 43' 57"),

16) an 8 inch diameter steel natural gas pipeline crossing impacting 85 square feet (0.01 acre) of a palustrine open water (POW) wetland (Lenoxville, PA Quadrangle, N 41° 41' 38", W -75° 43' 55").

The Taylor to Rodgers Natural Gas Pipeline consists of approximately 8,568 feet (1.62 mile) of 8" steel natural gas gathering line located in Lenox Township, Susquehanna County. The project will result in 169 lineal feet of temporary stream impacts, 30,242 square feet (0.69 acre) of temporary wetland impacts, 1,828 square feet (0.04 acre) of permanent wetland impacts, and 85 square feet of permanent open water impacts all for the purpose of development and conveyance of Marcellus Shale natural gas.

#### ENVIRONMENTAL ASSESSMENTS

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**EA42-050, Allegheny National Forest.** Kinzua Valley Trail—Red Bridge to Markham Run, in Hamilton Township, **McKean County**, ACOE Pittsburgh District

(Cornplanter Bridge and Westline, PA Quadrangles N: 41°, 46', 20"; W: 78°, 51', 33").

To develop a 2.5 mile recreational trail from Red Bridge to Markham Run along Kinzua Creek in the Allegheny National Forest and a new trail head parking area. The project proposes improvements to 1.6 mile of existing abandoned railroad grade and creation of 0.6 mile of new trail to connect to existing facilities. Impacts resulting from this project include 26 LF permanent impact to Little Meade Run and UNT Kinzua Creek and 1.2 acre of permanent wetland impact. Proposed mitigation involves setting the culvert and grade elevations through the existing wetlands so the water surface elevation on the upslope side of the trail will be increased. It is anticipated that approximately 10.6 acres will be permanently flooded/saturated, much of which will result in the creation of new wetland area and enhancement of existing wetlands.

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-2 #ESG13-019-0054A—Hydra Waterline, Major Modification

Applicant EM Energy Pennsylvania LLC  
Contact Hugh Caperton  
Address 601 Technology Drive, Suite 300  
City Canonsburg State PA Zip Code 15317  
County Butler Township(s) Oakland & Concord(s)  
Receiving Stream(s) and Classification(s) Pine Run, UNT's to Pine Run & UNT's to Connoquenessing Creek/Connoquenessing Creek. HQ WWF

ESCGP-2 #ESX14-047-0011—Thor's Hammer Project  
Applicant EQT Production Company  
Contact Todd Klaner  
Address 455 Racetrack Road  
City Washington State PA Zip Code 15301  
County Elk Township(s) Horton(s)

Receiving Stream(s) and Classification(s) UNT 50347 to Mead Run, Mead Run, Oyster Run, UNT 50363 to Oyster Run, Little Toby Creek, CWF

ESCGP-2 #ESX14-019-0054—Kane William 11942 Well Site

Applicant Range Resources-Appalachia, LLC  
Contact Laura Rusmisl  
Address 3000 Town Center Boulevard  
City Canonsburg State PA Zip Code 15317  
County Butler Township(s) Clinton(s)  
Receiving Stream(s) and Classification(s) Lardintown Run, UNT to Rocky Run / Lower Allegheny River Watershed, Rocky Run, Bull Creek, TSF

ESCGP-2 #ESX14-085-0026—McCullough Gathering Pipeline

Applicant Hilcorp Energy Company  
Contact Stephanie McMurray  
Address 1201 Louisiana Street  
City Houston State TX Zip Code 77002  
County Mercer Township(s) Delaware & Jefferson(s)  
Receiving Stream(s) and Classification(s) UNT to Shenango River, Shenango River, Beaver River, WWF

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-2 # ESX09-115-0006 (01)

Applicant Name Chief Oil & Gas LLC  
Contact Person Jeffrey Deegan  
Address 6051 Wallace Road Ext. Suite 300  
City, State, Zip Wexford, PA 15090  
County Susquehanna County  
Township(s) Lathrop Township  
Receiving Stream(s) and Classification(s) Horton Creek (CWF/MF);  
Secondary: Tunkhannock Creek

ESCGP-2 # ESX29-115-14-0095

Applicant Name Cabot Oil & Gas Corporation  
Contact Person Kenneth Marcum  
Address Five Penn Center West, Suite 401  
City, State, Zip Pittsburgh, PA 15276-0120  
County Susquehanna County  
Township(s) Harford Township  
Receiving Stream(s) and Classification(s) Nine Partners Creek (CWF/MF), Butler Creek (CWF/MF)

ESCGP-2 # ESX29-015-14-0073

Applicant Name Appalachia Midstream Services, LLC  
Contact Person Randy DeLaune  
Address 100 Ist Center  
City, State, Zip Horseheads, NY 14845  
County Bradford County  
Township(s) Terry and Asylum Townships  
Receiving Stream(s) and Classification(s) Durell Creek (WWF/MF)

ESCGP-2 # ESX29-131-14-0015

Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 14 Chesapeake Lane  
City, State, Zip Sayre, PA 18840  
County Wyoming County  
Township(s) Braintrim Township  
Receiving Stream(s) and Classification(s) UNT Susquehanna River (CWF/MF);  
Secondary: Susquehanna River (WWF/MF)

ESCGP-2 # ESX11-015-0145 (01)

Applicant Name Talisman Energy USA, Inc.  
Contact Person Joseph Katruska  
Address 50 Pennwood Place  
City, State, Zip Warrendale, PA 15086

County Bradford County  
Township(s) Columbia Township  
Receiving Stream(s) and Classification(s) Elk Run (TSF)

ESCGP-2 # ESX29-015-14-0077  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Joseph Katruska  
Address 50 Pennwood Place  
City, State, Zip Warrendale, PA 15086  
County Bradford County  
Township(s) Wells Township  
Receiving Stream(s) and Classification(s) UNT Beckwith  
Creek (CWF)

ESCGP-2 # ESX10-015-0098 (01)  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Joseph Katruska  
Address 50 Pennwood Place  
City, State, Zip Warrendale, PA 15086  
County Bradford County  
Township(s) Columbia Township  
Receiving Stream(s) and Classification(s) North Branch  
Sugar Creek (TSF)

ESCGP-2 # ESX10-015-0033 (01)  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Joseph Katruska  
Address 50 Pennwood Place  
City, State, Zip Warrendale, PA 15086  
County Bradford County  
Township(s) Wells Township  
Receiving Stream(s) and Classification(s) Bear Creek  
(CWF, TSF)

ESCGP-2 # ESX10-015-0055 (01)  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Joseph Katruska  
Address 50 Pennwood Place  
City, State, Zip Warrendale, PA 15086  
County Bradford County  
Township(s) Columbia Township  
Receiving Stream(s) and Classification(s) UNT Wolfe  
Creek (TSF)

ESCGP-2 # ESG29-113-14-0020  
Applicant Name Appalachia Midstream Services, LLC  
Contact Person Randy DeLaune  
Address 100 IST Center  
City, State, Zip Horseheads, NY 14845  
County Sullivan County  
Township(s) Fox Township  
Receiving Stream(s) and Classification(s) Hoagland  
Branch (EV/MF)

ESCGP-2 # ESX11-113-0019(01)  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 14 Chesapeake Lane  
City, State, Zip Sayre, PA 18840  
County Sullivan County  
Township(s) Elkland Township  
Receiving Stream(s) and Classification(s) Lake Run (EV);  
Secondary: Elk Creek (EV)

ESCGP-2 # ESX29-115-14-0097  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Joseph Katruska  
Address 50 Pennwood Place  
City, State, Zip Warrendale, PA 15086  
County Susquehanna County  
Township(s) Apolaccon & Choconut Townships  
Receiving Stream(s) and Classification(s) UNTs to  
Choconut Creek #31765 (WWF/MF);  
Secondary: Choconut Creek

ESCGP-2 # ESG29-015-14-0014(1)  
Applicant Name Chief Oil & Gas, LLC  
Contact Person Jeffrey Deegan  
Address 6051 Wallace Road, Ext., Suite 300  
City, State, Zip Wexford, PA 15090  
County Bradford County  
Township(s) Overton Township  
Receiving Stream(s) and Classification(s) UNT Cabin Run  
(EV/MF); UNT Elk Creek (EV/MF);  
Secondary: Towanda and Loyalsock Creeks

*Southwest Region: Oil & Gas Program Mgr: 400 Water-  
front Dr. Pittsburgh PA*

ESCGP-2 No: ESX14-059-0029  
Applicant Name: CNX Gas Company LLC  
Contact Person Renee Thomas  
Address: 200 Evergreene Drive  
City: Waynesburg State: PA Zip Code: 15370  
County: Greene Township: Richhill Township  
Receiving Stream(s) and Classifications: 3 UNTs to  
Enlow Fork; Other WWF

ESCGP-2 No.: ESG13-059-0038  
Applicant Name: Alpha Shale Resources LP  
Contact Person: Daniel J Rice IV  
Address: 171 Hillpointe Drive Suite 301  
City: Canonsburg State: PA Zip Code: 15317  
County: Greene Township(s): Center & Wayne  
Receiving Stream(s) and Classifications: Hargus Creek/  
Monongahela River; HQ; Other WWF

[Pa.B. Doc. No. 14-2321. Filed for public inspection November 7, 2014, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at [www.elibrary.dep.state.pa.us](http://www.elibrary.dep.state.pa.us). The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Final Technical Guidance Documents: Rescission*

*DEP ID: 254-2167-708. Title: Procedures for Container/Vehicle Decontamination and Small Spill Clean-Up. Description: This policy provided guidelines for cleaning and disinfecting reusable containers and vehicles that are*



used for the transportation of infectious and chemotherapeutic waste (ICW), including clean-up guidelines to be followed in instances of accidental spills and leaks that may occur during the transportation of ICW and procedures for cleaning and disinfecting reusable containers after each use. This guidance is outdated; therefore, it is being rescinded.

