

PENNSYLVANIA BULLETIN

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

No. 488, July 2015

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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.

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

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

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

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Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from 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 2015.

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THE GENERAL ASSEMBLY

Recent Actions during 2015 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2015 Regular Session:

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2015 General Acts of Regular Session Enacted—Act 006 through 015					
006	Jun 19	HB0341	PN0363	Immediately	Real and Personal Property (68 Pa.C.S.)—disclosure form
007	Jun 19	SB0293	PN0988	Feb.15, 2016*	Navigator and Exchange Assister Accessibility and Regulation Act—enactment
008	Jun 26	HB0182	PN1071	60 days	Pharmacy Act—authority to administer injectable medications, biologicals and immunizations
009	Jun 26	HB0863	PN1047	60 days	Bellefonte Veterans Bridge—designation
010	Jun 26	SB0485	PN0425	60 days	Crimes Code (18 Pa.C.S.)—impersonating a notary public or a holder of a professional or occupational license
011	Jun 29	HB131	PN1861	Immediately*	Military Personnel—Residency Status for Students Act—attendance at State-related and State-owned institutions of higher learning and community colleges, applicability and eligibility
012	Jun 29	HB911	PN1878	Immediately*	Health and Safety (35 Pa.C.S.)—emergency telephone service and establishing the 911 Fund
013	Jun 30	SB0622	PN0644	Immediately	Elimination of certain reporting duties of the Legislative Budget and Finance Committee
014	Jun 30	SB0699	PN0683	Immediately	Project 70 lands—release of restrictions in Plymouth Township, Luzerne County
015	Jul 1	HB1276	PN1997	Immediately	Domestic Relations Code (23 Pa.C.S.)—omnibus amendments
2015 Vetoes of Regular Session of Bills—Veto 001					
001	Jun 30	HB1192	PN1959	Immediately*	General Appropriations Act of 2015—enactment

* denotes an effective date with exceptions

Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

VINCENT C. DeLIBERATO, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 15-1304. Filed for public inspection July 17, 2015, 9:00 a.m.]

THE GOVERNOR

Notice of Veto

July 2, 2015

To the Honorable Senate
of the Commonwealth of Pennsylvania:

I am returning herewith, without my approval, Senate Bill 655, Printer's Number 1137.

This bill amends the Fiscal Code to implement the General Appropriations bill for the 2015-2016 fiscal year. As I vetoed the General Appropriations bill, I will also veto its implementation.

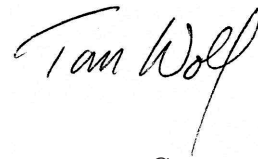
This bill is one part of a budget that is not in the interest of this Commonwealth.

This legislation falls short of a budget plan that I can endorse for a number of reasons. It fails to adequately pay our bills. It relies on over \$1.5 billion in one-time revenues, payment delays into the next fiscal year, and fund transfers. It is not part of a balanced budget plan, and it will lead to a \$3 billion deficit and credit downgrades for the Commonwealth.

The General Appropriations bill, upon which this bill is based, only provides an additional \$8 million in basic and special education funding for our public schools, which is clearly not adequate funding to ensure Pennsylvanians have schools that teach our students. This approach simply does not provide sufficient funding to meet our constitutional requirement to provide a thorough and efficient system of education for our children.

For these reasons, I cannot support this bill and withhold my signature from Senate Bill 655, Printer's Number 1137.

Sincerely,



Governor

[Pa.B. Doc. No. 15-1305. Filed for public inspection July 17, 2015, 9:00 a.m.]

Notice of Veto

July 2, 2015

To the Honorable House of Representatives
of the Commonwealth of Pennsylvania:

I am returning herewith, without my approval, House Bill 466, Printer's Number 1985.


The citizens of Pennsylvania sent us here to do serious work and to address the problems facing this Commonwealth. This legislation falls short of a responsible means to reform our state liquor system and to maximize revenues to benefit our citizens. It makes bad business sense for the Commonwealth and consumers to sell off an asset, especially before maximizing its value.

During consideration of this legislation, it became abundantly clear that this plan would result in higher prices for consumers. In the most recent case of another state that pursued the outright privatization of liquor sales, consumers saw higher prices and less selection.

Modernization of our state liquor system would provide additional revenues to the Commonwealth and save important, family-sustaining jobs. The Commonwealth relies on this revenue stream that could be dramatically improved through modernization. While this bill recognizes that new revenues for education are important, there are many more responsible options available other than selling off a valuable asset of the Commonwealth.

For the foregoing reasons, I must withhold my signature from House Bill 466, Printer's Number 1985.

Sincerely,



Tom Wolf
Governor

[Pa.B. Doc. No. 15-1306. Filed for public inspection July 17, 2015, 9:00 a.m.]

Notice of Veto

July 2, 2015

To the Honorable House of Representatives
of the Commonwealth of Pennsylvania:

I am returning herewith, without my approval, House Bill 762, Printer's Number 1999.


This bill is the school code bill, which implements aspects of the General Appropriations bill for the 2015-2016 fiscal year. As I vetoed the General Appropriations bill, I will also veto this implementation of it.

This bill contains many laudable items that I support. It provides for a Basic Education Funding Commission formula, which for the first time in recent years allows for student-focused funding that takes into account poverty, English Language Learning, size and concentration of the school district, and enrollment trends, as well as revamping the way the wealth of each district is determined under statute.

Unfortunately, this bill fails to restore the funding from the harmful education cuts imposed on each school district over the last four years, nor does it provide adequate resources to ensure Pennsylvanians have schools that teach our children. This bill only distributes an additional \$8 million into K-12 education, which is not appropriate classroom support for the children of this Commonwealth. In short, it fails to meet our constitutionally required obligation of providing a thorough and efficient system of education.

For the foregoing reasons, I must withhold my signature from House Bill 762, Printers Number 1999.

Sincerely,



Tom Wolf
Governor

[Pa.B. Doc. No. 15-1307. Filed for public inspection July 17, 2015, 9:00 a.m.]

THE GOVERNOR

Notice of Veto

July 9, 2015

To the Honorable Senate
of the Commonwealth of Pennsylvania:

I am returning herewith, without my approval, Senate Bill 1, Printer's Number 1132.

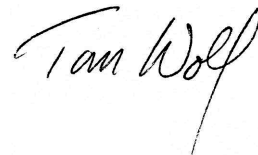
This legislation provides no immediate cost savings to taxpayers and does not maximize long-term savings for taxpayers. We need pension reform that works.

The plan I delivered to the General Assembly would save at least \$10 billion, while at the same time ensuring that the Commonwealth will make all actuarially required contributions to fund our future pension obligations and reducing the burden placed on the Commonwealth and school districts in the short term. Since my budget proposal, I have found and shared an added \$7 billion in savings for a total of \$17 billion in savings to our retirement systems, which I have communicated to the General Assembly. Furthermore, the plan I proposed would reduce the over \$700 million in fees paid annually to Wall Street firms to manage our investments. Senate Bill 1 does not address these excessive fees.

During my consideration of Senate Bill 1, it became clear that the legislation violates federal tax law as it would be considered an impermissible cash or deferred arrangement (CODA). In addition, the bill forces newly-hired employees to pay down the unfunded liability of existing pension plans, caused by years of government failure to make necessary payments, while denying those new employees the full benefit of their contributions.

For the foregoing reasons, I must withhold my signature from Senate Bill 1, Printer's Number 1132.

Sincerely,



Governor

[Pa.B. Doc. No. 15-1308. Filed for public inspection July 17, 2015, 9:00 a.m.]

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Order Amending Rule 227.1 of the Rules of Civil Procedure; No. 627 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 2nd day of July, 2015, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published for public comment at 44 Pa.B. 5563 (August 23, 2014):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 227.1 of the Pennsylvania Rules of Civil Procedure is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective October 1, 2015.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 227.1. Post-Trial Relief.

(a) After trial and upon the written Motion for Post-Trial Relief filed by any party, the court may

- (1) order a new trial as to all or any of the issues; or
- (2) direct the entry of judgment in favor of any party; or
- (3) remove a nonsuit; or
- (4) affirm, modify or change the decision; or
- (5) enter any other appropriate order.

Official Note: The motion for post-trial relief replaces the following motions and exceptions: motion for new trial, motion for judgment notwithstanding the verdict, motion upon the whole record after disagreement of a jury, motion in arrest of judgment, motion to remove a nonsuit and exceptions following the decision of the judge in a trial without jury.

The following rules provide for the filing of exceptions, e.g., [**Equity Rule 1530 (exceptions to an auditor's report),**] Equity Rule 1534 (exceptions to a fiduciary's account), Partition Rule 1569 (exceptions to a master's report) and Divorce Rule 1920.55-2 (exceptions to a master's report), Support Rule 1910.12(e) (exceptions to a hearing officer's report) and Execution Rule 3136(d) (exceptions to sheriff's schedule of proposed distribution).

(b) Except as otherwise provided by Pa.R.E. 103(a), post-trial relief may not be granted unless the grounds therefor,

- (1) if then available, were raised in [**pretrial**] **pre-trial** proceedings or by motion, objection, point for charge, request for findings of fact or conclusions of law, offer of proof or other appropriate method at trial; and

Official Note: If no objection is made, error which could have been corrected in pre-trial proceedings or during trial by timely objection may not constitute a ground for post-trial relief.

Pa.R.E. 103(a) provides that the specific ground for an overruled objection, or the substance of excluded evidence, need not be stated at or prior to trial, or without having made an offer of proof, if the ground of the objection, or the substance of the evidence sought to be introduced, was apparent from the context.

(2) are specified in the motion. The motion shall state how the grounds were asserted in [**pretrial**] **pre-trial** proceedings or at trial. Grounds not specified are deemed waived unless leave is granted upon cause shown to specify additional grounds.

(c) Post-trial motions shall be filed within ten days after

(1) verdict, discharge of the jury because of inability to agree, or nonsuit in the case of a jury trial; or

(2) notice of nonsuit or the filing of the decision in the case of a trial without jury.

If a party has filed a timely post-trial motion, any other party may file a post-trial motion within ten days after the filing of the first post-trial motion.

Official Note: A motion for post-trial relief may be filed following a trial by jury or a trial by a judge without a jury pursuant to Rule 1038. A motion for post-trial relief may not be filed to orders disposing of preliminary objections, motions for judgment on the pleadings or for summary judgment, motions relating to discovery or other proceedings which do not constitute a trial. *See U.S. National Bank in Johnstown v. Johnson*, [**506 Pa. 622**,] 487 A.2d 809 (Pa. 1985).

A motion for post-trial relief may not be filed to matters governed exclusively by the rules of petition practice.

The filing of a motion for post-trial relief is prohibited by the following rules: Rule 1557 (order directing partition)[, **Rules 1910.11(k) and 1910.12(g) (orders of support), Rule 1915.10(b) (order of custody, partial custody or visitation), and Rule 1920.55(c) (final decree of divorce based upon a master's report)] and Rule 1930.2 (no post-trial practice in domestic relations matters).**

(d) A motion for post-trial relief shall specify the relief requested and may request relief in the alternative. Separate reasons shall be set forth for each type of relief sought.

(e) If a new trial and the entry of judgment are sought in the alternative, the court shall dispose of both requests. If the court directs the entry of judgment, it shall also rule on the request for a new trial by determining whether it should be granted if the judgment is thereafter vacated or reversed, and shall specify the grounds for granting or denying the request for a new trial.

(f) The party filing a post-trial motion shall serve a copy promptly upon every other party to the action and deliver a copy to the trial judge.

(g) A motion for post-trial relief may not be filed in an appeal from the final adjudication or determination of a local agency or a Commonwealth agency as to which jurisdiction is vested in the courts of common pleas.

Official Note: See 2 Pa.C.S. § 101 for the definition of “local agency.”

See section 933(a)(1) of the Judicial Code, 42 Pa.C.S. § 933(a)(1), which provides for jurisdiction of appeals from determinations of particular Commonwealth agencies to be in the courts of common pleas.

(h) A motion for post-trial relief shall be filed following a trial upon an appeal from the decision of viewers pursuant to the Eminent Domain Code.

Official Note: Subdivision (h) eliminates any distinction with respect to the filing of a motion for post-trial relief between jury and non-jury trials following an appeal from the decision of viewers in eminent domain proceedings.

(i) When an appellate court has remanded a case for further proceedings, a motion for post-trial relief relating to subsequent rulings in the trial court shall not be required unless

(1) the appellate court has specified that the remand is for a complete or partial new trial, or

(2) the trial court indicates in its order resolving the remand issues that a motion for post-trial relief is required pursuant to this rule.

EXPLANATORY COMMENT

In *Newman Development Group of Pottstown, LLC v. Genuardi's Family Markets, Inc. and Safeway, Inc.*, 52 A.3d 1233 (Pa. 2012), the Supreme Court of Pennsylvania examined the provisions of Rule 227.1 to determine whether a party must file a motion for post-trial relief following the resolution by the trial court of matters remanded by an appellate court. While it concluded in that case that a motion for post-trial relief was not required because the remand proceeding, which relied on an existing record, was not a trial, even though the trial court drew a different conclusion from that record to comport with the appellate court's directive, the Court held that Rule 227.1 is silent as to any procedure for post-trial relief when a matter has been remanded for further consideration by the trial court. *Id.* at 1251.

To close this gap, the Supreme Court has amended Rule 227.1 by adding new subdivision (i). Specifically addressing the remand context, the amendment would not require the filing of a motion for post-trial relief following the resolution of matters remanded by an appellate court except under the following circumstances: (1) the appellate court has specified that the remand is for a complete or partial new trial, or (2) the trial court states in its order resolving the issue remanded that a motion for post-trial relief is required in order to preserve those issues for appellate review.

The amendment is intended to give the practitioner certainty as to when a motion for post-trial relief is required in the remand context, and thus, to prevent waiver of those issues upon further appellate review. It is also intended to facilitate the underlying purpose of the rule, which is to allow the trial court to reconsider its determination and to make any corrections before it is appealed without inundating it with unnecessary motions.

*By the Civil Procedural
Rules Committee*

PETER J. HOFFMAN,
Chair

[Pa.B. Doc. No. 15-1309. Filed for public inspection July 17, 2015, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 1950]

Order Adopting Rules 1951—1959 of the Rules of Civil Procedure; No. 626 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 29th day of June, 2015, upon the recommendation of the Domestic Relations Procedural Rules Committee, the proposal having been published for public comment in the *Pennsylvania Bulletin*, 45 Pa.B. 1607 (April 4, 2015):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1951—1959 of the Pennsylvania Rules of Civil Procedure are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective July 1, 2015.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1950. ACTIONS PURSUANT TO THE PROTECTION OF VICTIMS OF SEXUAL VIOLENCE OR INTIMIDATION ACT

Rule	Definitions.
1951.	Venue.
1952.	Commencement of Action.
1953.	Service of Original Process. Registration of Order. Service of Petition and Order. Fees.
1954.	Enforcement.
1955.	No Responsive Pleading Required.
1956.	Decision. Post-Trial Relief.
1957.	Discontinuance or Modification.
1958.	Forms for Use in Protection of Victims of Sexual Violence or Intimidation Actions. Notice and Hearing. Petition. Temporary Protection Order. Final Protection Order.
1959.	

Rule 1951. Definitions.

As used in this chapter:

the Act—Act of Mar. 21, 2014, P. L. 365, No. 25 relating to the protection of victims of sexual violence or intimidation, 42 Pa.C.S. §§ 62A01—62A20.

action—a proceeding for protection from sexual violence or intimidation as defined in § 62A03 of the Act.

court—the court of common pleas.

emergency order—an order entered by a hearing officer, who is a person satisfying the definition set forth in 42 Pa.C.S. § 62A03.

fees—any fees or costs, including but not limited to the filing, issuance, registration, service or appeal of a protection action under the Act, including any foreign protection order.

temporary order or temporary protection order—an *ex parte* order entered by the court pursuant to 42 Pa.C.S. § 62A06(b).

plaintiff—an individual who applies for a protection order, either for the benefit of that individual or on behalf of another individual.

protection order or order—an order issued under the Act.

Rule 1952. Venue.

(a) An action for protection of victims of sexual violence or intimidation may be brought in a county where:

- (1) the plaintiff resides, either temporarily or permanently;
- (2) the plaintiff is employed;
- (3) the defendant may be served; or
- (4) the sexual violence or intimidation occurred.

(b) An action for indirect criminal contempt may be filed in, and heard by, the court in the county where the order was issued or the violation occurred.

Rule 1953. Commencement of Action.

(a) Except as provided in subdivision (b), an action shall be commenced by filing with the prothonotary a petition alleging the need for protection from the defendant with respect to sexual violence or intimidation. The petition shall be identical in content to the form set forth in Pa.R.C.P. No. 1959(b) and shall have the Notice of Hearing and Order set forth in Pa.R.C.P. No. 1959(a) as the first page(s).

(b) If an emergency order has been entered pursuant to 42 Pa.C.S. § 62A09, an action shall be commenced by filing with the prothonotary the certified emergency order and any documentation in support.

(c) Any fees associated with this action shall not be charged to the plaintiff.

Rule 1954. Service of Original Process. Registration of Order. Service of Petition and Order. Fees.

(a) Service of the petition or certified emergency order, the notice and order scheduling the hearing and any temporary order in a protection of victims of sexual violence and intimidation action shall be in accordance with Pa.R.C.P. No. 1930.4 and consistent with the rules for service in protection from abuse matters.

(b) An Affidavit of Service, substantially in the form set forth in Pa.R.C.P. No. 1959(d), shall be filed with the prothonotary.

(c) Within 24 hours of entry of a protection order under the Act, the prothonotary shall transmit a copy of the order to the Pennsylvania State Police Statewide Registry in the manner prescribed by the Pennsylvania State Police.

(d) If a petition alleges an act of sexual violence perpetrated on a minor child, the prothonotary shall serve a copy of the petition and any protection order entered under the Act to the Department of Human Services of the Commonwealth and the county children and youth social service agency in the jurisdiction where the order was entered.

(e) Within two business days of any protection order under the Act being entered, the prothonotary shall serve a copy of the order to the police department, sheriff and district attorney in the jurisdiction where the order was entered.

(f) No fee shall be charged to the plaintiff for service of any protection order or pleading or for the registration, filing and service of any foreign protection order.

Rule 1955. Enforcement.

A plaintiff may file a private criminal complaint against a defendant alleging indirect criminal contempt for a violation of any provision of a protection order or agreement with the court, the Office of the District Attorney or the magisterial district judge in the jurisdiction or county where the violation occurred. However, in a county of the first class, a complaint may be filed only with the Family Division of the Court of Common Pleas or the Office of the District Attorney.

Official Note: See 42 Pa.C.S. § 62A13.

Rule 1956. No Responsive Pleading Required.

No pleading need be filed in response to the petition or the certified emergency order. All averments not admitted shall be deemed denied.

Rule 1957. Decision. Post-Trial Relief.

(a) The decision of the court may consist of only general findings of sexual violence and/or intimidation, but shall dispose of all claims for relief. The court's final order shall be rendered identical in content to the form set forth in Pa.R.C.P. No. 1959(e).

(b) No motion for post-trial relief may be filed to the final order.

Rule 1958. Discontinuance or Modification.

(a) In cases in which a temporary protection order has not yet been granted or has been denied, a plaintiff in a protection of victims of sexual violence or intimidation action, who wishes to discontinue the action, may file a praecipe to discontinue, pursuant to Pa.R.C.P. No. 229, prior to the final order hearing. The plaintiff also may request the discontinuance by oral motion at a hearing.

(b) In cases in which a temporary protection order has been granted, a plaintiff who wishes to vacate the temporary order and discontinue the action shall either file a petition with the court prior to the final order hearing or make the request by oral motion at the final order hearing.

(c) If either party seeks a modification after a final protection order has been entered, the party shall petition the court to modify the final order. Modification may be ordered after the filing and service of the petition and a hearing on the petition pursuant to 42 Pa.C.S. § 62A17.

Rule 1959. Forms for Use in Protection of Victims of Sexual Violence or Intimidation Actions. Notice and Hearing. Petition. Temporary Protection Order. Final Protection Order.

(a) The Notice of Hearing and Order required by Pa.R.C.P. No. 1953 shall be identical in content to the following form:

(Caption)

NOTICE OF HEARING AND ORDER

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following papers, you must appear at the hearing scheduled herein. If you fail to appear, the case may proceed against you and a FINAL order may be entered against you granting the relief requested in the petition.

A hearing on the matter is scheduled for the _____ day of _____, 20____ at _____ .m. in Courtroom _____ at _____ Courthouse, _____, Pennsylvania.

If a temporary protection order has been entered, you MUST obey the order until it is modified or terminated by the court after notice and a hearing. If you disobey that order, the police or sheriff may arrest you. A violation of this order may subject you to a charge of indirect criminal contempt. A violation may also subject you to prosecution and criminal penalties under the Pennsylvania Crimes Code. Under 18 U.S.C. § 2265, an order entered by the court may be enforceable in all fifty (50) States, the District of Columbia, Tribal Lands, U.S. Territories and the Commonwealth of Puerto Rico. If you travel outside of the state and intentionally violate this order, you may be subject to federal criminal proceedings under the Violence Against Women Act, 18 U.S.C. § 2262.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER IMMEDIATELY. YOU HAVE THE RIGHT TO HAVE A LAWYER REPRESENT YOU AT THE HEARING. THE COURT WILL NOT, HOWEVER, APPOINT A LAWYER FOR YOU. IF YOU DO NOT HAVE A LAWYER, GO TO OR CALL THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE. IF YOU CANNOT FIND A LAWYER, YOU MAY HAVE TO PROCEED WITHOUT ONE.

County Lawyer Referral Service
(insert Street Address)
(insert City, State, and ZIP)
(insert Phone Number)

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of _____ County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

BY THE COURT:

Judge

Date

(b) The petition in an action filed pursuant to the Act shall be identical in content to the following form:

(Caption)

PETITION FOR PROTECTION OF VICTIMS OF

- SEXUAL VIOLENCE**
 SEXUAL VIOLENCE AGAINST A MINOR CHILD
 INTIMIDATION

1. Plaintiff:

First Middle Last Name
Plaintiff's Address: _____

Plaintiff's address is confidential pursuant to 42 Pa.C.S. § 62A11.

Plaintiff's Date of Birth: _____

I am filing this petition on behalf of myself or another person.

If you checked "myself," please answer all questions referring to yourself as "Plaintiff." If you checked "another person," please answer all questions referring to that person as "Plaintiff," and provide your name and address below.

Name: _____

Address: _____

If you checked "another person," indicate your relationship to the plaintiff:

2. Defendant:

First Middle Last Name
Defendant's Address: _____

DEFENDANT IDENTIFIERS			
DOB		HEIGHT	
SEX		WEIGHT	
RACE		EYES	
HAIR			
SSN			
DRIVERS LICENSE #			
EXP DATE		STATE	

3. Name(s) of other designated person(s) under 42 Pa.C.S. § 62A07(b)(1):

4. Is there a relationship between Plaintiff and Defendant? _____. If yes, what is the relationship?

5. Have Plaintiff and Defendant been involved in any other legal proceedings? If so, state when and where the case was filed and the court docket number, if known:

6. Has Defendant been involved in any criminal proceedings?

If you answered Yes, is Defendant currently on probation or parole?

7. (a) The facts of the most recent incident of sexual violence are as follows:

Approximate Date: _____

Approximate Time: _____

Place: _____

Describe in detail what happened, including any physical or sexual abuse, threats, injury, incidents of stalking, medical treatment sought, and/or calls to law enforcement (attach additional sheets of paper if necessary):

(b) The facts of the most recent incident of intimidation are as follows:

Approximate Date: _____

Approximate Time: _____

Place: _____

Describe in detail what happened, including medical treatment sought, and/or calls to law enforcement (attach additional sheets of paper if necessary):

8. If Defendant has committed prior acts of sexual violence or intimidation against Plaintiff, describe these prior incidents, and indicate approximately when such acts occurred (attach additional sheets of paper if necessary):

9. Identify the sheriff, police department, or other law enforcement agency in the area in which Plaintiff lives that should be provided with a copy of the protection order:

10. Is there an immediate and present danger for further acts of sexual violence or intimidation from Defendant against Plaintiff? If so, please describe:

FOR THE REASONS SET FORTH ABOVE, I REQUEST THAT THE COURT ENTER A TEMPORARY ORDER AND, AFTER A HEARING, A FINAL ORDER THAT WOULD INCLUDE ALL OF THE FOLLOWING RELIEF (CHECK ALL FORMS OF RELIEF REQUESTED):

- A. Restrain Defendant from having any contact with the victim, including, but not limited to, entering the victim's residence, place of employment, business, or school.
- B. Prohibit indirect contact through third parties.
- C. Prohibit direct or indirect contact with other designated persons.
- D. Order Defendant to pay the fees of this action.
- E. Order the following additional relief, not listed above:

F. Grant such other relief as the court deems appropriate, including, but not limited to, issuing an order under 42 Pa.C.S. § 62A11(b) related to the non-disclosure of the victim's address, telephone number, whereabouts or other demographic information.

G. Order the police, sheriff or other law enforcement agency to serve the Defendant with a copy of this petition, any order issued, and the order for the hearing. Plaintiff will inform the designated authority of any addresses, other than Defendant's residence, where Defendant can be served.

VERIFICATION

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

Signature _____

Date _____

(c) The Temporary Order of Court, or any continued, amended or modified Temporary Order of Court, entered pursuant to the Act shall be identical in content to the following form:

(Caption)

TEMPORARY ORDER FOR PROTECTION OF VICTIMS OF

- SEXUAL VIOLENCE**
- SEXUAL VIOLENCE AGAINST A MINOR CHILD**
- INTIMIDATION**

Plaintiff:

First Middle Last Name

Plaintiff's address: _____

Plaintiff's address is confidential pursuant to 42 Pa.C.S. § 62A11.

Defendant:

First Middle Last Name

Defendant's Address: _____

DEFENDANT IDENTIFIERS			
DOB		HEIGHT	
SEX		WEIGHT	
RACE		EYES	
HAIR			
SSN			
DRIVERS LICENSE #			
EXP DATE		STATE	

AND NOW, this _____ day of _____, 20____, upon consideration of the attached Petition for Protection of Victims of Sexual Violence or Intimidation, the court hereby enters the following Temporary Order:

- Plaintiff's request for a Temporary Protection Order is denied.
- Plaintiff's request for a Temporary Protection Order is granted.

1. The following person is protected under this order:

2. Defendant is:

- A. Restrained from having any contact with the victim, including, but not limited to, entering the victim's residence, place of employment, business, or school.
- B. Prohibited from indirect contact with the victim through third parties.
- C. Prohibited from direct or indirect contact with the following designated persons:

3. Additional relief, including, but not limited to, issuing an order under 42 Pa.C.S. § 62A11(b) related to the non-disclosure of the victim's address, telephone number, whereabouts or other demographic information:

4. A certified copy of this order shall be provided to the sheriff or police department where Plaintiff resides and any other agency specified (insert name of agency):

5. THIS ORDER SUPERSEDES ANY PRIOR PROTECTION OF VICTIMS OF SEXUAL VIOLENCE OR INTIMIDATION ORDER OBTAINED BY THE SAME PLAINTIFF AGAINST THE SAME DEFENDANT.

6. THIS ORDER APPLIES IMMEDIATELY TO THE DEFENDANT AND SHALL REMAIN IN EFFECT UNTIL _____ (insert expiration date) OR UNTIL OTHERWISE MODIFIED OR TERMINATED BY THIS COURT AFTER NOTICE AND A HEARING.

NOTICE TO THE DEFENDANT

Defendant is hereby notified that violation of this order may result in arrest for indirect criminal contempt. Under 18 U.S.C. § 2265, an order entered by the court may be enforceable in all fifty (50) States, the District of Columbia, Tribal Lands, U.S. Territories and the Commonwealth of Puerto Rico. If you travel outside of the state and intentionally violate this order, you may be subject to federal criminal proceedings under the Violence Against Women Act, 18 U.S.C. § 2262. Consent of Plaintiff shall not invalidate this order, which can only be changed or modified through the filing of appropriate court papers for that purpose. 42 Pa.C.S. § 62A17. Defendant is further notified that violation of this order may subject him/her to prosecution and criminal penalties under the Pennsylvania Crimes Code.

NOTICE TO SHERIFF, POLICE AND LAW ENFORCEMENT OFFICIALS

The police department and sheriff who have jurisdiction over Plaintiff's residence, the location where a violation of this order occurs, or where Defendant may be located, shall enforce this order. The court shall have jurisdiction over any indirect criminal contempt proceeding, either in the county where the violation occurred or where this protective order was entered. An arrest for violation of paragraphs 2 and 3 of this order may be without warrant, based solely on probable cause, whether or not the violation is committed in the presence of the police or any sheriff. 42 Pa.C.S. § 62A12.

When Defendant is placed under arrest for violation of the order, Defendant shall be taken to the appropriate authority or authorities before whom Defendant is to be arraigned. A "Complaint for Indirect Criminal Contempt" shall then be completed and signed by the police officer, sheriff or Plaintiff. Plaintiff's presence and signature are not required to file the complaint.

If sufficient grounds for violation of this order are alleged: (1) Defendant shall be arraigned; (2) bond set, if appropriate; and (3) both parties shall be given notice of the date of the hearing.

BY THE COURT:

Judge

Date

(d) The form of the Affidavit of Service in a proceeding under the Act shall be substantially in the following form:
(Caption)

AFFIDAVIT OF SERVICE

I, _____, the undersigned, hereby state that I served a copy of the Notice of Hearing and Order, Petition and Temporary Order in the above-captioned action upon Defendant by handing the papers to

at the following address:

on the ____ day of _____, 20____, at approximately _____ o'clock __m.

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

(Signature)

(Title)

(Address)

(Date)

THIS FORM MUST BE COMPLETED AND SIGNED BY THE PERSON WHO SERVES THE DEFENDANT WITH THE NOTICE OF HEARING AND ORDER, PETITION AND TEMPORARY ORDER. IT MUST BE FILED WITH THE PROTHONOTARY OR BROUGHT TO THE COURT ON THE HEARING DATE.

(e) The Final Order of Court, or any amended, modified or extended Final Order of Court, entered pursuant to the Act shall be identical in content to the following form:

(Caption)

FINAL ORDER FOR PROTECTION OF VICTIMS OF

- SEXUAL VIOLENCE**
- SEXUAL VIOLENCE AGAINST A MINOR CHILD**
- INTIMIDATION**

Plaintiff:

First Middle Last Name

Plaintiff's address:

Plaintiff's address is confidential pursuant to 42 Pa.C.S. § 62A11.

Defendant:

First Middle Last Name

Defendant's Address:

DEFENDANT IDENTIFIERS			
DOB		HEIGHT	
SEX		WEIGHT	
RACE		EYES	
HAIR			
SSN			
DRIVERS LICENSE #			
EXP DATE		STATE	

The court hereby finds that it has jurisdiction over the parties and the subject matter and that Defendant has been provided with reasonable notice and opportunity to be heard.

Defendant was served in accordance with Pa.R.C.P. No. 1954(a) and provided notice of the time, date and location of the hearing scheduled in this matter.

Order Effective Date: _____ Order Expiration Date: _____

AND NOW, this _____ day of _____, 20____, upon consideration of the attached Petition for Protection of Victims of Sexual Violence or Intimidation, the court hereby enters the following Final Order:

It is ORDERED, ADJUDGED AND DECREED as follows:

This order is entered (check one) by agreement; by agreement without an admission; after a hearing and decision by the court; after a hearing at which Defendant was not present, despite proper service being made; by default. Without regard as to how the order was entered, this is a final order of court subject to full enforcement pursuant to the Protection of Victims of Sexual Violence or Intimidation Act.

Plaintiff's request for a final protection order is denied.

OR

Plaintiff's request for a final protection order is granted.

1. The following person is protected under this order:

2. Defendant is:

A. Restrained from having any contact with the victim, including, but not limited to, entering the victim's residence, place of employment, business or school.

B. Prohibited from indirect contact with the victim through third parties.

C. Prohibited from direct or indirect contact with the following designated persons:

D. Ordered to pay the fees of this action.

3. Additional relief, including, but not limited to, issuing an order under 42 Pa.C.S. § 62A11(b) related to the non-disclosure of the victim's address, telephone number, whereabouts or other demographic information:

4. Because this order followed a contested proceeding, or a hearing at which Defendant was not present, despite being served with a copy of the petition, temporary order and notice of the date, time and place of the hearing, Defendant is ordered to pay an additional \$100 surcharge to the court, which shall be distributed in the manner set forth in 42 Pa.C.S. § 62A05(c.1).

5. THIS ORDER SUPERSEDES ANY PRIOR PROTECTION OF VICTIMS OF SEXUAL VIOLENCE OR INTIMIDATION ORDER OBTAINED BY THE SAME PLAINTIFF AGAINST THE SAME DEFENDANT.

NOTICE TO THE DEFENDANT

Defendant is hereby notified that violation of this order may result in arrest for indirect criminal contempt. Under 18 U.S.C. § 2265, an order entered by the court may be enforceable in all fifty (50) States, the District of Columbia, Tribal Lands, U.S. Territories and the Commonwealth of Puerto Rico. If you travel outside of the state and intentionally violate this order, you may be subject to federal criminal proceedings under the Violence Against Women Act, 18 U.S.C. § 2262. Consent of Plaintiff shall not invalidate this order, which can only be changed or modified through the filing of appropriate court papers for that purpose. 42 Pa.C.S. § 62A17. Defendant is further notified that violation of this order may subject him/her to prosecution and criminal penalties under the Pennsylvania Crimes Code.

NOTICE TO SHERIFF, POLICE AND LAW ENFORCEMENT OFFICIALS

The police department and sheriff who have jurisdiction over Plaintiff's residence, the location where a violation of this order occurs, or where Defendant may be located, shall enforce this order. The court shall have jurisdiction over any indirect criminal contempt proceeding, either in the county where the violation occurred or where this protective order was entered. An arrest for violation of paragraphs 2 and 3 of this order may be without warrant, based solely on probable cause, whether or not the violation is committed in the presence of the police or any sheriff. 42 Pa.C.S. § 62A12.

When Defendant is placed under arrest for violation of the order, Defendant shall be taken to the appropriate authority or authorities before whom Defendant is to be arraigned. A "Complaint for Indirect Criminal Contempt" shall then be completed and signed by the police officer, sheriff or Plaintiff. Plaintiff's presence and signature are not required to file the complaint.

If sufficient grounds for violation of this order are alleged: (1) Defendant shall be arraigned; (2) bond set, if appropriate; and (3) both parties shall be given notice of the date of the hearing.

BY THE COURT:

Judge

Date

If a Final Order of Court is entered pursuant to the consent of the plaintiff and the defendant, both shall sign the order along with their counsel, if any:

(Plaintiff's signature)

(Defendant's signature)

(Plaintiff's attorney's signature)

(Defendant's attorney's signature)

Official Note: Pa.R.C.P. No. 1959(a), (b), (c), and (e) utilize the phrase “shall be identical in content” in reference to the form documents provided under those subparagraphs, which include the Notice of Hearing, the Petition for Protection of Victims of Sexual Violence or Intimidation, the Temporary Order, and the Final Order. In using “shall be identical in content” rather than the more usual phrase “shall be substantially in the following form,” the intent of the rule is to ensure only the relevant information and relief authorized under the Act is incorporated into any third-party generated form document while allowing for stylistic differences as to format and layout.

[Pa.B. Doc. No. 15-1310. Filed for public inspection July 17, 2015, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 5]

Proposed Revision of the Comment to Rule 500

The Criminal Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the revision of the Comment to Rule 500 (Preservation of Testimony After Institution of Criminal Proceedings) for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Jeffrey M. Wasileski, Counsel
Supreme Court of Pennsylvania
Criminal Procedural Rules Committee
601 Commonwealth Avenue, Suite 6200
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All communications in reference to the proposal should be received by no later than Friday, September 4, 2015. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Criminal Procedural Rules Committee

PAUL M. YATRON,
Chair

Annex A

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

PART A. Preservation of Testimony

Rule 500. Preservation of Testimony After Institution of Criminal Proceedings.

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Comment

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“May be unavailable,” as used in paragraph (A), is intended to include situations in which the court has reason to believe that the witness will be unable to be present or to testify at trial or other proceedings, such as when the witness is dying, or will be out of the jurisdiction and therefore cannot be effectively served with a subpoena, **or is elderly, frail, or demonstrates the symptoms of mental infirmity or dementia**, or may become incompetent to testify for any **other** legally sufficient reason.

* * * * *

Official Note: Rule 9015 adopted November 8, 1982, effective January 1, 1983; amended March 22, 1989, effective July 1, 1989; renumbered Rule 500 and amended March 1, 2000, effective April 1, 2001; **Comment revised , 2015, effective , 2015.**

Committee Explanatory Reports:

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Report explaining the proposed Comment revisions refining the definition of “unavailable” to include the elderly published for comment at 45 Pa.B. 3810 (July 18, 2015).

REPORT

Proposed Revision of the Comment to Pa.R.Crim.P. 500

Availability of the Elderly to Testify

Recently, the Committee was asked by the Court to consider the recommendations of Elder Law Task Force

related to criminal procedure. In April 2013, the Court created the Elder Law Task Force to study the issues of access to justice being faced by older Pennsylvanians. In November 2014, the Task Force issued a report with a number of recommendations intended to enhance the way Pennsylvania elders interact with the state court system and are protected in cases involving abuse, neglect, guardianship, conservatorship and other matters.¹ Based on the recommendation of the Task Force, the Court established an Office of Elder Justice in the Courts to implement many of the recommendations in the report as well as an Advisory Council on Elder Justice in the Courts to serve as the judiciary's liaison to the executive and legislative branches.

One of the Task Force's recommendations related to criminal procedural issues is the suggestion that the Comment to Pa.R.Crim.P. 500 (Preservation of Testimony) be revised "to help ensure the testimony of elder victims and witnesses in criminal cases can be preserved."² Rule 500 provides procedures for the pre-trial preservation of testimony of those witnesses who may be unavailable to testify for trial or other proceedings or where, due to exceptional circumstances, it is in the interests of justice to preserve the witness' testimony. Consistent with the Task Force's recommendation, the Advisory Council suggested to the Court that the Rule 500 Comment be revised to further define the phrase "exceptional circumstances" to include the circumstances where the victim is an elder, is frail, or demonstrates the symptoms of mental infirmity or dementia, creating the risk that they will not be able to testify in the future. The Advisory Council also suggested that persons 60 or older be presumed to be elders for purposes of preserving testimony.

The Committee considered that the language of the Comment already is broad enough to cover the situation where a victim/witness would be unavailable to testify due to age-related incapacity such as frailty or dementia. However, the Committee concluded that it would be helpful to explicitly state in the Comment that these conditions are contemplated by the rule. Therefore, the language of the third paragraph of the Comment would be revised as follows:

"May be unavailable," as used in paragraph (A), is intended to include situations in which the court has reason to believe that the witness will be unable to be present or to testify at trial or other proceedings, such as when the witness is dying, or will be out of the jurisdiction and therefore cannot be effectively served with a subpoena, **or is elderly, frail or demonstrating symptoms of mental infirmity or dementia**, or may become incompetent to testify for any **other** legally sufficient reason.

The proposed revision also added the word "other" before "legally sufficient reason" to the final phrase of the paragraph since mental infirmity and dementia are also "legally sufficient reasons" for determining unavailability. The Committee reviewed the suggestion that there be a presumption for that those "age 60 and over" fall within the definition of "elderly" for purposes of constituting "exceptional circumstances," and concluded such a presumption was unnecessary under the criminal rules. It appears that the Advisory Council, in making this suggestion, was attempting to maintain uniformity of its definition of "elderly" with the various state and federal statutes that provide for assistance to the elderly. How-

ever, the purpose of the definition under those statutes, e.g. for the provision of services or prohibition of age-based discrimination, is qualitatively different from the purpose of Rule 500 which seeks to provide for the recording of testimony of a witness who would be unavailable at trial. The Committee concluded that this particular age-based presumption was not consistent with a general competency to testify.

The Task Force also recommended that "Rule 504 (Contents of the Complaint) be amended to include either the date of birth of the victim, or including a check box (to be marked) that identified the individual as an elder (age 60 or over)." The rationale for this change was that this information would be used to obtain statistics of the incidents of elder abuse occurring in the Commonwealth, "and thus further efforts to address the extent of physical and financial abuse against elderly victims." The Committee, after considering the recommended change, agreed not to propose this recommendation. The Committee noted that the purpose of the criminal complaint is as a charging document intended to put the defendant on notice of the charges against him or her and is not a suitable a means of gathering statistical information which could be obtained by other methods. Furthermore, the members expressed concern about the potential for identity theft from including this requirement in a public document. While perhaps not as dangerous as requiring a Social Security Number, the date of birth is a critical personal identifier and requiring it to be placed on a public record is not advisable. It should be noted that nothing in this proposal is intended to preclude the inclusion of a victim age in the complaint's description of the acts of the defendant when the victim's age is an element of the offense charged.