*DEP ID:* 254-2167-712. *Title:* Clarification of the Permit-By-Rule Provision for Mixed Waste with Residual Waste. *Description:* This policy clarified how the permit-by-rule provisions should be implemented for generators that incinerate a mixed waste stream (for example, municipal waste mixed with regulated medical or chemotherapeutic waste or residual waste mixed with regulated medical or chemotherapeutic waste). This guidance is outdated; therefore, it is being rescinded.

*DEP ID:* 254-2167-709. *Title:* Clarification of Requirements Related to Storage Bags. *Description:* This policy provided guidance related to disposable plastic bags when used for the storage of ICW. This guidance is outdated and contains information that was incorporated into the Department's ICW regulations published in December 2000; therefore, it is being rescinded.

*DEP ID:* 254-2167-725. *Title:* Clarification on the Temporary Storage and In-Transit Provisions During Transportation or Transfer. *Description:* This policy provides guidance relating to the exemption from permit requirements where ICW is temporarily stored. This guidance is outdated and contains information that was incorporated into the Department's ICW regulations published in December 2000; therefore, it is being rescinded.

*DEP ID:* 254-2167-702. *Title:* Clarification on the Identification of an Infectious Waste Generator. *Description:* This guidance assisted generators in determining whether, by virtue of the activities they conduct, they are required to follow the regulations for the management of infectious waste. This guidance is outdated; therefore, it is being rescinded.

*DEP ID:* 254-2167-703. *Title:* Clarification on the Commingling of Infectious and Chemotherapeutic Waste. *Description:* This policy provides guidance related to the commingled onsite storage and subsequent transport of ICW in one container. This guidance is outdated and contains information that was incorporated into the Department's ICW regulations published in December 2000; therefore, it is being rescinded.

*Effective Date:* November 8, 2014

*Contact:* Keith Ashley, (717) 787-2553, riashley@pa.gov.  
DANA K. AUNKST,  
*Acting Secretary*

[Pa.B. Doc. No. 14-2322. Filed for public inspection November 7, 2014, 9:00 a.m.]

### Radiation Protection Advisory Committee Additional Meeting

The Radiation Protection Advisory Committee (Committee) has scheduled an additional meeting for December 11, 2014, at 9 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Questions concerning the next scheduled meeting of the Committee can be directed to Joseph Melnic at (717)

783-9730 or jmelnic@pa.gov. The agenda and meeting materials for the December 11, 2014, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (select "Public Participation Center").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-3720 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

DANA K. AUNKST,  
*Acting Secretary*

[Pa.B. Doc. No. 14-2323. Filed for public inspection November 7, 2014, 9:00 a.m.]

### Revisions to General Permit for Bluestone (5 Acres or Less) Mining; General Permit BMR-GP-105

The Department of Environmental Protection (Department) is publishing as final the General Permit for Bluestone (5 acres or less) Mining; Bureau of Mining Programs General Permit 105 (BMP-GP-105) in accordance with section 26(b) of the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. § 3326(b)), section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20) and 25 Pa. Code §§ 77.801—77.807.

In addition to minor clarifying revisions in the modified General Permit, this General Permit, as finalized, has been modified in the following significant ways:

- Condition 12(C), regarding National Pollutant Discharge Elimination System (NPDES) permit requirements, of the General Permit clarifies the requirement to obtain a separate individual NPDES permit or GP-104 for sites that disturb more than 1 acre in accordance with 25 Pa. Code § 102.5 (relating to permit requirements).
- Condition 17(E), regarding the extraction of bluestone, of the amended GP-105 would require bluestone to be the principle material extracted with activity to begin within 1 year of activation of the permit. Material used to produce aggregate would be limited to excess overburden material incidental to the extraction of bluestone and that which is not needed to complete the reclamation authorized under the general permit.
- Condition 19(A), regarding applicability, of the amended GP-105 would state bluestone includes fine-grained sandstone which is mined by splitting, cutting or blasting for the production of dimension stone. Mining and processing of previously placed overburden, downcast bluestone material and excess overburden incidental to the extraction of bluestone for aggregate is allowed.

The Department solicited public comment on the proposed revisions to BMP-GP-105 from August 3, 2013, through September 3, 2013. One comment was received and was addressed in a comment and response document.

The final permit will be effective on December 7, 2014. It is available by contacting the Department of Environmental Protection, Bureau of Mining Programs, Rachel Carson State Office Building, P. O. Box 8461, 5th Floor, Harrisburg, PA 17105-8461, (717) 787-5103. The final BMP-GP-105 permit and associated documents are also available on the Department's eLibrary web site at

www.elibrary.dep.state.pa.us (select "Permit and Authorization Packages," select "Mining," select "General Permits," select "BMP-GP-105 Bluestone General Permit"). Questions about BMP-GP-105 should be directed to Chris Yeakle, Bureau of Mining Programs at (814) 797-1191 or cyeakle@pa.gov.

**Department of Environmental Protection  
Bureau of Mining and Reclamation  
General Permit for Bluestone  
(5 acres (2.02 hectares) or less) Mining  
BMP-GP-105**

1. *Authorization*—The Department of Environmental Protection hereby authorizes, by general permit, subject to the terms, conditions, and criteria set forth below, the extraction of noncoal minerals (bluestone) from a site. The total mining area to be affected by the bluestone extraction activities cannot exceed 5 acres (2.02 hectares). The area of noncoal extraction activities includes the pit and overburden storage areas. Total authorized area for extraction and support activities will not exceed 10 acres (4.05 hectares). Blasting activities may be authorized by providing a blast plan on the Department's "Blasting Plan for Small Noncoal (Industrial Mineral) Operations" form (5600-FM-BMP0086).

2. *Standards*—This general permit sets forth the standards to comply with Subchapters C, D, G, H and I of 25 Pa. Code Chapter 77. To the extent that the provisions of these subchapters are not addressed in this General Permit, the requirements of the Noncoal Surface Mining Conservation and Reclamation Act ("act") and 25 Pa. Code Chapter 77 applies.

3. *Effective Time Period*—The authorization to use this general permit for the extraction of bluestone minerals from a site shall expire ten years after the registration/application has been approved. The time period may be extended upon approval of a written request to the Department.

4. *Fees*—There is a fee of \$550.00 required for obtaining authorization under this general permit. The fee must be submitted at the time of registration/application submission.

5. *Registration and Approval/Disapproval to Use General Permit*—Prior to beginning surface mining activities under this general permit, the operator shall submit the registration/application form and fee along with the required documentation to the appropriate District Mining Office. The operator must receive written notification concerning the approval prior to initiating operations under this permit. The District Mining Office may request additional information or bond within 30 days of receipt of an application. The surface mining activities shall be conducted in accordance with this general permit and the Department's approval of the registration/application.

6. *Public Notice*—The requirements under 25 Pa. Code § 77.121 (relating to public notices of filing permit applications) are waived for sites operating under this general permit. The operator must notify by certified mail the municipality in which the activities are located that they intend to register the site under this general permit. The Department will notify the municipality of its decision to approve or disapprove the registration/application. If blasting is to be conducted, then the public notice requirements of 25 Pa. Code § 77.563 must be met.

7. *Highwall Height*—The maximum highwall allowed under this general permit is 100 feet (30.5 meters).

8. *Downcast Material*—Overburden material may not be cast down slope. The Department may authorize an exemption, in writing, for a specific volume of material to be cast down slope, to be limited to the volume needed for initial development of the pit and support area. The exemption must be authorized prior to any down slope casting.

9. *Contract Miners*—A person other than the applicant, including an independent subcontractor, may operate on the site provided they comply with the approved general permit authorization and are approved by the Department prior to engaging in surface mining operations. The subcontractor miner will be approved if they have demonstrated compliance with 25 Pa. Code § 77.126 (6)—(8) (relating to criteria for permit approval or denial). The subcontractor is jointly and severally liable with the permittee for any violations of the act that the permittee is charged with and in which the subcontractor participates.

10. *Enforcement*—The permittee's failure to comply with the laws of the Commonwealth and the rules and regulations of the Department regarding noncoal surface mining activities, or failure to comply with the terms and conditions of this general permit, may result in an enforcement action, including but not limited to termination, suspension, revocation and reissuance, or modification of the authorization to operate under this permit. Nothing in this general permit shall be construed to preclude the institution of any legal action or to relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under the Acts pursuant to which this general permit is issued or any other applicable provisions of law. Where an operator is having difficulty complying with the general permit, the Department may suspend the authorization to operate and require the operator to obtain an individual permit.