[Pa.B. Doc. No. 15-1311. Filed for public inspection July 17, 2015, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CHS. 100, 200 AND 1200]

Order Amending Rules 206 and 1201—1209, and the Official Notes to Rules 112, 215 and 1210—1211 of the Rules of Civil Procedure before Magisterial District Judges; No. 387 Magisterial Doc.

Order

Per Curiam

And Now, this 29th day of June, 2015, upon the recommendation of the Minor Court Rules Committee; the proposal having been published for public comment at 44 Pa.B. 7642 (December 13, 2014):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 206 and 1201—1209, and the Official Notes to Rules 112, 215 and 1210—1211 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective July 1, 2015.

¹ See *Elder Law Task Force Report*, <http://www.pacourts.us/courts/supreme-court/committees/supreme-court-boards/elder-law-task-force>.

² See Recommendation 36, *Elder Law Task Force Report*, page 236.

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 100. RULES AND STANDARDS WITH RESPECT TO OFFICES OF MAGISTERIAL DISTRICT JUDGES

Rule 112. Availability and Temporary Assignments of Magisterial District Judges.

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Official Note: This rule was amended in 2007 to further provide for availability and temporary assignment of magisterial district judges in civil and possessory actions similar to that provided for in criminal matters. See Pa.R.Crim.P. 117. Nothing in this rule is intended to affect or conflict with the temporary assignment or coverage requirements for criminal matters as specified in the Rules of Criminal Procedure. Unlike the criminal coverage rules, paragraph (A) of this rule is intended to provide for availability only during regular business hours. None of the matters contemplated under paragraph (A) would require after-hours coverage.

This rule is not intended to affect the availability requirements for emergency relief under the Protection From Abuse Act or 42 Pa.C.S. §§ 62A01–62A20. See Pa.R.C.P.M.D.J. Nos. 1201–1211. In addition, the court of common pleas of each judicial district is responsible to ensure that a judge or magisterial district judge “is available on a 24-hour-a-day, 365-day-a-year basis to accept and decide on petitions for an emergency court order under” the Older Adult Protective Services Act. 35 P. S. § 10225.307. Actions commenced under the Older Adult Protective Services Act are governed by statute and local procedures, not by these rules.

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CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

Rule 206. Costs; Proceedings In Forma Pauperis.

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D. This rule shall apply to all civil actions and proceedings except actions pursuant to the Protection from Abuse Act or 42 Pa.C.S. §§ 62A01–62A20.

Official Note: “Execution” costs include those for executing an order for possession. The items constituting taxable costs in appeal or certiorari proceedings will be governed by law or general rule applicable in the court of common pleas.

Under subdivision B, “personal service . . . costs” refers only to personal service since mail costs are to be borne by the plaintiff in all cases in accordance with Section 1725.1 of the Judicial Code, 42 Pa.C.S. § 1725.1.

This rule does not provide for the assessment of filing costs against an unsuccessful plaintiff who has been permitted to proceed in forma pauperis and who remains indigent. See Brady v. Ford, 451 Pa. Super. 363, 679 A.2d 837 (1996).

For special provisions governing actions pursuant to the Protection From Abuse Act, see Sections 6106(b) and (c) of the Domestic Relations Code, 23 Pa.C.S. §§ 6106(b) and (c). For special provisions governing actions seeking relief from sexual violence or intimidation, see 42 Pa.C.S. §§ 62A01–62A20.

E. Proceedings in Forma Pauperis

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Rule 215. Advanced Communication Technology.

Magisterial district judges may authorize the use of advanced communication technology during any civil proceeding or action governed by the Rules of Civil Procedure for Magisterial District Judges.

Official Note: This rule was adopted in 2008 to specify that magisterial district judges may use advanced communication technology in their courtrooms during adversarial proceedings. In an ex parte proceeding, such as an action pursuant to the Protection From Abuse Act, 23 Pa.C.S. [§ 6101 et seq.] §§ 6101–6122, or 42 Pa.C.S. §§ 62A01–62A20 (providing for protection of victims of sexual violence or intimidation), magisterial district judges also may permit the use of advanced communication technology. Limited technology available in some magisterial district courts may preclude the use of certain advanced communication technology options. Compare Pa.R.Crim.P. 119.

CHAPTER 1200. EMERGENCY RELIEF [UNDER THE PROTECTION FROM ABUSE ACT] FROM ABUSE, SEXUAL VIOLENCE OR INTIMIDATION

Rule 1201. Applicability.

The rules in this chapter apply to the exercise by a hearing officer of jurisdiction under Section 6110 of the Protection From Abuse Act, 23 Pa.C.S. § 6110, and Section 62A09 of Title 42, 42 Pa.C.S. § 62A09, to grant emergency relief from abuse, sexual violence or intimidation.

Official Note: See the Protection From Abuse Act set forth in the Domestic Relations Code, 23 Pa.C.S. §§ 6101–[6118] 6122, and 42 Pa.C.S. §§ 62A01–62A20.

The court of common pleas of each judicial district is responsible to ensure that a judge or magisterial district judge “is available on a 24-hour-a-day, 365-day-a-year basis to accept and decide on petitions for an emergency court order under” the Older Adult Protective Services Act. 35 P. S. § 10225.307. Actions commenced under the Older Adult Protective Services Act are governed by statute and local procedures, not by these rules.

This chapter was amended in 2015 to provide procedural rules for protective orders sought for victims of sexual violence or intimidation. See 42 Pa.C.S. §§ 62A01–62A20.

Rule 1202. Definitions.

As used in this chapter:

[“abuse” “adult” and “family or household members” shall have the meanings given to those words in Section 6102 of the Protection From Abuse Act, 23 Pa.C.S. § 6102;]

(1) “abuse” means the occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

(a) attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.

(b) placing another in reasonable fear of imminent serious bodily injury.

(c) the infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false imprisonment).

(d) physically or sexually abusing minor children, including such terms as defined in Chapter 63 of the Domestic Relations Code (relating to child protective services).

(e) knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. This definition applies only to proceedings commenced under the Domestic Relations Code and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).

(2) “adult” means an individual who is 18 years of age or older.

(3) “court” means:

(a) the court of common pleas of the judicial district in which the office of the hearing officer taking action under these rules is located[;] in actions brought under the Protection from Abuse Act, 23 Pa.C.S. §§ 6101–6122, or

(b) the court or magisterial district judge having jurisdiction over the matter in actions brought pursuant to Section 62A09 of Title 42, 42 Pa.C.S. § 62A09 (providing for protection of victims of sexual violence or intimidation).

(4) “family or household members” means spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

(5) “hearing officer” means a magisterial district judge, judge of the Philadelphia Municipal Court, [bail commissioner] arraignment court magistrate appointed under 42 Pa.C.S. § 1123 (relating to jurisdiction and venue), master appointed under 42 Pa.C.S. § 1126 (relating to masters), and master for emergency relief appointed under 23 Pa.C.S. § 6110(e) or 42 Pa.C.S. § 62A09(e) (relating to master for emergency relief).

(6) “intimidation” means conduct constituting a crime under either of the following provisions between persons who are not family or household members:

(a) 18 Pa.C.S. § 2709(a)(4), (5), (6) or (7) (relating to harassment) where the conduct is committed by a person 18 years of age or older against a person under 18 years of age.

(b) 18 Pa.C.S. § 2709.1 (relating to stalking) where the conduct is committed by a person 18 years of age or older against a person under 18 years of age.

(7) “minor” means an individual who is not an adult.

(8) “sexual violence” means conduct constituting a crime under any of the following provisions between persons who are not family or household members:

(a) 18 Pa.C.S. Ch. 31 (relating to sexual offenses), except 18 Pa.C.S. §§ 3129 (relating to sexual intercourse with animal) and 3130 (relating to conduct relating to sex offenders).

(b) 18 Pa.C.S. § 4304 (relating to endangering welfare of children) if the offense involved sexual contact with the victim.

(c) 18 Pa.C.S. § 6301(a)(1)(ii) (relating to corruption of minors).

(d) 18 Pa.C.S. § 6312(b) (relating to sexual abuse of children).

(e) 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

(f) 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

(9) “victim” means a person who is a victim of abuse, sexual violence or intimidation.

Official Note: These definitions are largely derived from 23 Pa.C.S. § 6102 and 42 Pa.C.S. § 62A03.

Rule 1203. Limitation on jurisdiction.

The hearing officer may grant relief under these rules only when the court is unavailable to do so pursuant to the provisions of:

(1) Section 6110 of the Protection From Abuse Act, 23 Pa.C.S. § 6110, [or]

(2) 42 Pa.C.S. § 62A09 (providing for protection of victims of sexual violence or intimidation), or

(3) local rule of court.

Official Note: The limitation in this rule is taken from Section 6110 of the Protection From Abuse Act, 23 Pa.C.S. § 6110, and 42 Pa.C.S. § 62A09.

This rule recognizes and reaffirms the existing practice in many counties. The availability of each court to grant necessary emergency relief [under the Act] will vary greatly, both during the business and non-business day; therefore, it was deemed desirable to permit each court to promulgate such rules as would best serve its specific needs in providing for efficient implementation of [the emergency relief provisions of the Act] emergency relief measures.

Rule 1204. Venue.

A. Except as provided in subdivision B, a proceeding for emergency relief may be brought in a magisterial district within the county in which

(1) the plaintiff resides, either temporarily or permanently, or

(2) the abuse, sexual violence or intimidation occurred.

B. If the relief sought includes possession of the residence or household to the exclusion of the defendant, the action may be brought only in a magisterial district within the county in which the residence or household is located.

Official Note: This rule is consistent with Pa.R.C.P. No. 1901.1 and provides the necessary flexibility to a plaintiff who may have to flee the county of permanent residence to escape further abuse. This rule is intended to provide maximum flexibility to a plaintiff to use a convenient forum to seek an emergency protective order. However, where practicable, plaintiffs should give preference to filing in the magisterial district in which the

plaintiff resides, either temporarily or permanently, or in the magisterial district in which the abuse occurred. A proceeding is considered to have been brought in a magisterial district even if it is before a hearing officer serving temporarily in that district, or before a hearing officer who has been invested by local rule with temporary county-wide jurisdiction.

Subdivision B of this rule only applies to actions brought pursuant to Section 6110 of the Protection From Abuse Act, 23 Pa.C.S. § 6110.

Rule 1205. Persons who may seek emergency relief.

An adult or an emancipated minor may seek emergency relief from abuse, **sexual violence or intimidation** for himself or herself. Also, any parent, adult household member or guardian ad litem may seek emergency relief from abuse, **sexual violence or intimidation** on behalf of minor children. In addition, a guardian of the person of an incapacitated person as defined in 20 Pa.C.S. § 5501 may seek emergency relief on behalf of the incapacitated person.

Official Note: This rule is derived from Section 6106 of the Protection From Abuse Act, 23 Pa.C.S. § 6106, as well as 42 Pa.C.S. § 62A05.

Rule 1206. Commencement of proceedings.

A. A proceeding for emergency relief from abuse, **sexual violence or intimidation** shall be commenced by the filing of a petition by the plaintiff with the hearing officer on a form which shall be prescribed by the State Court Administrator. The petition shall be signed by the plaintiff and shall set forth the names and addresses of the plaintiff and the defendant and the names, addresses and ages of any person on whose behalf the plaintiff is seeking relief. The plaintiff shall also allege in the petition, in general terms, the cause for seeking **emergency relief from abuse, sexual violence or intimidation**.

B. Upon issuance of an emergency order, the hearing officer shall provide the plaintiff with instructions regarding the commencement of proceedings in the court of common pleas and regarding the procedures for initiating a contempt charge should the defendant violate the emergency order. The hearing officer shall also advise the plaintiff of the existence of **rape crisis centers in the county or in nearby counties in the case of sexual violence, as well as** programs for victims of domestic or sexual violence in the county or in nearby counties and inform the plaintiff of the availability of legal assistance without cost if the plaintiff is unable to pay therefor.

C. The petition shall be filed and service shall be made without prepayment of costs.

Official Note: [It was thought desirable to require the petition to be on a simple, prescribed form since this is an emergency proceeding and the plaintiff is apt to be in an excited state at the time of the filing.] Subdivision B is added to assure compliance with the requirement of Section 6110(d) of the Protection From Abuse Act, 23 Pa.C.S. § 6110(d), as well as 42 Pa.C.S. § 62A09(d). Practice varies among the judicial districts as to what procedures the plaintiff must follow to continue in effect a protection order in the court of common pleas upon the certification of an emergency protection order to the court of common pleas. The hearing officer should provide clear instructions to the plaintiff as to what must be done to continue in effect the protection order in the court of common pleas. See Rule 1210 and Note, and Rule 1211 and Note. Subdivision C is

derived from Section 6106(b) of the Act, 23 Pa.C.S. § 6106(b), as well as 42 Pa.C.S. § 62A05(b), and reflects the practice when a temporary order is issued at the common pleas level.

Rule 1207. Hearing.

As soon as possible after the filing of the petition, the hearing officer shall hold an ex parte hearing thereon. The plaintiff may present witnesses at the hearing [, but need not be compelled to disclose the permanent or temporary residence of the plaintiff or minor children]. Neither in the petition nor during a hearing shall the hearing officer require disclosure of the address of a domestic violence program, a rape crisis center, or the plaintiff or victim, as appropriate.

Official Note: [Under Section 6110(a) of the Protection From Abuse Act, 23 Pa.C.S. § 6110(a), the hearing is ex parte, and under Section 6110(b) of the Act, 23 Pa.C.S. § 6110(b) the emergency orders issued by the hearing officer as a result of the hearing are of short duration. Accordingly, there are no provisions in these rules for notice to the defendant prior to the hearing. The hearing need not be held at the office of the hearing officer. The last phrase was added to insure compliance with Section 6112 of the Act, 23 Pa.C.S. § 6112.] The hearing is ex parte, and the emergency order issued by the hearing officer as a result of the hearing is of short duration. See 23 Pa.C.S. § 6110(a)—(b), 42 Pa.C.S. § 62A09(a)—(b). Accordingly, there are no provisions in these rules for notice to the defendant prior to the hearing. The hearing need not be held at the office of the hearing officer. See Rule 215 (permitting the use of advanced communication technology in any civil action or proceeding governed by the Rules of Civil Procedure for Magisterial District Judges.) The last phrase was added to ensure compliance with Section 6112 of the Act, 23 Pa.C.S. § 6112 and 42 Pa.C.S. § 62A11. Nothing in the last phrase is intended to preclude a magisterial district judge from determining that venue is proper pursuant to Rule 1204.

Rule 1208. Findings and protection orders.

A. If the hearing officer, upon good cause shown, finds it necessary to protect the plaintiff [or], minor children, or victim from abuse, [he] **sexual violence or intimidation, the hearing officer** may grant relief in accordance with Section 6110(a) of the Protection From Abuse Act, 23 Pa.C.S. § 6110(a) or 42 Pa.C.S. § 62A09(a), and make any protection orders necessary to effectuate that relief. Immediate and present danger of abuse, **sexual violence or intimidation** to the plaintiff [or], minor children, or victim shall constitute good cause.

B. The hearing officer shall enter on the petition form [his] the findings and any protection orders made or other action taken [by him].

Official Note: Subdivision A of this rule is derived from Section 6110(a) of the Protection From Abuse Act, 23 Pa.C.S. § 6110(a), which permits the hearing officer to grant limited relief in accordance with [Section] 23 Pa.C.S. § 6108(a)(1), (2) and (6) or (1) and (6) [of the Act] (relating to relief), as well as 42 Pa.C.S. § 62A07(b).

Rule 1209. Service and execution of emergency protection orders.

A. The hearing officer shall provide to the plaintiff a copy of a protection order made under Rule 1208. The hearing officer or, when necessary, the plaintiff shall immediately deliver a service copy of any protection order made under Rule 1208 to a police officer, police department, sheriff or certified constable for service upon the defendant and execution. After making reasonable effort, if the executing officer is unable to serve the protection order upon the defendant in a timely fashion, the executing officer shall leave a service copy of the petition form containing the order with the police department with jurisdiction over the area in which the plaintiff resides for service upon the defendant, and shall advise such police department that the order could not be served.

B. When a protection order is issued under Rule 1208 in accordance with 42 Pa.C.S. § 62A09(a), the hearing officer shall:

(1) **within two business days, serve the order upon the police department, sheriff and district attorney in the jurisdiction where the order was entered, and**

(2) **in the case of a minor victim of sexual violence, serve a copy of the petition and order upon the county agency (as defined by 23 Pa.C.S. § 6303) and the Department of Human Services.**

Official Note: The hearing officer should provide the plaintiff with at least one copy of a protection order, but more than one copy may be needed. For example, the plaintiff may wish to serve the order upon multiple police departments when the plaintiff lives and works in different police jurisdictions, etc. If it is necessary for the plaintiff to deliver the protection order to the executing officer, the hearing officer should make sure that the plaintiff fully understands the process and what must be done to have the order served upon the defendant. The hearing officer should make every effort to have the protection order served by a law enforcement officer in a timely fashion. The Rule requires that if the executing officer is unable to serve the protection order in a timely fashion, the executing officer shall leave a service copy of the order with the police department with jurisdiction over the area in which the plaintiff resides. This was thought advisable so that the local police would have a service copy in case they would be called to the plaintiff's residence should the defendant return there. Due to the emergency nature of these protection orders and the fact that to be meaningful they must be served and executed at night or on a weekend, the hearing officer should have the authority to use police officers as well as sheriffs and certified constables to serve and execute these orders. **Protection orders issued under Rule 1208 in accordance with 42 Pa.C.S. § 62A09 (providing for protection of victims of sexual violence or intimidation) are subject to additional service requirements. See Section 6109(a) of the Protection From Abuse Act, 23 Pa.C.S. § 6109(a), and 42 Pa.C.S. § 62A05(d).**

Service shall be made without prepayment of costs. See Rule 1206(C).

Service of protection orders upon the defendant at the time of execution may not be possible under some circumstances.

Rule 1210. Duration of emergency protection orders.

Protection orders issued under Rule 1208 shall expire at the end of the next business day the court deems itself available.

Official Note: This rule is derived from Section 6110(b) of the Protection From Abuse Act, 23 Pa.C.S. § 6110(b), as well as 42 Pa.C.S. § 62A09(b). Practice varies among the judicial districts as to what procedures the plaintiff must follow to continue in effect a protection order in the court of common pleas upon the certification of an emergency protection order to the court of common pleas. The hearing officer should provide clear instructions to the plaintiff as to what must be done to continue in effect the protection order in the court of common pleas. See Rule 1206 and Note, and Rule 1211 and Note.

Rule 1211. Certification to court of common pleas.

A. Any protection order issued under Rule 1208, together with any documentation in support thereof, shall immediately be certified to the court of common pleas by the hearing officer.

B. Certification under subdivision A of this Rule shall be accomplished by sending to the prothonotary of the court by first class mail or messenger a certified copy of the petition form containing the order, with any supporting documentation attached.

Official Note: Certification under subdivision A of this rule is required by Section 6110(c) of the Protection From Abuse Act, 23 Pa.C.S. § 6110(c), as well as 42 Pa.C.S. § 62A09(c). This rule is also consistent with Pa.R.C.P. [No.] Nos. 1901.3(b) and 1953(b), which [permits] permit commencement of an action by filing with the prothonotary a certified copy of an emergency protection order. However, practice varies among the judicial districts as to how the protection order is continued in effect after it is certified to the court of common pleas. For example, some judicial districts may require that the plaintiff appear in person to continue the action in the court of common pleas. Others may automatically commence an action in the court of common pleas upon receipt of a certified copy of the emergency order from the hearing officer. See Rule 1206 and Note, and Rule 1210 and Note.

Depending on local practice, the plaintiff or the plaintiff's representative may act as a messenger under subdivision B of this rule.

FINAL REPORT¹**Recommendation 2-2015, Minor Court Rules Committee****Amendment of Rules 206, 1201—1209, and of the Official Notes to Rules 112, 215, 1210—1211 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges****Protective Orders for Victims of Sexual Violence or Intimidation****I. Introduction**

The Minor Court Rules Committee ("Committee") recommended amendments to Rules 206, 1201—1209, and to the Official Notes to Rules 112, 215, 1210—1211 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges ("Rules"). The amendments establish pro-

¹ The Committee's Final Report should not be confused with the Official Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee's Official Notes or the contents of the explanatory Final Reports.

cedures for protective orders sought for victims of sexual violence or intimidation, as provided for in recent legislation.

II. Background and Discussion

The Committee learned of enacted legislation that permits a victim of sexual violence or intimidation to petition a court for protection from a defendant. *See* 42 Pa.C.S. §§ 62A01—62A20 (“Act”). The Act provides for emergency protective orders for victims of sexual violence and intimidation, in much the same manner as existing emergency protection from abuse orders. The new law takes effect July 1, 2015.

After comparing the provisions of the Act with the Protection from Abuse Act, 23 Pa.C.S. §§ 6101—6122, as well as current Rules 1201—1211, the Committee drafted and recommended amendments to the rules to incorporate the new protective order provisions within existing Rules 1201—1211.

III. Rule Changes

The Committee recommended amending Rules 1201—1211 and the corresponding Official Notes to add references to the new emergency protective orders, add required definitions and statutory references, and make the rules gender neutral. The Committee also recommended deleting the first sentence of the Official Note to Rule 1206, indicating that the “plaintiff is apt to be in an excited state,” as the Committee did not find the observation to be helpful. The Committee also recommended revising the last clause of Rule 1207 to more closely mirror the statutory requirements for nondisclosure of the location of a victim, and adding a sentence to the Official Note to Rule 1207 indicating that nothing in the rule is intended to preclude a magisterial district judge from making a proper determination regarding venue. The Committee also recommended amending Rule 1209 to include service provisions specific to the new emergency protective orders.

Additionally, the Committee recommended updating and adding cross-references to Rule 206, as well as the Official Note to Rule 112. The Committee also recommended adding cross-references to the Official Notes to Rules 215 and 1207 to clarify that the use of advanced communication technology is permitted in hearings on petitions for protective orders.

[Pa.B. Doc. No. 15-1312. Filed for public inspection July 17, 2015, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BERKS COUNTY

Amendments to Local Rules; No. 15-217 Prothonotary; No. CP-06-AD-000023-2015 Clerk of Courts

Order

And Now, this 19th day of June, 2015, the following amendments to Berks County Rules of Civil Procedure 211; 211.1; 211.2; 211.5; 211.6; and 4001; and amendment to Berks County Rule of Judicial Administration 1901 are hereby adopted and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*, in accordance with Pa.R.C.P. No. 239(d) and amendments to Berks

County Rules of Civil Procedure 1028(c); 1034(a); and 1035.2(a) are hereby adopted and shall become effective upon publication on the Pennsylvania Judiciary’s Web Application Portal in accordance with Pa.R.C.P. No. 239.8(d).

(New language is in bold, and removed language is shown by bold and brackets.)

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

1. File one (1) certified copy of this Order, including the newly adopted rules, with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies of this Order, including the newly adopted rules, and one (1) disk copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy of this Order, including the newly adopted rules, with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania.
4. File one (1) certified copy of this Order, including the newly adopted rules, with the Berks County Law Library.
5. Keep continuously available for public inspection and copying, one (1) copy of this Order, including the newly adopted rules, in the Office of the Prothonotary of Berks County.
6. Keep continuously available for public inspection and copying, one (1) copy of this Order, including the newly adopted rules, in the Office of the Clerk of Courts of Berks County.

HONORABLE PAUL M. YATRON,
President Judge

RULES OF JUDICIAL ADMINISTRATION

Rule 1901. Termination of Inactive Cases.

[See Pa.R.C.P 230.2.]

(a) This Local Rule shall apply to all civil and family cases regardless of the nature or extent of the relief sought.

(b) The Prothonotary may initiate proceedings to terminate a case in which there has been no activity of record for two years or more by serving a notice of proposed dismissal of court case.

(c) The Prothonotary shall serve the notice on counsel of record and on the parties if not represented, at least sixty days prior to the date of the proposed termination. The notice shall contain the date of the proposed termination and the procedure to avoid termination. The notice shall be served by mail pursuant to Rule 440 or by electronic transmission pursuant to Rule 205.4(g). If the mailed notice is returned, the notice shall be served by advertising it in the *Reading Eagle* newspaper.

(d) The notice required by subdivision (c) shall be in substantially the following form:

(Caption)

Notice of Proposed Termination of Court Case

The Court intends to terminate this case without further notice because the docket shows no activity in the case for at least two years. You may stop the court from terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed should be filed with Prothonotary of the Court at Berks County Prothonotary,

2nd Floor Courthouse, 633 Court Street, Reading, PA 19601 on or before _____.

IF YOU FAIL TO FILE THE REQUIRED STATEMENT OF INTENTION TO PROCEED, THE CASE WILL BE TERMINATED.

BY THE COURT:

Date of this Notice Prothonotary

(e) The Statement of Intention to Proceed shall be in the following form:

(Caption)

Statement of Intention to Proceed

TO THE COURT:

_____ intends to proceed with the above captioned matter.

Date: _____ Attorney for _____

(f) If no statement of intention to proceed has been filed in the required time period, the Prothonotary shall mark the matter as terminated with prejudice for failure to prosecute.

(g) If an action has been terminated pursuant to this rule, an aggrieved party may petition the court to reinstate the action. All matters so terminated may not be reinstated except with leave of Court, for cause shown.

(h) Following the filing of a Statement of Intention to Proceed, the Court shall schedule a hearing in the subject case to show cause why the case should not be terminated for inactivity.

RULES OF CIVIL PROCEDURE

ARGUMENT COURT

Rule 211. Schedule for Arguments. Matters for Panel. Matters for Single Judge.

Civil Argument Court shall be held on the days as scheduled in the Court calendar for that year, subject to change by court order fixing special argument dates. **As used throughout these rules, including B.R.C.P. 211.1 through 211.7 inclusive, and B.R.C.P. 1028(c), 1034(a), and 1035.2(a), the term "argument court date" shall mean one of the scheduled Civil Argument Court dates listed on the Court calendar, which calendar can be found on-line at www.countyofberks.com/courts.**

(a) Panel list civil matters shall be heard by a panel of judges (consisting of two judges) or by the court en banc.

(b) All other civil arguments shall be heard by a single judge and shall consist of all other matters not specifically designated as Panel List Matters under subsection (a).

Rule 211.1. Ordered or Placed on Argument List.

Preliminary objections shall be ordered for argument court as required by B.R.C.P. 1028(c). All other cases may be ordered for argument court (a) by the party having the burden at argument by filing a praecipe and required documents with the prothonotary on or before the twenty-fourth (24th) day preceding such argument court date; (b) by the party not having the burden at argument by filing a praecipe and required documents with the prothonotary on or before the forty-fourth (44th) day preceding such argument court date; or (c) by special order of the court at any time.

No case shall be ordered or placed on any argument list unless at the day of its ordering the matter is at issue and notes of testimony directed to be filed have been transcribed and filed, unless (a) by agreement of **the parties or their** counsel such transcription is dispensed with and an adequate statement of the material facts has been filed in lieu thereof, or (b) the case is specially ordered for argument by the court.

Rule 211.2. Filing of Praecipe and Briefs.

(a) A party having the burden at argument in a civil case may file a praecipe with the prothonotary ordering that the case be listed for a particular argument court date, except that the date for argument on preliminary objections shall be as provided in B.R.C.P. 1028(c), and shall file simultaneously with the prothonotary the required copies of his brief of argument and a proof of service that copies of such praecipe and brief of argument have been served upon all other parties in the case.

(b) A party not having the burden at argument in a civil case may file a praecipe with the prothonotary ordering that the case be listed for a particular argument court date and shall file simultaneously with the prothonotary a proof of service that copies of such praecipe have been served upon all other parties in the case. The party not having the burden shall not be required to file a brief of argument at the time of filing such praecipe.

(c) A party filing a praecipe for argument shall set forth in writing on such praecipe:

(1) the particular date the case is ordered to be listed for argument, **which date shall be the next argument court date that is at least twenty-four (24) days from the date of filing (if filed by the party having the burden at argument), the next argument court date that is at least forty-four (44) days from the date of filing (if filed by the party not having the burden at argument), or any later argument court date that the party filing the praecipe certifies is agreeable to all parties and the assigned judge.**

(2) the matter to be argued

(3) the party who has the burden at argument

(4) whether it should be argued before a panel of judges under B.R.C.P. 211(a) or a single judge under B.R.C.P. 211(b)

(5) the name of the judge assigned to the case

(d) In those cases where the party having the burden at argument has filed a praecipe for argument and accompanying documents in compliance with the requirements of subsection (a), each opposing party shall file with the prothonotary on or before the Tuesday (or Monday if Tuesday is a holiday) prior to the argument court date the required copies of his brief of argument accompanied by a proof of service that copies of brief of argument have been served upon all other parties in the case. **When the argument date is by agreement of the parties and the assigned judge, unless the assigned judge orders otherwise, each opposing party shall file its argument brief no later than seven (7) days prior to the agreed upon argument date.**

(e) In those cases where a party not having the burden at argument has filed a praecipe for argument and proof of service in compliance with the requirements of subsection (b), the party having the burden shall file with the prothonotary on or before the twenty-fourth (24th) day preceding the argument court date the required copies of

his brief of argument accompanied by a proof of service that copies of briefs of argument have been served upon all other parties in the case. Each opposing party thereafter shall file with the prothonotary on or before the Tuesday (or Monday if Tuesday is a holiday) before the argument court date the required copies of his brief of argument accompanied by proof of service that copies of briefs of argument have been served upon all other parties in the case. **When the argument date is by agreement of the parties and the assigned judge, unless the assigned judge orders otherwise, the party having the burden shall file its argument brief no later than twenty-four (24) days prior to the agreed upon argument date, and each opposing party shall file its argument brief no later than seven (7) days prior to the agreed upon argument date.**

(f) In those cases where the court specially orders a case for argument, the court shall fix the briefing schedule as a part of its order listing the case for argument, or by separate order.

(g) The required copies of briefs of argument to be filed shall be two (2) for cases under B.R.C.P. 211(a) Panel List and one (1) for cases under B.R.C.P. 211(b) Single Judge List.

(h) Where there has not been strict compliance with these rules as to time for filing, content or praecipe and proof of service of praecipe and/or brief of argument, as applicable, the prothonotary shall still accept the praecipe or brief of argument for filing, **[but]** and Court Administration shall **[not]** list the case for oral argument **[until there has been compliance with these rules. If compliance is made on or before the Tuesday (or Monday if Tuesday is a holiday) prior to]** on the requested argument date^[, court administration will list the case for the requested argument date. If compliance is not made by the Tuesday (or Monday if Tuesday is a holiday) prior to the requested argument date, the matter must be relisted by praecipe for the next applicable argument date, along with proof of service of said praecipe]. The non-compliant party, however, shall be prohibited from participating in oral argument before the court unless the non-compliant party timely cures any defects and there is no prejudice to any opposing party, or the court, in its discretion, allows the non-compliant party to participate after good cause is shown.

Rule 211.5. Extension of Time for Filing of Brief. Continuance of Argument. Disposition of Matters Upon Stipulation. Failure to File Brief or Appear at Argument.

(a) If a party is unable to file and serve his brief of argument as required by these rules, or is unable to appear and argue the case when scheduled, such party shall make timely application to the court for an extension of time in which to file and serve his brief and/or for a continuance, and upon good cause shown the court may grant such additional time and/or continue the argument as may be proper under the circumstances.

(1) There can be no extension of time for filing and serving of briefs of argument by agreement of the parties, except that if the praecipe for argument is filed by a party not having the burden, a reasonable extension of time for filing and serving of briefs by the party having the burden will be allowed without cause upon written

stipulation of all parties and order entered thereon by the court and filed at least twenty-four (24) days prior to the argument court date. Except for argument on preliminary objections, a continuance without cause will be allowed one time on any other matter listed for argument, upon written stipulation of all parties and order entered thereon by the court and filed no later than on the Tuesday (or Monday if Tuesday is a holiday) prior to the argument court date.

(2) Unless otherwise ordered by the court because of emergency, any application for extension of time for cause for filing and serving of briefs must be made to the court on or before the due date for filing, and any application for continuance of argument must be made to the court on or before the Tuesday (or Monday if Tuesday is a holiday) prior to the scheduled argument date. A party making either such application must give written notice to all other parties in accordance with B.R.C.P. 211.3(a) of the intended date, time and nature of the application at least three (3) days prior to making such application, except that notice may be waived by such other party who appears before the court at the time such application is made. If the other party does not appear, the party making application shall file proof of service of notice in accordance with B.R.C.P. 211.3(b) at or before the time of making such application.

(3) Disposition of matters in issue for argument may be made by written stipulation of all parties if approved by order entered thereon by the court prior to or at the time of scheduled argument.

(4) The court may order sua sponte that the time for filing of an argument brief be extended, that an argument be continued or that a case be stricken from the argument list.

[(b) If a party fails to file and serve his brief of argument as required by these rules without obtaining a court approved extension of time, the prothonotary shall forthwith deliver the file of the case to the judge assigned to the case, whereupon the judge may consider the position of the party so failing to file and serve his brief as abandoned and, without further notice, order the matter granted or dismissed with prejudice, depending on which party has failed to comply, or act upon the matter in such manner as the court deems appropriate, including the imposition of sanctions for failure to comply with these rules.

(c)] (b) If a party fails to appear and argue his case at the time scheduled, the court may hear argument of one party nevertheless, may consider the position of the party so failing to appear and argue as abandoned and may, without further notice, order the matter granted or dismissed with prejudice, depending on which party has failed to appear, or act upon the matter in such manner as the court deems appropriate, including the imposition of sanctions for failure to comply with these rules.

Rule 211.6. Assignment of Cases for Argument.

(a) At the end of the Tuesday (or Monday if Tuesday is a holiday) preceding the next scheduled argument court date, Court Administration shall prepare the list of all those cases **[ordered for argument and for which there has been compliance with these rules and which are ready]** praeciped for argument, noting the caption, nature of the matter to be argued, names of counsel or parties without counsel, and name of the judge assigned to the case, whether argument is before a panel of judges or a single judge.

(b) Court Administration shall prepare a schedule of assignment of cases designating courtrooms, judges and times that arguments will be heard at argument court, and shall post such schedule by noon of the Thursday (or Wednesday if Thursday is a holiday) preceding argument court in the prothonotary's office and online at www.countyofberks.com/courts, and shall post such schedule on argument court day in the first floor lobby at the Courthouse and County Services Center.

(c) Upon such posting in the prothonotary's office the prothonotary shall **[deliver copies of briefs of argument to]** notify the judge or judges assigned to hear arguments in the respective cases. On argument court day counsel and/or parties shall report directly to the assigned courtroom prior to the time fixed for oral argument for their respective cases.

Rule 1028(c). Preliminary Objections.

(a) A party filing preliminary objections which are not endorsed with a notice to plead, as they involve issues raised under Pa.R.C.P. No.s 1028(a)(2), (3) or (4), shall file simultaneously with the Prothonotary an original and one copy of the preliminary objections, a praecipe for argument, an argument brief and a proposed order granting the relief requested, accompanied by a proof of service of copies of those documents upon counsel for all other parties and any unrepresented parties by first class mail. The praecipe shall order that the **[case] preliminary objections** be listed for argument on **[an] the next argument court date [next following the expiration of] that is at least** twenty-four (24) days from the date of filing, **or any later date that the party filing the praecipe certifies is agreeable to all parties and the assigned judge.** Said argument court date must be in accordance with the **[court] Civil Argument Court calendar [. The court calendar]**, which can be found online at www.countyofberks.com/courts.

(b) A party filing preliminary objections which are endorsed with a notice to plead, as they involve issues raised under Pa.R.C.P. No.s 1028(a)(1), (5), (6), (7) or (8), shall file with the Prothonotary an original and one copy of the preliminary objections, accompanied by a proof of service of copies of the preliminary objections and the completed form of order upon counsel for all other parties and any unrepresented parties by first class mail.

(1) The form of order referred to in paragraph (2) above shall be substantially in the following form, PROVIDED that the bracketed, italicized language is explanatory only and should not appear in the completed form of order served with the preliminary objections:

ORDER

AND NOW, this ____ day of _____, _____, preliminary objections endorsed with a notice to plead having been filed in this matter and served on _____, *[date which appears on the proof of service]* it is hereby ordered that:

(1) Any party wishing to oppose the preliminary objections shall file with the Prothonotary an original and one copy of the answer to the preliminary objections and proof that the answer to the preliminary objections has been served by first class mail upon counsel for all other parties and any unrepresented parties no later than _____. *[In accordance with Pa.R.C.P. 239.5 and 1026(a), which require any party opposing preliminary objections endorsed with a notice to plead to respond thereto within twenty (20) days of service of the prelimi-*

nary objections, the party filing the preliminary objections must here insert a date twenty (20) days after the date listed on the proof of service filed with the preliminary objections, unless counsel and any unrepresented parties stipulate to a different time.]

(2) Depositions and/or any other discovery required for determination of the preliminary objections shall be completed by _____. *[The date inserted shall be no longer than sixty (60) days after the date listed on the proof of service accompanying the preliminary objections.]*

(3) An original and one copy of a brief of argument and proposed order granting the relief requested, along with proof that such documents were served by first class mail upon counsel for all other parties and any unrepresented parties, shall be filed with the Prothonotary by _____ *[the party which filed the preliminary objections]* on or before _____ *[the date inserted shall be no longer than twenty (20) days after the date on which discovery ends].*

(4) Any party opposing the preliminary objections shall file with the Prothonotary an original and one copy of a brief of argument, proposed order and proof that such documents were served by first class mail upon counsel for all other parties and any unrepresented parties, no **[longer] later** than twenty (20) days after the date listed on the proof of service accompanying the brief of the party which filed the preliminary objections.

(5) Argument on the preliminary objections shall be held in the assigned courtroom of the Berks County Courthouse/Services Center on **[an] the next** argument court date **[next following the expiration of] that is at least** twenty-four (24) days from the date of **[such]** filing, **or any later date that the party filing the praecipe certifies is agreeable to all parties and the assigned judge.**

(6) The party which filed the preliminary objections shall serve notice of the entry of this order, along with copies of the signed order bearing the entry date, upon all counsel and any unrepresented parties no later than two (2) business days after receiving a copy of the order.

BY THE COURT:

_____ J.

(2) Following service of copies of the preliminary objections and the above form of order, all counsel and any unrepresented parties should confer and agree upon the dates to be included in the order prior to its submission to the Court for consideration and entry.

(3) The party filing the preliminary objections shall file the original of the completed form of order with the Prothonotary no later than twenty (20) days following service of copies of the preliminary objections and accompanying documents upon counsel for all other parties and any unrepresented parties, whereupon the Prothonotary shall deliver the file of the case to the Court. Nothing in this rule shall preclude the Court from changing the dates set forth in the above-referenced form of order, whether or not such dates were set by agreement of the parties.

(c) If the party filing the preliminary objections fails to simultaneously file any of the additional documents required by paragraphs (1) and (2) above, the Prothonotary shall immediately **[deliver the file of the case to]** notify the Court, whereupon the Court may, **[without further notice]** unless all defects are corrected

within five (5) business days of receipt of the file, overrule the preliminary objections [or direct that no further action shall be taken until those documents are filed].

(d) If an amended pleading is filed in response to preliminary objections, the preliminary objections shall be deemed moot, along with all requirements of this rule relating to discovery and responding to such preliminary objections. Where an argument date has been set, the Prothonotary and Court Administration, Court Information Management Division, shall strike the preliminary objections from the argument list, if any of the following conditions are met:

(1) The amended pleading is filed within twenty (20) days following the date of service of copies of the preliminary objections and accompanying documents as set forth in Pa.R.C.P. No. 1028(c)(1);

(2) The amended pleading is accompanied by or follows the filing of a written stipulation of counsel waiving the time limitation set forth in Pa.R.C.P. No. 1028(c)(1) for the filing of the amended pleading; or

(3) The amended pleading is accompanied by or follows the filing of a court order permitting the amended pleading to be filed notwithstanding the time limitation set forth in Pa.R.C.P. No. 1028(c)(1).

(e) If no amended pleading is filed in accordance with paragraph (4) above, any party opposing preliminary objections which are not endorsed with a notice to plead, as they involve issues raised under Pa.R.C.P. No.s 1028(a)(2), (3) or (4), shall, on or before the Tuesday (or Monday, if Tuesday is a holiday) before the **[next]** argument court date, file an argument brief in response to the preliminary objections, accompanied by a proposed order and proof of service of copies of the argument brief and proposed order upon counsel for all other parties and any unrepresented parties by first class mail. **When the argument date is by agreement of the parties and the assigned judge, unless the assigned judge orders otherwise, the non-moving party shall file its argument brief no later than seven (7) days prior to the agreed upon argument date.**

(f) If any party to whose pleading preliminary objections have been filed fails to file either an amended pleading or a response to the preliminary objections, the Prothonotary shall deliver the file of the case to the Court, whereupon the Court may deem the preliminary objections to have been admitted and, without further notice, either sustain the preliminary objections; hear oral argument and rule upon the preliminary objections; rule upon the preliminary objections without oral argument; or, if an issue of fact is raised, direct that the matter be continued for no more than sixty (60) days for the parties to produce sufficient evidence for the Court to consider in making its ruling.

(g) If preliminary objections are filed which involve issues raised under Pa.R.C.P. No.s 1028(a)(1), (5), (6), (7), or (8) but are not endorsed with a notice to plead and no response thereto is filed, the Court shall deem the preliminary objections to be denied in accordance with Pa.R.C.P. No. 1029(d), and may, without further notice, overrule the preliminary objections, although it may permit the preliminary objections to be re-filed, endorsed with the required notice to plead, no later than twenty (20) days after the order is entered. In the alternative, the Court may hear oral argument from the party that filed the preliminary objections and any other party

wishing to be heard, or, if an issue of fact is raised, may direct that the matter be continued for no more than sixty (60) days in order to permit the party that filed the preliminary objections, and any other party wishing to participate, the opportunity to produce sufficient evidence for the Court to consider in ruling upon the preliminary objections.

(h) If preliminary objections are in the nature of preliminary objections to preliminary objections, the filing, argument and disposition of the second set of preliminary objections shall proceed in accordance with paragraphs (1) through (7) above and oral argument on the first set of preliminary objections shall be continued to the date set for argument on the second set of preliminary objections. If the Court overrules the second set of preliminary objections or does not make a decision on the second set of preliminary objections, the Court may proceed with the consideration and disposition of the first set of preliminary objections in accordance with paragraphs (5) through (7) above immediately after the conclusion of argument on the second set of preliminary objections, or may schedule oral argument on the first set of preliminary objections for a date and time after it has ruled on the second set of preliminary objections.

(i) The Court shall promptly determine all preliminary objections after the argument date, or, if the matter was continued in accordance with paragraphs (6) or (7) above, may re-list the matter for oral argument, request or permit additional argument briefs from the parties or, if an issue of fact is raised, shall consider the evidence produced by the parties.

(j) At the Court's discretion, the preliminary objections may be determined upon the pleadings, any evidence produced and the argument briefs submitted by the parties, without oral argument. Notice thereof shall be provided by the Court to the parties and/or their counsel by letter or telephone at least three (3) business days prior to the scheduled argument date.

Rule 1034(a). Motion for Judgment on Pleadings.

(1) A party filing a motion for judgment on the pleadings shall file simultaneously with the Prothonotary a praecipe for argument and an argument brief, accompanied by a proof of service of copies of the motion, praecipe and brief of argument upon all other counsel and any unrepresented parties by first class mail, all in accordance with the Berks County Rules of Civil Procedure governing Civil Argument Court. The praecipe shall order that the **[case] motion** be listed for argument on **[an] the next** argument court date **[no earlier than] that is at least twenty-four (24) days** from the date of filing, **or any later date that the party filing the praecipe certifies is agreeable to all parties and the assigned judge. Said argument court date must be in accordance with the Civil Argument Court calendar, which can be found online at www.countyofberks.com/courts.**

(2) If a party filing a motion for judgment on the pleadings fails to simultaneously file such praecipe, argument brief and/or proof of service, the Prothonotary shall **[deliver the file of the case to] immediately notify** the Court, whereupon the Court may, **[without further notice, dismiss the motion without prejudice or direct that no further action shall be taken until those documents are filed] unless all defects are corrected within five (5) business days of the receipt of the file, deny the motion.**

(3) If the party filing a motion for judgment on the pleadings complies with paragraph (1) above, the non-moving party shall, on or before the Tuesday (or Monday, if Tuesday is a holiday) before the argument court date, file an argument brief accompanied by a proof of service of copies of the argument brief upon counsel for all other parties and any unrepresented parties by first class mail. **When the argument date is by agreement of the parties and the assigned judge, unless the assigned judge orders otherwise, the non-moving party shall file its argument brief no later than seven (7) days prior to the agreed upon argument date.**

(4) If the non-moving party does not file an argument brief, the Court shall decide the motion based on the record. In doing so, the Court may in its discretion hear oral argument from the party that filed the motion for judgment on the pleadings, but not from the non-moving party.

Rule 1035.2(a). Motion for Summary Judgment.

(1) A party filing a motion for summary judgment shall file the original motion with the Prothonotary, accompanied by a proof of service of copies of the motion upon counsel for all other parties and any unrepresented parties by first class mail. No praecipe for argument shall be filed at the time that the motion is filed.

(2) The non-moving party shall file a response to the motion for summary judgment no later than thirty (30) days after the date of service of the motion in accordance with Pa.R.C.P. 1035.3(a). If no response is filed within that thirty (30) day period, **upon written notice to the Court by the moving party [shall file a motion under], pursuant to Pa.R.C.P. 1035.3(d), [at which time]** the Court may in its discretion grant the motion for summary judgment.

(3) **[If a] At the end of the 30-day response [is filed] period**, any party may list the motion for summary judgment for oral argument by filing a praecipe for argument, accompanied by a proof of service, with the Prothonotary indicating that copies of the praecipe have been served upon counsel for all other parties and any unrepresented parties by first class mail.

(4) If the moving party files the praecipe for argument, an argument brief shall be filed therewith and the case shall be listed for **[an] the next** argument court date **[no earlier than] that is at least twenty-four (24) days thereafter, or any later date that the party filing the praecipe certifies is agreeable to all parties and the assigned judge**, accompanied by a proof of service of copies of the praecipe and argument brief upon counsel for all other parties and any unrepresented parties by first class mail. **Said argument court date must be in accordance with the Civil Argument Court calendar, which can be found at www.countyofberks.com/courts.** The non-moving party shall thereafter file an argument brief on or before the Tuesday (or Monday, if Tuesday is a holiday) before the argument court date, accompanied by a proof of service of copies of the argument brief upon counsel for all other parties and any unrepresented parties by first class mail. **When the argument date is by agreement of the parties and the assigned judge, unless the assigned judge orders otherwise, the non-moving party shall file its argument brief no later than seven (7) days prior to the agreed upon argument date.**

(5) If the non-moving party files the praecipe for argument with a proof of service, the case shall be listed

for **[an] the next** argument court date **[no earlier than] that is at least forty-four (44) days thereafter, or any later date that the party filing the praecipe certifies is agreeable to all parties and the assigned judge**, and the moving party shall file a brief of argument with the Prothonotary on or before twenty-four (24) days prior to the argument court date, accompanied by a proof of service of copies of the argument brief upon counsel for all other parties and any unrepresented parties by first class mail. The non-moving party shall thereafter file an argument brief with the Prothonotary on or before the Tuesday (or Monday, if Tuesday is a holiday) before the argument court date, accompanied by a proof of service of copies of the argument brief upon counsel for all other parties and any unrepresented parties by first class mail. **When the argument date is by agreement of the parties and the assigned judge, unless the assigned judge orders otherwise, the moving party shall file its argument brief no later than twenty-four (24) days prior to the agreed upon argument date, and the non-moving party shall file its argument brief no later than seven (7) days prior to the agreed upon argument date.**

Rule 4001. Discovery Applications/Discovery Master.

[Except as provided in B.R.C.P. Nos. 4004/4005 and 4012/4019 all discovery applications, along with a proposed order for a Rule to Show Cause shall be filed with the prothonotary. The proposed order shall contain a space wherein the court can enter the rule's return date, time and place. If the party to whom the rule is directed fails to file an Answer to the application at or before the time fixed for the return of the rule, upon application by the moving party, the court may order the rule to be made absolute and grant appropriate relief.

If the party to whom the rule is directed files an answer to the application at or before the time fixed for the return of the rule, the court upon application of the moving party, shall schedule a hearing and/or special argument thereon, with or without briefs. If briefs of argument are required by the court, the court shall fix the briefing schedule.] Legal issues relating to discovery applications and protective orders shall not be scheduled for regular argument court or be subject to the briefing schedule provided for in B.R.C.P. 211.2, unless the court specifically so orders. **In order to facilitate the prompt disposition of discovery matters, discovery disputes shall be first processed before a Master as part of the "Discovery Master Program" and shall follow the following procedure:**

(a) **The Board of Judges shall appoint members of the Bar who shall have practiced civil law in Berks County for a minimum of 10 years to serve as Discovery Masters, for an indeterminate term, without compensation, at the pleasure of the Court.**

(b) **Except as provided in B.R.C.P. 4005(b) and 4012, all discovery applications along with a Rule to Show Cause shall be filed with the Prothonotary. The Rule to Show Cause shall contain a space for the Court to enter a return date, time and place. The moving party shall promptly serve the respondent with a copy of the motion and Rule designating the return date, time and place. The moving party must also comply with B.R.C.P. 208.2(e) by certifying that it has conferred in a good faith effort to resolve the discovery dispute, which certification must specifically describe those efforts.**

(c) If the motion is resolved amicably prior to the return day, the motion shall either be withdrawn or a stipulated order shall be submitted to the Prothonotary for submission to the assigned judge. If no opposition is filed, the Discovery Master shall submit a proposed order granting the motion to the assigned judge. If an opposition is filed, the parties shall appear in a courtroom or arbitration room designated on the Friday of the week in which the rule was made returnable, to argue the matter before the Discovery Master scheduled to hear the matter. In the event the Friday of the week in which the rule was made returnable is a Court holiday, the motion shall be argued before the Discovery Master on the following Friday that is not a Court holiday. Briefs in support of and in opposition to the motion may be filed prior to the day on which the motion is to be argued before the Discovery Master.

(d) After hearing argument and considering the motion and answer, and any briefs filed, the Discovery Master shall submit a written recommendation and proposed order to the assigned judge for entry of an appropriate order.

(e) Any party may file an application under this rule to have the case scheduled to a Discovery Management Conference before a Discovery Master. The Discovery Master may recommend a Discovery Management Order, which establishes the following:

(1) A date for completion of all discovery, except for depositions for use at trial;

(2) A date for plaintiff to submit expert reports and curricula vitae of said experts, or answer expert interrogatories; and

(3) A date for defendant to submit expert reports and curricula vitae of said experts, or answer expert interrogatories.

(f) The parties may, by agreement in writing, extend any dates set forth in the Discovery Management Order.

(g) Upon request of any party, for good cause shown, the Discovery Master may recommend an extension of any dates set forth in the Discovery Management Order.

[Pa.B. Doc. No. 15-1313. Filed for public inspection July 17, 2015, 9:00 a.m.]

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 S 1989

Order

And Now, this 29th day of June 2015, Dauphin County Local Rules of Civil Procedure 1915.3(b), 1915.3.1(b), 1915.7(a), 1915.15(c), 1920.43, 1920.51(2) and 1920.51A are amended and Dauphin County Local Rules of Civil Procedure 1920.42 is rescinded as follows:

Rule 1915.3. Custody Actions.

(b) A Custody Action shall include the following attachments:

1. A Seminar Attendance and Custody Conference Scheduling Order in accordance with Local Rule 1915.15(c).

2. Prior Court Involvement Statement in accordance with Local Rule 1931. This form is available at www.dauphincounty.org/government/Court-Departments/Self-Help-Center

3. A Criminal or Abuse History Verification in accordance with Pa.R.C.P. 1915.3-2. This form is available at www.dauphincounty.org/government/Court-Departments/Self-Help-Center.

[4. A Proposed Parenting Plan in accordance with 23 Pa.C.S.A. § 5331. This form is available at www.dauphincounty.org/government/Court-Departments/Self-Help-Center.

5.] 4. Self-Represented Party Entry of Appearance, if not represented by legal counsel, in accordance with Local Rule 1930.8. This form is available at www.dauphincounty.org/government/Court-Departments/Self-Help-Center.

Rule 1915.3.1. Petitions for Modification of a Custody Order.

(b) A Petition for Modification of a Custody Order shall include the following attachments:

1. A Seminar Attendance and Custody Conference Scheduling Order in accordance with Local Rule 1915.15(c).

2. Prior Court Involvement Statement in accordance with Local Rule 1931. This form is available at www.dauphincounty.org/government/Court-Departments/Self-Help-Center.

3. A Criminal or Abuse History Verification in accordance with Pa.R.C.P. 1915.3-2. This form is available at www.dauphincounty.org/government/Court-Departments/Self-Help-Center.

4. Self-Represented Party Entry of Appearance, if not represented by legal counsel, in accordance with Local Rule 1930.8. This form is available at www.dauphincounty.org/government/Court-Departments/Self-Help-Center.

[5. A Proposed Parenting Plan in accordance with 23 Pa.C.S.A. § 5331. This form is available at www.dauphincounty.org/government/Court-Departments/Self-Help-Center.

6.] 5. A copy of the most recent Custody Order, Agreement or Parenting Plan.

1915.7. Agreements and Consent Orders.

(a) Agreements and consent orders filed contemporaneously with the custody complaint:

1. When a custody agreement has been reached prior to the filing of the custody complaint, either party shall file with the Prothonotary the original signed custody agreement simultaneously with the original and one copy of the custody complaint.

2. The custody agreement shall be signed by all parties and the signatures shall be witnessed or notarized **unless the agreement is reached before the Custody Conference Officer or the Court.**

3. The custody agreement shall contain a proposed order of court with a distribution legend.

4. An administrative fee of \$150.00 shall be paid to the Prothonotary in accordance with Rule 1915.3(a) or (b).

5. The Prothonotary shall forward the original custody complaint and the signed and witnessed custody agree-

please contact the Court Administrator's Office at (717) 780-6630. All arrangements must be made at least 72 hours prior to any hearing or conference.

IF ANY PARTY NEEDS AN INTERPRETER AT EITHER THE CUSTODY CONFERENCE OR TRIAL, PLEASE CONTACT THE COURT ADMINISTRATOR'S OFFICE AT (717) 780-6630 AS SOON AS POSSIBLE. IT TAKES A MINIMUM OF FIVE DAYS TO SCHEDULE AN INTERPRETER AND FAILURE TO MAKE A TIMELY REQUEST COULD DELAY THE PROCEEDINGS.

[1920.42. Affidavit Under Section 3301(d)(1) of the Divorce Code.

The affidavit required under Section 3301(d)(1) of the Divorce Code shall be filed with the Prothonotary before it is served. The opposing party must be served with a certified copy of the Affidavit. Moving party must wait a minimum of twenty (20) days after service of the Affidavit before serving the Notice of Intention to File Praecepte to Transmit Record and Counter Affidavit or filing the Waiver of Notice as provided in Pa.R.C.P. 1920.72(c).]

Rule 1920.43. Pre-Hearing Divorce Matters, Special Relief, Advance Distribution, Discovery Issues, Post-Divorce Issues (Other Than Exceptions to Master's Report).

(a) All Petitions for Special Relief and motions raising pre-trial and post-divorce issues other than Exceptions to Master's Report in divorce cases shall be assigned to the Divorce Master.

(b) Any Pre-Hearing or post-divorce Petition or Motion in a divorce matter shall comply with Dauphin County Rule 205.2(a)(3)(b) and shall include the following:

(1) A certification by the filing party that (s)he disclosed the full text of the Petition or Motion and the Proposed Order to all parties by facsimile or electronic communication and that concurrence to both the Petition or Motion and Proposed Order has been given or denied by each party in accordance with Dauphin County Local Rule 208.2(d).

(2) If concurrence to both the Petition or Motion and the Proposed Order is denied by any party or any party has not responded in a timely manner, the Petition or Motion shall be deemed to be contested and the moving party shall attach:

(a) A Rule to Show Cause in accordance with Pa.R.C.P. 206.5;

(b) A Proposed Order;

(c) A Certificate of Service;

(d) A Self Represented Party Entry of Appearance if unrepresented by legal counsel.

(3) If all parties concur, the Petition or Motion shall be deemed to be uncontested and the filing party shall attach the proposed agreed Order.

(c) If the Petition or Motion is deemed to be contested, a Rule to Show Cause shall be issued by a Family Court Judge.

(1) When a response to the Rule to Show Cause is filed, the moving party shall file an original and a copy of a Motion for Appointment of Master with the Prothonotary together with the [\$ 150.00] \$75.00 administrative fee in accordance with Dauphin County Rule 1920.51.

(2) The Prothonotary shall promptly forward the Motion for Appointment of Master to the Court Administrator's Office. A Family Court Judge will appoint the Divorce Master to hear the Pre-Hearing matter.

(3) The Divorce Master will schedule a Pre-Hearing Conference.

(4) If an agreement is reached at the Pre-Hearing Conference, the Divorce Master shall file a Memorandum memorializing the agreement with the Prothonotary and shall forward the agreed Order to a Family Court Judge for review.

(5) If an agreement is not reached at the Pre-Hearing Conference, the Divorce Master shall schedule a hearing.

(6) Following the hearing, the Divorce Master shall file with the Prothonotary a Report and Recommendation and Proposed Order regarding the Pre-Hearing matter within ten (10) days from the date of the hearing. A copy of the Report and Recommendation and Proposed Order shall be mailed to all parties.

(7) The Prothonotary shall promptly forward the Report and Recommendation and Proposed Order to the Court Administrator's Office for assignment to a Family Court Judge to issue an Order.

(8) Within ten (10) days from the date of the Court Order, for good cause shown, e.g. immediate irreparable harm or other extraordinary circumstances, a party may petition the Court to reconsider the Order.

1920.51. Equitable Distribution, Divorce, Annulment, Alimony Pendente Lite, Alimony, Counsel Fees, Costs and Expenses.

(2) An original and a copy of the Motion for Appointment of Master shall be filed with the Prothonotary, together with the administrative fee. **If a Motion for Appointment of Master is filed under Dauphin County Local Rule 1920.43, an administrative fee of \$75.00 shall be paid to the Prothonotary. If a Motion for Appointment of Master is filed under Dauphin County Local Rule 1920.51 and the Master was previously appointed because of pretrial matters, the administrative fee of \$75.00 shall be paid to the Prothonotary. If a Master has not been previously appointed, an administrative fee of \$150.00 [unless this fee has already been paid] shall be paid to the Prothonotary.** The Motion for Appointment of Master shall be in form prescribed by Dauphin County Local Rule 1920.74(a).

1920.51A. Filing Fee; Compensation of Master and Stenographer.

(1) Upon the filing of the Complaint, the plaintiff shall pay to the Prothonotary, in addition to any other charges, an administrative fee in the amount of \$125.00.

(2) A Motion for Appointment of Master and a proposed order shall be in the form prescribed by [Pa.R.C.P. 1920.74] **Dauphin County Local Rule 1920.74(a) and (b) and shall be filed with the Prothonotary. Simultaneously with the filing of the Motion for Appointment of Master in accordance with Dauphin County Local Rule 1920.43, an administrative fee of \$75.00 shall be paid to the Prothonotary. If a Motion for Appointment of Master is filed under Dauphin County Local Rule 1920.51 and a Motion had previously been filed under Dauphin County Local Rule 1920.43, an additional administrative fee of \$75.00 shall be paid to the Prothonotary. If a Motion for Appointment of Master had not been previously**

filed, an administrative fee of \$150.00 shall be paid to the Prothonotary in addition to any other charges. [**Divorce Masters shall be appointed by the Court when the requirements of Dauphin County Local Rule 1920.51(a)(3) have been met.**] If a Motion for Appointment of Master is filed for Post-Divorce issues, an administrative fee of \$150.00 shall be paid to the Prothonotary if this is the first time that a request for a Divorce Master has been made. If a Divorce Master had been previously appointed, the administrative fee is \$75.00.

[(3) Divorce Masters shall be compensated at a rate set by order of court.

(4)] (3) The Court shall pay an appearance fee by a stenographer [**who**] if **one** is hired to record the masters' proceedings. The cost of transcripts shall be borne by the parties.

These amendments shall be effective July 1, 2015 after publication in the *Pennsylvania Bulletin*.

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 15-1314. Filed for public inspection July 17, 2015, 9:00 a.m.]

LEHIGH COUNTY

Administrative Order; Local Rules of Court; No. 2015-J-32

Order of Court

And Now, this 25th day of June, 2015, it is hereby Ordered that effective 30 days after publication in the *Pennsylvania Bulletin*, the following Lehigh County Family Court Rules are Rescinded:

Rule 1920.12 Complaint

Rule 1920.13 Pleading More than One Cause of Action. Alternative Pleading

Rule 1920.16 Severance of Actions and Claims. Interim Relief Program

Rule 1920.31 Alimony, Alimony Pendente Lite, Counsel Fees, Costs and Expenses

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

Rule 1920.55-2 Exceptions to Master's Report

It is further Ordered that effective 30 days after publication in the *Pennsylvania Bulletin*, the following Lehigh County Family Court Rules are Adopted:

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

(a)(3) Where a claim for spousal support and/or alimony pendente lite is made in a complaint for divorce or annulment or in a counterclaim thereto, the party filing a pleading containing such a claim shall:

(i) file at the Domestic Relations Section a time-stamped copy of the pleading and proof of service thereof, a praecipe for conference, and the Domestic Relations data sheet, and

(ii) serve a copy of the request for conference on the opposing party, or if represented, on the attorney of record in the action for divorce or annulment.

* * * * *

(e) The divorce master shall be appointed to consider petitions seeking interim counsel fees and expenses. Such petitions shall be filed with the Clerk of Judicial Records and a time-stamped copy sent to the master.

(1) In addition to the information required to be submitted pursuant to Pa.R.C.P. 1920.31(a)(1), the petition shall include written estimates as to the amounts requested for interim counsel fees and expenses and the basis for the requests.

(2) All averments contained in such petitions shall be deemed denied. However, the respondent shall have a period of twenty (20) days in which to file an answer, which shall be filed and a time-stamped copy sent to Family Court Administration.

(3) The matter shall be scheduled for a conference with the master. After consideration of the petition, the answer, supporting documentation, and argument, the master shall prepare a recommended Order addressing the petition.

(4) A recommended Order which is not based upon agreement of the parties shall provide for twenty (20) days from the filing, during which time either party may file exceptions and demand a hearing de novo before the Court. A time-stamped copy of exceptions filed shall be provided to Family Court Administration for scheduling.

(f) The master shall be appointed to consider petitions for modification of post-divorce alimony. Such petitions shall be filed with the Clerk of Judicial Records and a time-stamped copy sent to Family Court Administration.

(1) The matter shall be scheduled for conference. If the petition is not resolved during the conference, a record hearing shall be scheduled before the master.

(2) The notes of testimony shall be transcribed and a report shall be generated by the master as soon as administratively possible following the hearing.

(3) Either party may file exceptions to the report of the master within twenty (20) days from the date the report is filed of record.

(4) A time-stamped copy of any such exceptions filed shall be provided to Family Court Administration to schedule for argument before a judge and to set a briefing schedule.

Rule 1920.43. Special Relief.

* * * * *

(c) A petition for special relief shall be filed with the Clerk of Judicial Records, and a time-stamped copy delivered to Family Court Administration for scheduling. The master may be appointed to consider such petitions.

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

* * * * *

(f) A Motion for Appointment of a Master as required by Pa.R.C.P. 1920.33 shall be filed with the Clerk of Judicial Records and a time-stamped copy sent to Family Court Administration.

(1) Upon appointment, the master shall schedule an initial conference with counsel for the parties, or with self-represented parties.

(2) At the initial conference, counsel and/or the parties shall supply the master with background information for the case, a list of remaining discovery needs, and suggestions as to an appropriate track for resolving the issues in the case.

(3) Following the initial conference, if appropriate, the master shall prepare a recommended Order directing additional discovery, setting appropriate deadlines and scheduling the matter for further proceedings. Any party dissatisfied with all or any part of a recommended Order may file a written demand for review by the Court pursuant to the remedy and procedure set forth in the Order.

(4) The matter shall then be scheduled for a settlement conference, at which the parties must appear unless excused by the master.

(5) If the case is not resolved following one or more settlement conferences, the matter shall be listed for a hearing over which the master shall preside.

(i) The master shall set deadlines for the filing of pre-trial statements, and Family Court Administration shall schedule the hearing.

(ii) Absent alternative arrangements which may be made by the parties, Family Court Administration shall arrange for the appearance of a stenographer at the hearing.

(iii) The parties shall be responsible for payment of all appearance fees for the stenographer, along with payment of all fees due to transcribe the notes of testimony from the hearing. Unless otherwise allocated, each party to the action shall be responsible for payment of fifty percent (50%) of all stenographic services fees incurred relating to the stenographer's appearance at the hearing and transcription of all notes of testimony from all hearings in the matter.

(iv) Following the hearing, either party may submit proposed findings of fact and/or conclusions of law or other legal memoranda. However, no prejudice shall result from any party's failure to submit such documents.

Rule 1920.55-1. Alternative Hearing Procedures for Matters Referred to a Master.

Pursuant to Pa.R.C.P. 1920.55-1(b), Lehigh County has adopted the procedure set forth in Pa.R.C.P. 1920.55-2 for all divorce/annulment proceedings referred to a master.

Rule 1920.55-2. Master's Report. Notice. Exceptions. Final Decree.

The party filing exceptions shall provide a time-stamped copy to Family Court Administration to schedule argument before a judge and to establish a briefing schedule.

By the Court

CAROL K. MCGINLEY,
President Judge

[Pa.B. Doc. No. 15-1315. Filed for public inspection July 17, 2015, 9:00 a.m.]

NORTHAMPTON COUNTY

**Administrative Order 2015-5 Custody of Exhibits;
C-48CV2015-004903**

Order of Court

And Now, this 3rd day of June, 2015, Northampton County Court of Common Pleas Administrative Order 1997-3—Custody of Exhibits is vacated.

The responsibility for the custody of exhibits entered into the record in all matters of the Court of Common Pleas of Northampton County (Criminal Division, Civil Division, Orphans' Court, Juvenile Court and Domestic Relations) shall now be as follows:

I. Criminal Division.

A. All documentation, photographs and/or digital data storage devices (such as CD and flash drives) which are received in evidence during a hearing or trial of any cause shall be retained during the hearing or trial by the Official Court Reporter. During the hearing or trial, the Official Court Reporter shall be responsible for the custody and safekeeping of all documentation and photographic exhibits, absent a specific directive from the Court. At the conclusion of the hearing or trial, the Official Court Reporter shall be charged with delivering those exhibits to the Clerk of Criminal Court for retention until further Order of Court. With regard to exhibits which contain sensitive or proprietary information, upon application to the Court, the Presiding Judge, upon the agreement of the parties or at the discretion of the Judge, may enter an Order of Court or directive on the record and in the official transcript permitting the party who offered the exhibit to retain possession of an exhibit.

B. All exhibits in the nature of firearms, knives, other weapons, narcotics, controlled substances, other contraband and physical objects entered into the record by the Commonwealth which have been admitted into evidence shall be marked on the evidentiary manifest maintained by the Official Court Reporter, but shall remain in the physical possession of the Commonwealth and/or police prosecutor for safekeeping during recess and at the conclusion of the matter. Thereafter, the retention of such evidence shall remain with the Commonwealth and/or the police prosecutor absent the agreement of the parties or other directive of the Court which must be placed into the official record.

C. In all criminal matters in which documents, photographs, digital data storage devices and/or other physical exhibits shall be retained for transmittal with the official record for appellate review, the Clerk of Criminal Court shall segregate and store such evidence for transmittal with the official file.

D. All court exhibits maintained by the Clerk of Criminal Court shall be sealed and unavailable for public inspection, absent an Order of Court permitting inspection. If a media representative or member of the public desires to inspect or photocopy any court exhibit(s) retained by the Clerk of Criminal Court, the individual shall file a petition with the Presiding Judge or, if the Presiding Judge is not available, with the President Judge, requesting permission to inspect the exhibit(s). The petition shall identify the exhibits sought to be inspected or photocopied, the case to which they are related, and the petitioner's relationship, if any, to the matter in controversy. Upon receipt of the petition, the Presiding Judge/ President Judge shall enter an Order granting the petition, denying the petition, or placing the

matter on a Miscellaneous Hearing List for disposition after notice to the Commonwealth, through the Office of the District Attorney of Northampton County (or other prosecuting agency), record counsel for the Defendant and the Defendant, with notice of the hearing.

E. The official criminal court file, absent exhibits, shall be available for public inspection and available to photocopy without restriction.

II. *Civil Division.*

A. In civil cases, hearing and trial exhibits shall be retained by the Official Court Reporter throughout the hearing or trial, absent other directive from the Court. At the conclusion of the proceeding, the court exhibits shall be filed and stored with the Clerk of Court until final resolution by the appellate courts and/or the time-frame for perfecting an appeal has expired. If an appeal has been taken, the exhibits shall be retained until disposition of the appeal. Once the resolution becomes a final order, the party who offered the exhibits may reclaim them for a period of sixty (60) days, after which the Clerk of Court shall petition the Court for an Order for the destruction or other disposition of said exhibits and place the matter onto a Miscellaneous Hearing List, with notice to the parties.

B. At the conclusion of the hearing or trial, upon the agreement of the parties, the Presiding Judge shall permit the party who offered the exhibits the ability to retain the exhibits. Said agreement should be entered as a written stipulation/order or placed in the official trial transcript.

C. This Administrative Order in no way impacts the administration of exhibits which have been sealed by the Court and retained by the Prothonotary due to their sensitive and confidential nature, such as medical records and psychological records. If a media representative or member of the public desires to inspect or photocopy such exhibits, the individual shall file a petition with the Presiding Judge or, if the Presiding Judge is not available, with the President Judge, requesting permission to inspect the exhibit(s). The petition shall specifically identify the exhibits sought to be inspected or photocopied, the case to which they are related, and the petitioner's relationship, if any, to the matter in controversy. Upon receipt of the petition, the Presiding Judge/ President Judge shall enter an Order granting the petition, denying the petition, or placing the matter on a Miscellaneous Hearing List for disposition after notice to all record parties.

III. *Orphans' Court.*

A. In juvenile delinquency and dependency cases, all files and exhibits maintained by Orphans' Court shall remain sealed and unavailable for public inspection, absent judicial approval.

B. In Orphans' Court matters involving adoption, guardianship, minors and incompetency, because of the sensitive and confidential nature of these matters, all exhibits retained by the Clerk of Orphans' Court shall

remain sealed and unavailable for review by the public. In such matters, if a media representative or member of the public desires to inspect or photocopy exhibits retained by the Orphans' Court, the individual shall file a petition with the Presiding Judge or, if the Presiding Judge is not available, with the President Judge, requesting permission to inspect the exhibit(s). The petition shall specifically identify the exhibits sought to be inspected or photocopied, the case to which they are related, and the petitioner's relationship, if any, to the matter in controversy. Upon receipt of the petition, the Presiding Judge/ President Judge shall enter an Order granting the petition, denying the petition, or placing the matter on a Miscellaneous Hearing List for disposition after notice to all record parties.

C. All estate and tax filings and related exhibits shall be available for inspection and photocopying as a public record, absent directive by the Court.

IV. *Domestic Relations Section.*

A. In Domestic Relations cases, all exhibits entered before the Domestic Relations Hearing Officer, on de novo appeal, or in non-compliance court, shall be placed in the official file for retention by the Domestic Relations Section. Because of sensitive financial, personal and other confidential information contained in domestic relations matters, all files and exhibits shall remain sealed and unavailable for public inspection. If a media representative or member of the public desires to inspect or photocopy a file or exhibit(s) retained by the Domestic Relations Section, the individual shall file a petition with the Director of the Domestic Relations Section, requesting permission to inspect the file and/or exhibit(s). The petition shall specifically identify the exhibits sought to be inspected or photocopied, the case to which they are related, and the petitioner's relationship, if any, to the matter in controversy. Upon receipt of the petition, the Director of the Domestic Relations Section shall confer with the Administrative Judge of the Domestic Relations Section, who shall enter an Order granting the petition, denying the petition, or placing the matter on a Miscellaneous Hearing List for disposition after notice to all record parties.

B. Once the minor children, subject of the support order, have been emancipated and/or the support order has been terminated and the case closed, the Domestic Relations Section shall notify the party offering the exhibits that said exhibit shall be destroyed within thirty days should the party fail to appear at the Domestic Relations Office to reclaim any exhibit. The Domestic Relations Section does not need to apply to the President Judge and/or the Presiding Judge prior to destruction of exhibits consistent with this Administrative Order.

By the Court

STEPHEN G. BARATTA,
President Judge

[Pa.B. Doc. No. 15-1316. Filed for public inspection July 17, 2015, 9:00 a.m.]

RULES AND REGULATIONS

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 29]

[L-2013-2349042]

Motor Carrier Vehicle List and Vehicle Age Requirements

The Pennsylvania Public Utility Commission (Commission), on November 13, 2014, adopted a final rulemaking order amending its current motor carrier passenger regulations to eliminate the vehicle list requirements for taxis and limousines, eliminate the waiver exception for vehicle age limitation for taxis and replace the vehicle age limitation for limousines with a vehicle mileage requirement.

Executive Summary

Section 1501 of the Public Utility Code requires every public utility in Pennsylvania to “maintain adequate, efficient, safe, and reasonable service and facilities” and to “make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public.” 66 Pa.C.S. § 1501. Pursuant to that authority and Section 501 of the Public Utility Code, the Pennsylvania Public Utility Commission (Commission) is amending its motor carrier passenger regulations to ensure the availability of safe and reliable taxi and limousine fleets for the public.

On April 4, 2013, the Commission sought public comment on proposed revisions to its motor carrier regulations in Sections 29.314 and 29.333 in Title 52 of the *Pennsylvania Code*. The Commission analyzed the public comments, reevaluated its proposed regulations, and entered a Final Rulemaking Order on November 19, 2014, wherein the Commission eliminated the vehicle list requirement for taxis and limousines, as the vehicle list did not effectively aid the Commission in enforcement efforts. The Commission also eliminated the vehicle waiver program for both taxis and limousines, finding that the waiver exception no longer served the public interest, as limited Commission resources could be more effectively and efficiently utilized in other areas of motor carrier enforcement. As a result of eliminating the vehicle waiver program, the Commission replaced the 8-year vehicle age limitation for taxis with either a 10-year age limitation or a 350,000 mileage limitation, whichever comes first. The Commission also replaced the 8-year vehicle age limitation for limousines with a vehicle mileage limitation of 350,000 miles. The final regulations also incentivize the use of alternative fuel vehicles (AFVs) by allowing AFVs to operate in taxi service until reaching the age of 12 model years.

Public Meeting held
November 13, 2014

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

*Vehicle List, Age, and Mileage Requirements for Taxis and
Limousines, 52 Pa. Code §§ 29.314(c)—(d), 29.333(d)—(e);
Doc. No. L-2013-2349042*

Final Rulemaking Order

By the Commission:

On April 4, 2013, the Pennsylvania Public Utility Commission (Commission) adopted a Proposed Rule-

making Order seeking to amend our current motor carrier passenger regulations to: (1) eliminate the vehicle list requirements for taxis and limousines in Sections 29.314(c) and 29.333(d); (2) eliminate the waiver exception for vehicle age limitation for taxis in Section 29.314(d); and (3) replace the vehicle age limitation for limousines in Section 29.333(e) with a 200,000 vehicle mileage limitation. See 52 Pa. Code §§ 29.314(c)—(d), 29.333(d)—(e). The Commission proposed these regulations to protect the public interest and to more efficiently and effectively use Commission resources in the regulation of taxis and limousines. Pursuant to the Commonwealth Documents Law, we requested public comment on our proposed regulations. See 45 P.S. § 1201(5). Upon review and consideration of those comments, we issue final-form regulations, as set forth in Annex A of this Order.

Background

In late 2012 and early 2013, the Commission determined that public interest and public safety concerns warranted revising our current regulations and procedures for vehicle list and vehicle age requirements for taxis and limousines under our jurisdiction. Accordingly, on April 4, 2013, we adopted a Proposed Rulemaking Order proposing to: (1) eliminate the vehicle list requirements for taxis and limousines in Sections 29.314(c) and 29.333(d); (2) eliminate the waiver exception for vehicle age limitation for taxis in Section 29.314(d); and (3) replace the vehicle age limitation for limousines in Section 29.333(e) with a 200,000 vehicle mileage limitation. See 52 Pa. Code §§ 29.314(c)—(d), 29.333(d)—(e). Docket No. L-2013-2349042 (Order entered Apr. 5, 2013).

As required by the Regulatory Review Act, the Proposed Rulemaking Order, Executive Summary thereof, and Regulatory Analysis Form were submitted to the Office of Attorney General and the Office of Budget on June 6, 2013, receiving approval by the Attorney General on June 25, 2013. See 71 P.S. § 745. The Proposed Rulemaking Order, Executive Summary, and Regulatory Analysis Form were submitted on October 3, 2013 to the Independent Regulatory Review Commission (IRRC), the Legislative Reference Bureau, and the legislative committees. See 71 P.S. § 745.5a; 1 Pa. Code § 305.1. The Legislative Reference Bureau published the Proposed Rulemaking Order on October 19, 2013 in the *Pennsylvania Bulletin*, providing for a 30-day public comment period. 43 Pa.B. 6203.

Comments

Comments were filed by thirty-two interested parties, including industry representatives and stakeholders, IRRC, and members of the State House of Representatives. As required by the Commonwealth Documents Law, we have reviewed the comments, which we will summarize and discuss, as necessary and applicable, to explain the determination of our final-form regulations. See 45 P.S. § 1202.

IRRC's Comments

In its Comments filed on December 13, 2013, IRRC seeks more information from the Commission regarding the potential financial impact of the proposed regulations on small businesses and carriers. IRRC also seeks more information on costs and/or savings to the regulated community and to the Commission, specifically the expenditure history of the waiver program for the past three

years. Comments at 1-2. IRRC is concerned that eliminating the waiver program for taxis older than eight model years will have “severe consequences for small carriers.” Id. at 3. IRRC expressed concern that allowing a carrier to file a petition for waiver pursuant to 52 Pa. Code § 5.43 would not eliminate the administrative burden, but simply transfer and potentially increase the burden on the Commission and carriers. Id. IRRC asked the PUC to consider delaying the effective date of the regulation to ensure carriers have time to comply with the regulation and avoid experiencing financial hardship. Id.

As to limousines, IRRC encourages the PUC to reevaluate the proposed 200,000 mileage limitation in Section 29.333 to determine the appropriate limit that balances the public interest with the adverse fiscal impact on the regulated community. Id. at 3-4.

Comments from State Representatives

In a letter dated April 18, 2013, State Representative Tim Krieger expressed general support for the proposed regulations for limousine service. In a letter dated December 5, 2013, State Representatives Kerry Benninghoff and C. Adam Harris also supported the Commission’s proposal to utilize a mileage standard over an age standard for limousines.

In a letter dated October 31, 2013, State Representative Thomas Murt endorsed the comments of Willow Grove Yellow Cab t/d/b/a Bux-Mont, which are provided directly as follows. Mr. Murt recommended staggering vehicle inspections, simplifying the waiver process, and utilizing a mileage standard over an age standard.

Willow Grove Yellow Cab t/d/b/a Bux-Mont

Willow Grove Yellow Cab t/d/b/a Bux-Mont (Bux-Mont), which possesses both call and demand and limousine authority, expressed concern that elimination of the waiver process will result in financial hardship in an already difficult economic climate. Comments at 1, 3. Rather than abolish the waiver process, Bux-Mont provided solutions to ease the Commission’s administrative burden, first suggesting that the Commission stagger dates by which taxicab carriers must file waiver requests. Id. at 1-2. Bux-Mont recommended that the Commission combine inspections associated with waiver petitions with other existing enforcement activity, noting repeated visits by Commission staff to Bux-Mont’s facility over a short time period. Id. at 2. Bux-Mont suggests that the waiver process could be improved if the Commission implemented clearer instructions and more specific criteria as to what the Commission expects in a waiver petition. Id.

Bux-Mont limited its comments to taxi service in Section 29.314, but contends that the mileage standard proposed for limousines in Section 29.333 is more reasonable than the age standard and should also be applied to vehicles used as taxis. Id. at 3. An absolute age limit would prevent the use of older, safe vehicles with lower mileage used primarily in suburban and rural areas. Id.

The Greater Pennsylvania Taxicab Association

The comments of the Greater Pennsylvania Taxicab Association (GPTA), which represents 28 taxicab companies providing call and demand service, only addressed proposed changes to call and demand (taxi) service in Section 29.314 of Title 52 of the *Pennsylvania Code*.

Instead of supporting the Commission’s proposed elimination of the vehicle list requirement, Section 29.314, GPTA proposed new language that would require limited reporting of only those vehicles which will exceed the eight year age limitation during the next twelve months. Specifically, GPTA proposed:

(d) *Vehicle list*. [**Between December 1 and December 31**] **During the first quarter** of each **calendar year**, carriers shall provide the Commission with a current list of all vehicles utilized under its call or demand authority **which will exceed 8 model years old during the succeeding twelve months**. The list must contain the year, make, vehicle identification number, **current odometer reading** and registration number for each vehicle.

Comments at 4. In supporting the previous language, GPTA asserted that requiring an annual list only for those vehicles that are about to “age out” will allow PUC Enforcement Officers to better schedule and perform vehicle inspections throughout the upcoming year, thereby resulting in greater efficiencies and cost savings. Id. at 3-4. Requiring the list at the beginning of the calendar year would also avoid any end of the year rush to inspect multiple vehicles. Id. at 4. Instead of entirely eliminating the Commission’s current vehicle age waiver provision and program, GPTA would like “wheels off” inspections conducted for taxis that a carrier has maintained well, but will soon surpass the Commission’s eight year age limitation.