11. *Bonding Requirements*—The bond must be submitted to the Department and approved prior to the approval to conduct mining activities under this general permit. The Department reserves the right to review bonding periodically.

The Department utilizes the following rates for bonding authorized under this general permit:

\$1,500 per acre (0.4 hectare) for support area

\$3,000 per acre (0.4 hectare) for mining up to 35 feet (30.7 meters) highwall

\$4,000 per acre (0.4 hectare) for mining from 35 feet (30.7 meters) to 65 feet (19.8 meters) highwall

\$5,000 per acre (0.4 hectare) for mining over 65 feet (19.8 meters) highwall

\$2,500 for mobilization/demobilization

Note: Site specific conditions may require some deviation from these guidelines.

12. *Erosion and Sedimentation Controls*

(A) The activities conducted under this general permit must comply with 25 Pa. Code Chapter 102. If one of the following suggested erosion and sedimentation control measures is to be used, the registration form need not contain an erosion and sedimentation control plan. If control measures other than the ones listed below are to be used, a site-specific erosion and sedimentation control plan must be submitted with the registration application.

(B) The operator may use sediment traps and collection ditches, hay bales or filter fabric fences. The sediment

traps will be constructed to provide 2,000 cubic feet of storage capacity per acre (139.75 cubic meters/hectare) of contributory drainage area. Another acceptable method of erosion and sedimentation control is the use of pit sumps. The mineral extraction shall be conducted in such a manner so that all surface water runoff is contained within the pit. The pit floor shall be sloped away from the highwall to the pit sump.

(C) For sites where the slopes are steep, and the surface water runoff cannot be contained within the pit, the operator shall construct sediment ponds and use collection ditches to convey the runoff to the sediment ponds. The sediment ponds shall be sized to provide 7,000 cubic feet of storage per acre (489.46 cubic meters/hectare) of contributory drainage area. A separate individual NPDES permit or GP-104 is required for sites that disturb more than one (1) acre.

13. *Support Activities*—Support activities (such as: haul roads, erosion and sedimentation controls, product storage areas, and processing facilities) conducted in conjunction with the bluestone extraction shall be included in the permit area and bonded, but do not count against the 5 acre (2.02 hectares) mining limit. Total authorized area for extraction and support activities will not exceed 10 acres (4.05 hectares).

14. *Reclamation*—In general, the requirements of 25 Pa. Code § 77.595 (relating to concurrent reclamation) are applicable to operations authorized by this general permit. If the applicant intends to use the reclamation plan described below and one of the seed mixtures specified in the registration form, a separate reclamation plan is not required. If the applicant intends to use alternative reclamation procedures or seed mixtures, the registration application must contain a reclamation and/or revegetation plan.

Sites must be reclaimed so that no slopes will exceed 20 degrees and the site will have positive drainage and will not pond water. Steeper reclamation slopes may be approved on a site-specific basis. Approval will be based on a demonstration that the reclamation slope is suitable with the post-mining land use and blends with surrounding topography. No excavation of material can occur within 25 feet (7.26 meters) of the property line unless approved by the Department. If available, a minimum of 12 inches (30.5 centimeters) of subsoil and topsoil from the site shall be saved and redistributed evenly across the site as required under 25 Pa. Code §§ 77.512—514 (relating to removal, storage, and redistribution). Lime and fertilizer will be applied in accordance with a soil test. The site will be seeded and mulch (hay or straw) will be applied at a minimum rate of 2.5 tons/acre (6.05 metric tons/hectare). Revegetation shall be completed no later than the end of the first growing season, as defined under 25 Pa. Code § 77.612 (relating to timing), after the mineral extraction and regrading is completed.

15. *Bond Release*—The operator will notify the affected landowner of the request for bond release by certified letter. A copy of the certified letter and return receipt must be included with the request for bond release submitted to the Department. The affected landowner will have 30 days to notify the Department of any concerns regarding the reclamation.

Sites revegetated with grasses will be monitored for at least one year from the date of initial planting. Sites revegetated with trees will be monitored for two growing seasons (Spring and Fall). The bond posted for the site will be released after the monitoring period has elapsed

and the revegetation has met the requirements of 25 Pa. Code § 77.618 (relating to standards for successful revegetation).

16. *Other Regulatory Requirements*—No condition of this general permit shall release the permittee from any responsibility or requirement under other applicable Federal (e.g. MSHA) or Pennsylvania statutes or regulations or local ordinances. If wetlands are present, then authorization under Chapter 105 may be necessary. Additional federal permits may be required under Section 404 of the Clean Water Act.

17. *Conditions for Operation Under the General Permit*

(A) The permittee shall conduct all surface mining activities as described in the approved registration/application of the mining activities under the general permit and all supporting documents which are incorporated herein by reference. Where there is a conflict between the registration/application and the supporting documentation and the terms and conditions of this general permit, the terms and conditions of this general permit shall supersede any conflicting provisions of the application and supporting documents or revisions to the application.

(B) As a condition of this general permit and of the permittee's authority to conduct the activities authorized by this general permit, the permittee hereby authorizes and consents to allow authorized employees or agents of the Department, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay, to have access and to inspect all areas on which surface mining activities are being or will be conducted. The authorization and consent shall include consent to collect samples, to take photographs, to perform measurements, surveys, and other tests, to inspect any monitoring equipment, to inspect the methods of operation, and to inspect and/or copy documents required by the Department to be maintained.

(C) The issuance of this authorization to conduct surface mining activities under a general permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights.

(D) In order to qualify for authorization under this general permit, the applicant must hold a Large Noncoal Surface Mining License. In order to continue to operate under this general permit, the permittee shall maintain a Large Noncoal Surface Mining License.

(E) The extraction of bluestone must be the principle mineral produced. The extraction of bluestone shall begin within one-year of activation of the permit. Aggregate production is limited to excess overburden material incidental to the extraction of bluestone and not needed to complete the reclamation authorized under the general permit. Should onsite inspection confirm that the extraction of bluestone is not the primary purpose of the mining activities; the Department reserves the right to cease operations and rescind the eligibility under this general permit.

18. *Site Identification*—

The permittee must mark or flag the perimeters of the permitted area for the duration of the operation and must stay within the permit boundary. A weather resistant sign measuring at least 2 by 3 feet (.61 x .91 meters) with visible lettering shall be posted at the entrance of the

site. The sign will include name and phone number of the permittee and permit number.

19. *Applicability*

(A) For the purposes of this general permit, bluestone includes fine-grained sandstone which is mined by splitting, cutting, or blasting for the production of dimensional stone. Mining and processing of previously placed overburden, downcast bluestone material and excess overburden incidental to the extraction of bluestone for aggregate is allowed.

(B) This general permit is applicable in the following counties: Bradford, Cameron, Centre, Lackawanna, Lycoming, McKean, Pike, Potter, Sullivan, Susquehanna, Tioga, Wayne, and Wyoming.

This general permit is not applicable in the Upper Delaware Scenic and Recreational River Corridor.

DANA K. AUNKST,  
*Acting Secretary*

[Pa.B. Doc. No. 14-2324. Filed for public inspection November 7, 2014, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Lease Retail Space to the Commonwealth Delaware County

Proposals are invited to provide the Department of General Services approximately 6,800 to 9,000 usable square feet of retail space for the Liquor Control Board in Concordville, Delaware County. For more information on SFP No. 94664, which is due on December 19, 2014, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 14-2325. Filed for public inspection November 7, 2014, 9:00 a.m.]

### Lease Retail Space to the Commonwealth Montgomery County

Proposals are invited to provide the Department of General Services approximately 6,000 to 8,000 net usable square feet of retail space for the Liquor Control Board in Harleysville, Montgomery County. For more information on SFP No. 94663, which is due on January 22, 2015, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 14-2326. Filed for public inspection November 7, 2014, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Lower Bucks Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lower Bucks Hospital has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 14-2327. Filed for public inspection November 7, 2014, 9:00 a.m.]

### Application of Uniontown Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Uniontown Hospital has requested an exception to the requirements of 28 Pa. Code § 138.15 (relating to high-risk cardiac catheterizations).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and

Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-2328. Filed for public inspection November 7, 2014, 9:00 a.m.]

### Application of Valley Medical Facilities, Inc. d/b/a Heritage Valley Sewickley (Staunton Clinic Site) for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Valley Medical Facilities, Inc. d/b/a Heritage Valley Sewickley (Staunton Clinic Site) has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Health Care Facilities 2010*. The facility specifically requests an exemption from the following standards contained in this publication: 3.1-6.1.4 (relating to toilets for public use).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-2329. Filed for public inspection November 7, 2014, 9:00 a.m.]

### Joint Meeting of the Newborn Screening and Follow-Up Program Technical Advisory Board and Infant Hearing Screening Program Technical Advisory Committee

The Newborn Screening and Follow-Up Program Technical Advisory Board, established under the Newborn Child Testing Act (35 P. S. §§ 621—625), and the Infant Hearing Screening Program Technical Advisory Committee, established under the Infant Hearing Education, Assessment, Reporting and Referral (IHEARR) Act (11 P. S. §§ 876-1—876-9), will hold a joint public meeting on

Thursday, December 4, 2014. The meeting will be held at the PaTTAN Office, 6340 Flank Drive, Harrisburg, PA 17112 from 9:30 a.m. until 2:30 p.m.

The agenda for the meeting includes, but is not limited to, discussion of: recent legislation adding Lysosomal Storage Disorders to the mandatory screening panel; recent legislation to require testing for congenital heart defects; revision of the Hearing Reporting Form used by hospitals to report hearing test results; and an update on Federal Newborn Hearing Screening Grant activities.

For additional information or for persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so, contact Lani Culley or Arthur Florio, Public Health Program Administrators, Division of Newborn Screening and Genetics at (717) 783-8143. Speech and/or hearing impaired persons use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 14-2330. Filed for public inspection November 7, 2014, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Lackawanna Health and Rehab Center  
108 Terrace Drive  
Olyphant, PA 18447  
FAC ID # 134902

Moravian Hall Square Health and Wellness Center  
175 West North Street  
Nazareth, PA 18064  
FAC ID # 392702

Mountain Laurel Nursing and Rehabilitation Center  
700 Leonard Street  
Clearfield, PA 16830  
FAC ID # 032702

Wesley Enhanced Living—Doylestown  
200 Veterans Lane  
Doylestown, PA 18901  
FAC ID # 085502

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities):

Highland Park Care Center  
745 North Highland Avenue  
Pittsburgh, PA 15206  
FAC ID # 084902

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone numbers 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. 14-2331. Filed for public inspection November 7, 2014, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Change to an Additional Class of Disproportionate Share Payments

The Department of Public Welfare (Department) is providing final notice of its Fiscal Year (FY) 2013-2014 funding allocation, including the increase to this allocation for disproportionate share hospital (DSH) payments to certain qualifying Medical Assistance (MA) enrolled hospitals that advance the Department's goal of enhancing access to multiple types of medical care in economically distressed areas of this Commonwealth. There is no change in the qualifying criteria or payment methodology for this additional class of DSH payments.

In making these payments, the Department ensures that no acute care general hospital receives a DSH payment that is in excess of its hospital-specific DSH upper payment limit and the Commonwealth is not exceeding its aggregate annual DSH allotment.

The Department published notice of its intent to allocate funding for these DSH payments at 44 Pa.B. 134 (January 4, 2014) and to increase funding for these payments at 44 Pa.B. 3642 (June 14, 2014). The Department received no public comments during either 30-day comment period, and will implement the changes as described in the notices of intent.

#### *Fiscal Impact*

The FY 2013-2014 fiscal impact as a result of this increase in the allocation for the additional class of DSH payments is \$44.331 million (\$20.605 million in State general funds and \$23.726 million in Federal funds).

BEVERLY D. MACKERETH,  
*Secretary*

**Fiscal Note:** 14-NOT-914. (1) General Fund; (2) Implementing Year 2013-14 is \$7,312,000; (3) 1st Succeeding Year 2014-15 is \$13,293,000; 2nd Succeeding Year 2015-16 through 5th Succeeding Year 2018-19 are \$0; (4) 2012-13 Program—\$268,112,000; 2011-12 Program—\$325,685,000; 2010-11 Program—\$243,809,000; (7) MA—Inpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 14-2332. Filed for public inspection November 7, 2014, 9:00 a.m.]

### New Class of Disproportionate Share Hospital Payments

The Department of Public Welfare (Department) is providing final notice of its creation of a new class of disproportionate share hospital (DSH) payments for those acute care general hospitals that provide a significant amount of services to the indigent and Medical Assistance (MA) populations residing in Pennsylvania (PA) cities with a per capita income substantially below the State-wide average. These payments provide additional financial support to hospitals providing inpatient hospital services and serve an inordinate amount of MA beneficiaries in impoverished areas of this Commonwealth.

#### *Qualifying Criteria*

For a hospital to qualify for this class of DSH payment, it must meet all of the following criteria, based on its Fiscal Year (FY) 2011-2012 PA MA hospital cost report unless otherwise specified:

- (a) The hospital is enrolled in PA MA as an acute care general hospital.
- (b) The hospital provides at least 20,000 inpatient days of care to MA beneficiaries.
- (c) The hospital has an MA inpatient utilization rate of at least 25% as determined by dividing the hospital's MA inpatient days by its total inpatient days of care.
- (d) The hospital has a negative 3-year average change in net patient revenue according to the Pennsylvania Health Care Cost Containment Council's Fiscal Year 2012 Financial Analysis, Volume One, General Acute Care Hospitals.
- (e) The hospital is located in a county in this Commonwealth which contains a city with a population of 30,000 or more and that city has a per capita income below 60% of the average per capita income for this Commonwealth as documented in the 2010 United States census data.

#### *Payment Determination*

The Department is paying each qualifying hospital a proportionate amount of the funding allocated for this payment based on the hospital's ratio of MA inpatient days to the total MA inpatient days for all qualifying hospitals. The hospital's ratio is multiplied by the total amount allocated for these payments to determine its payment amount. The data used for this determination is based on the FY 2011-2012 PA MA hospital cost report.

The Department published notice of its intent to create this additional class of DSH payments at 44 Pa.B. 4044 (June 28, 2014). The Department received two comments during the 30-day comment period. The comments suggested that these DSH payments violate Federal and State equal protection and access requirements of section 1902(a)(30)(A) of the Social Security Act (42 U.S.C.A. § 1396a(a)(30)(A)). The comments also suggest that these payments were created to reward one hospital at the expense of others.

The Department is not treating similarly situated hospitals in a disparate manner. These payments were created to provide additional support to those hospitals providing significant amounts of hospital services to MA and low-income populations in financially distressed areas of this Commonwealth. The Department has a legitimate interest in promoting the continued participation of these hospitals in the MA Program. Finally, the creation of these payments has not affected MA payments to any other hospital in this Commonwealth.

*Fiscal Impact*

The FY 2013-2014 impact is \$4.128 million (\$1.989 million in State general funds).

BEVERLY D. MACKERETH,  
*Secretary*

**Fiscal Note:** 14-NOT-915. (1) General Fund; (2) Implementing Year 2013-14 is \$1,989,000; (3) 1st Succeeding Year 2014-15 through 5th Succeeding Year 2018-19 are \$0; (4) 2012-13 Program—\$268,112,000; 2011-12 Program—\$325,685,000; 2010-11 Program—\$243,809,000; (7) MA—Inpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 14-2333. Filed for public inspection November 7, 2014, 9:00 a.m.]

### Pharmacy Prior Authorization

The Department of Public Welfare (Department) announces it will add compounded drugs, Oral Anti-Allergens, Mozobil (plerixafor), Ranexa (ranolazine), Rilutek (riluzole), Soliris (eculizumab) and Xenazine (tetrabenazine) to the Medical Assistance (MA) Program's list of services and items requiring prior authorization.

Section 443.6(b)(7) of the Public Welfare Code (62 P. S. § 443.6(b)(7)) authorizes the Department to add items and services to the list of services requiring prior authorization by publication of notice in the *Pennsylvania Bulletin*.

The MA Program will require prior authorization of all prescriptions for compounded drugs, Oral Anti-Allergens, Mozobil (plerixafor), Ranexa (ranolazine), Rilutek (riluzole), Soliris (eculizumab) and Xenazine (tetrabenazine). These prior authorization requirements apply to prescriptions dispensed on or after December 9, 2014.

The Department will issue MA Bulletins to providers enrolled in the MA Program specifying the procedures for obtaining prior authorization of prescriptions for each of the medications listed previously.

*Fiscal Impact*

It is anticipated that this change will result in minimal savings in the MA Outpatient appropriation.

*Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revisions to these prior authorization requirements.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

BEVERLY MACKERETH,  
*Secretary*

**Fiscal Note:** 14-NOT-913. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 14-2334. Filed for public inspection November 7, 2014, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Millionaire Raffle XIX Raffle Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 874.4 (relating to notice of raffle lottery game rules), the Secretary of Revenue hereby provides public notice of the rules for the following raffle lottery game:

1. **Name:** The name of the raffle game is Pennsylvania Millionaire Raffle XIX.

2. **Price:** The price of a Pennsylvania Millionaire Raffle XIX lottery game ticket is \$20.

3. **Ticket Sales and Drawing Date:** Pennsylvania Millionaire Raffle XIX lottery game ticket sales will commence on or after November 14, 2014, and will continue until all 500,000 tickets have been sold, or 5:00 p.m. on January 3, 2015, whichever occurs earlier.

4. **Ticket Characteristics:** Each Pennsylvania Millionaire Raffle XIX lottery game ticket will contain one chance consisting of one unique computer-generated eight-digit number between 00000001 and 00500000, the drawing date, amount bet, and validation data.

5. **Prizes:** The prizes that can be won in this game are \$100, \$1,000, \$100,000 and \$1,000,000. A player may only win one time on each ticket or chance.