Accordingly, GPTA opposes the elimination of Section 29.314(d)’s language “unless otherwise permitted by the Commission,” which led to the Commission’s waiver program for vehicles older than eight model years, but determined safe after an inspection. Id. at 5, 8. In stressing that age is not necessarily a true indicator of a particular vehicle’s safety, GPTA asserted that age should not be the sole criterion for elimination of a particular vehicle in a taxicab fleet. Comments at 3, 6. GPTA contends that an absolute eight year age limitation with no waiver exception would result in financial hardship to certain taxicab carriers, observing that rural taxicabs are not in constant use and transport individuals over greater distances than vehicles used in metropolitan areas. Id. at 6, 15. GPTA also observed that an absolute eight year age rule prevents companies from using safe, antique vehicles and older vehicles with limited mileage.¹ Id. at 7. An absolute eight year limitation would require faster vehicle turnover and especially impact smaller carriers with less revenue, cash flow, and financial flexibility. See id. at 12-14 (explaining that the 8 year age rule has resulted in the use of vehicles that are under 8 years but have more than 400,000 cumulative miles).

So that age is not used as the sole criterion to determine whether a particular vehicle is safe, GPTA proposed the following language change to Section 29.314(d) to allow for a special “wheels off” inspection for vehicles older than eight model years:

(d) *Vehicle age*. Unless otherwise permitted by the Commission, a vehicle may not be operated in call and demand service which is more than 8 model years old **unless the vehicle is submitted for and passes a special wheels off inspection in the presence of a Commission Enforcement Officer. This inspection shall be in addition to any routine inspection pursuant to the Motor Vehicle Code or 52 Pa. Code § 29.406.**

Comments at 8, 20. Alternatively, GPTA proposed an absolute 10 year vehicle age limitation. Id. at 16-17.

¹ In the Proposed Rulemaking Order, the Commission noted that carriers could still apply for waiver of Commission regulations for vehicles, like antiques, that are older but still safe. GPTA contends that this will result in substitution of one regulation for another and therefore not save administrative costs and resources. See Comments at 9-12.

Central Pennsylvania Taxicab Association

The Central Pennsylvania Taxicab Association submitted comments comprised of a single statement expressing strong support for GPTA's previous comments.

Philadelphia Regional Limousine Association and Lehigh Valley Transportation Service

The Philadelphia Regional Limousine Association and the Lehigh Valley Transportation Service (collectively "the Limousine Association") filed joint comments, pertaining only to the proposed changes to Section 29.333 regarding limousine service. The Limousine Association supports the elimination of the vehicle list requirement for an entire fleet, but suggests that a carrier be required to provide a list of any vehicle that would either "age or mileage out" during the first quarter of the calendar year. Comments at 3-4. Specifically, the Limousine Association proposed retaining Section 29.333(d) with the following language modifications:

(d) *Vehicle list.* [**Between December 1 and December 31**] **During the first quarter** of each calendar year, carriers shall provide the Commission with a current list of all vehicles utilized under its limousine authority **which it anticipates will exceed an odometer reading of 500,000 miles during the succeeding twelve months.** The list must contain the year, make, vehicle identification number, **current odometer reading** and registration number for each vehicle. . . .

Comments at 15. In the same vein as the comments of GPTA regarding modifications to taxi service, the Limousine Association asserted that the previous proposed changes would allow the PUC's Enforcement Division to better manage and schedule special "wheels off" inspections throughout the course of the year. Instead of entirely eliminating the Commission's vehicle waiver provision, the Limousine Association would like "wheels off" inspections conducted for limousines that a carrier has maintained well, but will soon surpass the Commission's mileage limitation.

Accordingly, the Limousine Association opposes the elimination of Section 29.333(e)'s language "unless otherwise permitted by the Commission," which led to the Commission's waiver program for vehicles older than eight model years, but determined safe after an inspection. Specifically, the Limousine Association proposes the following language modifications to Section 29.333(e):

(e) *Vehicle [age] mileage.* Unless otherwise permitted by the Commission, a vehicle **with more than 500,000 miles of cumulative mileage registered on its odometer** may not be operated in limousine service **unless the vehicle is submitted for and passes a special wheels off inspection in the presence of a Commission Enforcement Officer.** **This inspection shall be in addition to any routine inspection pursuant to the Motor Vehicle Code or 52 Pa. Code § 29.406.**

Comments at 15.

In advocating for a 500,000 mileage limitation instead of the Commission's proposed 200,000 mileage limitation, the Limousine Association contended that the annual limousine usage per vehicle averages 60,000. Comments at 10-11. Therefore, the average limousine would reach 200,000 miles in only three and half years. Since the average limousine would reach 480,000 miles in eight years, the Limousine Association proposed a 500,000 mileage limitation. Id. at 10-11, fn. 16. The Limousine

Association acquired these numbers through dissemination of a questionnaire to its members. See id., fn. 17. The Limousine Association concluded that the Commission's proposed 200,000 mileage limitation would result in financial duress its members, who would have to purchase more limousines to comply with the proposed regulation. Id. at 11-12. The Limousine Association contended that consistent routine maintenance ensures the safety of vehicles with higher mileage and mitigates the need to replace those vehicles. Id.

Raymond J. Lech d/b/a Steel City Car Service

Comments were filed by Raymond J. Lech (Mr. Lech) who conducts business under the name Steel City Car Service, a limousine service. Mr. Lech did not object to the elimination of the vehicle list for limousines, but asserted that the 200,000 mileage limitation would create an "unjustifiable financial burden" on small limousine carriers like Mr. Lech. Comments at 2. Mr. Lech asserted that a 350,000 mileage limitation would be fairer and more reasonable, given that many vehicles in the limousine industry accumulate over 300,000 miles before vehicle repairs become too costly to continue operation of the vehicle. Id. Mr. Lech also asked for the postponement of the effective date of the regulation until one year after adoption by the Commission. Alternatively, Mr. Lech requested the possible "grandfathering" of current vehicles, only requiring the final regulation to apply to new vehicles. Id. at 3.

Cranberry/Veterans Taxi and Classy Cab

Cranberry/Veterans Taxi Inc. and Classy Cab Company Inc., both certificated operators of call and demand (taxi) service, filed joint comments objecting to the elimination of the waiver exception to the eight year vehicle age limitation for taxis. Comments at 2. Both carriers plan to replace their current fleet with alternative fuel vehicles with longer expected engine lives—hybrid electric vehicles and vehicles fueled by compressed natural gas (CNG) and propane. Given the expected longer engine lives of those vehicles, the carriers object to elimination of the waiver exception. Id.

Classic Limousine

Classic Limousine Transportation, LLC (Classic Limousine), a certificated provider of limousine service, operates sedans, SUVs, and larger limousines. Classic Limousine opposes the 200,000 mileage limitation, contending that this would have an adverse financial impact on its fleet, wherein many of the vehicles currently have or will soon have over 200,000 miles registered on their odometers. Comments at 2. Classic Limousine believes that a 300,000 mile limitation is reasonable, as well-maintained vehicles can still run safely with that level of mileage. Id. at 3. Classic Limousine objects to the application of mileage requirement on its sedans and SUVs, as its sedans average 50,000-60,000 miles and SUVs average 40,000-50,000 miles annually. Id.

Star Limousine

Star Limousine Services Inc. (Star Limousine), a certificated limousine carrier, has 11 sedans, as well as larger limousines and other vehicles. Since seven out of 11 of Star Limousine's sedans have more than 200,000 miles, Star Limousine asks the Commission not to apply the 200,000 mileage limitation to sedans. Comments at 2. Alternatively, Star Limousine suggests increasing the mileage limitation to 350,000, especially in light of the fact that Star Limousine plans to use CNG and propane-fueled sedans, which have engine lives in excess of 500,000 miles according to Star Limousine. Id. at 2-3.

White Knight Limousine

White Knight Limousine (White Knight), which has provided limousine service since 2001, stated in its comments that the vehicle age requirement for limousines caused White Knight to lose business. White Knight supports the mileage limitation metric, but asks for the mileage requirement to be increased to 250,000 miles.

Regency Transportation Group

Regency Transportation Group, Ltd. (Regency) has provided limousine service since 1996, operating 25 sedans and other larger limousines. Regency has six diesel-fueled Mercedes sedans (five 2014 models and one 2012 model) and expects to purchase more diesel-fueled sedans with expected longer useful lives. Comments at 2. Since Regency averages 75,000 miles per year for each of its sedans, Regency objects to the 200,000 vehicle mileage limitation. Id. at 2-3. Therefore, Regency asks the Commission not to apply the mileage limitation to sedans. Alternatively, Regency suggests a mileage limitation of 300,000 miles. Id. at 3.

Erie Transportation Services

Erie Transportation Services, Inc. (Erie) provides call and demand (taxi) service in the Commonwealth. Erie believes that the proposed regulations will create a substantial and financial burden on Erie, especially in light of Erie's declining business due to declining demand. Comments at 1. Erie asserted that its older cars are regularly maintained through "extensive preventive maintenance" and "daily care." Id. at 2. Accordingly, Erie asks the Commission to consider a "grandfathering" clause for vehicles currently in use or an increase in the vehicle age requirement for taxis from eight to ten years. Id.

Metro Transportation

Metro Transportation of Pennsylvania, LLC (Metro) provides call and demand service. As a small business, Metro only operates one car at a time. Comments at 1. Metro voiced similar financial concerns as Erie, and also asked the Commission to consider a "grandfathering" clause for vehicles currently in use or an increase in the vehicle age requirement for taxis from eight to ten years. Id. at 2.

A-1 Limousine

As one of the larger certificated carriers, A-1 Limousine, Inc. operates a fleet with over 200 vehicles. Comments at 1. A-1 Limousine objects to the 200,000 vehicle mileage limitation due to expected significant financial hardship. Id. A-1 explained that it routinely accrues 10,000 miles a month per vehicle and can easily maintain its vehicles within industry guidelines and specifications through the use of ASE (Automotive Service Excellence) certified mechanics. Id. Therefore, A-1 Limousine asserted preference for an age standard over a mileage standard. Id. at 2.

A. Royal Limousine

As a small limousine company, A. Royal Limousine LLC (A. Royal) asserted that it can safely maintain older vehicles, which continue to pass Pennsylvania's annual inspection. Since A. Royal's older Lincoln stretch limousines are cost effective and safe for at least 250,000 to 300,000 miles, A. Royal "wholeheartedly" agreed with the Commission's proposal to replace the age standard with the mileage standard.

Fantasy Limousine Service

Fantasy Limousine Service, Inc. (Fantasy) operates a fleet with one Model Year 2000 Lincoln Town Car and 10

stretch limousines. Fantasy endorses the Commission's mileage proposal, as more practical and more in line with the mission of the Commission.

Haines Transportation Services

Haines Transportation Service, Inc. d/b/a Michael's Classic Limousine (Haines) fully supports the Commission's replacement of the vehicle age standard with a mileage standard. Comments at 1. Haines asserts that a 2003 and 2011 Lincoln Town Car are nearly visually and functionally identical. Id. Haines stated that many sedans travel over 70,000 miles in one year. Id. at 2. Since most of those miles involve highway travel, the wear and tear on the sedans is minimal. Id. Therefore, Haines believes a 300,000 vehicle mileage limitation is more appropriate than a 200,000 mileage limitation. Id.

Infinity Limousine

Infinity Limousine, Inc. (Infinity) noted that its sedans accumulate mileage at a higher rate than its stretch limousines. Therefore, Infinity requested that the vehicle mileage limitation be increased from 200,000 to 250,000 miles.

Jetway Transport

Jetway Transport, Inc. d/b/a Main Line Taxi & Limousine Company (Jetway) commented only on the Commission's proposal to replace the vehicle age limitation for limousines with a vehicle mileage limitation. Jetway asserted that it would experience financial hardship as a result of the 200,000 vehicle mileage limitation, as many of Jetway's limousines use between 40,000 and 60,000 miles per year. Therefore, Jetway asked the Commission not to replace the vehicle age limitation with a mileage limitation.

Limousines For Less

As a certificated limousine carrier, Limousines For Less, Inc. (Limos For Less) staunchly opposes the proposed 200,000 vehicle mileage limitation due to expected financial hardship. Accordingly, Limos For Less asked the Commission not to replace the age standard with the mileage standard.

Parrish Transportation

Parrish Transportation expressed frustration with the Commission's current waiver program for limousines and asked the Commission to conduct random inspections instead of the time-consuming and stressful waiver process.

Reliable Limousine Service

Reliable Limousine Service (Reliable) operates only one vehicle, a 1994 Lincoln stretch limousine that travels less than 3,000 miles per year. Reliable expressed frustration that the proposed rules could put Reliable out of business, as Reliable could not afford to purchase another vehicle.

Rhoads Limousine Service

Rhoads Limousine Service, Inc. (Rhoads) expressed concern about the 200,000 mileage limitation since most of Rhoads' vehicles acquire 350,000 miles during the first five to six years of service. Comments at 1. Rhoads conducts strict routine maintenance and checks for safety-related defects every 5,000-6,000 miles per vehicle. Id. In expressing concern that the mileage limitation could put small companies like Rhoads out of business, Rhoads asked the Commission to increase the mileage limitation to at least 350,000 miles. Id. at 2. Rhoads also

contended that the 200,000 mileage limitation per vehicle would cause rates for customers to increase by 20-25%. *Id.*

Ruffo's Auto Repair

Ruffo's Auto Repair (Ruffo's) fully supports the Commission's proposal to replace the vehicle age requirement with a vehicle mileage requirement for limousines. Ruffo's stated that it has a 1997 Lincoln Town Car with 38,000 miles.

South Shore Limousine

South Shore Limousine, LLC (South Shore) expressed concern that the proposed 200,000 vehicle mileage requirement for limousines would cause South Shore unnecessary economic hardship. Comments at 1. South Shore has two vehicles, including a well-maintained, 2007 Stretch Lincoln Town Car with 224,000 miles. *Id.* South Shore ensures the safety of its limousines through inspections by state-certified mechanics, preventative maintenance, and daily care. *Id.* at 1-2. Accordingly, South Shore does not support the 200,000 mileage limitation and requested a "grandfathering clause" to provide smaller carriers with more time to invest in new vehicles. *Id.* at 2.

Unique Limousine

Unique Limousine stressed that the safety of a limousine should not be determined by mileage alone, asserting that use and maintenance are the most important aspects to longevity of a vehicle. Unique Limousine stated that the Commission's 200,000 mileage limitation would cause limousines to increase rates, thereby financially burdening the general public and make limousine service unaffordable to the middle class. Therefore, Unique Limousine proposed a 500,000 vehicle mileage limitation.

Classic British Limousine Service

Classic British Limousine Service, Inc. (British Limousine) fully endorsed the Commission's proposal to replace the vehicle age with a vehicle mileage limitation, finding the current waiver application process time-consuming and expensive.

A-1 Altoona Taxi

A-1 Altoona Taxi expressed concern that elimination of the Commission's waiver program for taxis older than 8 model years would result in undue financial hardship on call and demand carriers in the Commonwealth. A-1 Altoona Taxi asserted that age is not a good indicator of a vehicle's safety and that annual wheels off inspections, as well as random Commission inspections, would still ensure the safety of vehicles on the road.

AA Taxi Inc.

AA Taxi Inc. (AA Taxi) asserted that elimination of the Commission's waiver program would result in undue hardship on AA Taxi, who needs to utilize older taxis to stay in business. Comments at 1. AA Taxi believes Pennsylvania's annual inspections will ensure the safety of older vehicles. *Id.* Understanding that the PUC's waiver program consumes time and resources, AA Taxi proposed a streamlined waiver program, wherein the carrier files all pictures and documentation online at an earlier deadline. *Id.* at 2. If the PUC insists on eliminating the waiver program, AA Taxi asked the Commission to delay enactment of the new regulations until the beginning of 2015. *Id.*

City Car Services of NJ LLC

City Car Services of NJ LLC (City Car), a certificated limousine carrier, expressed concern that the 200,000

vehicle mileage limitation would create economic hardship on its business and the citizens of Pennsylvania. Accordingly, City Car staunchly opposed the mileage limitation and requested that the vehicle age limitation remain intact.

Discussion

Upon thorough review of the previous comments filed by the interested parties, the state representatives, and IRRC, we are ready to issue final-form regulations. See 45 P.S. § 1202; see 66 Pa.C.S. § 501(b) (providing the Commission the power to make regulations, as may be necessary or proper in the exercise of its powers and performance of its duties). In this effort to create reasonable regulations through the use of fair metrics that balance the interests of the motor carriers, the consumers, and the public, the Commission focused on its Mission Statement, which states:

The Pennsylvania Public Utility Commission balances the needs of consumers and utilities; ensures safe and reliable utility service at reasonable rates; protects the public interest; educates consumers to make independent and informed utility choices; furthers economic development; and fosters new technologies and competitive markets in an environmentally sound manner.

The Pennsylvania Public Utility Commission, About the PUC, available at http://www.puc.pa.gov/about_puc.aspx; see 66 Pa.C.S. § 1301 (requiring public utility rates to be just and reasonable); see also 66 Pa.C.S. § 1501, 2301 (requiring adequate, efficient, safe, and reasonable services and facilities for common carriers).

Pennsylvania Case Law

The Commonwealth Court has recently analyzed the regulations at issue in this rulemaking, providing helpful, concrete guidance and rules of law. See *Keystone Cab Serv. v. Pa. Public Utility Commission*, 54 A.3d 126, 128 (Pa. Cmwlth. 2012) (observing that the Commission carefully considered comments from the industry during the rulemaking process). In *Keystone Cab*, the appealing taxi carrier argued that the PUC could not impose stricter safety standards for vehicles used in public taxicab service than the Pennsylvania Department of Transportation (PennDoT) imposes on private vehicles for state inspections. *Id.* at 129. Importantly for purposes of this rulemaking, the Court clarified that PennDoT only establishes "minimum standards" for private vehicles. *Id.* (quoting 75 Pa.C.S. § 4101). The Court then held that the PUC may, under its statutory mandate in the Public Utility Code, impose stricter safety standards for vehicles used in public taxicab service. *Id.* at 128-129 (citing *Harrisburg Taxicab & Baggage Co. v. Pa. PUC*, 786 A.2d 288, 292 (Pa. Cmwlth. 2001), (citing 66 Pa.C.S. § 501, § 1501)).

In *Keystone Cab*, the Court observed that the correlation between a vehicle's age and mileage and its reliability and safety is a matter of common sense and practical experience. *Id.* at 129. Accordingly, the Court held that the Commission acted well within its statutory authority in imposing the eight-year age limitation on licensed common carriers. *Id.* at 128. Furthermore, the decision as to whether or not a carrier must replace a vehicle after eight years is a decision within the regulatory purview of the Commission and not a decision reserved exclusively to the carrier's management. *Id.*

Vehicle Age and Mileage Standards in Other Jurisdictions

Vehicle age and mileage requirements for taxis and limousines vary significantly by jurisdiction. Unlike the

PUC's statewide statutory reach through urban, suburban, and rural service territories, the jurisdiction of many taxi and limousine commissions is limited to a confined, densely populated metropolitan area. Regulations tend to be stricter in more metropolitan areas and less stringent in more rural areas, where taxis and limousines may only be subject to inspections and not age/mileage limitations.

The Philadelphia Parking Authority (PPA), which regulates taxis and limousines operating in Philadelphia County, requires a taxicab to retire upon surpassing the age of eight model years or 250,000 miles. 52 Pa. Code § 1017.4(a).² The PPA also has more extensive rules for vehicle entry mileage and basic vehicle standards. 52 Pa. Code §§ 1017.4(b), 1017.5. The PPA's vehicle age/mileage rules do not have language similar to the Commission's current "unless otherwise permitted" language that created the waiver program. However, the PPA does allow for petitions for waiver for antique vehicles. See 52 Pa. Code § 1017.4(c). As to limousines, the PPA does not allow a limousine older than eight years to operate. 52 Pa. Code § 1055.3(b) (providing an exception for antique limousines that pass a compliance exception). The PPA also has a 350,000 cumulative mileage limitation for limousines. 52 Pa. Code § 1055.3(c) (allowing a one year extension for vehicles that pass a compliance inspection).

Similar to the PPA, the District of Columbia Taxicab Commission has a dual mileage/age approach for taxis. Effective January 1, 2018, a vehicle may not operate in taxicab service in D.C. if the vehicle is more than 7 model years old or has accumulated in excess of 400,000 miles.³ The Code of the Metropolitan Government of Nashville and Davidson County Tennessee⁴ requires that a taxicab must be no older than nine model years. Ord. No. BL2011-81, Ch. 6.72.245. There is no mileage limit for taxis. A limousine must be no older than 10 model years or must not have more than 350,000 miles registered on its odometer. Ord. No. BL2011-81, Ch. 6.72.245, Ch. 6.74.230.

In New York City, the New York City Taxi & Limousine Commission (TLC) promulgated a general rule that taxicabs must retire after 60 months (five years) of service. 35 R.C.N.Y. § 67-18(b). There are retirement date extensions, including a 12 month extension of allowable service for demonstration of a financial hardship by an independent taxicab owner or long-term driver, a 24 month automatic extension for use of a CNG vehicle, specific minivan extensions, and specific extensions for clean air and wheelchair accessible taxicabs. 35 R.C.N.Y. § 67-18(b). While there are no general mandatory vehicle age restrictions for limousines, there are significant vehicle alteration regulations as well as specific retirement schedules for certain vehicles. 35 R.C.N.Y. § 59A-28(a), (d). A limousine must be removed from service if the TLC or the New York State Department of Motor Vehicles determines the vehicle is unsafe or unfit for use. 35 R.C.N.Y. § 59A-27(a)(1).

In contrast to the previous metropolitan area commissions, Arizona regulates the licensing of taxis and limousines on a statewide basis. Finding that the regulation of taxis and limousines is a statewide concern, Arizona preempts the regulation of taxis and limousines at the local level, unless conducting business at a public airport.

² PPA's hybrid age and mileage limitation approach was approved by IRRC and therefore enjoys a presumption of reasonableness.
³ See <http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleID=15440>.
⁴ The Transportation Licensing Commission licenses taxis and limousines in Nashville and Davidson County. See <https://law.resource.org/pub/us/code/city/tn/Metropolitan%20Government%20of%20Nashville%20and%20Davidson%20County,%20TN%20Code%20thru%20supp%20%2313%20VOL%20I.pdf> at p. CD6.74:9.

A.R.S. § 28-142.⁵ The Arizona Department of Weights and Measures, which processes licenses for taxi and limousine operation throughout the state, does not have specific mileage and age limitations for taxis and limousines, but requires vehicle inspection appointments and vehicle maintenance records.⁶

Industry Statistics on Vehicle Age and Mileage for Taxis and Limousines

In 2012, the Taxicab, Limousine & Paratransit Association (TLPA)⁷ issued two comprehensive reports on statistics in the taxicab industry and the limousine and sedan industry. The TLPA determined that the average annual total miles per taxi in 2011 was 53,409.⁸ In the year 2011, the average model year for taxis was 2005.6.⁹ For taxis in fleets with less than 24 vehicles, the average model year was 2003.9.¹⁰ The average age limit was 8 years overall, but 10 years for taxis in fleets with fewer than 24 vehicles.¹¹ For 51.2% of the members surveyed in TLPA's study, there was no applicable age limit for taxis.¹²

The TLPA determined that the average annual total miles was 29,367 for SUVs, 46,804 for sedans, and 15,163 for stretch limousines.¹³ The TLPA did not acquire statistical information on the average ages of limousines and sedans, but did conclude that new sedans and new SUVs were purchased much more frequently in 2011 than new stretch limousines.¹⁴

Technology and Safety Standards and Considerations

Over time, motor vehicles have become safer due to improved safety technologies and features, some of which are mandatory under the law. The National Highway Traffic Safety Administration, part of the United States Department of Transportation, promulgates Federal Motor Vehicle Safety Standards and Regulations.¹⁵ Historic safety technologies included seat belts, improved lighting, airbags, and anti-lock brakes. Modern improvements, such as side airbags have contributed to a substantial reduction in death risks in cars and SUVs.¹⁶ More recent safety technology features include Electronic Stability Control (assists in braking), Automatic Crash Notification (alerts emergency responders), Lane Departure Warning, Backup Cameras (sensors detect vehicles behind), Forward Collision Warning (sensors that detect vehicles ahead), and Frontal Pedestrian Impact Mitigation Braking (automatic braking to help avoid impact with pedestrian).¹⁷ Since 1975, the rate of motor vehicle crash deaths per 100,000 people has declined by about half.¹⁸ This decrease in death rate has been largely attributed to safer vehicles with improved safety technology.¹⁹ Since safety technology continues to improve (and often becomes mandatory in new vehicle construction), the newer

⁵ There have been legislative efforts to amend this preemption statute. See 2014 AZ H.B. 2262 (NS).
⁶ See <http://www.azdwm.gov/?q=resource/vehicles-hire-licensing>.
⁷ The TLPA is the leading national association for information, education, and legislative resources in the passenger transportation industry. <http://www.tlpa.org/about/index.cfm>.
⁸ 2012 TLPA Taxicab Fact Book: Statistics on the U.S. Taxicab Industry (Sep. 2012), at p. 3.
⁹ Id.
¹⁰ Id.
¹¹ Id.
¹² Id.
¹³ 2012 TLPA Limousine & Sedan Fact Book: Statistics on the U.S. Limousine & Sedan Industry (Sep. 2012), at p. 10.
¹⁴ Id. at 11.
¹⁵ See <http://www.nhtsa.gov/Laws-Regs>.
¹⁶ See <http://www.iihs.org/iihs/news/desktopnews/side-airbags-substantially-reduce-death-risk-in-cars-and-suvs-those-that-protect-peoples-heads-are-especially-effective>.
¹⁷ Safercar.gov, Safety Technology, available at http://www.safercar.gov/statistics/safety-tech/st_landing_ca.htm.
¹⁸ The Insurance Institute For Highway Safety, General Statistics, Fatality Facts, available at <http://www.iihs.org/iihs/topics/t/general-statistics/fatalityfacts/overview-of-fatality-facts>.
¹⁹ See, e.g., <http://www.iihs.org/iihs/news/desktopnews/declining-death-rates-due-to-safer-vehicles-not-better-drivers-or-improved-roads>.

the vehicle, the safer the vehicle. With these safety and technology considerations in mind, we will discuss and dispose of the public comments in rendering our final-form regulations.

Disposition of Comments to Call and Demand (Taxi) Service Regulations

Vehicle List Requirement at 52 Pa. Code § 29.314(c)

Very few commenters specifically discuss, let alone oppose the Commission's proposed elimination of the vehicle list requirement at 52 Pa. Code § 29.314(c). Instead of completely eliminating the vehicle list requirement, GPTA proposed new language that would require limited reporting of a carrier's vehicles that will exceed the eight year age limitation during the next twelve months in order to schedule an inspection that would potentially result in a waiver of an older vehicle deemed safe upon completion of a "wheels off" inspection. Comments at 3-4. We appreciate GPTA's efforts to create a more efficient system that would potentially allow older, yet safer, vehicles to still operate. However, GPTA's desire for the vehicle list hinges on the Commission's decision to maintain the waiver program. We find that elimination of a formal waiver program, as discussed as follows, and elimination of the vehicle list requirement is in the public interest. As discussed in our Proposed Rulemaking Order, the vehicle list requirement proved to be an ineffective tool at allowing Commission staff to maintain up-to-date, accurate information of a carrier's fleet for the purpose of aiding in Commission enforcement efforts. See Docket No. L-2013-2349042 at p. 4-5 (Order entered Apr. 5, 2013). Accordingly, in light of our findings and minimal opposition in the comments, we will eliminate the vehicle list requirement at 52 Pa. Code § 29.314(c). See Annex A.

Vehicle Age Requirement at 52 Pa. Code § 29.314(d)

The Commission's proposal to eliminate the waiver exception for taxis older than eight model years did receive some disapproving comments, mainly from carriers asserting that elimination of the waiver exception would cause financial hardship to carriers. See Bux-Mont Comments at 1, 3 (endorsed by State Representative Thomas Murt); GPTA Comments at 6, 15 (endorsed by Central Pennsylvania Taxicab Association); Cranberry/Veterans Taxi and Classy Cab Comments; Erie Comments at 1; Metro Comments at 1-2; A-1 Altoona Taxi Comments; AA Taxi Comments at 1. Due to these assertions by the taxi carriers who submitted comments,²⁰ IRRC expressed concern that elimination of the waiver exception could result in severe consequences for those carriers. Comments at 3. IRRC and some taxi carriers asked the Commission to delay the effective date of the proposed regulations in order to provide the carriers with time to comply with the regulation and avoid experiencing financial hardship. IRRC Comments at 3; Erie and Metro Comments at 2 (requesting a "grandfathering clause" for older vehicles currently in service); AA Taxi Comments at 2.

While we are very sensitive to the financial concerns of the smaller carriers, we must strike a balance between the financial needs of the carriers and our public safety obligations to consumers. Accordingly, we have proceeded deliberately with the implementation of this rulemaking, carefully reviewing the public comments in response to our April 5, 2013 Proposed Rulemaking Order before issuing this Final Rulemaking Order. Furthermore, we will delay the effective date of these final-form regula-

tions until six months after the regulations are published in the *Pennsylvania Bulletin* to allow time for carriers to adapt to these new public safety standards.

Also, throughout the 2014 calendar year we have been and will continue to accept waiver applications from carriers requesting to use vehicles older than eight model years in taxi service for the 2015 calendar year. We will allow vehicles whose 2014 waiver applications were approved to be used in taxi service throughout the course of the 2015 calendar year. However, we will not accept and process waiver applications in the 2015 calendar year from carriers requesting to use older vehicles for the 2016 calendar year. Thus, the last day a vehicle older than eight years, whose waiver application was approved, could be used in taxi service is December 31, 2015. We believe this timeframe is more than sufficient to allow carriers to prepare and invest accordingly.

Instead of eliminating the waiver exception, some carriers suggested that the Commission maintain the waiver program and stagger dates by which taxicab carriers must file waiver requests. Bux-Mont Comments at 1-2; see also AA Taxi Comments at 2 (suggesting electronic filing of documents and pictures of vehicles with waiver requests). Then, the Commission's Enforcement Officers could conduct "wheels-off" inspections for taxis that will soon surpass the Commission's eight model year age limitation. GPTA Comments at 4-5 (endorsed by Central Pennsylvania Taxicab Association); A-1 Altoona Taxi Comments. Commenters suggest this process would be fairer, result in greater efficiencies and cost-savings, and ease the Commission's administrative burden by allowing Enforcement Officers to conduct inspections alongside other enforcement activities. Bux-Mont Comments at 1-2; GPTA Comments at 4-5.

We appreciate these alternative proposals from the commenters. However, upon further examination, we find that maintaining the waiver program through the use of staggered inspections does not sufficiently remove the administrative burden and save costs. Simply put, the Commission's current complement of Enforcement Officers do not have the time and availability to conduct multiple "wheels off" inspections for taxis at staggered intervals throughout the year. The Commission's 40 Enforcement Officers are responsible for conducting investigations, safety audits, and driver/vehicle inspections in all 67 counties. The bulk of an Enforcement Officer's inspection time is spent on large commercial vehicles, including large trucks, buses, and full-size motor coaches under the federal Motor Carrier Safety Assistance Program (MCSAP) program. The job duties of an Enforcement Officer also include issuing traffic and non-traffic citations and recommending Commission complaints; providing testimony at Commission hearings, District Justice hearings, and County Common Pleas Courts; conducting safety fitness reviews of motor carrier applicants; preparing detailed reports of investigations and inspections with analyses and recommendations; maintaining the high condition and functionality of an assigned patrol vehicle; and flexibility to travel and work outside assigned counties. Enforcement Officers must also maintain an effective knowledge of pertinent Public Utility transportation statutes and regulations, the Pennsylvania Motor Vehicle Code, the Pennsylvania Department of Transportation Vehicle Equipment and Inspection Manual, the Federal Motor Carrier Safety Regulations, and the Hazardous Material Regulations. Therefore, the Commission does not have the personnel to conduct additional inspections on the vehicles of small passenger carriers.

²⁰ We note that not all Commission-licensed call and demand carriers or interested parties submitted comments.

Some commenters questioned the regulatory metric, contending that a vehicle's age is not a true indicator of a vehicle's safety. A-1 Altoona Taxi Comments; GPTA Comments at 3, 6. We disagree, as correlation between a vehicle's age and its reliability and safety is a matter of common sense and practical experience. See *Keystone Cab*, 54 A.3d at 129; see also 52 Pa. Code § 1017.3(b)(1), 35 R.C.N.Y. § 67-18(b) (establishing a general rule for a 5 year vehicle age cap in New York City and a 8 year age cap and 250,000 mileage limitation in Philadelphia). While acknowledging that age can be a factor in vehicle safety, Erie insisted that its older vehicles could be maintained through "extensive vehicle maintenance" and "daily care." Comments at 2. However, generally, older vehicles wear down and the Commission does not have the resources to conduct inspections at the frequency required to ensure the ongoing safety of these vehicles. Aside from carriers' assurances of self-maintenance, a few carriers suggested that Pennsylvania's annual state vehicle inspections are sufficient to ensure the safety of older vehicles, rendering an additional inspection by a PUC Enforcement Officer unnecessary. See, e.g., AA Taxi Comments at 1. However, the Commonwealth Court has stated that since Title 75 in the Motor Vehicle Code only establishes "minimum standards" for private vehicles, the PUC may, under its statutory mandate in the Public Utility Code, impose stricter safety standards for vehicles used in public taxicab service.²¹ See *Keystone Cab*, 54 A.3d at 128-129. Furthermore, the vehicle at issue could easily deteriorate and become unsafe over the course of the year after the state annual inspection. Also, the safety features of older vehicles become technologically outdated over the course of time.

The Commission finds that the use of new vehicles in taxi service can enable carriers to save costs in the long-term. Ongoing maintenance for older vehicles may be cost-prohibitive, as a carrier may find that investment in new vehicles actually results in total savings in the long-term. Commission staff informally asked a few smaller carriers to compare the costs and benefits of maintaining vehicles older than eight model years versus purchasing new vehicles. Burgit's City Taxi²² (Burgit's) of Wilkes-Barre, a mid-size carrier with approximately 15 vehicles, estimates that older vehicle maintenance costs are \$1,000 per month compared to new vehicle maintenance at \$350 or less per month. Burgit's also estimates an approximate 35% in fuel savings by using the newer vehicles. Yellow Cab of Lebanon, a smaller carrier with approximately six vehicles, estimates a 40% reduction in maintenance costs due to a recent purchase of new vehicles. Both Burgit's and Yellow Cab of Lebanon believe that their new vehicles have increased their businesses, as the public appreciates their new vehicles. Accordingly, we find unpersuasive the generalized assertions that carriers will be unduly financially burdened as a result of having to invest in new vehicles.

Some commenters asked the Commission to replace the taxi age limitation with a mileage limitation, as we have proposed for vehicles used in limousine service. Bux-Mont Comments at 3 (endorsed by State Representative Thomas Murt); GPTA Comments at 6-14. Given the faster rate of mileage accumulation by taxis as compared to limousines, the Commission had found that an age limitation for taxis (1) provides a clear and fair standard for the industry and (2) is a viable and efficient tool for the Commission to utilize in ensuring safe and reliable taxi

service for the public. Importantly, Bux-Mont and GPTA observe that taxicabs used in suburban and rural areas do not accumulate mileage like taxicabs used in more urban areas. Bux-Mont Comments at 3; GPTA Comments at 6-7, 15 (also asserting that an absolute 8 year limit would prevent the use of safe, antique vehicles). GPTA further contends that an "absolute" eight year vehicle age limitation would require faster vehicle turnover and impact smaller carriers with less financial flexibility. Comments at 12-14.

We are persuaded by the concerns and proposals in the previous comments. True, an eight year vehicle age limitation is accommodating and less stringent than or on par with the general rules for taxi service in Philadelphia and New York City. See 52 Pa. Code § 1017.4, 35 R.C.N.Y. § 67-18(b). However, unlike the PPA, which only regulates taxicabs in a geographically contiguous, metropolitan area with a dense urban population, we regulate taxicabs in urban, suburban, and rural areas with greater variability regarding population density, geographic terrain and road conditions, supply of carriers, and customer demand for service. Establishing a simple, singular regulatory metric for taxi service based on model age alone does not sufficiently account for this variability. A purely model year age limitation metric may allow the use of taxis with excessive cumulative mileage, but still under the 8 model year age limitation.

GPTA admits that taxis with more than 400,000 miles are currently employed in service. Comments at 13. A purely mileage limitation for taxis could allow for the use of vehicles older than 10, 15, or 20 years. As explained, the use of older vehicles is not in the public interest, as older vehicles do not have the latest technology and safety features. Accordingly, a dual age/mileage standard will ensure that vehicles without the latest technology and safety features and vehicles with excessive-use related defects are retired from fleets at a reasonable and appropriate time. The dual mileage/age approach enjoys a presumption of reasonableness, as IRRC approved PPA's current standard of an 8 model years or a 250,000 mileage limitation, whichever comes first. See 52 Pa. Code § 1017.4(a). Therefore, based on the comments received and upon further review and analysis, we find that a dual mileage/age limitation metric for taxis is in the public interest.

In implementing the mileage limitation, we stress that we will not tolerate carriers who roll back the odometers in an effort to prolong the lifespan of a vehicle beyond 350,000 miles, which is a very reasonable and accommodating standard. A carrier who has unlawfully tampered with an odometer is subject to state and federal liabilities, fines, and potential imprisonment. See 49 U.S.C. § 32709 (federal liability); 75 Pa.C.S. § 7138 (Pennsylvania civil and criminal liability); 75 Pa.C.S. § 7139 (Pennsylvania corporate liability).

In determining the appropriate mileage limitation for taxis, we note that the TLPA found that the average annual total miles per taxi in 2011 was 53,409. Thus, in eight years, the average taxi accumulates 427,272 miles. In other jurisdictions, mileage limitations range from 250,000 (e.g., the PPA) to 400,000 (e.g., D.C.) to unlimited (e.g., Arizona). Currently, taxis with over 400,000 miles are operating in the Commonwealth. We find that allowing taxis to operate with over 350,000 cumulative miles is not in the public interest, as such excessive cumulative mileage potentially creates a higher likelihood of an unsafe vehicle that endangers public safety. IRRC has approved the 250,000 mileage limitation for taxis operat-

²¹ Unlike private passenger vehicles, taxicabs transport the public on a daily basis, often operating 20-24 hours a day.

²² See <http://burgitcitytaxi.com/>.

ing in Philadelphia County. We find that a higher 350,000 mileage limitation for taxis operating outside of Philadelphia is reasonable and appropriate in light of the previous statistics and the variability regarding population density, geographic terrain and road conditions, supply of carriers, and customer demand for service in driving conditions throughout the Commonwealth, as compared to the geographically contiguous and densely populated Philadelphia County. Thus, we will establish a 350,000 mileage limitation for taxis.

In light of the elimination of the Commission's waiver program, some parties recommended increasing the model year age limitation from 8 to 10 years. See GPTA Comments at 16-17, Erie Comments at 2, Metro Comments at 2. In determining the appropriate age limitations for taxis, we note that the TLPA found that the average age limit was 8 years overall, but 10 years for taxis in fleets with fewer than 24 vehicles. In the year 2011, the average model year was 2003.9 for taxis in fleets with less than 24 vehicles. For 51.2% of the members surveyed in TLPA's study, there was no applicable age limit for taxis.

Based on the previous statistics and in response to the litany of comments expressing financial concerns of smaller carriers upon elimination of the Commission's waiver program, we will increase the model year age limitation from 8 to 10 years. See Bux-Mont Comments at 1, 3 (endorsed by State Representative Thomas Murt); GPTA Comments at 6, 15 (endorsed by Central Pennsylvania Taxicab Association); Cranberry/Veterans Taxi and Classy Cab Comments; Erie Comments at 1; Metro Comments at 1-2; A-1 Altoona Taxi Comments; AA Taxi Comments at 1. Notably, the 10 year model age limitation will be restrained by a mileage limitation so that a taxi under 10 model years of age with more than 350,000 miles is not on the road.

Accordingly, in establishing a dual mileage/age metric, the final form regulation will provide:

A vehicle that is more than 10 model years old or has more than 350,000 miles of cumulative mileage registered on its odometer may not be operated in call and demand service.

See Annex A. Importantly, the vehicle will not be allowed to operate upon the occurrence of either condition—surpassing the 10 model year age limit or the 350,000 mileage limit. Thus, once a vehicle reaches either the age or mileage limit, that vehicle will not be allowed to operate in call and demand service.

While we are eliminating the waiver program to save Commission time and resources, we believe that increasing the model year age by two years in tandem with a 350,000 mileage limitation generously accommodates smaller carriers throughout the Commonwealth. Carriers will now have the flexibility to effectively utilize vehicles in their current fleets before those vehicle age or mileage out and have sufficient preparation time to invest in new vehicles. While these standards are very accommodating, we still believe it is important to set firm regulatory limits in the interest of public safety.