6. **Maximum Number of Tickets Printed and Sold for the Game:** There will be no more than 500,000 tickets printed and sold for the Pennsylvania Millionaire Raffle XIX lottery game. The chances will be sequentially issued on a statewide basis from the range of individual unique numbers representing the chances available for the game.

7. **Conduct of Drawing:** The results of the Pennsylvania Millionaire Raffle XIX will be televised on January 3, 2015, at or about 7:00 p.m. A computer-generated randomizer will be used to conduct the drawing. Six-thousand (6,000) unique eight-digit numbers will be drawn from the range of numbers representing the chances sold. The first four unique eight-digit numbers drawn will be the first-prize-tier winning numbers. The fifth through eighth unique eight-digit numbers drawn will be the second-prize-tier winning numbers. The ninth through 108th unique eight-digit numbers drawn will be the third-prize-tier winning numbers. The 109th through 6,000th unique eight-digit numbers drawn will be the fourth-prize-tier winning numbers.

8. **Determination of Prize Winners:**

(a) Holders of tickets upon which the unique eight-digit number matches exactly one of the first-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000,000.

(b) Holders of tickets upon which the unique eight-digit number matches exactly one of the second-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which the unique eight-digit number matches exactly one of the third-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which the unique eight-digit number matches exactly one of the fourth-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100.

*Ticket Matching Exactly the Unique Eight-digit Number Drawn:*

	<i>Win Prize Of:</i>
First-Prize-Tier	\$1,000,000
Second-Prize-Tier	\$100,000
Third-Prize-Tier	\$1,000
Fourth-Prize-Tier	\$100

All Pennsylvania Millionaire Raffle XIX lottery game prize payments, including first-prize-tier prizes, will be made as one-time lump-sum cash payments.

10. *Consumer Promotional Programs:* The Lottery may conduct promotional activities to promote the sale of Pennsylvania Millionaire Raffle XIX lottery game tickets, including offering tickets at a discounted price. Details of any such offering will be disseminated through media used to advertise or promote Pennsylvania Millionaire Raffle XIX or through normal communications methods.

11. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Raffle XIX lottery game tickets.

12. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Raffle XIX lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning Raffle ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the raffle ticket is claimed and validated or approximately 30 days after the date of the drawing in which the Raffle winning ticket was entered, provided that Lottery security can and has verified the sales transaction as valid. A bonus will not be awarded to a Lottery retailer that sells a Pennsylvania Lottery raffle ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Promotional Drawings:* The Pennsylvania Lottery may conduct promotional drawings associated with the Pennsylvania Millionaire Raffle XIX game. Pennsylvania Millionaire Raffle XIX game tickets will be imprinted with a unique code to be used by players to enter the promotional drawings. The promotional drawings may be held independently of or in conjunction with the regular Millionaire Raffle XIX drawings. The Secretary will announce the existence of the promotional drawings. Winners of promotional drawings will be randomly selected from the group of qualified entries. A description of the available prize(s) and the specific rules and other infor-

9. *Number and Description of Prizes and Approximate Odds:* The Pennsylvania Millionaire Raffle XIX prizes and determination of winners are as follows:

<i>Maximum Odds Of Winning Are 1 In:</i>	<i>Number Of Winners</i>
125,000	4
125,000	4
5,000	100
84.86	5,892

mation necessary for the conduct of the promotional drawings will be posted to the Lottery's publicly accessible website. A copy of the same will also be kept on file with the Lottery and will be available upon request.

14. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Millionaire Raffle XIX lottery game tickets. The conduct of the Program will be governed by 61 Pa. Code § 811.41 (relating to promotional prizes).

15. *Unclaimed Prize Money:* Unclaimed prize money on winning Pennsylvania Millionaire Raffle XIX lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the announced close of the Pennsylvania Millionaire Raffle XIX lottery game. If no claim is made within 1 year of the announced close of the Pennsylvania Millionaire Raffle XIX lottery game conducted by the State Lottery, the right of a ticket holder to claim the prize represented by that ticket, if any, expires and the prize money will be paid into the State Lottery Fund and used for purposes otherwise provided for by statute.

16. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 14-2335. Filed for public inspection November 7, 2014, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Amendments to Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

The Department of Transportation (Department), Bureau of Motor Vehicles, under the authority of 75 Pa.C.S. § 3368 (relating to speed timing devices), published at 44 Pa.B. 2589 (April 26, 2014) a list of approved speed-timing devices (devices) and appointed maintenance and calibration stations (stations) for use until the next comprehensive list of approved devices and appointed stations is published, subject to interim amendment. The



Department hereby gives notice of interim amendments to its list of approved devices and appointed stations by adding the following:

*First Addition*

The Department, by way of amendment, appoints under 75 Pa.C.S. § 3368(d), as an official Stopwatch Testing Station:

Pinto Calibration Services, 651 Holiday Drive, Foster Plaza 5, Suite 300, Pittsburgh, Allegheny County, PA 15220 (Appointed: 10/24/2014, Station W5).

*Second Addition*

The Department, by way of amendment, appoints under 75 Pa.C.S. § 3368(d), as an official Electronic Device Testing Station for nonradar devices which calculate average speed between any two points:

Pinto Calibration Services, 651 Holiday Drive, Foster Plaza 5, Suite 300, Pittsburgh, Allegheny County, PA 15220 (Appointed: 10/24/2014, Station EM4).

Subject to these amendments, the approved devices and appointed stations published at 44 Pa.B. 2589 remain in full force and effect.

Comments, suggestions or questions may be directed to Michael Smith, Manager, Administrative and Technical Support Section, Vehicle Inspection Division, Bureau of Motor Vehicles, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, (717) 783-7016.

BARRY J. SCHOCH, PE,  
*Secretary*

[Pa.B. Doc. No. 14-2336. Filed for public inspection November 7, 2014, 9:00 a.m.]

**Contemplated Sale of Land No Longer Needed for Transportation Purposes**

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P.S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following is the property available for sale by the Department.

1. Parcel No. 1637—City of Pittsburgh, 26th Ward, Allegheny County. The parcel contains approximately 14,750 ± square feet of unimproved land located along Milroy Street near SR 0279. The estimated fair market value of the parcel is \$22,500.

Interested public agencies are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to H. Daniel Cessna, PE, District Executive, Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

BARRY J. SCHOCH, PE,  
*Secretary*

[Pa.B. Doc. No. 14-2337. Filed for public inspection November 7, 2014, 9:00 a.m.]

**ENVIRONMENTAL  
QUALITY BOARD**

**Meeting Cancellation**

The November 18, 2014, meeting of the Environmental Quality Board (Board) is cancelled. The next regularly scheduled meeting of the Board will occur on Tuesday, December 16, 2014, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. The agenda and meeting materials for the December 16, 2014, meeting will be available on the Department of Environmental Protection's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (select "Public Participation Center," then "The Environmental Quality Board," then "EQB Meeting Schedule 2014").

Questions concerning the Board's next scheduled meeting may be directed to Laura Edinger at (717) 783-8727 or [ledinger@pa.gov](mailto:ledinger@pa.gov).

DANA K. AUNKST,  
*Acting Secretary*

[Pa.B. Doc. No. 14-2338. Filed for public inspection November 7, 2014, 9:00 a.m.]

**INDEPENDENT  
REGULATORY REVIEW  
COMMISSION**

**Action Taken by the Commission**

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, October 23, 2014, and announced the following:

*Action Taken—Regulations Approved:*

Department of Agriculture #2-179: Pesticides; Third Party Transactions (amends 7 Pa. Code § 128.3)

Pennsylvania Gaming Control Board #125-170: Table Games Rules of Play (amends 58 Pa. Code Chapters 465a, 639a, 641a, 643a, 645a, 647a, 649a, 653a, 655a and 657a)

State Board of Examiners in Speech-Language and Hearing #16A-6807: Continuing Education (amends 49 Pa. Code Chapter 45)

Department of Transportation #18-450: Display of Registration Plates (amends 67 Pa. Code Chapter 47)

State Board of Pharmacy #16A-5424: Pharmacy Internship (amends 49 Pa. Code § 27.26)

Department of State #16-56: Lobbying Disclosure Registration Fee (amends 51 Pa. Code Subsection 53.1(a))

**Approval Order**

Public Meeting Held  
October 23, 2014

*Commissioners Voting:* John F. Mizner, Esq., Chairperson; George D. Bedwick, Vice Chairperson, by proxy; W. Russell Faber; Dennis A. Watson, Esq.

*Department of Agriculture—  
Pesticides; Third Party Transactions;  
Regulation No. 2-179 (#3050)*

On March 21, 2014, the Independent Regulatory Review Commission (Commission) received this proposed

regulation from the Department of Agriculture (Department). This rulemaking amends 7 Pa. Code § 128.3. The proposed regulation was published in the April 5, 2014 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on August 20, 2014.

This final-form rulemaking amends the Department's fee regulations to allow other state agencies or private vendors to administer certified applicator and pesticide dealer manager examinations.

We have determined this regulation is consistent with the statutory authority of the Department (3 P.S. §§ 111.54(3) and (4) and 111.57a.) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

#### Approval Order

Public Meeting Held  
October 23, 2014

*Commissioners Voting:* John F. Mizner, Esq., Chairperson; George D. Bedwick, Vice Chairperson, by proxy; W. Russell Faber; Dennis A. Watson, Esq.

*Pennsylvania Gaming Control Board—  
Table Games Rules of Play;  
Regulation No. 125-170 (#3011)*

On May 15, 2013, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking amends 58 Pa. Code Chapters 465a, 639a, 641a, 643a, 645a, 647a, 649a, 653a, 655a and 657a. The proposed regulation was published in the May 25, 2013 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on August 26, 2014.

This regulation specifies requirements for an alternative closed table procedure and several wagers.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S. § 1202(b)(30) and 13A02(1) and (2) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

#### Approval Order

Public Meeting Held  
October 23, 2014

*Commissioners Voting:* John F. Mizner, Esq., Chairperson; George D. Bedwick, Vice Chairperson, by proxy; W. Russell Faber; Dennis A. Watson, Esq.

*State Board of Examiners in Speech-Language and  
Hearing—Continuing Education;  
Regulation No. 16A-6807 (#3028)*

On September 25, 2013, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Examiners in Speech-Language and Hearing (Board). This rulemaking amends 49 Pa. Code Chapter 45. The proposed regulation was published in the October 5, 2013 *Pennsylvania Bulletin*

with a 30-day public comment period. The final-form regulation was submitted to the Commission on August 27, 2014.

This final-form rulemaking amends the Board's existing continuing education requirements for greater clarity and completeness.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. § 1705(2) and (7)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

#### Approval Order

Public Meeting Held  
October 23, 2014

*Commissioners Voting:* John F. Mizner, Esq., Chairperson; George D. Bedwick, Vice Chairperson, by proxy; W. Russell Faber; Dennis A. Watson, Esq.

*Department of Transportation—  
Display of Registration Plates;  
Regulation No. 18-450 (#3055)*

On April 22, 2014, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Transportation (Department). This rulemaking amends 67 Pa. Code Chapter 47. The proposed regulation was published in the May 3, 2014 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 19, 2014.

This regulation designates the placements of registration plates when two person with a disability, disabled veteran or severely disabled veteran plates are issued for a vehicle which has a carrier attached for the purpose of transporting a wheelchair or similar personal assistive device.

We have determined this regulation is consistent with the statutory authority of the Department of Transportation (75 Pa.C.S. § 1332) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

#### Approval Order

Public Meeting Held  
October 23, 2014

*Commissioners Voting:* John F. Mizner, Esq., Chairperson; George D. Bedwick, Vice Chairperson, by proxy; W. Russell Faber; Dennis A. Watson, Esq.

*State Board of Pharmacy—  
Pharmacy Internship;  
Regulation No. 16A-5424 (#2963)*

On August 8, 2012, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Pharmacy (Board). This rulemaking amends 49 Pa. Code § 27.26. The proposed regulation was published in the August 18, 2012 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 17, 2014.

This regulation amends the Board’s pharmacy internship provisions relating to composition of internship hours, non-traditional internships and termination of an internship.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. § 390-6(k)(9)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

**Approval Order**

Public Meeting Held  
October 23, 2014

*Commissioners Voting:* John F. Mizner, Esq., Chairperson; George D. Bedwick, Vice Chairperson, dissenting by proxy; W. Russell Faber; Dennis A. Watson, Esq.

*Department of State—  
Lobbying Disclosure Registration Fee;  
Prior Order Issued September 29, 2014;  
Regulation No. 16-56 (#3012)*

On May 20, 2013, the Independent Regulatory Review Commission (Commission) received this proposed regula-

tion from the Department of State (Department). This rulemaking amends 51 Pa. Code Subsection 53.1(a). The proposed regulation was published in the June 1, 2013 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on August 15, 2014. At its September 18, 2014 public meeting, the Commission voted to disapprove the final-form regulation. On October 7, 2014, a revised final-form regulation was submitted to the Commission.

This regulation raises the biennial fee for lobbying registration from \$200 to \$300 effective January 1, 2015.

We have determined this regulation is consistent with the statutory authority of the Department (65 P.S. § 13A08(j)) and the intention of the General Assembly. After considering all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation, as revised, is approved.

JOHN F. MIZNER, Esq.,  
Chairperson

[Pa.B. Doc. No. 14-2339. Filed for public inspection November 7, 2014, 9:00 a.m.]

**Notice of Comments Issued**

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agencies must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
#18-437	Department of Transportation Rail Freight Grants 44 Pa.B. 5674 (August 30, 2014)	09/29/14	10/29/14

**Department of Transportation  
Regulation #18-437 (IRRC #3071)  
Rail Freight Grants  
October 29, 2014**

We submit for your consideration the following comments on the proposed rulemaking published in the August 30, 2014 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Department of Transportation (Department) to respond to all comments received from us or any other source.

**1. Determining whether the regulation is in the public interest.**

Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b) directs this Commission to determine whether a regulation is in the public interest. When making this determination, the Commission considers criteria such as economic or fiscal impact, reasonableness and the impact the regulation will have on small businesses. To make that determination, the Commission must analyze the text of the proposed rulemaking and the reasons for the new or amended language. The Commis-

sion also considers the information a promulgating agency is required to provide under Section 5 of the RRA in the Regulatory Analysis Form (RAF) (71 P.S. § 745.5(a)).

The Preamble submitted with the proposed regulation provides a description of each section of the proposal. The descriptions explain what the regulation states. However, the descriptions do not provide the rationale for the language that is being proposed. This Commission is unable to determine if the regulation is in the public interest without this information. For example, Section 511.14, pertaining to limits of funding, specifies various maximum contribution and funding limit percentages related to grants issued under this chapter. It also limits how funds can be used. What is the basis for the percentages and limits included in this section of the rulemaking? In the Preamble to the final-form regulation, we ask the Department to provide the rationale for Section 511.14 and each section of the rulemaking and why that language is needed.

In addition, Sections 15 and 24 of the RAF ask an agency to provide specific information related to how the regulation will affect small businesses. We are aware that

time and effort required are to answer the questions in these sections of the RAF and that there is a cost to an agency associated with providing the information. However, we note that this information is required by the RRA and ask the Department to provide complete answers to the questions posed in these sections so that this Commission can determine if the regulation is in the public interest.

### 2. Section 511.2. Definitions.—Clarity.

*Local government*—This term is defined, but not used in the body of the regulation. We recommend that it be deleted from the final-form regulation.

*Railroad user*—A commentator has suggested that this definition be amended to include a corporation seeking to have rail service. Would an entity seeking to provide rail service be eligible for a grant under this chapter? If so, this definition should be amended to include this category of potential eligible grantees.

### 3. Section 511.3. Eligibility.—Need; Clarity.

Subsection (c) describes the types of projects eligible for grants. Subsection (c)(1) pertains to maintenance projects. “Maintenance project” is a defined term and the language of Paragraph (c)(1) restates that definition. We recommend that Subsection (c)(1) be deleted or written in a manner similar to Subsection (c)(2), which relates to capital projects.

### 4. Section 511.4. Limits of funding.—Implementation procedures; Reasonableness; Clarity.

Subsection (a) requires funding for projects under this chapter to be approved and appropriated by the General Assembly. A commentator has noted that Act 89 of 2013 provides dedicated, annual funding to the Rail Freight Assistance Program (RFAP). Would this funding require approval and appropriation by the General Assembly? We ask the Department to consider the impact Act 89 of 2013 may have on this chapter and to amend Subsection (a) accordingly, if needed.

Subsection (b) states that the maximum Commonwealth contribution for projects funded under this chapter is 70% of the total project cost. This requirement would be applicable to both RFAP projects and Rail Transportation Assistance Program (Rail TAP) projects. Since Subsection (c)(1), establishes maximum Commonwealth contribution limits for RFAP projects and Subsection (d)(1) establishes maximum Commonwealth contributions for Rail TAP projects, what is the need for Subsection (b)? We recommend that the Department delete Subsection (b) or explain why it is necessary in addition to the provisions in Subsections (c)(1) and (d)(1).

Additionally, when read together, Subsections (b) and (c)(1) lack clarity. Does the “maximum Commonwealth contribution” mean the total amount of money available to fund all RFAP grants for the year? Or, is the intent of Subsection (c)(1) to allow the Department to change the 70% set forth in Subsection (b) by publishing a different percentage in the *Pennsylvania Bulletin*? If a different percentage is published in the *Pennsylvania Bulletin*, it would conflict with Subsection (b) creating a confusing regulatory environment for those applying for grants. Furthermore, if the intent of Subsection (c)(1) is to amend Subsection (b) by publishing a notice in the *Pennsylvania Bulletin*, we note that regulations have the full force and effect of law and cannot be changed by publishing a notice in the *Pennsylvania Bulletin*. In order to change a regulatory requirement, a new rulemaking is necessary.

We suggest that the Department revise Subsection (c)(1) to provide greater clarity and more regulatory certainty.