IRRC and GPTA contend that allowing a carrier to file a petition for waiver pursuant to 52 Pa. Code § 5.43 would not eliminate the administrative burden, but simply transfer and potentially increase the burden on the Commission and carriers. IRRC Comments at 3; GPTA Comments at 9-12. Based on our explanations of and adjustments to the regulations in this final rulemaking and the more formal requirements attendant to the filing

of a petition for waiver with the Commission as compared to submitting a waiver application to the Commission's Bureau of Technical Utility Services, we do not believe a simple transfer of administrative burden on the Commission will result. As GPTA notes, filing Petitions for Waiver under 52 Pa. Code § 5.43 requires more time, expenses, and resources from carriers than submitting documents to Commission staff under a waiver program. See Comments at 10-12. Therefore, it is only in a carrier's economic and temporal interest to file a petition for waiver for older vehicles in very good condition. Under our waiver program, we received multiple incomplete applications requiring re-submission from the carrier and multiple applications for vehicles in mediocre or poor condition, which resulted in denial of the waiver requests. We will not exert extensive Commission resources to process incomplete petitions or petitions for waiver for vehicles in mediocre or poor condition.²³ Accordingly, we do not expect an onslaught of petitions for waiver, especially in light of the fact that we are increasing the model year age limitation from 8 to 10 years.

Cranberry/Veterans Taxi and Classy Cab objected to the elimination of the waiver program because both carriers plan to replace their current fleet with alternative fuel vehicles with longer expected engine lives—hybrid electric vehicles and vehicles fueled by CNG and propane. Comments at 2; see Veterans Taxi, available at <http://www.startransportationgroup.com/veterans/> (emphasizing that its fleet is powered by American-made natural gas). In light of the growing use and commercial viability of alternative fuel vehicles (AFVs), numerous programs at the national, state, and county level have been promoting the use of AFVs to increase fuel efficiency and curb carbon dioxide emissions. The federal government has spearheaded multiple initiatives to incentivize the use of alternative fuels and AFVs.²⁴ The Pennsylvania Department of Environmental Protection (DEP) administers an Alternative Fuel Rebate Program²⁵ and a Natural Gas Vehicle Program²⁶ to incentivize AFV purchases. See 73 P. S. § 1647.3 (establishing an Alternative Fuels Incentive Fund). In 2013 Bradford County purchased natural gas vehicles through the DEP grant program.²⁷ On March 14, 2014, Governor Tom Corbett awarded 25 grants, funded by Act 13 impact fees,²⁸ to companies and organizations throughout Pennsylvania for heavy-duty fleet vehicles fueled by natural gas.²⁹ The Pennsylvania Turnpike Commission has already installed electric vehicle charging stations on the Turnpike and is currently exploring the installation of CNG stations.³⁰

As part of our mission, the Commission endeavors to further economic development and foster new technolo-

²³ See *Pa. PUC, Bureau of Technical Utility Services v. TJT Inc. t/d/b/a A&A Limousine Service*, Docket Nos. P-2014-2400725 and A-00111863 (Pa. P.U.C. Feb. 20, 2014) (denying petition for waiver for limousines in carrier's fleet older than 8 model years).

²⁴ See U.S. Dept. of Energy, Alternative Fuels Data Center, Federal Laws and Incentives, available at http://www.afdc.energy.gov/laws/fed_summary (last accessed July 18, 2014).

²⁵ See Pennsylvania Department of Environmental Protection, Alternative Fuel Vehicle Rebate Program, available at http://www.portal.state.pa.us/portal/server.pt/community/alternative_fuels_incentive_grant/10492/alternative_fuel_vehicles/553206.

²⁶ See Pennsylvania Department of Environmental Protection, Natural Gas Vehicle Program, available at http://www.portal.state.pa.us/portal/server.pt/community/act_13/20789/natural_gas_vehicle_program/1157504.

²⁷ See, e.g., James Loewenstein, "Bradford County Now Has Vehicles That Run On Natural Gas" (Aug. 20, 2013), <http://thedailyreview.com/news/bradford-county-now-has-vehicles-that-run-on-natural-gas-1.1538548>.

²⁸ Act 13 of 2012 imposes an unconventional gas well fee on the companies engaged in natural gas drilling in the Commonwealth due to the impact of the drilling on surrounding communities and the environment. 58 Pa.C.S. § 2301 et. seq. The PUC administers the collection and disbursement of the fee. See http://www.puc.state.pa.us/filing_resources/issues_laws_regulations/act_13_impact_fee.aspx.

²⁹ Governor Corbett Awards 25 Grants for Natural Gas Vehicle Conversion, March 21, 2014 Press Release, available at <http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20415&typeid=1>.

³⁰ See Electric-Vehicle Charging Available at Two Pa. Turnpike Service Plazas (Apr. 21, 2014), <http://www.paturnpike.com/Press/2014/20140421120629.htm>.

gies and competitive markets in an environmentally sound manner. Accordingly, in light of the aforementioned state programs and the environmental benefits and economic opportunities attendant to alternative fuels, we find that incentivizing the use of AFVs in motor carrier passenger service is in the public interest. Therefore, the Commission will provide explicit language in our regulations at 52 Pa. Code § 29.314 that extends the vehicle age limitation for AFVs to 12 model years or 350,000 miles registered on the odometer, whichever comes first. See Annex A. However, AFVs will still be subject to random “four wheels off” inspections conducted by the Commission’s Enforcement Officers and must still pass annual state inspections.

In our final-form regulations in Annex A, we reference the Pennsylvania Motor Vehicle Code for the definitions of “alternative fuels,” “electric vehicle,” and “hybrid electric vehicle,” which are as follows:

“Alternative fuels.” Natural gas, compressed natural gas (CNG), liquified natural gas (LNG), liquid propane gas and liquified petroleum gas (LPG), alcohols, gasoline-alcohol mixtures containing at least 85% alcohol by volume, hydrogen, hythane, electricity and any other fuel used to propel motor vehicles on the public highways which is not taxable as fuels or liquid fuels under this chapter.

“Electric vehicle.” A motor vehicle which operates solely by use of a battery or battery pack and which meets the applicable Federal motor vehicle safety standards. The term includes a motor vehicle which is powered mainly through the use of an electric battery or battery pack but which uses a flywheel that stores energy produced by the electric motor or through regenerative braking to assist in operation of the motor vehicle.

“Hybrid electric vehicle.” An electric vehicle which allows power to be delivered to the drive wheels solely by a battery-powered electric motor but which also incorporates the use of a combustion engine to provide power to the battery and which meets the applicable Federal motor vehicle safety standards. The primary source of power for the motor must be the electric battery or battery pack and not the combustion engine.

75 P.S. §§ 102, 9001. Importantly, the definition of “alternative fuels” includes CNG, propane, and electricity, the sources or fuels that Cranberry/Veterans Taxi and Classy Cab use and plan to use in their fleets. The broader, more all-encompassing definitions will allow for other technologies that develop and become more viable in the future. Therefore, we will state in our regulations that the vehicle age limitation for taxis shall not apply to electric vehicles, hybrid electric vehicles, and vehicles utilizing alternative fuels, as defined in the Motor Vehicle Code in Title 75 of the *Pennsylvania Consolidated Statutes*. See Annex A. In allowing extended use for AFVs, we encourage and expect carriers to use new vehicles in their fleet, similar to the vehicles used by Veterans Taxi. See <http://www.starttransportationgroup.com/veterans/>. We strongly discourage retrofitting older vehicles in an effort to qualify for this exemption. Since older vehicles present other safety considerations, regardless of the type of engine or the expected life of that engine, we will not issue a blanket, unlimited exemption for AFVs.

Disposition of Comments to Limousine Service Regulations Vehicle List Requirement at 52 Pa. Code § 29.333(d)

Very few commenters discuss, let alone oppose the Commission’s proposed elimination of the vehicle list requirement at 52 Pa. Code § 29.333(d). Instead of completely eliminating the vehicle list requirement, the Limousine Association proposed new language that would require limited reporting of a carrier’s vehicles that will “age or mileage out” in the next twelve months in order to schedule an inspection that would potentially result in a waiver of an older vehicle deemed safe upon completion of a “wheels off” inspection. Comments at 3-5. We appreciate the Limousine Association’s efforts to create a more efficient system that would potentially allow older, yet safer, vehicles to still operate. However, the Limousine Association’s desire for the vehicle list hinges on the Commission’s decision to maintain a formal waiver program. We find that elimination of the waiver program, as discussed as follows, and elimination of the vehicle list requirement is in the public interest. As discussed in our Proposed Rulemaking Order, the vehicle list requirement proved to be an ineffective tool at allowing Commission staff to maintain up-to-date, accurate information of a carrier’s fleet for the purpose of aiding in Commission enforcement efforts. Accordingly, in light of our findings and minimal opposition in the comments, we will eliminate the vehicle list requirement at 52 Pa. Code § 29.333(d).

Vehicle Age Requirement at 52 Pa. Code § 29.333(e)

The Commission’s proposal to replace the vehicle age requirement with a mileage requirement for limousines received general support. See Comments of State Representatives Tim Krieger, Kerry Benninghoff, and C. Adam Harris; White Knight Comments; A. Royal Comments; Fantasy Limousine Comments (contending that the mileage requirement is more practical and in line with the Commission’s mission); Haines Comments at 1; Ruffo’s Comments; British Limousine Comments; Reliable Comments; Parrish Transportation (supporting elimination of the stressful and time-consuming waiver process). Only a few commenters opposed the mileage metric and requested that the vehicle age limitation remain intact. See City Year Comments; Limos For Less Comments; Jetway Comments; A-1 Limousine Comments.

Although the majority of commenters were overwhelmingly supportive of the change in metric from an age cap to a mileage cap, most commenters requested the Commission to increase the mileage limitation beyond 200,000 miles, as the 200,000 cap would require faster vehicle turnover and result in financial burdens to the carriers. Therefore, IRRC asked the Commission to reevaluate the proposed 200,000 mileage limitation to determine the appropriate mileage cap that balances public interest safety concerns with the potential adverse fiscal impact on carriers. Comments at 3-4.

As to the lower counter-proposed mileage limitations, Infinity and White Knight propose a 250,000 mileage cap. See Comments. A. Royal asserts that its older Lincoln stretch limousines are cost effective and safe for at least 250,000 to 300,000 miles. See Comments. Haines proposes a 300,000 mileage cap, explaining that many of its sedans travel over 70,000 miles a year. Comments at 2. Similarly, Regency proposes a 300,000 mileage cap, explaining that many of its sedans travel over 75,000 miles a year. Comments at 3. Classic Limousine also believes a 300,000 mileage cap is reasonable, explaining that many of its sedans average 50,000-60,000 miles and its SUVs

average 40,000-50,000 miles annually. Comments at 3. Mr. Lech believes a 350,000 mileage limitation is fair and reasonable, given that many vehicles in the limousine industry accumulate 300,000 miles before vehicle repairs become too costly to continue using the vehicle. Comments at 2. Star Limousine also suggests increasing the mileage limitation to 350,000 miles, especially in light of the high mileage on its sedans. Comments at 2-3.

On the high end, Unique Limousine and the Limousine Association proposed a 500,000 mileage limitation. See Limousine Association Comments at 10-15. Unique Limousine did not explain how it arrived at the 500,000 mileage cap proposal. The Limousine Association arrived at its proposal upon compiling data from the results of a questionnaire disseminated to its members. Comments at 10-11. In proposing the 500,000 mileage limitation, the Limousine Association used a 60,000 average annual vehicle mileage for eight years, resulting in a total of 480,000 miles. See *id.* Notably, the Limousine Association stated that “annual usage per vehicle *can* average 60,000 miles.” *Id.* at 10 (emphasis added); see fn. 16 (invoking the anecdote of King Limo’s experience). The Limousine Association arrived at this 60,000 mile average anecdotally and not representationally by averaging annual vehicle usage from all of its members. Importantly, the Limousine Association did not discuss in its comments the individual carrier results obtained from its other members regarding a carrier’s average annual vehicle mileage. Thus, we find the Limousine Association’s counterproposal of 500,000 miles unpersuasive and unsubstantiated.

Accordingly, we find that the 500,000 mileage limitation request too high and not effectively supported. The next highest request, a 350,000 vehicle mileage limitation, appears fairer and more reasonable. The PPA also requires a 350,000 vehicle mileage limitation for limousines operating in Philadelphia County. 52 Pa. Code § 1055.3(c). However, before rendering a determination on these grounds alone, we will examine additional statistical findings. According to the 2012 TLPA Limousine & Sedan Fact Book, stretch limousines average 15,163 annual miles, passenger vans average (15 or fewer passengers) average 19,564 annual miles, SUVs average 29,367 annual miles, and sedans average 46,804 annual miles.

As indicated by the TLPA statistics and the comments to this rulemaking, sedans will be the first vehicles in danger of exceeding the Commission’s 200,000 vehicle mileage limitation. See Infinity Comments. Since 7 out of 11 of Star Limousine’s sedans have more than 200,000 miles, Star Limousine asked the Commission not to apply the 200,000 vehicle mileage limitation to sedans. Comments at 2. Classic Limousine objected to the application of the vehicle mileage requirement on its sedans that annually average 50,000-60,000 miles and its SUVs that annually average 40,000-50,000 miles. Comments at 3. Since Regency averages 75,000 miles per year for each of its sedans, Regency asked the Commission to increase the mileage limitation to 300,000 miles. Comments at 3. Similarly, since Haines averages 75,000 miles per year for each of its sedans, Haines asked the Commission to increase the mileage limitation to 300,000 miles. Comments at 2; see also Rhoads Comments at 2 (asking the Commission to increase the mileage limitation to 350,000 miles).

Based on our further consideration of the TLPA statistics, the public comments, and the requirements in other jurisdictions (e.g., the 350,000 mileage limitation in Nash-

ville and Davidson County), we find that increasing the vehicle mileage limitation in 52 Pa. Code § 29.333 for vehicles operating in limousine service to 350,000 miles is fair, reasonable, and in the public interest. See Annex A.

A few commenters suggested that routine preventative maintenance and annual state inspections could keep their limousines safe well beyond 200,000 miles. See South Shore Comments at 1-2; Unique Limousine Comments; Rhoads Comments at 1; A-1 Comments at 1 (asserting its vehicles accrue 10,000 miles per month); Limousine Association Comments at 11-12. We agree that effective maintenance can prolong the lifespan of a vehicle used in limousine service. However, the more cumulative mileage registered on the vehicle’s odometer, the greater likelihood of safety risks and issues with the vehicle. See *Keystone Cab*, 54 A.3d 126, 129 (a vehicle’s mileage and its reliability and safety is a matter of common sense and practical experience). Furthermore, the Commission does not have the resources to conduct inspections at the frequency required to ensure the ongoing safety of vehicles with high levels of cumulative mileage. While passing an annual state inspection does indicate that the vehicle is safe at the time of the inspection, the Motor Vehicle Code only establishes “minimum standards” for private vehicles and the vehicle at issue could easily deteriorate and become unsafe over the course of that year after the state annual inspection. See *id.* at 128-129.

A few commenters asked the Commission to allow for the “grandfathering” of current vehicles in the carrier’s fleet, only requiring the final regulation to apply to vehicles purchased after the effective date of the regulation. See South Shore Comments at 2; Mr. Lech Comments at 3. While we are very sensitive to the financial concerns of the carriers, we must strike a balance between the financial needs of the carriers and our public safety obligations to consumers. Accordingly, we have proceeded deliberately with the implementation of this rulemaking, carefully reviewing the public comments in response to our April 5, 2013 Proposed Rulemaking Order before issuing this Final Rulemaking Order. Furthermore, we will delay the effective date of these final-form regulations until six months after the regulations are published in the *Pennsylvania Bulletin*. We believe this timeframe, as well as our final-form regulation that increased the cumulative mileage limitation to 350,000 miles, is more than sufficient to allow carriers to prepare and invest accordingly. See Annex A.

In asking the Commission to increase the mileage limitation to 350,000 miles, Star Limousine highlighted its plans to use CNG and propane-fueled sedans with longer engine lives. Comments at 2-3. Accordingly, our decision to increase the mileage limitation to 350,000 miles would fulfill Star Limousine’s request. Furthermore, as in our previous disposition of similar comments regarding AFVs in taxi service, we find that, due to the environmental benefits and economic opportunities, incentivizing the use of AFVs in limousine service is in the public interest. We encourage and expect carriers to use new vehicles in their fleet, similar to the vehicles used by Veterans Taxi.³¹ However, older vehicles present other safety considerations, regardless of the type of engine or the expected life of that engine. For example, the safety features of older vehicles become technologically outdated over the course of time. Since we are generously increasing the mileage limitation to 350,000 miles, we find it unnecessary to provide explicit language

³¹ See <http://www.startransportationgroup.com/veterans/>.

in our final regulations that exempts AFVs from the mileage limitation in limousine service. If a limousine carrier believes its AFV can still operate safely beyond 350,000 miles, that carrier may file a petition for waiver of Commission regulations under 52 Pa. Code § 5.43 to use that AFV in its fleet.

Consistent with the previous discussion, we will adopt the final-form regulations in Annex A that replace the eight-year vehicle age limitation with a 350,000 vehicle mileage limitation. In replacing the age limitation with a mileage limitation, we stress that we will not tolerate carriers who roll back the odometers in an effort to prolong the lifespan of a vehicle beyond 350,000 miles, which is a very reasonable and accommodating standard. A carrier who has unlawfully tampered with an odometer is subject to state and federal liabilities, fines, and potential imprisonment. See 49 U.S.C. § 32709 (federal liability); 75 Pa.C.S. § 7138 (Pennsylvania civil and criminal liability); 75 Pa.C.S. § 7139 (Pennsylvania corporate liability).

Conclusion

Upon receiving and analyzing the numerous public comments to the April 5, 2013 Proposed Rulemaking Order at this Docket, the Commission finalizes its regulations at 52 Pa. Code §§ 29.314, 29.333 to balance the needs of consumers and motor carriers for passenger service, to protect the public safety, to further economic development, and to promote new technologies in an environmentally sound manner. We find that elimination of the Commission’s vehicle list requirement and vehicle waiver program regarding vehicle age limitations for taxis and limousines is in the public interest and will allow the Commission to more efficiently and effectively use its resources in the regulation of taxis and limousines. We find that implementing a dual age/mileage limitation for taxis at 10 model years or 350,000 miles, whichever comes first, is in the public interest. We find that incentivizing alternative fuel vehicles in taxi service will result in environmental benefits and economic opportunities for the Commonwealth, its citizenry, and its visitors. We also find that replacing the eight year vehicle age limitation with a 350,000 mileage limitation for limousines is in the public interest. Based on the previous discussion and disposition, we amend and finalize our regulations, consistent with this Final Rulemaking Order. Accordingly, the Commission formally adopts the final regulations, as set forth in Annex A.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 3, 2013, the Commission submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 6203 (October 19, 2013), to IRRC and the Chairpersons of the House Consumer Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on April 15, 2015, the final-form rulemaking was deemed approved by the Committees.

Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 16, 2015, and disapproved the final-form rulemaking.

Under section 7(d) of the Regulatory Review Act (71 P.S. § 745.7(d)), on June 11, 2015, this final-form rulemaking was deemed approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 28, 2015, and approved the final-form rulemaking.

Order

Accordingly, under sections 501, 1301, 1501, and 2301 of the Public Utility Code (66 Pa.C.S. §§ 501 and 1501); sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2, and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732.204(b)); section 745.5 of the Regulatory Review Act (71 P.S. § 745.5); and section 612 of The Administrative Code of 1929 (71 P.S. § 232), and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231—7.234, we will adopt the final-form regulations set forth in Annex A; *Therefore,*

It Is Ordered That:

1. The regulations of the Commission, 52 Pa. Code Chapter 29, are amended by amending §§ 29.314 and 29.333 to read as set forth in Annex A.
2. The Secretary shall serve a copy of this Order and Annex A on all limousine and taxi service industry groups and associations in the Commonwealth and all other parties that filed comments at Docket No. L-2013-2349042, Rulemaking Re Motor Carrier Vehicle List And Vehicle Age Requirements (entered Apr. 5, 2013).
3. The Secretary shall certify this order and Annex A and deposit them with the Legislative Bureau for publication in the *Pennsylvania Bulletin*.
4. The Secretary shall submit this order and Annex A to the Office of Attorney General for approval as to legality.
5. The Secretary shall submit this order and Annex A to the Governor’s Office of Budget for review of fiscal impact.
6. The Secretary shall submit this order and Annex A for review by the designated standing committees of both houses of the General Assembly, and for review and approval by the Independent Regulatory Review Commission.
7. The final regulations shall become effective six months after publication in the *Pennsylvania Bulletin*.
8. The contact persons for this Final Rulemaking are Ken Stark, Assistant Counsel, (717) 787-5558 (legal) and Robert Bingaman, Bureau of Technical Utility Services, (717) 787-1168 (technical). Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri Delbiondo, Regulatory Review Assistant, Law Bureau, (717) 772-4597.

ROSEMARY CHIAVETTA,
Secretary

(Editor’s Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 45 Pa.B. 2961 (June 13, 2015).)

Fiscal Note: Fiscal Note 57-296 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart B. CARRIERS OF PASSENGERS OR PROPERTY

CHAPTER 29. MOTOR CARRIERS OF PASSENGERS

Subchapter D. SUPPLEMENTAL REGULATIONS
CALL OR DEMAND SERVICE

§ 29.314. Vehicle and equipment requirements.

(a) *Seating capacity.* A call or demand service may be operated only in vehicles with seating capacities of eight passengers or less, excluding the driver.

(b) *Meters.* Meters must conform with the following requirements:

(1) A call or demand vehicle operated within this Commonwealth shall be equipped with a meter.

(2) The meter shall be installed in the front of the vehicle so that, at all times, it is plainly visible to and the fare is readily ascertainable by all occupants of the vehicle. The face of the meter must be properly illuminated at all times.

(3) No meter affixed to a vehicle may be operated from a drive other than the transmission of the vehicle unless some other method is, upon petition, specifically approved by the Commission.

(4) Unless otherwise permitted by the Commission, the meter and meter driving equipment must be sealed so that the meter case, meter driving equipment or additional gear boxes, if any, cannot be disconnected without breaking a seal.

(5) The responsibility for sealing the meter and appurtenant equipment and for maintaining the seals intact while the vehicle is in operation lies with the certificateholder.

(6) It is the responsibility of the certificateholder to cause the meters to be so regulated that the fare is calculated and registered in accordance with the current tariff rates on file with and approved by the Commission.

(7) The meter must be in operation during the entire time the vehicle is engaged by a passenger, and the passenger shall be required to pay only the amount recorded by the meter, except that, when back-mileage or surcharge provisions of the tariff of the carrier apply, the back-mileage charge or surcharge shall be added to the amount recorded by the meter. Each meter charge shall be collected only once regardless of whether the vehicle is being used in exclusive service or in nonexclusive service.

(8) Paragraph (7) does not apply when the filed tariff provides for a flat rate in lieu of a metered charge for transportation beyond a certain mileage point or for a zone-based fare structure. This paragraph is invalid after January 1, 2007.

(c) *Vehicle age and mileage.* A vehicle that is more than 10 model years old or has more than 350,000 miles of cumulative mileage registered on its odometer may not be operated in call and demand service. For example, for a vehicle with less than 350,000 miles, the last day on which a 2016 model year vehicle may be operated in taxi service is December 31, 2026. Electric vehicles, hybrid electric vehicles and vehicles utilizing alternative fuels, as defined in 75 Pa.C.S. §§ 102 and 9002 (relating to

definitions), may operate in call and demand service until the vehicle age of 12 model years or the cumulative mileage level of 350,000 miles registered on the odometer. For example, for a vehicle with less than 350,000 miles, the last day on which a qualifying model year 2016 alternative fuel vehicle, hybrid electric vehicle or electric vehicle may be operated in taxi service is December 31, 2028. This subsection is effective January 19, 2016.

(d) *Dome lights.* Unless otherwise permitted by the Commission, vehicles operated by call and demand carriers must have a dome light affixed to the roof of the vehicle. The dome light shall be visible from a distance of 100 feet from the front and rear of the vehicle. The dome light shall be illuminated only when a customer does not occupy the vehicle.

LIMOUSINE SERVICE

§ 29.333. Vehicle and equipment requirements.

(a) Limousine service may be operated only in luxury type vehicles with seating capacities of ten passengers or less, excluding the driver.

(b) Luxury type vehicles are vehicles manufactured or subsequently modified so that they have physical configurations and accessory features that are not considered as being ordinary, standard or commonplace in lower to moderately priced vehicles. Luxury type vehicles are intended to afford patrons a higher level of service and comfort than are ordinarily available in call or demand, paratransit and airport transfer services. To qualify as a luxury type vehicle, a vehicle must have at a minimum: air conditioning, AM/FM stereo radio, deluxe leather or deluxe fabric upholstery, deluxe wheels or wheel covers, four doors and a wheelbase of at least 109 inches. Other amenities which limousine service might afford are CD changer, Internet access, reading lights, work desk or table, cellular phone, refrigerator, television, VCR, DVD player, extended wheelbase and privacy dividers.

(c) Section 29.71(a) (relating to marking of vehicles) does not apply to luxury type vehicles engaged in limousine service under this section and §§ 29.331, 29.332, 29.334 and 29.335.

(d) A vehicle with more than 350,000 miles of cumulative mileage registered on its odometer may not be operated in limousine service. This subsection is effective January 19, 2016.

[Pa.B. Doc. No. 15-1317. Filed for public inspection July 17, 2015, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 65 (relating to special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

A. *Effective Date*

The final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the final-form rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. The final-form rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

The amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes).

D. Purpose and Background

The final-form rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the amendment is described in more detail under the summary of change.

E. Summary of Change

Lake Perez, a 72-acre impoundment owned by the Pennsylvania State University, is located in Barree Township, Huntingdon County, approximately 3 miles northeast from the Village of Neffs Mills. This lake was completely dewatered during late spring 2009 to complete dam and spillway repairs and modifications per Department of Environmental Protection dam safety standards. The earth-fill dam, constructed in 1959, impounds Shaver Creek at river mile 13.6 upstream from the mouth at the Juniata River. Prior to the drawdown in 2009, access to the shoreline was primarily provided at two discrete access points as well as from numerous walking trails surrounding the lake. Approximately 80% of this shoreline was considered fishable. Additionally, one boat ramp provided boat access for nonpowered and electric motor crafts. The lake offered angling opportunities for multiple warm and coolwater fish species and adult trout stocked by the Commission during spring, fall and winter offered seasonal angling opportunities for trout. Dam and spillway repairs were completed during early summer 2014, and the reservoir began refilling at that time.

The Commission plans to stock the lake and establish a high quality warmwater and coolwater fishery through fingerling plants of select species. Immediately upon refilling of the lake, the Commission will open the lake to fishing under a miscellaneous special regulation that will allow for the harvest of trout under Commonwealth inland regulations but allow only catch and release fishing for all other fish species. The Commission believes that this approach will allow the development of a balanced warmwater and coolwater fish community to rapidly develop while offering acceptable levels of recreational angling opportunities. The Commission will monitor the fish populations as needed while they develop and make the necessary adjustments to the species being stocked and the regulations governing the fishery to continually provide high quality recreational angling opportunities at Lake Perez.

The Commission amends § 65.24 to read as set forth at 44 Pa.B. 7878 (December 20, 2014).

F. Paperwork

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will not impose new costs on the private sector or the general public.

H. Public Involvement

Notice of proposed rulemaking was published at 44 Pa.B. 7878. The Commission did not receive public comments concerning the proposed rulemaking.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the 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 promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and no public comments were received.

(3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for 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 65, are amended by amending § 65.24 to read as set forth at 44 Pa.B. 7878.

(b) The Executive Director will submit this order and 44 Pa.B. 7878 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 44 Pa.B. 7878 and deposit them with the Legislative Reference Bureau as required by law.

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

JOHN A. ARWAY,
Executive Director

Fiscal Note: Fiscal Note 48A-260 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 15-1318. Filed for public inspection July 17, 2015, 9:00 a.m.]

FISH AND BOAT COMMISSION
[58 PA. CODE CH. 75]
Fishing; Endangered Species

The Fish and Boat Commission (Commission) amends Chapter 75 (relating to endangered species). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

A. Effective Date

The final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

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

C. Statutory Authority

The amendments to § 75.2 (relating to threatened species) are published under the statutory authority of section 2305 of the code (relating to threatened and endangered species).

D. Purpose and Background

The specific purpose of the amendments is described in more detail under the summary of changes.

E. Summary of Changes

(1) Bluebreast Darter (*Etheostoma camurum*): The Bluebreast Darter is a small species that inhabits rivers and large streams, preferring fast, clean riffles and runs having large gravel, rubble and boulder substrate. It occurs in the Ohio River basin from western New York to eastern Illinois, and south to the Tennessee River in Tennessee and Alabama. It is locally common but absent from large portions of its range. In this Commonwealth, it occurs throughout French Creek, the middle and lower sections of the Allegheny River and the Ohio River as well as additional tributaries to these waterways. It formerly occurred in the Shenango River as well but is now considered extirpated there.

The Bluebreast Darter has experienced a considerable range expansion since it was listed as threatened in 1999. At that time it was spottily distributed in French Creek and the middle Allegheny River. It is now known to occur throughout French Creek, from near the Erie County/New York border to its mouth in Venango County (88 river miles). It occurs in the Allegheny River from Warren to its mouth in Pittsburgh, including the lock-and-dam section (189 river miles), and has been documented in the Ohio River (40 river miles) as far downriver as the tailrace of Montgomery Lock and Dam, Beaver County. It also occurs in much of the following areas: Tionesta Creek and a tributary; Big Sandy Creek, Venango County; Redbank Creek, Clarion County; Mahoning Creek, Armstrong County; Kiskiminetas River, Armstrong and Westmoreland Counties; and Bull Creek, Deer Creek and Pine Creek, Allegheny County. In addition, it has experienced a similar expansion in Ohio, where it has been collected as far downriver as the Cincinnati area and was delisted in 2012 (Zimmerman, 2014). It has also been collected in Oswayo Creek, Cattaraugus County, New York.

The status of this species was reviewed using the Commission's documentation and objective listing/delisting process. It exceeds criterion A.1 (Population Reduction) in that its population is significantly increasing. Since the Bluebreast Darter now occupies more than 200 river miles of waterway, it also significantly exceeds Criterion B.3 (Extent of Occupancy). In addition, it was evaluated with NatureServe's Conservation Status Assessments Rank Calculator (Criswell, 2014) and received a State Conservation Rank of S4S5, meaning it is apparently secure to secure in this Commonwealth with a fairly low to very low risk of extirpation due to its extensive range and/or many populations or occurrences. The Fishes Technical Committee of the Pennsylvania Biological Survey (PABS) reviewed this documentation and rank assignment and recommended that the Bluebreast Darter be delisted. Enough information is available to make the determination that it is secure in this Commonwealth at present and to justify its removal from the Commonwealth's list of threatened fishes. Therefore, the Commission removes the Bluebreast Darter from the Commonwealth's list of threatened species.

(2) Gilt Darter (*Percina evides*): The Gilt Darter is a small species that inhabits clear rivers and large streams,

where it prefers deeper riffles and runs with moderate to swift current over silt-free sand, gravel, cobble and rubble. It occurs in the Mississippi River basin from New York to Minnesota and south to northern Alabama and northern Arkansas. It also occurs in the Maumee River system of the Lake Erie drainage in Ohio and Indiana. In this Commonwealth, it occurs throughout French Creek, the middle and lower sections of the Allegheny River, and the Ohio River.

The Gilt Darter has experienced a considerable range expansion since it was listed as threatened in 1999. At that time it was spottily distributed in French Creek and the middle Allegheny River. It is now known to occur throughout French Creek, from Erie County to its mouth in Venango County (88 river miles). It occurs in the Allegheny River from Warren to its mouth in Pittsburgh, including the lock-and-dam section (189 river miles), and has been documented in the Ohio River as far downriver as the tailrace of Dashields Lock and Dam, Allegheny County.

It is now common in French Creek and abundant in sections of the Allegheny River. At least 7 benthic trawl events from the latter have resulted in the collection of more than 100 individuals, and 2 of those trawls included nearly 200 specimens.

The status of this species was reviewed using the Commission's documentation and objective listing/delisting process. It exceeds criterion A.1 (Population Reduction) in that its population is significantly increasing. Since the Gilt Darter now occupies more than 150 river miles of waterway, it also significantly exceeds Criterion B.3 (Extent of Occupancy). In addition, it was evaluated with NatureServe's Conservation Status Assessments Rank Calculator (Criswell, 2014) and received a State Conservation Rank of S4, meaning it is apparently secure in this Commonwealth with a fairly low to very low risk of extirpation due to its extensive range and/or many populations or occurrences. The Fishes Technical Committee of PABS reviewed this documentation and rank assignment and recommended that the Gilt Darter be delisted. Enough information is available to make the determination that it is secure in this Commonwealth at present and to justify its removal from the Commonwealth's list of threatened fishes. Therefore, the Commission removes the Gilt Darter from the Commonwealth's list of threatened species.

(3) Spotted Darter (*Etheostoma maculatum*): The Spotted Darter is a small species that inhabits large streams and rivers, where it prefers the faster, deeper portions of riffles possessing gravel and rubble substrates. It occurs in the Ohio River basin from western New York and Pennsylvania to northern Indiana and south to West Virginia and Kentucky. It is extremely localized and uncommon in much of its range. In this Commonwealth, it occurs in French Creek, the Allegheny River and the Ohio River.

The Spotted Darter has experienced a considerable range expansion since it was listed as threatened in 1999. At that time it was spottily distributed in French Creek and the middle Allegheny River. It is now known to occur throughout French Creek, including its West Branch, from near the Erie County/New York border to its mouth in Venango County (88 river miles). It occurs in the Allegheny River from Warren to its mouth in Pittsburgh, including the lock-and-dam section (189 river miles), and has been documented in the Ohio River as far downriver as the tailrace of Dashields Lock and Dam, Allegheny County. It also occurs in Oil Creek and South Sandy Creek.

Benthic trawls in the Allegheny River included yields of as many as 89 and 202 individuals. It is well distributed and relatively common, although not necessarily abundant, through its Pennsylvania range. The Spotted Darter was recently considered for Federal protection under the Endangered Species Act of 1973 (16 U.S.C.A. §§ 1531—1544) but a review published in 2011 concluded that “threats to spotted darter are not of sufficient imminence, intensity, or magnitude that would cause substantial losses of population distribution or viability.”

The status of this species was reviewed using the Commission’s documentation and objective listing/delisting process. It exceeds criterion A.1 (Population Reduction) in that its population is significantly increasing. Since the Spotted Darter now occupies more than 200 river miles of waterway, it also significantly exceeds Criterion B.3 (Extent of Occupancy). In addition, it was evaluated with NatureServe’s Conservation Status Assessments Rank Calculator (Criswell, 2014) and received a State Conservation Rank of S4, meaning it is apparently secure in this Commonwealth with a fairly low to very low risk of extirpation due to its extensive range and/or many populations or occurrences. The Fishes Technical Committee of PABS reviewed this documentation and rank assignment and recommended that the Spotted Darter be delisted. Enough information is available to make the determination that it is secure in this Commonwealth at present and to justify its removal from the Commonwealth’s list of threatened fishes. Therefore, the Commission removes the Spotted Darter from the Commonwealth’s list of threatened species.

(4) *Tippecanoe Darter (Etheostoma tippecanoe)*: The Tippecanoe Darter is a small species that inhabits rivers and large streams, where it requires clean gravel or sand/gravel substrates. It occurs in the Ohio River basin from western Pennsylvania to Indiana, and south to the Cumberland River drainage in Tennessee. It is extremely localized but locally common. In this Commonwealth, it occurs throughout French Creek, the middle and lower sections of the Allegheny River, the Ohio River and additional tributaries to these waterways.

The Tippecanoe Darter has experienced a considerable range expansion since it was listed as threatened in 1999. At that time it was spottily distributed in French Creek and the middle Allegheny River. It is now known to occur throughout French Creek, from near the Erie County/New York border to its mouth in Venango County (88 river miles). It occurs in the Allegheny River from Warren to its mouth in Pittsburgh, including the lock-and-dam section (189 river miles), and has been documented in the Ohio River as far downriver as the tailrace of Montgomery Lock and Dam, Beaver County. It also occurs in the following areas: Oil Creek, Venango County; Kiskiminetas River, Armstrong and Westmoreland Counties; and Bull Creek, Deer Creek and Pine Creek, Allegheny County.

Hundreds of Tippecanoe Darters were easily captured in a riffle below Lock and Dam 3 on the Allegheny River (Koryak et al., 2009), and at least 17 stations have produced 20 or more individuals. It is locally common at many locations within its Pennsylvania range.

The status of this species was reviewed using the Commission’s documentation and objective listing/delisting process. It exceeds criterion A1 (Population Reduction) in that its population is significantly increasing. Since the Tippecanoe Darter now occupies more than 150 river miles of waterway, it also significantly exceeds Criterion B3 (Extent of Occupancy). In addition, it was

evaluated with NatureServe’s Conservation Status Assessments Rank Calculator (Criswell, 2014) and received a State Conservation Rank of S4, meaning it is apparently secure in this Commonwealth with a fairly low risk of extirpation due to its extensive range and/or many populations or occurrences. The Fishes Technical Committee of PABS reviewed this documentation and rank assignment and recommended that the Tippecanoe Darter be delisted. Enough information is available to make the determination that it is secure in this Commonwealth at present and to justify its removal from the Commonwealth’s list of threatened fishes. Therefore, the Commission removes the Tippecanoe Darter from the Commonwealth’s list of threatened species.

The Commission amends § 75.2 to read as set forth at 44 Pa.B. 7876 (December 20, 2014).

F. Paperwork

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will not impose new costs on the private sector or the general public.

H. Public Involvement

Notice of proposed rulemaking was published at 44 Pa.B. 7876. The Commission did not receive public comments concerning the proposed amendments.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the 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 promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and no public comments were received.

(3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for 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 75, are amended by amending § 75.2 to read as set forth at 44 Pa.B. 7876.

(b) The Executive Director will submit this order and 44 Pa.B. 7876 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 44 Pa.B. 7876 and deposit them with the Legislative Reference Bureau as required by law.

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

JOHN A. ARWAY,
Executive Director

Fiscal Note: Fiscal Note 48A-261 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 15-1319. Filed for public inspection July 17, 2015, 9:00 a.m.]

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 97, 109, 111 AND 115]

Boating

The Fish and Boat Commission (Commission) proposes to amend Chapters 97, 109, 111 and 115. The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

A. *Effective Date*

The proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2016.

B. *Contact Person*

For further information on the proposed rulemaking, contact Laurie E. Shepler, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. *Statutory Authority*

The proposed amendments to §§ 97.1, 109.3, 109.4 and 115.11 are published under the statutory authority of section 5123 of the code (relating to general boating regulations). The proposed amendments to Chapter 111 (relating to special regulations counties) are published under the statutory authority of section 5124 of the code (relating to particular areas of water).

D. *Purpose and Background*

The proposed rulemaking is designed to simplify and improve the Commission's boating regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposals. On February 12, 2015, the Boating Advisory Board considered these proposals and recommended that the Commission approve the publication of a proposed rulemaking containing the amendments.

E. *Summary of Proposals*

(1) On September 22, 2014, the United States Coast Guard (USCG) issued a final rule to delete references to type codes in its regulations on the carriage and labeling of USCG-approved personal flotation devices (PFD). Removing these type codes from USCG regulations facilitates future incorporation by reference of new industry consensus standards for PFD labeling that more effectively convey safety information. It is also a step toward harmonization of the regulations of the United States with PFD requirements in Canada and other countries. The final rule went into effect on October 22, 2014.

The USCG final rule deleted references to type codes in USCG regulations on the carriage and labeling of USCG-approved PFDs. This final rule deleted type code language from USCG carriage requirements and from USCG regulations for labeling of new PFDs, but it did not make changes to the number of wearable or throwable PFDs required. It also did not require changes to existing approved PFDs already purchased and in use. In the final rule, the USCG acknowledged that PFDs are typically carried on boats for several years and reaffirms that approved PFDs marked with type codes will still meet

carriage requirements as wearable or throwable PFDs, as appropriate, as long as they remain in serviceable condition.

The Commission therefore proposes to amend §§ 97.1, 109.3, 109.4 and 115.11 to read as set forth in Annex A.

(2) Currently, the Commonwealth's boating regulations require that a personal watercraft (PWC) must have a passenger capacity of three or more to be utilized in waterskiing/towing activities and that the PWC must have a competent observer onboard in addition to its operator. Additionally, no more than one person may be towed behind a PWC (regardless of whether the towed implement may be capable of holding multiple individuals). At the time that these regulations were adopted, it is likely that the largest PWCs manufactured and on the market had a maximum passenger capacity of three.

Since 1999, major manufacturers have produced larger four-person PWCs that are on average 12 feet long by 4 feet to 5 feet wide, weighing about 800 pounds. The power and stability of these larger PWCs is comparable to open motorboats that are also used for towed watersports. Commission regulations do not limit the number of persons that may legally be towed behind boats other than PWCs, except that the boat's maximum passenger capacity may not be exceeded.