Under Subsection (d), Rail TAP grants will be determined by a line item in the Capital Budget. How will this provision work with the application process provisions found in the remainder of this chapter? Would a potential project have to be included in the Capital Budget before an applicant could apply for a grant with the Department or would an applicant apply for a grant first and then secure a line item in the Capital Budget? This should be clarified in the final-form regulation.

### 5. Section 511.5. Application period and deadlines.—Clarity.

Under Subsections (b) and (c), the Department will determine the open application periods for RFAP grants and Rail TAP grants by annually publishing a notice in the *Pennsylvania Bulletin*. Regulations create binding norms and certainty for the regulated community. These provisions create neither and should be deleted from the rulemaking. We suggest that the open application periods for both types of grants be specified in the final-form regulation.

### 6. Section 511.6. Application submission procedure.—Reasonableness; Implementation procedures; Need; Clarity.

This section of the rulemaking explains how to submit RFAP and Rail TAP grant applications. We have four concerns. First, Subsection (a) states that applications must be filed electronically “or as otherwise determined by the Department.” This provision is non-regulatory and should be deleted from the final-form regulation. Instead, the Department should specify in the final-form regulation other acceptable methods for submitting a grant application.

Second, Subsection (b) lists information that must be included on the application. This provision includes the phrase “among other criteria specified on the particular application.” In order to create regulatory certainty, all criteria that must be included on an application should be included in the final-form regulation. We recommend that this subsection be amended to include all information that must be included on an application and that the phrase noted above be deleted.

Third, we question the need for Subsection (c), which states that applications must be “completed in accordance with Department grant application policies and procedures in place at the time the application period opens.” The purpose of this rulemaking is to establish the procedures for applying for a RFAP or Rail TAP grant and would take precedence over any policy in place. We recommend that this subsection be deleted.

Fourth, Subsection (d) allows the Department to reject an application that does not include information required by “the grant application, this chapter, grant program policies or other applicable laws or regulations.” This provision is vague and does not provide meaningful guidance to the regulated community. We recommend that the reference to “grant program policies” be deleted and that specific laws or regulations that need to be complied with be listed in the final-form regulation.

### 7. Section 511.7. Public records.—Clarity.

This section states that “submissions” to the Department are subject to the requirements of the Right-to-Know Law (65 P. S. §§ 67.101—67.3104). The term “submissions” is vague and should be clarified in the final-form regulation.

**8. Section 511.8. Grant selection process and criteria.—Implementation procedures; Clarity.**

Subsection (a) explains that the Bureau of Rail Freights, Ports and Waterways (Bureau) will evaluate each eligible RFAP and Rail TAP program in terms of its potential to meet certain enumerated goals and objectives. Subsection (b) states that the Department has discretion in the selection of projects and other aspects of a grant application. We have three concerns. First, Subsection (a) identifies factors that will be considered in making determinations related to projects, but Subsection (b) allows for discretion. The purpose of a regulation is to establish a binding norm that provides certainty to both the regulated community and an agency. The discretionary language of Subsection (b) does not provide for that certainty and the language that provides for discretion should be deleted.

Second, under Subsection (a), the Bureau is responsible for the evaluation of eligible projects, but under Subsection (b), the Department has discretion for the selection of projects. Does the Bureau or the Department make the final determination? This should be clarified in the final-form regulation.

Third, once the Department or Bureau is in receipt of a complete application, when will the applicant be notified if they were awarded a grant? Timeframes associated with reviewing an application should be included in the final-form rulemaking.

**9. Section 511.9. Offer and acceptance.—Implementation procedures; Clarity.**

Under Subsection (d), the Bureau Director may extend the deadline for acceptance of a grant offer made by the Department to an applicant. Would an applicant have to specifically request such an extension? Under what circumstances would an extension be granted? We recommend that the final-form regulation include more detail on how extensions of this nature will be implemented.

**10. Section 511.10. Standards, methods, techniques, designs and special conditions; Section 511.11. Prevailing wage.—Need; Reasonableness; Fiscal impact; Consistency with other statutes.**

Section 511.10(d) requires steel products used in projects funded by a grant under this chapter to be in compliance with the Steel Products Procurement Act (73 P. S. §§ 1881—1887). Similarly, Section 511.11 states that projects funded by grants awarded under this chapter are subject to the prevailing wage requirements under the Pennsylvania Prevailing Wage Act (43 P. S. §§ 165.1—165.17). Are the grants issued under this chapter considered contracts for public works as defined by or contemplated by both of these acts? If so, the regulated community would have to comply with both of these acts regardless of whether those acts are cited in the rulemaking. What is the need for including citations to these acts in the regulation? If these grants are not considered contracts for public works, we ask the Department to explain why these citations are being included in the rulemaking and ask for a more detailed fiscal analysis of how these requirements will impact the regulated community.

**11. Section 511.12. Audits and recordkeeping.—Reasonableness; Clarity.**

Subsection (a) describes general requirements of a grant recipient. We have two concerns. First, Subsection (a)(4) requires a grant recipient to maintain control and accountability for “all funds, property and other assets.”

To improve the clarity of this provision, we suggest that the final-form regulation include language specifying that the control and accountability be linked to the funds, property and assets associated with the grant.

Second, Subsection (a)(6) requires a grant recipient to include a clause in any contract related to the grant that allows the Department access to the applicant’s contractor’s records for the purposes of accounting and auditing. We suggest that the final-form regulation specify that the access be limited to accounting and auditing of matters related only to the grant.

**12. Section 511.13. Inspection.—Implementation procedures; Need.**

Subsection (a) provides the Department “or an agency of the Commonwealth, or both, or a person designated or authorized by the Department” an absolute right to inspect various aspects of a project funded by this chapter. We have three concerns with Subsection (a). First, what specific statutory language allows another Commonwealth agency to conduct inspections of this nature? Second, we question how this provision would be implemented. Would another agency of the Commonwealth need permission from the Department to conduct an inspection of this nature? Would that inspection have to be coordinated with the Department? Finally, we question the need for this provision. We ask the Department to provide further explanation of this provision as it relates to the concerns raised above.

**13. Section 511.16. Waiver.—Reasonableness; Need; Clarity.**

Under Subsection (a), the Bureau Director may waive requirements to submit specific information or data required for a grant application. Under what circumstances will waivers be granted? To provide certainty to the regulated community, the criteria the Bureau Director will use to evaluate waiver requests should be included in the final-form regulation.

The Secretary of the Department may waive any or all requirements of this chapter in the event of an emergency or other event that is of critical concern to the Commonwealth under Subsection (c). We have the same concern with this subsection as we do with Subsection (a) and ask the Department to clarify what types of emergencies or events would result in a waiver.

**14. Miscellaneous clarity.**

Under § 511.8(a), the word “objections” should be changed to “objectives.”

JOHN F. MIZNER, Esq.,  
Chairperson

[Pa.B. Doc. No. 14-2340. Filed for public inspection November 7, 2014, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Agency Contract Termination of Mearhoff Insurance Agency, Inc. under Act 143; Lebanon Valley Insurance Company; Doc. No. AT14-10-022

A prereview telephone conference initiated by this office is scheduled for November 25, 2014, at 9:30 a.m. A date for the review of the agency contract termination shall be determined, if necessary, at the prereview telephone conference.

On or before November 7, 2014, Lebanon Valley Insurance Company shall file and serve a copy of the agency agreement with Mearhoff Insurance Agency, Inc.

Motions preliminary to those at the review, protests, petitions to intervene or notices of intervention, if any, must be filed on or before November 11, 2014, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before November 21, 2014.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 14-2341. Filed for public inspection November 7, 2014, 9:00 a.m.]

### Jackson National Life Insurance Company; Rate Increase Filing for Several LTC Forms

Jackson National Life Insurance Company is requesting approval to increase the premium 30% on 32 policyholders with the following individual LTC policy form numbers: LTC 1/98 PA, QLTC 1/98 PA and HHC 1/98 PA.

Unless formal administrative action is taken prior to January 22, 2015, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 14-2342. Filed for public inspection November 7, 2014, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile insurance policies. The hearings will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in Strawbridge & Clothier, Justice Hearing Room 4030, 801 Market Street, Philadelphia, PA 19107.

Appeal of Suzanne S. Boulos; file no. 14-119-170790; State Farm Mutual Automobile Insurance Company; Doc. No. P14-09-016; December 10, 2014, 10 a.m.

Appeal of Destine M. Fullwood; file no. 14-130-170243; Capitol Insurance Company; Doc. No. P14-09-013; December 9, 2014, 10 a.m.

Appeal of Howard Jackson; file no. 14-130-167950; State Farm Mutual Automobile Insurance Company; Doc. No. P14-08-014; December 10, 2014, 9 a.m.

Appeal of Lee David Silverman; file no. 14-119-170615; Nationwide Property & Casualty Insurance Company; Doc. No. P14-09-015; December 9, 2014, 1 p.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence, or both. 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. 14-2343. Filed for public inspection November 7, 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 Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in Strawbridge & Clothier, Justice Hearing Room 4030, 801 Market Street, Philadelphia, PA 19107.