In 2005, the National Association of State Boating Law Administrators (NASBLA) revised and adopted model acts for personal watercraft and maximum loading and horsepower capacity compliance. The model acts are intended to establish requirements for the safe operation of PWCs and prohibit the operation of recreational vessels when they exceed the capacity limits identified on the vessel's capacity label or through calculations presented in the *Code of Federal Regulations*. In 2007, NASBLA revised and adopted a model act for safe practices for boat-towed watersports providing best practices for water skiing, wake surfing and tubing activities, and consistent language for adoption. The model acts do not limit the number of individuals to be towed by a PWC as long as the vessel's passenger capacity is not exceeded by the total number of persons operating, observing and being towed.

As defined in § 91.2 (relating to definitions), individuals being towed behind a boat (for example, conventional waterskiing, tubing, kneeboarding, parasailing, and the like) are considered to be passengers of the vessel and must be counted in regard to the boat's maximum passenger capacity. Under § 105.4 (relating to overloading and improper loading), a boat may not be operated when it is loaded with passengers or cargo beyond its safe carrying capacity.

The Commission therefore proposes eliminating the PWC towing regulation since passenger carrying capacity is addressed in other sections of the Commission's regulations. For all boats, the total number of persons being towed, when added to the occupants onboard the boat (that is, the operator, observer and other passengers), cannot exceed the maximum passenger capacity of the boat. The Commission proposes to delete § 109.3(f) (relating to personal watercraft) and renumber the remaining subsection to read as set forth in Annex A.

(3) The Little Beaver Creek originates in Ohio and there are two short sections that cross the border into western Beaver County. The uppermost section of the

creek in this Commonwealth is less than 200 feet wide and shallow. The lower section of the creek in this Commonwealth, from the State line to the creek's mouth on the Ohio River, flows through the Borough of Ohioville and varies in width. Some portions of this lower section are more than 200 feet wide and boats are not restricted to operating at slow, no wake speed. This lower section is used mostly for fishing, paddling and accessing the Ohio River by use of the Ohioville Borough access area. Since it is difficult for boaters to determine the width of this lower section and whether they may operate at greater than slow, no wake speed, the Commission proposes designating the lower section (from the mouth upstream to the State line) as a slow, no wake zone to minimize conflicts among the various user groups.

The Commission also proposes adding a provision in § 111.4 (relating to Beaver County) that the operation of boats powered by internal combustion motors is prohibited on Bradys Run Lake to conform with county regulations. Bradys Run Lake is a 28-acre lake in the center of the county, owned and operated by the Beaver County Recreation and Tourism Department.

The Commission proposes to amend § 111.4 to read as set forth in Annex A.

(4) Current § 111.9(b) (relating to Bucks County) is confusing since there is not a landmark or distinguishing characteristic (other than buoys during the boating season) to delineate the upstream boundary of the slow, no wake zone. The remainder of the stream is less than 200 feet wide. Therefore, boats are prohibited from operating at greater than slow, no wake speed. The Commission proposes simplifying the regulation by stating that the entire creek, from its headwaters to its confluence with the Delaware River, is a slow, no wake zone. This proposed amendment is a simplification of language and is not an expansion of the current slow, no wake restrictions.

The Commission proposes to amend § 111.9 to read as set forth in Annex A.

(5) Currently, § 111.21 (relating to Cumberland County) allows waterskiing on the Conodoguinet Creek in the vicinity of the Power Company Dam at Cave Hill. The measured stream width throughout a considerable portion of the current skiing area is approximately 200 feet and sometimes less at seasonal summer flow. Numerous staff who have patrolled this area over the years have expressed safety concerns as this area is not conducive to safe skiing activity. Therefore, the Commission proposes eliminating the water skiing zone. The Commission also proposes deleting the paragraph relating to swim zone areas since the Commission does not typically regulate these areas. Additionally, with the elimination of the water ski zone, boats will be prohibited from operating at greater than slow, no wake speed on the channel behind the island since it is less than 200 feet in width. The Commission proposes deleting paragraph (5) since it will be redundant.

The Commission proposes to amend § 111.21 to read as set forth in Annex A.

(6) Darby Creek is a tributary of the Delaware River in Delaware County, southwest of the City of Philadelphia. Darby Creek is currently posted by buoys and signage as a slow, no wake area under an existing Commission Permit to Install Floating Structures and Private Aids to Navigation. The permit includes slow, no wake buoys being placed at the mouth of Darby Creek with the designation continuing upstream to include a lagoon area

in front of the Ridley Township Marina and another lagoon area at the mouth of Long Hook Creek. The Commission is responsible for installation and maintenance of the buoys which are in place from Memorial Day through October of each year. The area upstream of Long Hook Creek is less than 200 feet wide. Therefore, boats are prohibited from operating at greater than slow, no wake speed. Approximately 1.5 miles upstream of Long Hook Creek is the refuge waters of the John Heinz National Wildlife Refuge at Tinicum. The refuge waters are tidal and navigable only within 2 hours before and after high tide.

The section of Darby Creek between the mouth and the lagoons is barely wider than 200 feet and can be congested with boat traffic from the Ridley Township Marina. Additionally, there are four sets of bridge piers in the water in this section (that is, railroad, drawbridge, Route 291 and I-95). The Commission therefore proposes that § 111.23(b) (relating to Delaware County) be amended to be consistent with the area delineated in the Permit to Install Floating Structures and Private Aids to Navigation and that the entire length of Darby Creek be designated as slow, no wake. This clarification does not significantly extend the current slow, no wake restrictions. Commission staff preliminarily consulted with the refuge manager at John Heinz National Wildlife Refuge at Tinicum who has indicated support for the slow, no wake designation on Darby Creek.

The Commission therefore proposes to amend § 111.23 to read as set forth in Annex A.

(7) Section 111.39 (relating to Lehigh County) currently prohibits water skiing on the Lehigh River at the Allentown Pool. This pool is between the Tilghman Street Bridge and the Hamilton Street Dam in Allentown. The City of Allentown owns and operates Bucky Boyle Park on the west shore of the river in this area. At one time the park had a swim beach, and safety concerns for the swimmers led to the restriction of water skiing in this area. The swim beach has since been eliminated from the park.

The Commission proposes elimination of the water skiing prohibition in this area since it unnecessarily restricts boating activity. The Commission therefore proposes to amend § 111.39 to read as set forth in Annex A.

(8) Under section 741 of the code (relating to control of property), the Commission may promulgate rules and regulations for the use and protection of all lands or waters owned, leased or otherwise controlled by the Commission. Accordingly, the Commission adopted § 53.8 (relating to boats) to, among other things, prohibit the use of internal combustion engines to propel a boat on Commission lakes. In § 107.2 (relating to electric motors), electric motors are permitted on Commission owned or controlled lakes and on State Park lakes where boating is permitted and the operation of internal combustion engines is specifically prohibited, except as otherwise specified in Chapter 111.

The Commission's interpretation of § 107.2 is that exceptions to the prohibition shall be listed in Chapter 111, but it is redundant to list specific waters where internal combustion engines (sometimes simply referred to as "motors") are prohibited on Commission owned or controlled lakes and on State Park lakes in Chapter 111. Therefore, in an effort to simplify its boating regulations, the Commission proposes deleting redundant provisions from Chapter 111. Commission owned or controlled lakes where internal combustion engines are prohibited are posted onsite and listed on the Commission's web site.

Additionally, some State Park lakes where internal combustion engines are permitted and horsepower restrictions exist or where boating is prohibited are currently not included in Chapter 111. The Commission proposes that these lakes be added as part of the other amendments to this chapter.

The Commission therefore proposes that various sections in Chapter 111 be amended to read as set forth in Annex A.

F. Paperwork

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

G. Fiscal Impact

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

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/reg comments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

Fiscal Note: 48A-265. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 97. OPERATOR PROVIDED EQUIPMENT

§ 97.1. Personal flotation devices.

[(a) A person may not use a boat unless at least one personal flotation device (PFD) of the following types is on board for each person:

- (1) Type I.
- (2) Type II.
- (3) Type III.

(b) A person may not use a boat 16 or more feet in length unless one Type IV PFD is on board in addition to the total number of PFDs required in subsection (a). Canoes and kayaks 16 feet in length and over are exempted from the requirements for carriage of the additional Type IV PFD.

(c) A Type V PFD may be carried in lieu of a PFD required under subsection (a) if:

(1) The approval label on the Type V PFD indicates the device is approved for one of the following:

(i) The activity in which the vessel is being used.
(ii) As a substitute for a PFD of the type required on the vessel in use.

(2) The PFD is used in accordance with requirements of the approval label.

(3) The PFD is used in accordance with requirements in its owners manual, if the label makes reference to the manual.]

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

Immediately available—A PFD that is within arm's reach of the operator or passenger while the boat is being operated. A PFD that is stored in a protective covering or sealed in its original packaging is not immediately available.

PFD—Personal flotation device—A life preserver that is approved by the Commandant of the United States Coast Guard under 46 CFR Part 160 (relating to lifesaving equipment).

Readily accessible—A PFD that is stowed where it can be easily reached or is out in the open ready for wear. A PFD that is stored in a protective covering or sealed in its original packaging is not readily accessible.

Serviceable—When a PFD is fully functional to carry out the purpose for which it was designed and free of tears or defects in the material over the flotation material and the buckles, straps, zippers and other closures are operable.

Throwable PFD—A PFD that is intended to be thrown to a person in the water. A PFD marked as throwable, Type IV, or Type V with Type IV performance is considered a throwable PFD. Unless specifically marked otherwise, a wearable PFD is not a throwable PFD.

Wearable PFD—A PFD that is intended to be worn or otherwise attached to a person's body. A PFD marked as wearable, Type I, Type II, Type III, or Type V with Type (I, II or III) performance is considered a wearable PFD.

(b) A person may not use a boat unless at least one wearable PFD is on board for each person and the PFD is used in accordance with requirements of the approval label.

(c) A person may not use a boat 16 feet or more in length unless one throwable PFD is on board in addition to the total number of PFDs required in subsection (b). Canoes and kayaks 16 feet in length and over are exempted from the requirements for carriage of the additional throwable PFD.

(d) Required PFDs shall be in good, serviceable condition, legibly marked showing the Coast Guard approval number and [whether it is a Type I, II, III, IV or V] displaying the PFD's intended or approved use. They shall be of an appropriate size, child or adult, for the person for whom it is intended.

(e) [Types I, II and III] When not worn, wearable PFDs shall be stowed so as to be readily accessible. [Type IV, buoyant cushion and ring buoy designed for throwing or grasping rather than wearing,] Throwable PFDs shall be immediately available.

[(1) "Readily accessible" means that PFDs are stowed where they can be easily reached, or are out in the open ready for wear. A PFD that is sealed in its original packaging is not readily accessible.

(2) "Immediately available" means that the PFD cannot be in a protective covering and shall be within arm's reach of the operator or passenger while the boat is being operated.

(3) A PFD that is sealed in its original packaging is neither immediately available nor readily accessible.]

(f) This section does not apply to racing shells, rowing sculls and racing kayaks, such as manually propelled boats recognized by National racing associations for use in competitive racing, where the occupants row, scull or paddle with the exception of the coxswain, if one is provided, and which are not designed to carry and do not carry equipment not solely for competitive racing.

(g) Coast Guard approved PFDs shall be acceptable as long as they are in good, serviceable condition with the approval clearly legible[, even though the type number may not be contained in the marking because they are earlier approved lifesaving devices]. ["Serviceable" means the PFD is fully functional to carry out the purpose for which it was designed and free of tears or defects in the material over the flotation material and the buckles, straps, zippers and other closures are operable.]

(h) Children 12 years of age and younger shall wear an approved [Type I, II, III or V] wearable PFD while underway on any boat 20 feet or less in length and all canoes and kayaks. The operator of the watercraft violates this subsection if he does not cause a child 12 years of age or younger to wear a PFD as required by this subsection.

(i) Beginning November 1 until midnight April 30 of the following year, a person shall wear a Coast Guard approved [Type I, II, III or V] wearable PFD while underway or at anchor on boats less than 16 feet in length or any canoe or kayak.

CHAPTER 109. SPECIALTY BOATS AND WATERSKIING ACTIVITIES

§ 109.3. Personal watercraft.

* * * * *

(b) It is unlawful for a person to operate, or be a passenger onboard, a personal watercraft on the waters of this Commonwealth unless the person is wearing a [Type I, II, III or V] United States Coast Guard approved wearable personal flotation device in accordance with § 97.1 (relating to personal flotation devices). Inflatable personal flotation devices may not be used to meet this requirement.

* * * * *

[(f) The operator of a personal watercraft with a capacity of two or less persons as determined by the manufacturer, may not tow waterskiers or engage in waterskiing or similar activities while operating a personal watercraft. Other personal watercraft may tow no more than one skier.

(g)] (f) Except as otherwise provided in this subpart, a person may not operate a personal watercraft on the waters of this Commonwealth unless the person has

obtained a Boating Safety Education Certificate as defined in § 91.6 (relating to Boating Safety Education Certificates).

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

* * * * *

(f) PFDs. It is unlawful for a person to operate a boat on the waters of this Commonwealth for:

(1) Waterskiing unless each person being towed is wearing a [Type I, II, III or V] United States Coast Guard-approved wearable PFD in accordance with § 97.1 (relating to personal flotation devices). Inflatable PFDs may not be used to meet this requirement.

(2) Wake surfing unless the wake surfer is wearing a [Type I, II, III or V] United States Coast Guard-approved wearable PFD in accordance with § 97.1 or water ski wetsuit as defined in subsection (g). Inflatable PFDs may not be used to meet this requirement.

(g) Water ski wetsuits. A person engaged in slalom skiing on a marked course or a person engaged in barefoot, jump or trick skiing, or wake surfing may elect to wear a wetsuit designed specifically for the activity in lieu of the United States Coast [Guard approved] Guard-approved wearable PFD required in § 97.1 [(relating to personal flotation devices)]. A United States Coast [Guard approved PFD of a type] Guard-approved wearable PDF described in § 97.1 shall be carried in the tow boat for each skier electing to wear a water ski wetsuit. The nonapproved water ski wetsuit device shall meet the following criteria:

* * * * *

CHAPTER 111. SPECIAL REGULATIONS COUNTIES

§ 111.4. Beaver County.

(a) Beaver River. Boats are limited to slow, no wake speed from the mouth upstream to Mile 2.3.

[(b) Hereford Lake. The operation of boats powered by internal combustion motors is prohibited.

(c) Raccoon Lake—Raccoon Creek State Park. The operation of boats powered by internal combustion motors is prohibited.]

(b) Bradys Run Lake. The operation of boats powered by internal combustion motors is prohibited.

(c) Little Beaver Creek (Ohioville Area). Boats are limited to slow, no wake speed from the mouth upstream to the State line.

§ 111.5. [Bedford County] (Reserved).

[Shawnee Lake. The operation of boats powered by internal combustion motors is prohibited.]

§ 111.6. Berks County.

* * * * *

[(b) Hopewell Lake—French Creek State Park. The operation of boats powered by internal combustion motors is prohibited.

(c) Kaercher's Creek Lake. The operation of boats powered by internal combustion motors is prohibited.

(d) *Scotts Run Lake—French Creek State Park.* The operation of boats powered by internal combustion motors is prohibited.

(e)] (b) *Schuylkill River; Kernsville Pool.* Boats are limited to slow, no wake speed.

§ 111.7. [Blair County] (Reserved).

[*Canoe Creek.* The operation of boats powered by internal combustion motors is prohibited.]

§ 111.8. [Bradford County] (Reserved).

[*Stephen Foster Lake—Mt. Pisgah State Park.* The operation of boats powered by internal combustion motors is prohibited.]

§ 111.9. Bucks County.

[(a) *Levittown Lake.* The operation of boats powered by internal combustion motors is prohibited.

(b) *Neshaminy Creek.* Boats are limited to slow, no wake speed from the mouth of Neshaminy Creek to a point approximately 200 yards upstream from the Route 13 Bridge, a distance of approximately 1.5 miles.]

(a) *Lake Nockamixon.* The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 20 horsepower is prohibited.

(b) *Neshaminy Creek.* Boats are limited to slow, no wake speed on the entire creek from its headwaters to its confluence with the Delaware River.

(c) *Tyler State Park.* The operation of boats powered by internal combustion motors is prohibited.

* * * * *

§ 111.10. Butler County.

[*Glade Run Lake.* The operation of boats powered by internal combustion motors is prohibited.]

Lake Arthur—Moraine State Park. The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 20 horsepower is prohibited.

§ 111.11. Cambria County.

[*Duman Lake.* The operation of boats powered by internal combustion motors is prohibited.]

Glendale Lake—Prince Gallitzin State Park. The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 20 horsepower is prohibited.

§ 111.12. [Cameron County] (Reserved).

[*George B. Stevenson Dam—Sinnemahoning State Park.* The operation of boats powered by internal combustion motors is prohibited.]

§ 111.13. Carbon County.

(a) *Beltzville Lake—Beltzville State Park.*

(1) The operation of boats powered by internal combustion motors is permitted. The speed of boats is limited to 45 mph.

[(1)] (2) Boats are limited to slow, no wake speed at Pine Run, Wild Creek and Pohopoco Creek Bays.

[(2)] (3) Waterskiing is prohibited except between sunrise and sunset in the designated ski zone. Boats in this zoned area shall operate in a counter-clockwise direction. Boats not engaged in waterskiing shall remain outside the ski zone area while waterskiing is in progress. A boat may not tow more than one water ski device on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

[(3)] (4) It is unlawful to operate boats equipped with inboard engines with over-the-transom or straight stack type exhausts.

[(4)] (5) Kite skiing and parasailing are prohibited at all times.

[(5) The speed of boats is limited to 45 mph.

(b) *Mauch Chunk Lake.* The operation of boats powered by internal combustion motors is prohibited.

(c)] (b) *Francis E. Walter Dam.* The use of motors in excess of 10 horsepower is prohibited.

§ 111.14. Centre County.

[(a) *Black Moshanon Lake—Black Moshanon State Park.* The operation of boats powered by internal combustion motors is prohibited.

(b) *Colyer Lake.* The operation of boats powered by internal combustion motors is prohibited.

(c) *Poe Valley Lake—Poe Valley State Park.* The operation of boats powered by internal combustion motors is prohibited.

(d) *Foster Joseph Sayers Lake—Bald Eagle State Park.*

(1) Boats are limited to slow, no wake speed in the following areas:

(i) Hunters Run Cove inlet.

(ii) The southern end of Hunters Run Cove in the vicinity of boat launching areas.

(iii) The northern end of Hunters Run Cove from the inlet to the dam.

(iv) Within 100 feet of either side of the Route 26 highway bridge.

(v) From approximately 2,000 feet west of the Upper Greens Run launch ramp through the backwaters of the lake.

(2) Waterskiing is prohibited in Hunters Run Cove.

(3) It is unlawful to operate boats equipped with inboard engines with over-the-transom or straight stack type exhausts.

(4) The speed of boats is limited to 45 mph.]

Foster Joseph Sayers Lake—Bald Eagle State Park.

(1) The operation of boats powered by internal combustion motors is permitted. The speed of boats is limited to 45 mph.

(2) Boats are limited to slow, no wake speed in the following areas:

(i) Hunters Run Cove inlet.

(ii) The southern end of Hunters Run Cove in the vicinity of boat launching areas.

(iii) The northern end of Hunters Run Cove from the inlet to the dam.

(iv) Within 100 feet of either side of the Route 26 highway bridge.

(v) From approximately 2,000 feet west of the Upper Greens Run launch ramp through the backwaters of the lake.

(3) Waterskiing is prohibited in Hunters Run Cove.

(4) It is unlawful to operate boats equipped with inboard engines with over-the-transom or straight stack type exhausts.

§ 111.15. [Chester County] (Reserved).

[(a) Marsh Creek Lake—Marsh Creek State Park. The operation of boats powered by internal combustion motors is prohibited.

(b) Struble Lake. The operation of boats powered by internal combustion motors is prohibited.]

§ 111.17. Clearfield County.

[(a) Parker Lake—Parker Dam State Park. The operation of boats powered by internal combustion motors is prohibited.

(b)] (a) Treasure Lake.

* * * * *

[(c)] (b) Bimini Lake. The use of motors in excess of 10 horsepower is prohibited.

[(d)] (c) Curwensville Lake. Boats are limited to slow, no wake speeds in the following areas:

- (1) Upriver of the cliff at Ferguson.
(2) Between the old viaduct pillars.

§ 111.18. [Clinton County] (Reserved).

[Alvin R. Bush Dam—Kettle Creek State Park. The operation of boats powered by internal combustion motors is prohibited.]

§ 111.19. [Columbia County] (Reserved).

[Briar Creek Lake. The operation of boats powered by internal combustion motors is prohibited.]

§ 111.20. Crawford County.

(a) Canadohta Lake. The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 10 horsepower is prohibited.

(b) Conneaut Lake. The anchoring of boats is prohibited in the area along the western shoreline of the lake commonly referred to as the "sand bar." The no anchor zone will extend along the shoreline to a line of buoys.

(c) Pymatuning Reservoir—Pymatuning State Park. The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 20 horsepower is prohibited.

[(c)] (d) Sugar Lake. The use of motors in excess of 10 horsepower is prohibited.

[(d) Tamarack Lake. The operation of boats powered by internal combustion motors is prohibited.]

(e) Woodcock Creek Lake.

* * * * *

§ 111.21. Cumberland County.

[(a) Laurel Lake—Pine Grove Furnace State Park. The operation of boats powered by internal combustion motors is prohibited.

(b) Opossum Lake. The operation of boats powered by internal combustion motors is prohibited.

(c) Power Company Dam (Cove Hill) Conodoguinet Creek.

(1) Water skiing is permitted from 10 a.m. to 1 hour before sunset in a zoned area 500 feet below Pikes Pond on the east to Sandy Bottom on the west. Water skiing is prohibited at other times or in other areas.

(2) This zoned ski area is open for fishing and cruising during the skiing period. Fishing and cruising rafts or boats may not be more than 50 feet from the south shore if any skiers are operating during the ski period.

(3) Persons operating vessels in this ski area during the water skiing period shall operate in a counterclockwise fashion, insofar as it is reasonably possible, so as to pass a meeting boat on his own left side. Crisscrossing is forbidden.

(4) Permission is granted to establish swim zone areas in the water ski zone area of the creek, in accordance with Chapter 113 (relating to aids to navigation and obstructions to navigation) out to 50 feet from the north shore. Permission is granted to establish swim zone areas in the dam areas, in accordance with Chapter 105 out to 75 feet from shore.

(5) Boats are limited to slow, no wake speed in the channel behind the island from the breast of the dam to the inlet.]

Fuller Lake—Pine Grove Furnace State Park. Boating is prohibited.

§ 111.23. Delaware County.

* * * * *

(b) [Tinicum Lagoons] Darby Creek. Boats are limited to slow, no wake speed on the entire creek from its headwaters to its confluence with the Delaware River.

§ 111.24. Elk County.

East Branch Clarion River Lake—Elk State Park.

(1) The operation of boats powered by internal combustion motors is permitted. The speed of boats is limited to 45 mph. It is unlawful to operate boats equipped with inboard engines with over-the-transom or straight stack type exhausts.

* * * * *

[(3) The speed of boats is limited to 45 mph.

(4)] (3) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

§ 111.26. Fayette County.

[(a) Dunlap Creek Reservoir. The operation of boats powered by internal combustion motors is prohibited.

(b) *Virgin Run Lake*. The operation of boats powered by internal combustion motors is prohibited.

(c)] *Youghiogheny River Lake*. Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

§ 111.29. [*Fulton County*] (Reserved).

[(a) *Meadow Grounds Lake*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Cowan's Gap Lake—Cowan's Gap State Park*. The operation of boats powered by internal combustion motors is prohibited.]

§ 111.30. *Greene County*.

[(a) *Ronald J. Duke Lake—Ryerson Station State Park*. The operation of boats powered by internal combustion motors is prohibited.

(b)] *Ten Mile Creek*. It is unlawful to operate a boat in excess of slow, no wake speed.

§ 111.31. *Huntingdon County*.

(a) *Greenwood Lake—Greenwood Furnace State Park*. It is unlawful to operate a boat powered by a motor.

[(a)] (b) *Lake Raystown*.

* * * * *

[(b) *Whipple Lake*. The operation of boats powered by internal combustion motors is prohibited.]

(c) *Perez Lake*. The operation of boats powered by internal combustion motors is prohibited.

§ 111.32. *Indiana County*.

[(a) *Hemlock Lake*. The operation of boats powered by internal combustion motors is prohibited.

(b)] (a) *Conemaugh River Lake*.

(1) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

(2) The operation of boats powered by internal combustion motors is prohibited.

(b) *Yellow Creek Lake—Yellow Creek State Park*. The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 20 horsepower is prohibited.

§ 111.33. [*Jefferson County*] (Reserved).

[(a) *Kyle Lake*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Cloe Lake*. The operation of boats powered by internal combustion motors is prohibited.]

§ 111.35. [*Lackawanna County*] (Reserved).

[(a) *Lackawanna Lake—Lackawanna State Park*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Ford's Pond*. The operation of boats powered by internal combustion motors is prohibited.]

§ 111.36. *Lancaster County*.

* * * * *

[(b) *Speedwell Forge Lake*. The operation of boats powered by internal combustion motors is prohibited.

(c)] (b) *Susquehanna River*. Boats are limited to slow, no wake speed for both of the following:

* * * * *

§ 111.37. [*Lawrence County*] (Reserved).

[*Bessemer Lake*. The operation of boats powered by internal combustion motors is prohibited.]

§ 111.38. *Lebanon County*.

[(a) *Memorial Lake—Memorial Lake State Park*. The operation of boats powered by internal combustion motors is prohibited.

(b)] *Stoevers Dam*. The operation of boats powered by internal combustion motors is prohibited.

§ 111.39. [*Lehigh County*] (Reserved).

[(a) *Leaser Lake*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Lehigh River Allentown Pool—East*. Water skiing is prohibited.]

§ 111.40. *Luzerne County*.

[(a) *Frances Slocum Lake—Francis Slocum State Park*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Lake Jean—Ricketts Glen State Park*. The operation of boats powered by internal combustion motors is prohibited.

(c)] (a) *Lily Lake*.

(1) Boats with greater than 60 horsepower engines or greater than 18 feet in length are prohibited.

(2) Boats are limited to slow, no wake speed except those operating within the buoyed high speed operating zone, between noon and sunset between the Saturday preceding Memorial Day and September 30.

[(d) *Mountain Spring Lake*. The operation of boats powered by internal combustion motors is prohibited.

(e)] (b) *Francis E. Walter Dam*. The use of motors in excess of 10 horsepower is prohibited.

[(f)] (c) *Harveys Lake*.

(1) The operation of boats powered by internal combustion motors is permitted.

[(1)] (2) The speed of boats is limited to 45 miles per hour from sunrise to sunset on weekends and holidays from the Saturday before Memorial Day through Labor Day.

[(2)] (3) The speed of boats is limited to slow, no wake speed between sunset and sunrise.

§ 111.41. *Lycoming County*.

[(a) *Little Pine Dam—Little Pine State Park*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Rose Valley Lake*. The operation of boats powered by internal combustion motors is prohibited.

(c) [(a) *Susquehanna River*. Boats are limited to slow, no wake speed between Swimmers Island and the south shore of the Susquehanna River.

[(d)] (b) *Pine Creek*. Only boats powered by motors of 10 horsepower or less are permitted from the county line downstream to the Route 220 bridge. After January 1, 1995, the operation of internal combustion engines is prohibited.

§ 111.43. Mercer County.

* * * * *

(b) [*Lake Wilhelm*. The operation of boats powered by internal combustion motors is prohibited] *Lake Wilhelm—Maurice Goddard State Park*. The operation of boats powered by internal combustion motors is permitted except from a point approximately 200 yards north of the Interstate 79 causeway over Lake Wilhelm upstream to the Game Commission Propagation Area above the Sheakleyville Causeway (State Route 1018, Milledgeville Road).

§ 111.45. Monroe County.

[(a) *Gouldsboro Lake—Gouldsboro State Park*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Tobyhanna Lake—Tobyhanna State Park*. The operation of boats powered by internal combustion motors is prohibited.

(c) *Brady's Lake*. The operation of boats powered by internal combustion motors is prohibited.

(d) [*Delaware River*. The operation of personal watercraft is prohibited within the Delaware Water Gap National Recreation Area.

§ 111.48. Northampton County.

[(a) *East Bangor Dam*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Minsi Lake*. The operation of boats powered by internal combustion motors is prohibited.

(c) [(a) *Delaware River*. The operation of personal watercraft is prohibited within the Delaware Water Gap National Recreation Area (upstream from mile 209.5).

[(d)] (b) *Lehigh River*. Boats are limited to slow, no wake speed in the main channel 150 feet upstream and 150 feet downstream from the Route 33 access ramp.

§ 111.50. [Perry County] (Reserved).

[*Little Buffalo—Little Buffalo State Park*. The operation of boats powered by internal combustion motors is prohibited.]

§ 111.52. Pike County.

[(a) *Bruce Lake*. Motors are prohibited.

(b) *Twin Lakes*. Motors are prohibited.

(c) *Lake Wallenpaupack*.

(1) Water skiing is prohibited on weekends and holidays at the western end of the lake between a line about 200 yards east of Cairn's Island, as marked by buoys, and the Ledgesdale Recreation Area.

(2) Kite skiing and parasailing are prohibited on weekends and holidays at all locations. Kite skiing and parasailing are prohibited between the Ledgesdale Campsite and the Kipp Island/Wallenpaupack Lake Estates cement boat launch ramp.

(3) The area extending 100 feet out from the shoreline shall be considered a special anchorage area. Boats anchored or moored within this area shall be exempt from showing the all-around anchor light between sunset and sunrise, but shall be lighted sufficiently by a shore light to warn an approaching boat of their presence. Boats anchored within this special anchorage area not so lighted from the shore, and boats anchored outside this special anchorage area shall comply with § 97.4 (relating to signals to attract attention) and show the required light from sunset to sunrise. Shore lights shall be screened so that the operator of an approaching boat is not blinded.

(4) Boats are limited to slow, no wake speed in the following areas:

(i) On Wallenpaupack Creek.

(ii) From the Ledgesdale Bridge to a point approximately 1,000 feet downstream.

(iii) From the dam to a point approximately 600 feet south.

(iv) Between Cairn's Island and the Pike County shore line.

(5) Boats are limited to 45 miles per hour from sunrise to sunset on weekends and holidays from the Saturday before Memorial Day to Labor Day.

(6) Boats are limited to 25 miles per hour between sunset and sunrise.

(d) *Lower Lake/Upper Lake—Promised Land State Park*. The operation of boats powered by internal combustion motors is prohibited.

(e) *Shohola Lake*. The operation of boats powered by internal combustion motors is prohibited.

(f) *White Deer Lake*. The operation of boats powered by internal combustion motors is prohibited.

(g) *Lake Minisink*. The operation of boats powered by internal combustion motors is prohibited.

(h) *Pecks Pond*. The operation of boats powered by internal combustion motors is prohibited.

(i) *Fairview Lake*. Boats are limited to slow, no wake speed from the Commission boat launch to the head of the cove.

(j) *Delaware River*. The operation of personal watercraft is prohibited in the following areas:

(1) Upper Delaware Scenic and Recreational River (upstream from mile 258.4).

(2) The Delaware Water Gap National Recreation Area (downstream from mile 250).]

(a) *Twin Lakes*. It is unlawful to operate a boat powered by a motor.

(b) *Lake Wallenpaupack*.

(1) Water skiing is prohibited on weekends and holidays at the western end of the lake between a line about 200 yards east of Cairn's Island, as marked by buoys, and the Ledgesdale Recreation Area.

(2) Kite skiing and parasailing are prohibited on weekends and holidays at all locations. Kite skiing and parasailing are prohibited between the Ledgesdale Campsite and the Kipp Island/Wallenpaupack Lake Estates cement boat launch ramp.

(3) The area extending 100 feet out from the shoreline shall be considered a special anchorage area. Boats anchored or moored within this area shall be exempt from showing the all-around anchor light between sunset and sunrise, but shall be lighted sufficiently by a shore light to warn an approaching boat of their presence. Boats anchored within this special anchorage area not so lighted from the shore, and boats anchored outside this special anchorage area shall comply with § 97.4 (relating to signals to attract attention) and show the required light from sunset to sunrise. Shore lights shall be screened so that the operator of an approaching boat is not blinded.

(4) Boats are limited to slow, no wake speed in the following areas:

- (i) On Wallenpaupack Creek.
- (ii) From the Ledgesdale Bridge to a point approximately 1,000 feet downstream.
- (iii) From the dam to a point approximately 600 feet south.
- (iv) Between Cairn's Island and the Pike County shore line.
- (5) Boats are limited to 45 miles per hour from sunrise to sunset on weekends and holidays from the Saturday before Memorial Day to Labor Day.

(6) Boats are limited to 25 miles per hour between sunset and sunrise.

(c) *Fairview Lake*. Boats are limited to slow, no wake speed from the Commission boat launch to the head of the cove.

(d) *Delaware River*. The operation of personal watercraft is prohibited in the following areas:

- (1) Upper Delaware Scenic and Recreational River (upstream from mile 258.4).
- (2) The Delaware Water Gap National Recreation Area (downstream from mile 250).

§ 111.53. [Potter County] (Reserved).

[*Lyman Lake—Lyman Run State Park*. The operation of boats powered by internal combustion motors is prohibited.]

§ 111.54. [Schuylkill County] (Reserved).

[(a) *Locust Lake—Locust Lake State Park*. The operation of boats powered by internal combustion motors is prohibited.]

(b) *Tuscarora Lake—Tuscarora Lake State Park*. The operation of boats powered by internal combustion motors is prohibited.]

§ 111.55. [Snyder County] (Reserved).

[*Walker Lake*. The operation of boats powered by internal combustion motors is prohibited.]

§ 111.56. Somerset County.

[(a) *Laurel Hill Lake*. The operation of boats powered by internal combustion motors is prohibited.]

(b) *Youghiogeny River Lake*.

(1) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

(2) Boats are limited to slow, no wake speed within the following areas:

(i) *Wilkins Hollow Cove*.

(ii) *Tub Run Cove*. From a line extending in a southwesterly direction between the outermost points of land on each side of the cove as marked.

(iii) *Somerfield Recreation Area*. As marked in the vicinity of the boat launch ramp and marina.

(iv) *Fall Run Cove*.

(v) *Hall Run Cove*.

(vi) *Braddocks Run Cove*.

(vii) *Reason Run Cove*.

(viii) *Off Somerfield Hill*.

(c) *Lake Somerset*. The operation of boats powered by internal combustion motors is prohibited.

(d) *High Point Lake*. The operation of boats powered by internal combustion motors is prohibited.

(e) *Cranberry Glade Lake*. The operation of boats powered by internal combustion motors is prohibited.]

Youghiogeny River Lake.

(1) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

(2) Boats are limited to slow, no wake speed within the following areas:

(i) Wilkins Hollow Cove.

(ii) Tub Run Cove from a line extending in a southwesterly direction between the outermost points of land on each side of the cove as marked.

(iii) Somerfield Recreation Area as marked in the vicinity of the boat launch ramp and marina.

(iv) Fall Run Cove.

(v) Hall Run Cove.

(vi) Braddocks Run Cove.

(vii) Reason Run Cove.

(viii) Off Somerfield Hill.

§ 111.57. [Sullivan County] (Reserved).

[*Hunters Lake*. The operation of boats powered by internal combustion motors is prohibited.]

§ 111.58. Susquehanna County.

* * * * *

[(g) *Stump Pond*. The operation of boats powered by internal combustion motors is prohibited.]

(h)] (g) *Tripp Lake*. The operation of boats powered by internal combustion motors is prohibited.

[(i) *Upper Lake, New Milford Township*. Motors are prohibited.]

(h) *Upper Lake, New Milford Township*. It is unlawful to operate a boat powered by a motor.

§ 111.59. *Tioga County*.

[(a) *Beechwood Lake*. The operation of boats powered by internal combustion motors is prohibited.

(b)] (a) *Cowanessque Lake*. Boats are limited to slow, no wake speed in the following areas:

- (1) Mapes Creek Cove.
- (2) Baldwins Creek Cove.
- (3) Between the buoy lines across the lake in the vicinity of East and West Boat Launch areas.
- (4) From the buoy line west of the South Shore Use Area upstream to the headwaters of the lake.

[(c)] (b) *Hammond Lake*. Boats are limited to slow, no wake speed from a buoy line across the lake in the vicinity of Ives Run to the extreme backwaters of the lake.

[(d) *Hills Creek Lake—Hills Creek State Park*. The operation of boats powered by internal combustion motors is prohibited.

(e) *Nessmuk Lake*. The operation of boats powered by internal combustion motors is prohibited.

(f)] (c) *Tioga Lake*. Boats are limited to slow, no wake speed in the following areas:

- (1) Between the [route] **Route 15** bridge and the extreme backwaters of the Mill Creek Arm.
- (2) From the vicinity of Big Rift Creek to the extreme backwaters of the lake.

[(g)] (d) *Pine Creek*. Only boats powered by motors of 10 horsepower or less are permitted from the county line downstream to the Route 220 bridge. After January 1, 1995, the operation of internal combustion engines is prohibited.

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

§ 111.60. *Union County*.

Halfway Lake—R.B. Winter State Park. Boating is prohibited.

§ 111.61. *Venango County*.

[(a) *Kahle Lake*. The operation of boats powered by internal combustion motors is prohibited.

(b)] *Two Mile Run County Park*.

(1) The operation of boats powered by internal combustion motors is prohibited.

(2) Sailboats greater than 14 feet in length and multihull sailboats are prohibited.

(3) Inflatable boats shall be greater than 7 feet in length, made of tough, reinforced fabric and have at least two separate buoyancy chambers exclusive of any inflatable floor or bottom.

§ 111.62. *Warren County*.

[(a)] *Allegheny River Reservoir (Kinzu Dam)*.

* * * * *

[(b) *Chapman Lake—Chapman State Park*. The operation of boats powered by internal combustion motors is prohibited.]

§ 111.63. *Washington County*.

[(a) *Canonsburg Lake*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Dutch Fork Lake*. The operation of boats powered by internal combustion motors is prohibited.

(c)] *Cross Creek Lake*. The use of motors in excess of 10 horsepower is prohibited.

§ 111.64. *Wayne County*.

[(a) *Belmont Lake*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Duck Harbor Pond*.

(1) A boat may not tow more than one water ski device on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

(2) The speed of boats is limited to slow, no wake speed between the hours of 6 p.m. and 10 a.m.

(c) *Long Pond*.

(1) Water skiing is permitted from 10 a.m. until 5 p.m. on weekends and holidays and from 10 a.m. until sunset on weekdays other than holidays.

(2) A boat may not tow more than one water ski device on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

(3) The speed of boats is limited to slow, no wake speed from sunset until sunrise.

(d) *Lower Woods Pond*. The operation of boats powered by internal combustion motors is prohibited.

(e) *Millers Pond*. The operation of boats powered by internal combustion motors is prohibited.

(f) *Prompton Lake*. The use of motors in excess of 10 horsepower is prohibited.

(g) *Upper Woods Pond*. The operation of boats powered by internal combustion motors is prohibited.

(h) *Lake Wallenpaupack*. Pike County special regulations applicable to Lake Wallenpaupack at § 111.52(c) (relating to Pike County) also apply to the Wayne County portion of Lake Wallenpaupack.

(i) *White Oak Pond*. The operation of boats powered by internal combustion motors is prohibited.

(j) *Delaware River*. The operation of personal watercraft is prohibited within the Upper Delaware Scenic and Recreational River.]

(a) *Duck Harbor Pond*.

(1) The operation of boats powered by internal combustion motors is permitted.

(2) A boat may not tow more than one water ski device on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

(3) The speed of boats is limited to slow, no wake speed between the hours of 6 p.m. and 10 a.m.

(b) *Long Pond.*

(1) The operation of boats powered by internal combustion motors is permitted.

(2) Water skiing is permitted from 10 a.m. until 5 p.m. on weekends and holidays and from 10 a.m. until sunset on weekdays other than holidays.

(3) A boat may not tow more than one water ski device on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

(4) The speed of boats is limited to slow, no wake speed from sunset until sunrise.

(c) *Prompton Lake—Prompton State Park.* The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 10 horsepower is prohibited.

(d) *Lake Wallenpaupack.* Pike County special regulations applicable to Lake Wallenpaupack at § 111.52(b) (relating to Pike County) also apply to the Wayne County portion of Lake Wallenpaupack.

(e) *Delaware River.* The operation of personal watercraft is prohibited within the Upper Delaware Scenic and Recreational River.

§ 111.65. Westmoreland County.

[(a) *Lake Donegal.* The operation of boats powered by internal combustion motors is prohibited.

(b) *Keystone Lake—Keystone State Park.* The operation of boats powered by internal combustion motors is prohibited.

(c)] (a) *Conemaugh River Lake.*

(1) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

(2) The operation of boats powered by internal combustion motors is prohibited.

[(d)] (b) *Loyalhanna River Lake.* All persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

§ 111.66. Wyoming County.

[(a) *Stevens Lake.* The operation of boats powered by internal combustion motors is prohibited.

(b)] *Lake Winola.*

(1) The operation of boats powered by internal combustion motors is permitted.

[(1)] (2) A boat may not tow more than one water ski device on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

[(2)] (3) The speed of boats is limited to slow, no wake speed from sunset to sunrise, 7 days a week, year-round, and from sunrise to 11 a.m. on Sundays from the day before Memorial Day until Labor Day.

[(3)] (4) The speed of boats is limited to 35 mph from sunrise to sunset on weekends and holidays.

§ 111.67. York County.

(a) [*Pinchot Lake (Conewago Lake)—Gifford Pinchot State Park.* The operation of boats powered by

internal combustion motors is prohibited.] *Lake Marburg—Codus State Park.* The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 20 horsepower is prohibited.

* * * * *

CHAPTER 115. BOATS CARRYING PASSENGERS FOR HIRE

§ 115.11. Personal flotation devices.

It is unlawful to operate a boat carrying passengers for hire unless it carries sufficient, serviceable [**Type I, II, III or V**] **United States Coast Guard-approved wearable personal flotation devices in accordance with § 97.1 (relating to personal flotation devices)** to provide one for the maximum number of passengers and crew members indicated on the certificate. It is unlawful to operate a boat carrying passengers for hire unless it carries an additional number of personal flotation devices suitable for children equal to at least 10% of the maximum capacity of the boat. If more than 10% of the passengers are children, additional personal flotation devices sized for children are required.

[Pa.B. Doc. No. 15-1320. Filed for public inspection July 17, 2015, 9:00 a.m.]

[58 PA. CODE CH. 61]

Fishing; Seasons, Sizes and Creel Limits

The Fish and Boat Commission (Commission) proposes to amend Chapter 61 (relating to seasons, sizes and creel limits). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

A. *Effective Date*

The proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2016.

B. *Contact Person*

For further information on the proposed rulemaking, contact Laurie E. Shepler, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. *Statutory Authority*

The proposed amendment to § 61.2 (relating to Delaware River, West Branch Delaware River and River Estuary) is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. *Purpose and Background*

The proposed rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the proposed amendment is described in more detail under the summary of proposal.

E. *Summary of Proposal*

The management plan for Striped Bass of the Atlantic States Marine Fisheries Commission (ASMFC) calls for management actions when the coastwide spawning stock biomass (SSB) or fishing mortality rates reach thresholds set within the management plan. The SSB threshold is 127 million pounds. The current SSB is just above this at

128 million pounds. At the current fishing mortality rates, there is concern that the SSB will fall below the threshold in the near future. In addition to these concerns, recruitment of young fish has been relatively low in many of the years since 2004. In response to these concerns, the ASMFC Striped Bass Management Board, which includes the Commonwealth as a member, has directed coastal states to reduce fishing mortality rates by 25% beginning in 2015.

ASMFC has directed that the reduction in harvest be implemented prior to the 2015 fishing season. In this Commonwealth, the Striped Bass fishery in the Delaware River and Estuary typically begins in early March. To meet this deadline, the Executive Director, acting under the authority of § 65.25 (relating to temporary changes to fishing regulations), took immediate action to amend § 61.2. Specifically, the Executive Director amended this section to decrease the creel limit for Striped Bass in the River Estuary (from the Pennsylvania line upstream to Calhoun Street Bridge) during the periods January 1 through March 31 and June 1 through December 31 to one fish and to change the slot limit during the period April 1 through May 31 to 21 to 25 inches. The Executive Director also amended the section to decrease the creel limit for Striped Bass in the Delaware River (from the Calhoun Street Bridge upstream) to one fish. The temporary changes went into effect on March 1, 2015, and will remain in effect until the Commission, by appropriate action, amends § 61.2.

The Commission proposes to amend § 61.2 to read as set forth in Annex A.

F. Paperwork

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

G. Fiscal Impact

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

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/reg comments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

Fiscal Note: 48A-266. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS

§ 61.2. Delaware River, West Branch Delaware River and River Estuary.

* * * * *

(d) The following seasons, sizes and creel limits apply to the Delaware River, West Branch Delaware River and Delaware River tributaries, from the mouths of the tributaries upstream to the limit of the tidal influence and the Lehigh River from its mouth upstream to the first dam in Easton, Pennsylvania:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
	* * * * *		
STRIPED BASS and HYBRID STRIPED BASS	From Pennsylvania line upstream to Calhoun Street Bridge: January 1 until March 31 and June 1 until December 31 [.]	28 inches	1
	April 1 through May 31	[20 to 26] 21 to 25 inches	2
	From Calhoun Street Bridge upstream: open year-round	28 inches	1
	* * * * *		

[Pa.B. Doc. No. 15-1321. Filed for public inspection July 17, 2015, 9:00 a.m.]

STATEMENTS OF POLICY

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 41]

[M-2011-2163034]

Revision to 52 Pa. Code § 41.11 Regarding Ill or Injured Exemption to Common Carrier By Motor Vehicle Service

Public Meeting held
July 8, 2015

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

Revision to 52 Pa. Code § 41.11 Regarding Ill or Injured Exemption to Common Carrier By Motor Vehicle Service; Doc. No. M-2011-2163034

Order Withdrawing Proposed Policy Statement

By the Commission:

The Commission's jurisdiction over the transportation of passengers and property by motor vehicle is subject to a number of exemptions, including one that applies to the transportation of ill, injured or dead persons. On March 17, 2011, the Commission adopted a proposed policy statement which defined the scope of this exemption as it pertained to the transportation of ill or injured persons for medical treatment. For the reasons set forth in greater detail below, most importantly the comments filed in response to the proposed policy statement and the recently adopted Emergency Medical Services System Act, we are discontinuing this proposed policy statement.

Background

The transportation of ill, injured or dead persons by a corporation or individual falls within an exemption to the definition of "common carrier by motor vehicle" service at Section 102 of the Public Utility Code, 66 Pa.C.S. § 102. Specifically, the definition of common carrier by motor vehicle does not include "any person or corporation who or which furnishes transportation to any injured, ill or dead person." This exemption has been long understood to exclude the emergency transportation of persons by ambulance from Commission jurisdiction. This exemption also appears in the definition of "transportation of passengers and property" in Section 102:

Any and all service in connection with the receiving, transportation, elevation, transfer in transit, ventilation, refrigeration, icing, storage, handling, and delivering of property, baggage or freight, as well as any and all service in connection with the transportation or carrying of passengers, but shall not mean any service in connection with the receiving, transportation, handling or delivering of voting machines to and from polling places for or on behalf of any political subdivision of this Commonwealth for use in any primary, general or special election, or the transportation of any injured, ill or dead person, or the transportation by towing of wrecked or disabled motor vehicles, or the transportation of pulpwood or chemical wood from woodlots.

66 Pa.C.S. § 102, definition of "transportation of passengers or property." (emphasis added).¹ The phrase "injured, ill or dead person" is not defined in the Public Utility Code.

The Commission previously addressed the scope of this exemption in several fully litigated cases, a petition for declaratory order, and two rulemaking proceedings. Two of the Commission's decisions were reviewed by the Commonwealth Court of Pennsylvania. While the scope of this exemption to emergency transportation has been well understood, its application to non-emergency transportation of ill or injured persons has been problematic. A review of precedent and the Commission's policy statement is instructive.

The issue was first examined in *Chappell v. PUC*, 425 A.2d 873 (Pa. Cmwlth. 1981). In this case, the Commonwealth Court reviewed the Commission's exercise of jurisdiction over a motor carrier who proposed to transport non-ambulatory injured or ill persons to physicians' offices for medical treatment using ambulances and a station wagon, which was capable of being used as an ambulance. The Commission held that the injured or ill exemption applied only to emergency medical treatment, and that it always required certificates for the non-emergency transportation of passengers.

The Commonwealth Court reversed the Commission's decision and held that the exemption did apply to some non-emergency transportation of ill or injured passengers. The Court acknowledged that the legislature did not intend for the exemption to "[A]pply with respect to all injured and ill persons, for such an interpretation would encompass persons suffering from minor ailments as well as the more seriously ill and would include transportation to non-medical as well as medical destinations." *Chappell* at 875. (emphasis in the original). The Court noted that the Commission had by its own admission chosen to adopt a narrow interpretation of the exemption. However, the Court concluded that the Statutory Construction Act did not require this provision to be interpreted strictly, and that it should be "...liberally construed to affect the objects of the statute and promote justice." *Id.*; 1 Pa.C.S. § 1928(c).

The Court concluded that the exemption should be interpreted as follows:

The exemption, therefore, must be interpreted as applying to the transportation which is afforded persons who, because they are injured and ill, require transportation for medical treatment. In other words, the statute exempts the transportation of patients for purposes of medical treatment. Such a construction is not actually at odds with PUC licensing practices, for carriers such as Reading have already been licensed to provide a medi-taxi service to the elderly and incapacitated, in addition to the ill, for non-medical as well as for medical purposes. On the other hand, *DAC's non-emergency operation is limited to providing transportation for non-ambulatory patients to and from various medical facilities for medical treatment, and it does not offer taxi service, transport ambulatory persons, or provide transportation for non-medical purposes.* The DAC provides, in effect, an ambulance service which falls within the exemption

¹ This exemption was added to the Public Utility Code in 1949. Prior to that, the Commission did regulate service by ambulances and hearses. See *Re Med-Bus, Inc.*, Docket A-00101278 (Order entered July 19, 1979).

afforded by Section 102(9) of the Code, as opposed to a medi-taxi service, which does not.

Id. (emphasis added). *Chappell* therefore stands for the proposition that a certificate is not required in situations where there is a “non-emergency” transport of a “non-ambulatory” patient to and from a medical facility for medical treatment.

The Commission issued a policy statement to implement the *Chappell* decision at 52 Pa. Code § 41.1, which was adopted and became effective September 12, 1981.² The policy statement provided that the exemption would apply when the following circumstances were present:

- (1) The transportation is performed by a carrier providing paratransit service utilizing specialized equipment.
- (2) The passengers are persons, including patients, who—because they are injured or ill—require transportation to or from health care providers as defined in Section 103 of the Health Care Facilities Act (35 P. S. § 448.103).

A patient was defined as “a natural person receiving health care from a health care provider.” “Specialized equipment,” however, was not defined.

Several weeks after this policy statement was published in the *Pennsylvania Bulletin*, the Commonwealth Court revisited the scope of this exemption in *Triage, Inc. v Pa. Public Utility Commission*, 450 A.2d 790 (Pa. Cmwlth. 1982). Here, a petitioner was appealing the Commission’s finding that a certificate of public convenience was not required for the transportation of certain disabled, elderly or wheelchair bound persons to and from appointments at doctors’ offices, clinics, hospitals, etc. The Commission had concluded that a certificate was not necessary in this case under the ill or injured exemption according to the recent *Chappell* decision by the Commonwealth Court.

The Commonwealth Court, however, reversed the Commission, finding that a certificate was necessary. The Court distinguished its holding in *Chappell* as follows:

In *Chappell* we determined that an ambulance service which transports “non-ambulatory patients to and from various medical facilities,” absent concomitant taxi service, transportation of ambulatory persons, or transportation for non-medical purposes, falls within the Section 102(9) exemption. 57 Pa. Commonwealth Ct. at 23, 425 A.2d at 876. A careful examination of *Triage’s* application reveals, however, that it does not match *Chappell* in two key particulars: (1) *it is intended to be a taxi service, not an ambulance service, and* (2) *it does intend to transport ambulatory individuals.*

Triage at 792 (emphasis added). The Court, in reviewing the application, determined that the petitioner intended to offer a taxi-type service and would include the transport of ambulatory individuals. The Court noted that the petitioner’s service was unlike an ambulance service in that it would not be available for individual patient use. However, the Court did not address the Commission’s statement of policy, and whether it complied with *Chappell*. This was perhaps due to the fact that the case was argued before the Court prior to the policy statement’s publication in the *Pennsylvania Bulletin*.

This issue was next revisited some years later in the context of an enforcement proceeding over unlicensed

paratransit service. *Pennsylvania Public Utility Commission v. National Medi-Vans, Inc.*, C-903059 (Order entered April 18, 1991). The Commission had instituted a complaint against a carrier for providing paratransit services without a certificate of public convenience. Specifically, the carrier had transported non-ambulatory patients to and from physician’s offices, hospitals, and nursing homes. The presiding administrative law judge dismissed the complaint, finding that the service fell within the *Chappell* exemption.

The Commission’s Law Bureau excepted to the decision, arguing that the transportation to a physician’s office did not meet the definition of “health care facility” within the Health Care Facilities Act (HCFA), and that therefore this service did not fall within the exemption. The respondent asserted that *Chappell* required the Commission to interpret the exemption broadly, and that exclusion for transport to a physician’s offices was improperly narrow. It also noted that that the Commission’s policy statement did not include a definition for “health care facility.” The Commission, while not adopting the respondent’s argument on the meaning of *Chappell*, acknowledged that its policy statement needed revision if it planned to rely on the “health care facility” definition in the HCFA.

Shortly after this, the Commission revised Section 41.11 to comply with the language of the HCFA as it was codified at that time. Policy Statement on Transportation of Persons to or from Medical Locations by Paratransit Operations Utilizing Specialized Equipment 52 Pa. Code § 41.11, Docket M-910291 (Order entered July 17, 1991). Section 41.11 was amended to add definitions for health care facility, health care institution, health care provider and health maintenance organization. Health care facility and health maintenance organization were defined as having the same meaning as those terms in Section 103 of the HCFA, 35 P. S. § 448.103. The modified policy statement was codified as follows:

§ 41.11. Transportation of persons to or from medical locations by paratransit operations utilizing specialized equipment—statement of policy

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

Health care facility—A general or special hospital, as defined in section 103 of the Health Care Facilities Act (35 P. S. § 448.103).

Health care institution—The major categories of health care institutions include: hospitals, nursing care institutions, home health agencies, infirmaries and behavioral health services.

Health care provider—A person who operates a health care facility, health care institution or health maintenance organization.

Health maintenance organization—An organization which provides health care services as defined in section 103 of the Health Care Facilities Act.

(b) If the following circumstances are present, the Commission will regard that operation as beyond the regulatory jurisdiction of the Commission, under 66 Pa.C.S. § 102(9) (relating to definitions):

(1) The transportation is performed by a carrier providing paratransit service utilizing specialized equipment.

² Transportation of Patients to or from Medical Locations by Paratransit Operations Utilizing Specialized Equipment, Docket No. M-810225 (Order issued April 4, 1981). 11 Pa.B. 3108.

(2) The passengers are persons, including patients, who—because they are injured or ill—require transportation to or from health care providers, as defined in this section.

(c) This policy statement effectuates the Commonwealth Court decision of *Chappell v. Pennsylvania Public Utility Commission*, 57 Pa. Commw. 17, 425 A.2d 873 (1981).

(d) This policy statement also incorporates the Commonwealth Court decision of *Triage, Inc. v. Pennsylvania Public Utility Commission*, 69 Pa. Commw. 230, 450 A.2d 790 (1982) and the Commission's decision of *Pennsylvania Public Utility Commission v. National MediVans, Inc.*, Docket No. C-903059 (Order entered April 18, 1991).

As codified, this policy statement did not expressly include the Commonwealth Court's holdings regarding ambulatory vs. non-ambulatory patients. It also appeared to maintain, through the definition section, the exclusion of transportation to physician's offices from this exemption.

This policy statement was applied in two cases shortly thereafter. In both, the Commission held that the exemption did not apply to the motor carrier service at issue in each case. *Connellsville Taxi Service, Inc. v. Central Cab Company*, A-101803C901 (Order entered May 22, 1992), 1992 Pa. PUC LEXIS 79; Application of White Line Taxi and Transfer Company, Inc., A-00000990, F.004, (Order entered June 17, 1992), 1992 Pa. PUC LEXIS 170.

In *White Line*, the ALJ held that the Suburban wagons the applicant proposed to use for paratransit service did not meet the definition of "specialized equipment" at Section 41.11(b) of the Commission's policy statement. These vehicles were not ambulances or capable of being used as ambulances. The ALJ also noted that applicant did not state whether the service would be used for ambulatory or non-ambulatory services. Applying *Triage*, the Commission held that the service was more akin to taxi service, and did not fall within the exemption. In the *Connellsville* case, the Commission applied the policy statement to find that transportation service to a physician's private offices was not covered by the exemption. Rather, the service had to be provided to a health care facility as defined by the HCFA.

The Commission last applied this policy statement in 1996. *Petition of Tri-State Emergency Systems, Inc. d/b/a Emery Care for Declaratory Order*, Docket P-00961060 (Order entered June 10, 1996). Emery Care wished to expand its service to transport ambulatory patients needing assistance to non-hospital medical facilities, clinics and physicians' offices for medical treatment. It proposed to use vans equipped with basic life support equipment and staffed by paramedics and emergency medical technicians. It asked the Commission to determine whether its proposed service fell within the ill or injured exemption.

In *Tri-State*, the Commission applied the policy statement to reaffirm its prior holdings that transportation to a physician's office was not covered by the exemption. It clarified the meaning of "specialized equipment" to require basic life support equipment and oxygen, as well as staffing of vehicle with medical attendants. The Commission also acknowledged that the policy statement was silent on the ambulatory status of the individuals to be transported.

Proposed Policy Statement Order

On March 17, 2011, the Commission adopted a proposed policy statement which amended 52 Pa. Code

§ 41.11 to more accurately reflect several Commonwealth Court and Commission decisions over the years defining the scope of the injured, ill, or dead exemption. The proposed policy statement explained that the exemption applied to "non-ambulatory" persons transported to "facilities" as opposed to "providers." Additionally, the specialized equipment standard was expanded to require a driver plus one additional person capable of providing basic life support care, in order to fall within the exemption.

In sum, the proposed policy statement would exempt from Commission jurisdiction certain trips, but the person being transported: (1) must be non-ambulatory; (2) the vehicles used should either be an ambulance, or a vehicle that by its nature and equipment has ambulance-like characteristics; (3) the vehicle should also be operated by at least one person, in addition to the driver, with some form of first responder or medical training in the transport of ill or injured persons; and (4) the person must be transported to or from a "health care facility" or physicians' offices at which reviewable "clinically related health service" is rendered.

To this end, the Commission solicited comments on the proposed policy statement, which reads as follows:

§ 41.11. Transportation of persons to or from medical locations by paratransit operations utilizing specialized equipment—statement of policy.

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

Basic life support services—The pre-hospital or inter-hospital emergency medical care and management of illness or injury performed by specially trained, certified or licensed personnel, including, but not limited to, automated external defibrillation, cardiopulmonary resuscitation, airway management, control and stabilization of bleeding or injuries, and first aid.

Basic life support equipment—Equipment necessary to provide basic life support services.

Health care facility—[A general or special hospital, as defined in section 103 of the Health Care Facilities Act (35 P.S. § 448.103).] Any health care facility providing clinically related health services, including, but not limited to, a general or special hospital, including psychiatric hospitals, rehabilitation hospitals, ambulatory surgical facilities, long-term care nursing facilities, cancer treatment centers using radiation therapy on an ambulatory basis and inpatient drug and alcohol treatment facilities, both profit and nonprofit and including those operated by an agency or State or local government. The term shall also include a hospice. The term shall include an office used primarily for the private or group practice by health care practitioners where diagnostic, rehabilitative and treatment services are offered.

[***Health care institution***—The major categories of health care institutions include: hospitals, nursing care institutions, home health agencies, infirmaries and behavioral health services.]

[***Health care provider***—A person who operates a health care facility, health care institution or health maintenance organization.]

[*Health maintenance organization*—An organization which provides health care services as defined in section 103 of the Health Care Facilities Act.]

Non-ambulatory person—One who is not able to walk, not able to walk without assistance, or who has a medical condition such that even assisted ambulation is medically contraindicated.

(b) *Exemption criteria.* If the following circumstances are present, the Commission will regard that operation as beyond the regulatory jurisdiction of the Commission pursuant to the ill or injured exemption to the definition of common carrier by motor vehicle [under] at 66 Pa.C.S. § 102[(9)] (relating to definitions):

(1) The transportation is performed by a carrier providing paratransit service utilizing [**specialized**] basic life support equipment. The vehicle must be operated by a driver and at least one additional person with medical training, such as an emergency medical technician, sufficient to provide basic life support services.

(2) The passengers are **non-ambulatory** persons, including patients, who—because they are injured or ill—require transportation to or from health care facilities [**providers**], as defined in this section.

(c) *Purpose.* This policy statement effectuates the Commonwealth Court decision of *Chappell v. Pennsylvania Public Utility Commission*, 57 Pa. Commw. 17, 425 A.2d 873 (1981) and *Triage, Inc. v. Pennsylvania Public Utility Commission*, 69 Pa. Commw. 230, 450 A.2d 790 (1982).

[(d) This policy statement also incorporates the Commonwealth Court decision of *Triage, Inc. v. Pennsylvania Public Utility Commission*, 69 Pa. Commw. 230, 450 A.2d 790 (1982) and the Commission's decision of *Pennsylvania Public Utility Commission v. National MediVans, Inc.*, Docket No. C-903059 (Order entered April 18, 1991).]

The proposed policy statement and accompanying notice requesting comments from interested parties were published in the *Pennsylvania Bulletin* on June 11, 2011 at 41 Pa.B. 3009. The Commission received comments from the Pennsylvania Department of Health (DOH), Pennsylvania Emergency Health Services Council (PEHSC), Ambulance Association of Pennsylvania (AAP), American Medical Response Mid-Atlantic, Inc. (AMR), Burholme EMS (Burholme) and Northeast Community Ambulance (Northeast), Med-Trans, Inc., (Med-Trans), McGonigle Ambulance Service, Inc., (McGonigle), East Pennsboro Ambulance Service, Inc., (East Penn), Central Pocono Ambulance (Central Pocono), Superior Ambulance Service, Inc., (Superior), Fayetteville Volunteer Fire Department, Inc., Jeannette E.M.S., Somerset Ambulance Association, Inc., Ford City Ambulance, 7th Ward Civic Association and Millcreek Paramedic Service, Inc., Bellefonte EMS (Bellefonte) and Lock Haven EMS (Lock Haven), Bucks County Transport, Inc.(Bucks County), Norristown Transportation Company (Norristown), Suburban Transit Network, Inc.(Suburban), Byers Taxi Service, Inc., Francis E. Criner, Manor Valley Taxi, Inc., Tri County Access Co., Veterans Cab Company, Inc., YCG Acquisition Corporation and Barkers Brothers.

We shall now address in seriatim the comments received in response to the Commission's proposed policy statement.

Comments

A. Pennsylvania Department of Health

The DOH submits in its comments that the Commission, in drafting the proposed policy statement, inappropriately relied on prior court cases and statements of policy that were published prior to the existence of the original Emergency Medical Services System Act (EMS System Act) of 1985 and the recently enacted Act 37 of 2009.³ On this point, the DOH succinctly states:

The legislature has enacted appropriate statutory provisions concerning the care of ill or injured patients who require monitoring, observation, or treatment pursuant to the EMS System Act. While the Department does not have authority over common carriers, which is under the auspices of the Commission, the Department does regulate emergency medical services under the EMS System Act.

As to the EMS System Act, which it should be noted is not referenced at any point in the Commission's proposed policy statement, the DOH states:

Under the EMS System Act, if a person requires medical assessment, monitoring, treatment or observation, the vehicle is considered an emergency medical services vehicle and thus must be licensed by the Department. The Commission's definition of basic life support services could place a common carrier vehicle under the authority of the Department as it could meet the definition of providing emergency medical services. While the Commission is not required to adopt the definitions and standards contained in the EMS System Act, it would provide less confusion and more cohesion if the Commission adopted the same language concerning the transportation of ill or injured patients.

In conclusion, the DOH asserts that the Commission's proposed policy statement myopically focuses on the destination of the patient as opposed to also focusing on the needs of the patient in reaching his or her destination.⁴ The DOH requests that the Commission revisit its proposed policy statement in regards to definitions that are contained or addressed in the EMS System Act; its vehicle staffing requirements for when a patient requires the type of monitoring that would place it under the EMS System Act; a further clarification of wheelchair and stretcher vehicles that provide monitoring, and the possible penalties that an unlicensed vehicle or service could face for violation of the EMS System Act.⁵

B. Pennsylvania Emergency Health Services Council

PEHSC is recognized as the official advisory board to the DOH. Its relationship with the DOH spans over 25 years. PEHSC submits:

The PUC should cooperate with the PA Department of Health and revise the proposed regulation to remove the exemption language for ill or injured persons and simply state the exemption is provided to licensed EMS organizations under the oversight of

³The EMS System Act is administered by the DOH through the Bureau of Emergency Medical Services.

⁴The DOH states that it does not wish to see common carriers unintentionally violate the EMS System Act because their only concern was whether they were meeting the requirements for exemption under the Commission's authority.

⁵DOH further requests that the Commission not adopt this proposed policy statement until such time as the Commission and DOH can meet to ensure that both the Commission's and DOH's missions are not compromised.

the PA Department of Health. This will permit the Department to establish guidance to licensed EMS agencies providing wheelchair and stretcher services. This will further ensure the appropriate transportation of "patient" vs. "person."

PEHSC also states that the proposed policy statement is in conflict with the current EMS System Act (Act 37 of 2009) and would increase the cost to provide EMS transportation.

C. Ambulance Association of Pennsylvania

The AAP states that it is Pennsylvania's lead organization serving the needs of its members in the emergency and non-emergency ambulance and medical transportation community. The AAP represents over 200 ambulance providers in the Commonwealth which comprise the majority of the emergent and non-emergent ambulance transports.

The AAP submits that the Commission should not adopt the proposed policy statement because the proposed policy statement would place EMS providers in conflict with their licensing agency, namely, the DOH. In this regard, the AAP highly recommends that the Commission allow the DOH to take the lead on licensing wheelchair/stretcher vans and medical transportation to health care facilities. The AAP maintains:

The Department of Health is the agency that regulates emergency medical services, certifies EMS providers, and the licensing of EMS vehicles regardless of the destination location. The AAP suggests the PUC allow the Department of Health to take the lead on licensing wheelchair/stretcher and medical transportation of the person to or from a facility, a physician's office or any other location to receive or from which the person received health care services.

In sum, the AAP strongly opposes the adoption of the proposed policy statement because the proposed policy statement is in conflict with the EMS System Act.

D. American Medical Response Mid-Atlantic, Inc., Burholme EMS and Northeast Community Ambulance

AMR provides over 20,000 ambulance and wheelchair trips annually to patients in hospitals and nursing facilities in Philadelphia and the surrounding counties. Burholme is a non-profit community EMS serving Philadelphia and Eastern Montgomery County. Many of Burholme's local seniors depend on specialized service day to day in order to meet their outpatient medical needs. Northeast is also a non-profit, community ambulance service which has been in operation since 1947. Northeast utilizes both BLS ambulances and wheelchair vans to transport its patients.

AMR, Burholme and Northeast each state in their comments that the Commission should not adopt the proposed policy statement because, as stated previously by AAP and others, it places EMS providers in conflict with their licensing agency. Each of these organizations highly recommends that the Commission allow the DOH to take the lead on licensing wheelchair/stretcher vans and medical transportation to health care facilities. In addition, each of these organizations recommends that the Commission adopt the definitions in the EMS System Act.

In conclusion, each of these organizations maintains:

Should the proposed policy be adopted in its' [sic] current form, the provision of this type of medical transportation service would become economically

unfeasible, creating a barrier to access of care for the ill or injured. The requirements to meet the medical exemption would double the labor cost as well as the cost of equipment and supplies. EMS Agencies, struggling to retain seasoned staff for EMS, would not have the ability to offer this service and more patients would not be able to afford the transportation.

E. Med-Trans, Inc., McGonigle Ambulance Service, Inc., East Pennsboro Ambulance Service, Inc. Central Pocono Ambulance and Superior Ambulance Service, Inc.

Med-Trans provides transportation services to nursing facilities, hospitals and dialysis and cancer centers in Chester County, Pennsylvania. In addition, Med Trans provide transportation services to private individual's residences. Med-Trans has been providing ambulance and wheelchair van transportation to a large population of elderly, incapacitated and/or ill persons in Chester County for over 30 years.

McGonigle provides transportation services to families in need of EMS throughout southwestern Mercer County, Pennsylvania and is a leader within the EMS industry providing emergency and non-emergency medical transportation services 24 hours a day, 365 days a year. McGonigle provides services to three hospitals with a combined bed capacity of over 400 beds and over 40 skilled nursing facilities, group homes and clinics. McGonigle's primary geographic area of responsibility includes more than 70,000 Pennsylvania residents, as well as many thousands of Pennsylvania visitors and tourists that visit the Commonwealth on an annual basis.

East Pennsboro is a nonprofit corporation that provides 24 hour coverage for emergency and non-emergency transportation service to residents of East Pennsboro Township and surrounding communities. East Pennsboro provides basic life support emergency service, nonemergency routine ambulance service and quick response emergency service. East Pennsboro's BLS ambulances are manned by a minimum of one emergency medical technician and one emergency responder, as mandated by the DOH.

Central Pocono has been in the transportation business for 52 years as a nonprofit 501 (c) 3 organization. Since 1999, Central Pocono has provided wheelchair transports to patients (who could not go by any other means) to medical appointments, dialysis, outpatient hospitals services, etc. According to Central Pocono, these patients do not need to be monitored, but require assistance from their residences to Central Pocono vans and then from the vans into their medical appointments.

Superior began providing transportation services in 1996 and serves parts of Mercer, Butler, Venango and Lawrence Counties with emergency and nonemergency care. Superior provides BLS and advanced life support services, critical care transport team, paratransit/wheelchair van and EMS education. Superior has 60 employees with over 600 years of combined experience in EMS transportation.

As stated previously by the AAP and others, each of these organizations similarly contends that the Commission should not adopt the proposed policy statement because compliance with the proposed policy statement would place the EMS provider in conflict with their licensing agency. Additionally, each of these organizations maintains that the Commission should allow the DOH to take the lead on licensing wheelchair/stretcher vans and the transportation to health care related facilities. Fi-

nally, these organizations submit that the Commission should adopt the definitions in Act 37 of 2009, the EMS System Act.⁶

F. *Jeannette E.M.S., Inc., Somerset Ambulance Association, Inc., Ford City Hose Company #1 Ambulance Service Inc., 7th Ward Civic Association and Millcreek Paramedic Service, Inc.*

Each of these commentators object to two of the proposed changes to § 41.11, specifically, the proposed policy statement changes that there must be a separate medical attendant in the vehicle in addition to the driver in order for the service to be exempt and also that the exemption would only apply to the transportation of non-ambulatory persons.⁷ These commentators submit:

The [prior] Policy Statement was adopted September 11, 1981 and became effective September 12, 1981. The Policy Statement has therefore been in effect for approximately 30 years. Ambulance companies utilizing paratransit vans equipped to handle wheelchairs have relied upon transportation being exempt from Commission regulation under § 41.11 despite the fact that the persons transported may be ambulatory and despite the fact that there was not a separate medical attendant in the vehicle in addition to the driver. Most ambulance companies utilize emergency medical technicians (EMT's) or paramedics to drive these paratransit vans.

The commentators continue:

Since the transportation is non-emergency transportation, ambulances are not required and paratransit vans meet a distinct need in providing persons to or from medical locations utilizing specialized equipment. The proposal to now require a separate medical attendant on the vehicle in addition to the driver will make it not cost effective to provide such service or will substantially increase the cost of the service. Furthermore, the use of a separate medical attendant will require that the service be provided in an ambulance, which again will substantially increase the cost of transportation since ambulance service costs substantially more than paratransit van service. This would clearly be contrary to the public interest.

In conclusion, these commentators note that there is a specific Pennsylvania statute that was recently enacted (effective February 16, 2010) that prohibits ambulance companies using wheelchair or stretcher vehicles from transporting a person known to require medical assessment, monitoring, treatment or observation, namely, the EMS System Act or Act 37 of 2009.⁸

G. *Bellefonte EMS and Lock Haven EMS*

Both Bellefonte and Lock Haven hold certificates of public convenience from the Commission as common carrier, providing paratransit transportation services. Both Bellefonte and Lock Haven also operate ambulances

and provide trips falling within the ill or injured exemption to the Commission jurisdiction. In response to the Commission's proposed policy statement, Bellefonte and Lock Haven submit:

If the Commission adopts the Policy Statement as written, the cost to the carrier providing service will drastically increase for the trip to be considered exempt by the Commission. The reasons are quite obvious. The carrier will have to supply additional equipment and pay an additional, medically trained attendant to accompany a non-ambulatory person, whether or not his or her services are required. Notwithstanding the increased cost to the provider, reimbursements are not guaranteed (or even likely) to increase at a corresponding rate. Insurance carriers will not reimburse expenses for specialized equipment and additional staffing if the patient is not in need of such equipment and care. As a result, carriers such as Bellefonte and Lock Haven will be forced to face the option of providing a trip with specialized equipment and additional staffing at an operating loss, providing trips under the Commission-issued authority consistent with tariff rates which will result in less operating revenue or ceasing to provide non-emergency, exempt trips altogether.

In conclusion, Bellefonte and Lock Haven aver that the proposed policy statement is bad for business and the citizens of the Commonwealth of Pennsylvania. According to Bellefonte and Lock Haven, imposing a requirement that basic life support services and an additional staff member with medical training be on every exempt trip will cause small to mid-size providers to cease operations, narrow the number of service providers and have a detrimental effect on the public health, safety and welfare.

H. *Bucks County Transport, Inc., Norristown Transportation Company, Suburban Transit Network, Inc.*

Bucks County, Norristown and Suburban submit that the proposed policy statement has adopted a definition of Health Care Facility which deviates from a parallel definition adopted by a sister agency on the related subject of "shared ride transportation," which constitutes a substantial portion of most paratransit operator's service. Specifically, these commentators aver that the Pennsylvania Department of Transportation (PADOT), in its Shared-Ride Transportation Service Reimbursement regulations at 67 Pa. Code § 425.2, defines Health Care Facility as follows:

A general or special hospital including tuberculosis and psychiatric hospitals, rehabilitation facilities, skilled nursing facilities, kidney disease treatment centers, intermediate care facilities, drug or alcohol abuse or dependence centers, county health departments, community mental health centers, mental retardation centers and ambulatory surgical facilities. These facilities are both profit and nonprofit and include those operated by State or local governments. *The terms do not include offices used exclusively for private or group practice by health care practitioners and facilities providing health care services exclusively to a religious organization or for persons in the religious profession. (Emphasis supplied.)*

These commentators state that the Commission, in its proposed policy statement, offers no explanation for its departure from this PADOT regulation which has been in effect since 1986.

⁶ The Fayetteville Volunteer Fire Department, Inc. presented similar comments in opposition of the Commission's proposed policy statement.

⁷ The aforementioned entities hold CPCs from the Commission and all of the entities provide transportation under the exemption at § 41.11. The collective comments were filed by William A. Gray, Esq., an experienced practitioner in transportation matters before the Commission.

⁸ These commentators also conclude that the Commission has misconstrued the aforementioned Commonwealth Court cases commonly known as *Chappell* and *Triage*. According to these commentators, there is no Commonwealth Court requirement that patients be non-ambulatory.

These commentators also submit that the proposed policy statement utilizes a general, dictionary definition for the term “non-ambulatory,” which would exempt from regulation, without a proper factual or legal foundation, transportation of a call of individuals merely because of their limited gait or range of motion.⁹ According to these commentators, a far better definition would be one derived from PADOT regulations at 67 Pa. Code § 425.2, which defines nonambulatory persons and nonambulatory service.

Finally, these commentators conclude that the proposed policy statement should make it clear that all criteria must be fulfilled for the exemption to apply. Accordingly, the word “and” should be inserted between subsections (b)(1) and (b)(2) to avoid future debate on this question.

I. Byers Taxi Service, Inc., Francis E. Criner, Manor Valley Taxi, Inc., Tri County Access Co., Veterans Cab Company, Inc., YCG Acquisition Corporation

These carriers, who all provide transportation of non-ambulatory persons in wheelchair-equipped vehicles, submit that the Commission should either amend § 41.11 to include all physicians’ offices, all of which clearly provide “diagnostic services,” or clarify this regulation so that the transportation to physicians’ offices may fall within the exemption only if the office actually offers treatment and rehabilitative services.

As to the proposed policy statement’s reference to non-ambulatory persons, these carriers state:

The proposed new regulations clearly provide that only non-ambulatory persons may be transported pursuant to the exemption contained in § 41.11(b). In subsection (b)(2) of the proposed regulations, entitled Exemption Criteria, the passengers must be non-ambulatory, which includes patients who, because they are injured or ill, require transportation to or from health care facilities. The question this provision leaves unclear is whether all non-ambulatory persons fall within the definition or only those who are “injured or ill”. There are many persons who are non-ambulatory even though they may not be injured or ill.

These carriers further state:

For example, an elderly person may be unable to walk or may need to use a wheelchair but not actually be injured or ill. Old age is not an “injury” or “illness.” Others may be non-ambulatory due to intoxication or the misuse of chemical substances which may not be deemed to be an injury or illness. It is suggested that subsection (b)(2) be clarified to provide that passengers must be non-ambulatory regardless of whether it is due to injury, illness or some other cause, or that the inability to ambulate must be the result of an actual injury or illness.

Finally, these carriers maintain that subsection (b)(2) should be clarified as to whether a non-ambulatory person may be transported if not suffering from an actual injury or illness that causes the passenger to be non-ambulatory.¹⁰

J. Barker Brothers

Barker Brothers submit that the injured and ill exemption should be applied fairly and consistently across all

transportation providers. To this end, Barker Brothers laments that any revision to the injured and ill exemption must be introduced by the Commission with an opportunity for transportation providers to become aware of the changes and prepare for any increased (or decreased) regulation. In sum, Barker Brothers concludes that providers should not be subject to both a PUC assessment and Pennsylvania sales tax for the same period.

Discussion

Upon review and consideration of the comments filed to the proposed policy statement, the Commission will discontinue the proposed policy statement as drafted and, instead, work with the DOH, through its Bureau of Emergency Medical Services, and the industry stakeholders, in drafting a proposed policy statement that better addresses the issues at hand. This conclusion is buttressed by the plethora of comments which unequivocally stated that compliance with the proposed policy statement would place EMS providers in conflict with their licensing agency.

The Commission’s conclusion herein to not move forward with the proposed policy statement as drafted is further buttressed by the cogent comments of the DOH wherein it stated that the Commission’s proposed policy statement appears to be focused solely on the destination of the patient as opposed to also focusing on the needs of the patient in reaching his or her destination. To this end, the DOH states that it does not wish to see common carriers regulated by the Commission unintentionally violate the EMS System Act because their only concern was whether they were meeting the requirements for exemption under the Commission’s authority.

The Commission’s conclusion herein to not move forward with the proposed policy statement as drafted is also buttressed by the cogent comments of several commentators that compliance with the proposed policy statement will substantially increase the costs of providing this transportation service. Perhaps stated best on the issue of increased costs are the following comments from Bellefonte and Lock Haven:

If the Commission adopts the Policy Statement as written, the cost to the carrier providing service will drastically increase for the trip to be considered exempt by the Commission. The reasons are quite obvious. The carrier will have to supply additional equipment and pay an additional, medically trained attendant to accompany a non-ambulatory person, whether or not his or her services are required. Notwithstanding the increased cost to the provider, reimbursements are not guaranteed (or even likely) to increase at a corresponding rate. Insurance carriers will not reimburse expenses for specialized equipment and additional staffing if the patient is not in need of such equipment and care. As a result, carriers such as Bellefonte and Lock Haven will be forced to face the option of providing a trip with specialized equipment and additional staffing at an operating loss, providing trips under the Commission-issued authority consistent with tariff rates which will result in less operating revenue or ceasing to provide non-emergency, exempt trips altogether.

Similar comments on the issue of increased cost were provided as follows:

Since the transportation is non-emergency transportation, ambulances are not required and paratransit vans meet a distinct need in providing persons to or from medical locations utilizing specialized equip-

⁹ These commentators explain that the vast majority of their riders are senior citizens, whose needs range from having a driver support their arm as they walk to the vehicle, or who only may be able to walk with the assistance of a cane or walker.

¹⁰ The aforementioned comments were filed by John A. Pillar, Esq., another experienced practitioner in transportation matters before the Commission.

ment. The proposal to now require a separate medical attendant on the vehicle in addition to the driver will make it not cost effective to provide such service or will substantially increase the cost of the service. Furthermore, the use of a separate medical attendant will require that the service be provided in an ambulance, which again will substantially increase the cost of transportation since ambulance service costs substantially more than paratransit van service. This would clearly be contrary to the public interest.