Appeal of Mary Bush; file no. 14-198-170714; Philadelphia Contributionship Insurance Company; Doc. No. P14-10-002; December 9, 2014, 11 a.m.

Appeal of Alida Shatzer; file no. 14-116-172591; West American Insurance Company; Doc. No. P14-10-003; December 9, 2014, 2 p.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence, or both. 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. 14-2344. Filed for public inspection November 7, 2014, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (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 November 25, 2014. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2014-2426080 (Amended). Kabs 4 Kids, LLC** (1602 Apple Street, Boothwyn, PA 19061) for the right to begin

to transport, as a common carrier, by motor vehicle, children, in paratransit service, from points in the Counties of Bucks, Chester, Delaware, Lancaster and Montgomery, to points in Pennsylvania and return.

**A-2014-2438173. Quality Emergency Medical Services, Inc.** (222 Brickyard Road, Mary, Butler County, PA 16046) in paratransit service, restricted to wheelchair transport equipped vehicles and stretcher vans, between points in Adams Township, Middlesex Township, Mars Borough, Valencia Borough, Callery Borough, Forward Township and Cranberry Township, all in Butler County; and McCandless Township, and the City of Pittsburgh, both in Allegheny County.

**A-2014-2439083. In Loving Arms Family Resource Center, Inc.** (5632 Larchwood Avenue, Philadelphia, PA 19143) in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Bucks, Berks, Lancaster, Chester, Montgomery, Delaware, Adams, Lebanon, Schuylkill, Lehigh, Northampton, Dauphin, Cumberland, Snyder, Perry, Northumberland, Columbia, Pike, Wayne, Lackawanna, Wyoming and Luzerne, and the City and County of Philadelphia, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

**A-2014-2439523. Allegheny Medical Transport, Inc.** (105 Westwind Drive, Moon, Allegheny County, PA 15108) in paratransit service, restricted to wheelchair transport equipped vehicles, between points in Allegheny and Washington Counties.

**A-2014-2441022. Gail-Neilson Facilitators, Inc.** (24 East Ferdinand Street, Manheim, PA 17545) a corporation of the Commonwealth of Pennsylvania, persons whose personal convictions prevent them from owning or operating motor vehicles, in paratransit service, from points in Lancaster County, to points in Pennsylvania, and return.

**A-2014-2441095. Select Ambulance, Inc.** (220 North Park Road, Building #6, Wyomissing, PA 19610) a corporation of the Commonwealth of Pennsylvania, persons in paratransit service from points in Berks, Delaware, Lancaster, Lebanon and Lehigh Counties, to points in Pennsylvania, and return.

**A-2014-2442953. Casey & Janet Shilling** (34 Mack Road, Greenville, PA 16125) a general partnership, persons whose personal convictions prevent them from owning or operating motor vehicles, in paratransit service, from points in Crawford and Mercer Counties, to points in Pennsylvania, and return.

**A-2014-2443716. Central PA Limousine & Car Service, LLC** (850 Sunbury Road, Selinsgrove, PA 17870) a limited liability company of the Commonwealth of Pennsylvania, persons in limousine service, from points in the Counties of Centre, Clinton, Columbia, Dauphin, Lycoming, Montour, Northumberland, Snyder and Union, to points in Pennsylvania, and return, excluding service which falls under the jurisdiction of the Philadelphia Parking Authority. (*Attorney:* Matthew Slivinski, 111 North High Street, Suite One, Selinsgrove, PA 17870)

**A-2014-2443717. Central PA Limousine & Car Service, LLC** (850 Sunbury Road, Selinsgrove, PA 17870) a limited liability company of the Commonwealth of Pennsylvania, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Centre, Clinton, Columbia, Dauphin, Lycoming, Montour, Northumberland, Snyder and Union, to points in Pennsylvania, and return, exclud-

ing service which falls under the jurisdiction of the Philadelphia Parking Authority. (*Attorney*: Matthew Slivinski, 111 North High Street, Suite One, Selinsgrove, PA 17870)

**A-2014-2444319. Panichelli Executive Services, Inc.** (201 Signal Road, Drexel Hill, PA 19026) a corporation of the State of Delaware, persons in limousine service, from points in the Counties of Bucks, Chester, Delaware and Montgomery, to points in Pennsylvania, and return, excluding service which falls under the jurisdiction of the Philadelphia Parking Authority. (*Attorney*: David Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103)

**A-2014-2445092. Town & Country Cabs, LLC** (48 Village Road, Beach Lake, PA 18045) a limited liability company of the Commonwealth of Pennsylvania, persons upon call or demand, in the City of Honesdale, Wayne County.

**A-2014-2445540. Town & Country Cabs, LLC** (48 Village Road, Beach Lake, PA 18045) a limited liability company of the Commonwealth of Pennsylvania, persons in paratransit service, from points in Wayne County to points in Pennsylvania, and return.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.**

**A-2014-2440328. Broad Street Movers, LLC** (997 North Marshall Street, Philadelphia, PA 19123) a limited liability company of the Commonwealth of Pennsylvania, household goods in use, between points in Pennsylvania. (*Attorney*: Jon D. Marans, 1835 Market Street, Suite 1215, Philadelphia PA 19103)

**A-2014-2444468. Martin Enterprises, LLC t/a Martin CFS** (1038 New Holland Avenue, Lancaster, PA 17601) a limited liability company of the Commonwealth of Pennsylvania, household goods in use, between points in Pennsylvania.

**A-2014-2444570. Hughesville Raceway Self Storage, LLC** (P. O. Box 145, Hughesville, PA 17737) a limited liability company of the Commonwealth of Pennsylvania, household goods in use, from points in Lycoming County to points in Pennsylvania.

**Applications of the following for approval to begin operating as contract carriers for transportation of persons as described under each application.**

**A-2014-2442434. Delco Ambulance, LLC** (3415 West Chester Pike, Suite 104, Newtown Square, PA 19073) a limited liability company of the Commonwealth of Pennsylvania, persons for Broomall Rehabilitation and Nursing Center, from points in the Counties of Delaware, Chester and Philadelphia, to points in Pennsylvania, and return.

**Application of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.**

**A-2014-2440961. Met-Trans, Inc. t/a Health-Trans** (8701 Torresdale Avenue, Sec. E, Philadelphia, Philadelphia County, PA 19136) for the discontinuance of service

and cancellation of the certificate as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Bucks, Delaware and Philadelphia, to points in Pennsylvania, and return.

**A-2014-2443605. Venancio Fernandez t/a VF Car Services** (846 1/2 Ballstown Road, Lititz, PA 17543) for the discontinuance of service and cancellation of the certificate, as a common carrier by motor vehicle at A-6411942, authorizing the transportation of persons in paratransit service, between points in Berks County.

**A-2014-2443607. BVACT t/a Barrett Transport** (P. O. Box 105, Cresco, Monroe County, PA 18326) for the discontinuance of service and cancellation of the certificate as a common carrier, by motor vehicle, persons in paratransit service, between points in the Counties of Monroe, Northampton and Lehigh, and from points in said counties, to points in Pennsylvania, and return.

ROSEMARY CHIAVETA,  
*Secretary*

[Pa.B. Doc. No. 14-2345. Filed for public inspection November 7, 2014, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Notice of Rescheduling of Sales of Wheelchair Accessible Taxicab Medallions

The Philadelphia Parking Authority's Board Order 14-003, published at 44 Pa.B. 5550 (August 16, 2014), directing the Taxicab and Limousine Division (TLD) to administer the sale of 46 Philadelphia taxicab medallions, each of which are designated as wheelchair accessible vehicle taxicab medallions. This notice included the date, time and location of the bid openings for each of these medallions.

Bid openings were scheduled at 11 a.m. at the TLD headquarters at 2415 South Swanson Street, Philadelphia, PA 19148 for Medallions WP-1602 and WP-1603 on Wednesday, October 22, 2014, and Medallions WP-1604, WP-1605 and WP-1606 on Wednesday, October 29, 2014. However, under Paragraph No. 10 of the Board Order, TLD Director James R. Ney exercised his discretion to reschedule the sale of these medallions due to lack of participation.

Therefore, the sealed bids for Medallions WP-1602, WP-1603, WP-1604, WP-1605 and WP-1606 will be opened by the Director at the TLD's headquarters on January 21, 2015, at 11 a.m. at the address previously listed.

Refer to Board Order 14-003, published at 44 Pa.B. 5550, for all ordered instructions and other information concerning the sale of these medallions. See also 52 Pa. Code §§ 1013.31—1013.37 (relating to medallion sales by the Authority).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 14-2346. Filed for public inspection November 7, 2014, 9:00 a.m.]



# THADDEUS STEVENS COLLEGE OF TECHNOLOGY

## Request for Bids

Thaddeus Stevens College of Technology will be issuing a Request for Proposal (RFP14-2300) for banking and cash management services. The services to be provided as a result of this RFP will include, but is not limited to, direct deposit and ACH transactions, paper checks, inquiry and transaction report, electronic papers and other related services. Bid documents can be obtained from Carrie Harmon, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, harmon@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,  
*President*

[Pa.B. Doc. No. 14-2347. Filed for public inspection November 7, 2014, 9:00 a.m.]

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