Finally, the Commission's conclusion herein to not move forward with the proposed policy statement as drafted is reinforced by the recently adopted Emergency Medical Services System Act.¹¹ As stated previously, the proposed policy statement does not at any point reference the original Emergency Medical Services System Act (EMS System Act) of 1985 or the recently enacted Act 37 of 2009. More importantly, since the issuance of our proposed policy statement, the DOH adopted rules and regulations that set in place a comprehensive Statewide emergency medical services system that is more responsive to the needs of the people of this Commonwealth. Because of the depth of the EMS System Act, which was published in the *Pa. Bulletin* on October 12, 2013 at 43 Pa.B. 6093, we will pause to take an opportunity to review in its entirety the EMS System Act to ensure that any proposed policy statement drafted in the future does not conflict with the EMS System Act. Needless to say, we will be working closely with the DOH to avoid any conflict with the missions of the two agencies.

¹¹ The statutory law on EMS was consolidated by the Act of August 18, 2009 (P. L. 308, No. 37) as Chapter 81 of Title 35 of the *Pennsylvania Consolidated Statutes*.

Conclusion

While more could be said in response to the comments filed to the Commission's proposed policy statement, suffice it to say that it is appropriate for the Commission to take a moment of reflection. Consequently, by this Order, the Commission directs that this proposed policy statement be discontinued; *Therefore*,

It Is Ordered That:

1. The proposed policy statement regarding the ill or injured exemption to common carrier by motor vehicle service is discontinued.
2. A copy of this Order shall be served on all parties that filed comments to the proposed policy statement regarding the ill or injured exemption to common carrier by motor vehicle service at Docket No. M-2011-2163034.
3. A copy of this Order shall be posted on the Commission's website.
4. The Secretary shall submit this Order to the Governor's Budget Office.
5. A notice of withdrawal of the proposed policy statement regarding the ill or injured exemption to common carrier by motor vehicle service shall be published in the *Pennsylvania Bulletin*.
6. Docket No. M-2011-2163034 is closed.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-1322. Filed for public inspection July 17, 2015, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending July 7, 2015.

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>
6-30-2015	Andover Bancorp, Inc. Andover Ashtabula County, OH Application for approval to acquire 100% of Community National Bank of Northwestern Pennsylvania, Albion.	Approved
7-2-2015	Riverview Financial Corporation Halifax Dauphin County Application for approval to acquire 100% of The Citizens National Bank of Meyersdale, Meyersdale.	Withdrawn

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
7-2-2015	Riverview Bank Marysville Perry County Application for approval to merge The First National Bank of Meyersdale, Meyersdale, with and into Riverview Bank, Marysville.	Withdrawn

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-29-2015	Mid Penn Bank Millersburg Dauphin County	5288 Simpson Ferry Road Mechanicsburg Cumberland County	Opened
7-2-2015	Prudential Savings Bank Philadelphia Philadelphia County	2 Penn Center 1500 John F. Kennedy Boulevard Philadelphia Philadelphia County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-12-2015	Allegheny Valley Bank Pittsburgh Allegheny County	4314 Penn Avenue Pittsburgh Allegheny County	Closed
6-29-2015	PeoplesBank, A Codorus Valley Company York York County	1920 Trolley Road West Manchester Township York County (Limited Service Facility)	Closed

NOTICES

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<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-30-2015	Vist Bank Reading Berks County	200 Tranquility Lane Reading Berks County	Closed

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-30-2015	The Fidelity Deposit and Discount Bank Dunmore Lackawanna County	<i>To:</i> Water Street and Kennedy Boulevard Pittston Luzerne County <i>From:</i> 801 Wyoming Avenue West Pittston Luzerne County	Effective

The following application was erroneously published as a de novo branch application at 45 Pa.B. 3717 (July 11, 2015).

6-29-2015	Customers Bank Phoenixville Chester County	<i>To:</i> 314 Route 33 Mercerville Mercer County, NJ <i>From:</i> 2419 Nottingham Way Hamilton Mercer County, NJ	Filed
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Branch Consolidations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-19-2015	PeoplesBank, A Codorus Valley Company York York County	<i>Into:</i> 126 North Main Street Bel Air Harford County, MD <i>From:</i> 124 North Main Street Bel Air Harford County, MD	Effective

CREDIT UNIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-30-2015	Lancaster Red Rose Credit Union Lancaster Lancaster County Application for approval to merge Lancaster Press Federal Credit Union of Lancaster, Lancaster, with and into Lancaster Red Rose Credit Union, Lancaster.	Approved

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
7-1-2015	Community Regional Credit Union Kingston Luzerne County Amendment to Article 1 of the institution's Articles of Incorporation provides for the credit union to be located in Luzerne County.	Effective

The Department's web site at www.dobs.pa.gov includes public notices for more recently filed applications.

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 15-1323. Filed for public inspection July 17, 2015, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of August 2015

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of August, 2015, is 5 1/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which such individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 2.77 to which was added 2.50 percentage points for a total of 5.27 that by law is rounded off to the nearest quarter at 5 1/4%.

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 15-1324. Filed for public inspection July 17, 2015, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, July 22, 2015, 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 Danna Koren directly at (717) 783-5878 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 15-1325. Filed for public inspection July 17, 2015, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PAS142202 (Storm Water)	Pkg Of American 7451 Cenronia Road Allentown, PA 18106	Lehigh County Upper Macungie Township	Iron Run (2-C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0084506 (Sew)	Starlite Camping Resort 1500 Furnace Hill Road Stevens, PA 17578	Lancaster County/ Clay Township	UNT Middle Creek (7J)	Y
PA0086941 (SEW)	Dwayne Kocher Stardust Motel RD 4, Box 4960 Duncannon, PA 17020	Perry County/ Watts Township	Susquehanna River/6-C	Y
PA0014672 (IW)	Exide Technologies 3000 Montrose Avenue Reading, PA 19605	Berks County/ Muhlenberg Township Laureldale Borough	Bernhart Creek/3-C	Y
PA0082589 (Sew)	Fairview Township 599 Lewisberry Road New Cumberland, PA 17070-2399	York County/ Fairview Township	UNT Fishing Creek/7-E	Y

Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0232670 (Sewage)	Harry Proud Estate Subdivision 357 Lewis Road Clearfield, PA 16830-4331	Clearfield County Lawrence Township	Unnamed Tributary to Little Clearfield Creek (8-C)	Y

Southwest Regional Office: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0095010 ()	Greater Johnstown Water Authority Riverside WTP PO Box 1407 Johnstown, PA 15904-4404	Cambria County Stonycreek Township	Stony Creek (18-E)	Y
PA0098477 Sewage	Highland Tank & Manufacturing Co. One Highland Road Stoystown, PA 15563	Somerset County Quemahoning Township	Oven Run (18-E)	Y
PA0096903 (Sewage)	Hidden Valley Estates MHP Sunset Drive Oakdale, PA 15071	Washington County Robinson Township	Unnamed Tributary to Little Raccoon Run (20-D)	Y
PA0036595 (Sewage)	Basalt Trap Rock, LLC Right Way Academy STP PO Box 653 Stevensville, MD 21666	Greene County Morgan Township	Unnamed Tributary of South Fork Tenmile Creek (19-B)	Y
PA0034797 (Sewage)	Loretto Federal Correctional Institution STP U.S. Department of Justice, Federal Bureau of Prisons 772 St. Joseph Street Loretto, PA 15940-7006	Cambria County Allegheny Township	Unnamed Tributary of Clearfield Creek (8-C)	Y
PA0255009 (Sewage)	Flight 93 National Memorial 278 Park Headquarters Road Stoystown, PA 15563	Somerset County Stonycreek Township	Lamberts Run (18-E)	Y

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

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

PA0254975, SIC Code 8811, **Mark Skuse**, 131 Brewer Road, Freedom, PA 15042. Facility Name: Skuse Properties SRSTP. This proposed facility is located in New Sewickley Township, **Beaver County**.

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

The receiving stream(s), Unnamed Tributary to Snake Run, is located in State Water Plan watershed 20-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0009 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly		Minimum	Average Monthly		
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
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 Geo Mean	XXX	10,000

The EPA Waiver is in effect.

PA0020788, Sewage, SIC Code 4952, **Derry Borough Municipal Authority**, 620 N Chestnut Street, Derry, PA 15627-1728. Facility Name: Derry Borough STP. This existing facility is located in Derry Borough, **Westmoreland 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 McGee, is located in State Water Plan watershed 18-D 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 0.654 MGD.

Parameters	Mass (lb/day)		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	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.1	XXX	0.3
CBOD ₅						
May 1 - Oct 31	109	163	XXX	20	30	40
Nov 1 - Apr 30	136	204	XXX	25	37.5	50
BOD ₅						
Influent	Report	Report Daily Max	XXX	Report	Report	XXX
Total Suspended Solids						
Influent	Report	Report Daily Max	XXX	Report	Report	XXX
Total Suspended Solids	163	245	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	10.9	XXX	XXX	2.0	3.0	4.0
Nov 1 - Apr 30	30.0	XXX	XXX	5.5	8.3	11.0
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Dissolved Solids	Report	XXX	XXX	Report	Report Daily Max	XXX
Bromide	XXX	XXX	XXX	Report	Report Daily Max	XXX
Chloride	XXX	XXX	XXX	Report	Report Daily Max	XXX

The EPA Waiver is in effect.

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

PA0012823, Industrial Waste, SIC Code 4911, **Martins Creek, LLC**, 835 West Hamilton Street, Allentown, PA 18101-1179. Facility Name: Martins Creek Steam Electric Station. This existing facility is located in Lower Mount Bethel Township, **Northampton County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial wastewater and treated sewage.

The receiving stream, Delaware River, is located in State Water Plan watershed 1-F and is classified for Warm Water Fishes, Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 010 are based on a design flow of 0.024 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	2.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	1.2	XXX	2.8
CBOD ₅	5.0	XXX	XXX	25	XXX	50
Total Suspended Solids	6.0	XXX	XXX	30	XXX	60
Total Dissolved Solids	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen	4.0	XXX	XXX	20	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Annl Avg	XXX	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Annl Avg</i>	
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 011 are based on a design flow of 0.124 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>Annl Avg</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 013 are based on a design flow of 7.77 MGDs.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Free Available Chlorine	XXX	XXX	XXX	0.2	0.5	XXX
Temperature (°F)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Oil and Grease	XXX	XXX	XXX	15	20	XXX
Total Chromium	XXX	XXX	XXX	0.2	0.2	XXX
Total Iron	XXX	XXX	XXX	Report	XXX	XXX
Total Zinc	XXX	XXX	XXX	1.0	1.0	XXX
Total Priority Pollutants	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 020 are based on a design flow of 0 MGD (stormwater).

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	Report	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Nickel	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Internal Monitoring Point 413 are based on a design flow of 0 MGD (stormwater).

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	Report	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Nickel	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

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

- Requirements Applicable to Chemical Additives
- Requirements Applicable to Stormwater Outfalls and Monitoring Points

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is not in effect.

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

PA0083593, Sewage, SIC Code 4952, **Silver Spring Township Authority**, 5 Willow Mill Park Road Suite 3, Mechanicsburg, PA 17050-8238. Facility Name: Silver Spring Township STP. This existing facility is located in Silver Spring Township, **Cumberland 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), Conodoguinet Creek, is located in State Water Plan watershed 7-B and is classified for Cold Water-Migratory Fishes and, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.2 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
UV Transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
CBOD ₅	250	400	XXX	25	40	50
		Wkly Avg				
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	300	450	XXX	30	45	60
		Wkly Avg				
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	180	XXX	XXX	18	XXX	36
Nov 1 - Apr 30	190	XXX	XXX	19	XXX	38
Total Phosphorus	10	XXX	XXX	1.0	XXX	2.0

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

Parameters	Mass (lbs)			Concentration (mg/l)	
	Monthly	Annual	Minimum	Monthly Average	Maximum
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen	Report	21,918	XXX	XXX	XXX
Net Total Phosphorus	Report	2,922	XXX	XXX	XXX

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

- Chesapeake Bay Nutrient Requirements
- Whole Effluent Toxicity
- Stormwater Requirements

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

The EPA Waiver is not in effect.

Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.0530.

PA0232602 A-1, Industrial, SIC Code 4911, **Hummel Station LLC**, 5100 Spring Valley Road, Dallas, TX 75244. Facility Name: Hummel Station LLC. This existing facility is located in Shamokin Dam Borough, **Snyder County**.

Description of Existing Activity: The application is to amend an existing NPDES permit for a proposed discharge of cooling tower blowdown.

The receiving stream(s), Susquehanna River, is located in State Water Plan watershed 6-B and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002 are based on a design flow of 1.553 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Free Available Chlorine	XXX	XXX	XXX	0.2	XXX	0.5
Temperature (°F)	XXX	XXX	XXX	XXX	110	XXX
Total Arsenic	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Total Cadmium	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Total Chromium	1.65	1.65	XXX	0.2	0.2	0.2
Total Copper (ug/L)	0.34	0.68	XXX	26.33	52.66	65.82
Dissolved Iron	XXX	XXX	XXX	XXX	XXX	7.0
Total Thallium	Report Avg	XXX	XXX	Report	XXX	XXX
	Qrtly			Avg Qrtly		
Total PCBs (µg/L)	XXX	XXX	XXX	XXX	XXX	0.25

Amended compliance schedule.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is not in effect.

PA0229164, Sewage, SIC Code 4952, **Judith A & Robert C Taylor**, 816 E High Street, Bellefonte, PA 16823-2306. Facility Name: Judith A Taylor SFTF. This proposed facility is located in Union Township, **Centre County**.

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

The receiving stream(s), Unnamed Tributary to Dewitt Run, is located in State Water Plan watershed 9-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly		Minimum	Average Monthly		Instant. Maximum
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	XXX
CBOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is in effect.

Northwest Regional Office: Regional Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814.332.6942.

PA0273112, sewage, SIC Code 8800, **Bruce A Miller**, 106 Albert Drive, Prospect, PA 16052. Facility Name: Bruce A Miller SRSTP. This proposed facility is located in Lancaster 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 Yellow Creek, located in State Water Plan watershed 20-C and 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 0.0005 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	XXX
CBOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	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.

PA0102288, Industrial Waste, SIC Code 4953, **Casella Waste Management of PA, Inc.**, 19 Ness Lane, Kane, PA 16735. Facility Name: McKean County Landfill. This existing facility is located in Sergeant Township, **McKean County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Waste consisting of treated landfill leachate and uncontaminated stormwater runoff.

The receiving streams, an Unnamed Tributary to the Little Sicily Run (Outfalls 001—006 and 010), an Unnamed Tributary to the Sevenmile Run (Outfall 007), the Rocky Run (Outfall 008), and the Sicily Run (Outfall 009), are located in State Water Plan watershed 17-A and are classified for Cold Water Fishes (Outfalls 001—006, 008—010) and High Quality—Cold Water Fishes

(Outfall 007), aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.05 MGD.

<i>Parameters</i>	<i>Mass (lbs/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD ₅	XXX	XXX	XXX	37	140	140
Total Suspended Solids	XXX	XXX	XXX	27	88	88
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Ammonia-Nitrogen	XXX	XXX	XXX	4.2	8.4	10.5
Total Zinc	XXX	XXX	XXX	0.11	0.20	0.27
Phenol	XXX	XXX	XXX	0.015	0.026	0.037
a-Terpineol	XXX	XXX	XXX	0.016	0.033	0.040
Benzoic Acid	XXX	XXX	XXX	0.071	0.12	0.17
p-Cresol	XXX	XXX	XXX	0.014	0.025	0.035

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

- Requirement to Use eDMR System
- Equivalent Treatment Determination
- Chemical Additives
- Requirements Applicable to Stormwater Outfalls

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 not in effect.

PA0221686, Storm Water, SIC Code 2421, **MacDonald & Owen Veneer & Lumber Company, Inc.**, 11424 Route 36, Brookville, PA 15825. Facility Name: MacDonald & Owen Lumber. This existing facility is located in Oliver and Rose Township, **Jefferson County**.

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

The receiving stream(s), Beaver Run, is located in State Water Plan watershed 17-C and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002, 004, 006, 007 and 008 are all based on a design flow of 0.000000 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Aluminum	XXX	XXX	XXX	Report	XXX	XXX
Total Iron	XXX	XXX	XXX	Report	XXX	XXX
Total Manganese	XXX	XXX	XXX	Report	XXX	XXX

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

- Requirements Applicable to Stormwater Outfalls
- Other Requirements
- Requirement to Use eDMR System

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 not in effect.

PA0021792, Sewage, SIC Code 4952, **Edinboro Borough Municipal Authority**, 124 Meadville Street, Edinboro, PA 16412-2502. Facility Name: Edinboro Borough Municipal Authority STP. This existing facility is located in Edinboro Borough, **Erie 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, Conneauttee Creek, is located in State Water Plan watershed 16-A and is classified for trout stocking fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.8 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.24	XXX	0.8
CBOD ₅						
May 1 - Oct 31	150	225	XXX	10	15	20
Nov 1 - Apr 30	375	600	XXX	20	30	40
BOD ₅						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	450	676	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Total Nitrogen	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	30	XXX	XXX	2	XXX	4
Nov 1 - Apr 30	90	XXX	XXX	6	XXX	12
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

- Annual Whole Effluent Toxicity testing requirement
- Stormwater Best Management Practices
- Sludge Management
- Electronic Discharge Monitoring Reporting requirement

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 not in effect.

PA0273139, Sewage, SIC Code 4952, 6513, 8800, **Dennis & Diann Frampton**, 246 Devore Drive, Meadville, PA 16335. Facility Name: Dennis & Diann Frampton SFTF. This proposed facility is located in East Mead Township, **Crawford 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 of Woodcock Creek, located in State Water Plan watershed 16-A and classified for HQ-CWF, 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 0.0008 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	XXX
CBOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900

WQM Permit No. 1515402, Sewage, **East Whiteland Township**, 209 Conestoga Road, Frazer, PA 19355.

This proposed facility is located in East Whiteland Township, **Chester County**.

Description of Action/Activity: Construction and operation of a new pump station to service the needs of Phase I flows to be generated by 50 residential units.

WQM Permit No. 4615405, Sewage, **Berks-Montgomery Municipal Authority**, 136 Municipal Drive, P.O. Box 370, Gilbertsville, PA 19525.

This proposed facility is located in Douglass Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a pump station and force main.

WQM Permit No. 4615201, Industrial Waste, **UniTech Services Group**, 401 North Third Avenue, Royersford, PA 19468.

This proposed facility is located in Royersford Borough, **Montgomery County**.

Description of Action/Activity: Wastewater treatment system upgrades for industrial laundry facility.

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

WQM Permit No. 6415404, Sewage, **Union Lake Hotel Co. Inc. t/a Camp Equinunk/Blue Ridge**, PO Box 808, East Hampton, NY 11937.

This proposed facility is located in Manchester Township, **Wayne County**.

Description of Proposed Action/Activity: For the installation of a septic tank at the input of their existing Waste Water Treatment Plant.

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

WQM Permit No. 0615201, Industrial Waste, **Delaware County Solid Waste Authority**, 1521 North Providence Road, Media, PA 19063.

This proposed facility is located in Earl Township, **Berks County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction /operation of a leachate treatment plant upgrade—addition of a vibratory Ro and Spiral System for TDS and Ammonia Removal at the Rolling Hills Landfill.

Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Dr, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.

WQM Permit No. 6315402, Sewage, **Consol PA Coal Co. LLC**, 1525 Pleasant Grove Rd, Claysville, PA 15323.

This proposed facility is located in Morris Township, **Washington County**.

Description of Proposed Action/Activity: Construction and operation of a 8,700 GPD sewage treatment plant to support the 4 North 1 Portal Facility.

WQM Permit No. WQG01651501, Sewage, **LCT Energy LP**, 938 Mount Airy Drive Suite 200, Johnstown, PA 15904-6819.

This proposed facility is located in Donegal Township, **Westmoreland County**.

Description of Proposed Action/Activity: Small Flow Treatment Facility.

WQM Permit No. WQG01561501, Sewage, **Travis Fore**, 514 Virginia Terrace, Madison, WI 53726.

This proposed facility is located in Elk Lick Township, **Somerset County**.

Description of Proposed Action/Activity: Installation of a 400 gpd small flow treatment facility to serve an existing residential property.

WQM Permit No. 6315403, Sewage, **Independence Cross Creek Joint Sewer Authority**, PO Box 156, Avella, PA 15312.

This proposed facility is located in Independence & Cross Creek Township, **Washington County**.

Description of Proposed Action/Activity: construction of pressure sewer, pump station, force main, and gravity sewers to serve Independence Village and Cross Creek Village.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source.

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

WQM Permit No. WQG01251506, Sewage, **Joseph E. Pfeiffer**, 9436 Wildman Road, Erie, PA 16510.

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

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant. WQM Permit No. 6215405, Sewage, Mark Zaffino, 471 Thompson Hill Road, Russell, PA 16345.

This proposed facility is located in Farmington Township, **Warren County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011513030(1)	Owen J. Roberts School District 901 Ridge Road Pottstown, PA 19465	Chester	East Vincent Township	Unnamed Tributary to French Creek HQ-TSF-MF
PAI012313007	City of Philadelphia Division of Aviation Terminal D-E Philadelphia International Airport Philadelphia, PA 19153	Delaware	Tinicum Township	Delaware River WWF-MF Mingo Creek WWF-MF
PAI015115002	Franklin Towne Charter High School 5301 Tacony Street Box 310 Philadelphia, PA 19137	Philadelphia	City of Philadelphia	Frankford Creek WWF

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Lehigh County Conservation District, Lehigh Ag Center, Suite 102, 4184 Dorney Park Rd., Allentown, PA 18104

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023915013	Gary Frederick West Hills (Hillwood) Partners, LP 4507 N Front Street, Ste. 302 Harrisburg, PA 17110	Lehigh	Weisenberg Township	UNT to Lyon Creek (HQ-CWF, MF) UNT to Mill Creek (TSF, MF)

Monroe County Conservation District, 8050 Running Valley Rd., Stroudsburg, PA 18360-0917

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024506013R(1)	Hamilton Land Holdings, LLC P. O. Box 190 Sciota, PA 18354	Monroe	Hamilton Township	McMichael Creek (HQ-CWF, MF)

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032805005R	Magnolia Spring Valley Holdings, LLC 4675 MacArthur Court 15th Floor Newport Beach, CA 92660	Franklin	Guilford Township	Falling Spring (HQ-CWF)

STATE CONSERVATION COMMISSION

PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

APPLICATIONS

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
Werner Acres LLC 897 North Lancaster Street Jonestown, PA 17038	Lebanon	529.3	861.93	Poultry	NA	Renewal
Thistle Creek Farm Justin & Eve Beamesderfer 10702 Jonestown Road Annville, PA 17033	Lebanon	85.3	291.44	Poultry	NA	Renewal
Darvin Weaver 170 Old Rte 22 Jonestown, PA 17038	Lebanon	107	137.37	Poultry	NA	Renewal
Lazy Hog Farm (Chris Hoffman) 4390 Mountain Rd. McAlisterville, PA 17049	Juniata		651.9	Swine	HQ	Renewal
Jay Deiter 2040 Bainbridge Road Bainbridge, PA 17502	Lancaster	183	587.26	Swine/Beef	NA	R
Nelson Martin 1850 Horseshoe Pike Annville, PA 17003	Lebanon	273	811.17	Swine and Dairy	NA	Renewal
Jim Kurtz Kurtz Family Farm 1070 Grand Valley Road Mifflinburg, PA 17844	Union	453.5	636.14	Swine/Beef	HQ	Renewal

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
John Pfleeger 460 Gold Road Muncy, PA 17756	Northumberland	385.6	682.47	Hog grower finishers Beef steers.	NA	Renewal
Rowe Family Farm Co. David Rowe 216 Pawling Station Rd Selinsgrove, PA 17870	Snyder	116.3 Acres But 0 for manure App.	557.08	Swine, Poultry	N/A	Application
Joe Jurgielewicz & Sons Ltd. 1016 Plum Creek Road Sunbury, PA 17801	Northumberland	66.2	71.76	Developer Duck operation	NA	Renewal
Kucharski Farms 9351 SR 414 Liberty, PA 16930	Tioga	768.5	2.08	Dairy/Swine	HQ	Application

PUBLIC WATER SUPPLY (PWS) PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

Application No. 5415506, Public Water Supply.	
Applicant	UMH Properties, Inc. 150 Clay Street, Suite 450 Morgantown, WV 26501
Municipality	Wayne Township Schuylkill County
Responsible Official	Jeffrey V. Yorick, VP of Engineering UMH Properties, Inc.
Type of Facility	PWS
Consulting Engineer	Alfred Ty Leineweber, P.E. Lehigh Engineering, LLC P.O. Box 1200 200 Mahantongo Street Pottsville, PA 17901
Application Received Date	June 5, 2015
Description of Action	This application proposes modifications to the Frieden Manor MHC water system, including the addition of a 20,000-gallon underground water storage tank at Pump House 1 and an in-line greensand filtration system at Pump House 3 to treat iron and manganese.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907)

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to

Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

Potato Creek 1H Well Pad, 790 Colegrove Brook Road, Norwich Township, **McKean County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16635, on behalf of Pennsylvania General Energy Company, LLC, 120 Market Street, Warren, PA 16365, submitted a Notice of Intent to Remediate. During an environmental site assessment, it was discovered that site soil and groundwater have been impacted due to an historical release of brine or drill cuttings. A combination of the Statewide Health & Background Standards has been

selected for remediation of the site. The intended future use of the property will be non-residential. The Notice of Intent to Remediate was published in *The Bradford Era* on May 21, 2015.

Potato Creek 2H Well Pad, 1704 Sackett Hollow Road, Norwich Township, **McKean County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16635, on behalf of Pennsylvania General Energy Company, LLC, 120 Market Street, Warren, PA 16365, submitted a Notice of Intent to Remediate. During an environmental site assessment, it was discovered that site soil and groundwater have been impacted due to an historical release of brine or drill cuttings. A combination of the Statewide Health & Background Standards has been selected for remediation of the site. The intended future use of the property will be non-residential. The Notice of Intent to Remediate was published in *The Bradford Era* on May 21, 2015.

Potato Creek 3H Well Pad, 2222 North Dividing Ridge Road, Norwich Township, **McKean County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16635, on behalf of Pennsylvania General Energy Company, LLC, 120 Market Street, Warren, PA 16365, submitted a Notice of Intent to Remediate. During an environmental site assessment, it was discovered that site soil and groundwater have been impacted due to an historical release of brine or drill cuttings. A combination of the Statewide Health & Background Standards has been selected for remediation of the site. The intended future use of the property will be non-residential. The Notice of Intent to Remediate was published in *The Bradford Era* on May 21, 2015.

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, Environmental Program Manager—Telephone: 570-327-3648

14-00003H: Pennsylvania State University (101P Physical Plant Bldg, University Park, PA 16802) has submitted a plan approval application to the Department for the construction of two 2,000 kW Cummins QSK60 diesel-fired limited-use generators and one 25 kW Cummins C25D6 diesel-fired emergency generator at the Pennsylvania State University's University Park Campus, located in College Township and State College Borough, **Centre 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.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507

PA 66-00001D: Procter and Gamble Company (P. O. Box 32, Route 87 South, Mehoopany, PA 18629) for modification of conditions and VOC emission limit to plan approval 66-328-002 which permitted P&G to construction and operation of the following in Washington Township, **Wyoming County**:

* One GE LM6000 PC-Sprint OR Rolls Royce Trent 60 CTG.

* Nominal 12,000-gallon capacity aqueous ammonia storage tank.

* The proposed emission control systems are steam or water injection, CO oxidation catalyst and selective catalytic reduction ('SCR') systems.

The biggest change in the revised plan approval are defining start-up conditions and changing the VOC tons per limit, the remaining changes are administrative in nature.

The turbine emission rate limits for each pollutant and the associated pollutant control technologies are as follows:

<i>Pollutant</i>	<i>Control Level</i>	<i>Control Technology</i>	<i>Emission Limitation</i>
NO _x	State BAT	* Water or Steam Injection * Selective Catalytic Reduction	* 2.5 ppmvds at 15% O ₂ —Natural gas, normal operation
CO	State BAT	* Oxidation Catalyst * Good Combustion Practices	* 4.0 ppmvds at 15% O ₂ (GE LM6000) or 5.0 ppms at 15% O ₂ (Rolls Royce Trent 60)—Natural gas, normal operation. Temperature > 32° F * 10.0 ppmvds at 15% O ₂ —Natural gas, normal operation. Temperature < 32° F
VOC	State BAT	* Good Combustion Practices * Oxidation Catalyst	* 1.20 ppmvd at 15% O ₂ —Natural gas, normal operation. Temperature > 32° F * 4.0 ppmvds at 15% O ₂ —Natural gas, normal operation. Temperature < 32° F
PM ₁₀	State BAT	* Good Combustion Practices * Clean Fuels	* 0.01 lb/MMBtu at 15% O ₂ —Natural gas, normal operation

<i>Pollutant</i>	<i>Control Level</i>	<i>Control Technology</i>	<i>Emission Limitation</i>
PM _{2.5}	State BAT	* Good Combustion Practices * Clean Fuels	* 0.01 lb/MMBtu at 15% O ₂ —Natural gas, normal operation
SO ₂	State BAT	* Good Combustion Practices * Clean Fuels	* 0.0030 lb/MMBtu at 15% O ₂ —Natural gas, normal operation

Emission increases will not exceed the following: NO_x: 26.62 tons per year, VOC: 12.48 tons per year, SO₂: 7.67 tons per year, CO: 28.93 tons per year, and PM_{2.5}: 9.90 tons per year.

The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

This facility is a Title V facility. The plan approval will include all appropriate testing, monitoring, recordkeeping and reporting requirements designed to keep the operations within all applicable air quality requirements.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702

07-05008A: Team Ten LLC (1600 Pennsylvania Avenue, Tyrone, PA 16686) for the construction of a natural gas/No. 2 oil fired boiler with a heat input of 154.75 MMBtus per hour (147.4 MMBtus/hr when firing No. 2 oil) at their facility in Tyrone Borough, **Blair County**. The boiler will be equipped with low NO_x burners (LNB), in combination with flue gas recirculation (FGR). As part of the project, the existing 236 MMBtu per hour coal fired boiler will be decommissioned. The expected change in facility emissions as a result of the changes proposed are approximately: -38.5 tpy carbon monoxide, -293.6 tpy NO_x, -9.43 tpy PM, -19.6 tpy PM_{10/2.5}, -2,151.1 tpy SO₂, -65.81 tpy H₂SO₄, and +0.33 tpy VOC. The facility is a Title V facility. DEP's review of the information submitted by the applicant indicates that the air contamination source, as constructed, will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12, and 40 CFR Part 63, Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters and 40 CFR Part 60, Subpart Db—Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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

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

60-00023A: Custom Container Solutions, LLC (391 Wolfand Road, Lewisburg, PA 17837) for the construction

of a surface coating operation consisting of two spray booths equipped with panel filters and a welding operation at their facility located in West Buffalo Township, **Union County**.

The Department of Environmental Protection's (Department's) review of the information submitted by Custom Container Solutions, LLC indicates that the air contamination sources to be constructed will comply with all regulatory requirements, including monitoring, recordkeeping, and reporting requirements, and pertaining to air contamination sources and the emission of air contaminants including the National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories, 40 CFR Part 63, Subpart XXXXXX, 25 Pa. Code Chapters 123 and 129 and the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction. The emissions from the surface coating operation will not exceed the following limits: 20.1 TPY VOCs, and 1.31 TPY of all HAPs.

In addition to the emission limitations, the following is a brief description of the types of conditions the Department intends to place in the plan approval in order to ensure compliance with all applicable air quality regulatory requirements. The coatings shall be applied using HVLP (high velocity low pressure) spray guns; the surface coating operation shall not use more than 13,453 gallons in any 12 consecutive month period; the paint booth filters shall be equipped with instrumentation to monitor the pressure drop across the filters; the pressure drop shall be recorded at least once per day; the permittee shall comply with the recordkeeping requirements of 25 Pa. Code § 129.52(c); all coatings, additives, and cleaning solvents shall be kept in closed containers when not in actual use. The welding operations shall comply with all applicable requirements of 40 CFR Part 63, Subpart XXXXXX.

The facility is a State Only facility. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for Plan Approval 60-00023A, the requirements established in the plan approval will be incorporated into a State Only Operating Permit 60-00023 pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702

38-05041: Bemis Performance Packaging, Inc. (5 Keystone Drive, Lebanon Valley Business Park, Lebanon, PA 17042) to issue a Title V Operating Permit for their flexible packaging facility located in South Lebanon Township, **Lebanon County**. Actual emissions from the facility in 2014 were estimated at 4.55 tons CO, 5.42 tons NO_x, 0.41 PM₁₀, 0.41 ton PM_{2.5}, 0.03 ton SO_x, and 34.42 tons VOCs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.67a regarding Control of VOC emissions from flexible packaging printing presses, 40 CFR Part 64 regarding Compliance Assurance Monitoring, and a combined VOC compliance cap limit of 44 tpy from DEP Source Nos. 933 and 934.

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

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

60-00003: Pilling's FRP (2525 Old Route 15, New Columbia, PA 17856) for a State Only (Synthetic Minor) operating permit for their facility located in White Deer Township, **Union County**. The facility's sources include three (2) natural gas-fired combustion units and several fiberglass reinforced processes which have the potential to emit great than the major threshold for individual and total combined hazardous air pollutants. However, Pilling's FRP has taken an elective restriction to limit the individual and total combined hazardous air pollutant emissions to less than the respective major threshold in any 12 consecutive month period. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has the following potential emissions: 2.71 TPY of carbon monoxide; 3.22 TPY of nitrogen oxides; 0.02 TPY of sulfur oxides; 26.06 TPY of particulate matter; less than 10 TPY of volatile organic compounds, less than 10 TPY of any individual hazardous air pollutant, less than 25 TPY of total combined hazardous air pollutants and 3,754 TPY of greenhouse gases.

The fiberglass reinforcing process is subject to the Best Available Technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12 and the National Emission Standards for Hazardous Air Pollutants (NESHAP) pursuant to 40 CFR Part 63 Subpart WWWW. The emission limits 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 Parts 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, Williams-

port, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

17-00052: P & N Coal Co., Inc. (240 West Mahoning Street, Punxsutawney, PA 15767) for their coal preparation facility located in Goshen Township, **Clearfield County**. The facility is currently operating under the State Only operating permit 17-00052. The facility's main sources include a coal processing operation, site haul roads and a diesel fired generator.

The facility has potential emissions of 6.81 tons per year of nitrogen oxides, 6.27 tons per year of carbon monoxide, 0.1 ton per year of sulfur oxides, 52.53 tons per year of particulate matter, 1.91 ton per year of volatile organic compounds including total hazardous air pollutants (HAPs). No emission or equipment changes are being proposed by this action at the site.

The generator is subject to 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 as well as 40 CFR Parts 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.

08-00032: Talisman Energy USA, Inc. (50 Pennwood Place, Warrendale, PA 15086) to issue a renewal State Only Operating Permit for their Thomas Compressor Station in Troy Township, **Bradford County**. The facility is currently operating under State Only Operating Permit 08-00032. The facility's main sources include eight natural gas-fired ultra-lean burn compression engines each rated at 1,380 bhps equipped with air fuel ratio control and oxidation catalysts and two natural gas dehydration units each rated at 35 million standard cubic feet per day.

The facility has potential annual emissions of 28.06 tons of carbon monoxide, 59.67 tons of nitrogen oxides, 0.11 ton of particulate matter (including particulate matter less than 10 microns in size and particulate matter less than 2.5 microns in size), 33.69 tons of volatile organic compounds, 6.84 tons of hazardous air pollutants, and 66,206 tons of carbon dioxide equivalent.

Each dehy unit is subject to Subpart HH of the National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR 63.760—63.777 (National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities). Each engine is subject to Subpart ZZZZ of the federal National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR 63.6580—63.6675 (National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines). Each engine is subject to Subpart JJJJ of the Standards of Performance for New Stationary Sources, 40 CFR 60.4230—60.4248 (Standards of Performance for Stationary Spark Ignition 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.

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.

08-00033: Talisman Energy USA, Inc. (50 Pennwood Place, Warrendale, PA 15086) to issue a renewal State Only Operating Permit for their Watkins Compressor Station in Columbia Township, **Bradford County**. The facility is currently operating under State Only Operating Permit 41-00047. The facility's main sources include twelve natural gas-fired ultra-lean burn compression engines each rated at 1,380 bhps equipped with air fuel ratio control and two natural gas dehydration units each rated at 60 million standard cubic feet per day.

The facility has potential annual emissions of 39.54 tons of carbon monoxide, 80.76 tons of nitrogen oxides, 0.62 ton of sulfur oxides, 0.14 ton of particulate matter (including particulate matter less than 10 microns in size and particulate matter less than 2.5 microns in size), 47.26 tons of volatile organic compounds, 9.03 tons of hazardous air pollutants, and 96,640 tons of carbon dioxide equivalent.

Each dehy unit is subject to Subpart HH of the National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR 63.760—63.777 (National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities). Each engine is subject to Subpart ZZZZ of the Federal National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR 63.6580—63.6675 (National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines). Each engine is subject to Subpart JJJJ of the Standards of Performance for New Stationary Sources, 40 CFR 60.4230—60.4248 (Standards of Performance for Stationary Spark Ignition 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.

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.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131

16-00141: Kahles Kitchens, Inc./Leeper (P.O. Box 168, 7488 Route 36, Leeper, PA 16233) for the issuance of a Natural Minor Operating Permit to operate a wooden kitchen cabinet manufacturing facility, in Farmington

Township, **Clarion County**. The facility's primary emission sources are the five (5) surface coating spray booths. The emissions of criteria pollutants from this facility are below major source levels.

Source ID: 110—15 KW Emergency Generator is subject to the newly promulgated requirements of 40 CFR 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The latest version of that subpart has been attached to this source.

The potential emissions from this facility are as follows. (All values are in tons/year.) Particulate Matter = 1.70, PM_{10} = 1.52, $PM_{2.5}$ = 0.94, SO_x = 0.15, NO_x = 4.08, CO = 4.27, VOC = 24.49, Total HAPs = 9.07, Highest Individual HAP (Xylene) = 5.05.

37-00266: Shenango Area School District (2501 Old Pittsburgh Road, New Castle, PA 16101-6095), to issue a renewal of the State Only Operating Permit for the two Tri-Fuel Boilers, miscellaneous natural gas combustion units, and a diesel fired emergency generator at the High School located in Cranberry Township, **Venango County**. The facility is a Natural Minor. The permit contains a requirement which only allows natural gas fuel usage since the boilers have not been fired on coal since April 2010. The emergency generator is exempt from 40 CFR 63 Subpart ZZZZ provided the facility operates the engine in compliance with § 63.6640(f).

42-00154: Bradford Regional Medical Center (116 Interstate Pkwy, Bradford, PA 16701-1036), to issue a renewal of the State Only Operating Permit for the two gas-fired boilers (with #2 oil for back up fuel) and two diesel fired emergency generators at the Hospital located in the City of Bradford, **McKean County**. The facility is a Natural Minor. The boilers are rated at 16.74 mmbtus/hr and 20.3 mmbtus/hr, respectively. The 100 kW generator is subject to the requirements of 40 CFR 60 Subpart IIII—Stationary Compression Ignition Internal Combustion Engines. The requirements of plan approval 42-302-027 and GP-1 are included in the permit. The boilers are exempt from the Area Source Boiler MACT requirements of 40 CFR 63 Subpart JJJJJJ because they primarily burn gas and use #2 oil during periods of gas curtailment and less than 48 hours per year for exercising the boilers on #2 fuel.

43-00260: Mercer Area School District, High School (545 W. Butler Street, Mercer, PA 16137) for a renewal of the Natural Minor Permit. The School is located in Mercer Borough, **Mercer County**. The emitting sources include one coal fired boiler (6.39 mmbtus/hr), two natural gas fired boilers (5.85 mmbtus/hr each), one hot water heater (1.2 mmbtu/hr), and one emergency diesel generator (100 kW). The coal fired Boiler is subject to 40 CFR Part 63 Subpart JJJJJJ. All the applicable conditions of Subpart 6J have been included in the renewal permit. The potential emissions from the facility are less than Title V thresholds.

43-00276: Mercer Area School District, Elementary School (545 W. Butler Street, Mercer, PA 16137) for renewal of the Natural Minor Permit. The School is located on Butler Street in Mercer Borough, **Mercer County**. The emitting sources include: Two coal and gas fired boilers (6.39 MMBTUs/Hr. each), one hot water heater (1.2 MMBTU/Hr.) and one diesel fueled emergency generator (100 kW). The coal fired boiler is subject to 40 CFR Part 63, Subpart JJJJJJ. All applicable conditions of Subpart 6J have been included in the source level of the permit. The potential emissions from the facility are less than Title V thresholds.

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

30810703 and NPDES No. PA0092894. Consol Pennsylvania Coal Company LLC, (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323). To revise the permit and NPDES Permit for the Bailey Coal Refuse Disposal Areas No. 1 and No. 2 in Richhill and Morris Townships, **Greene County** to add support area acres for proposed Coal Refuse Disposal Areas No. 7 and No. 8.

Coal Refuse Disposal Support Acres Proposed 287.0. Receiving Stream: Unnamed Tributary to Enlow Fork, classified for the following use(s): WWF. The first downstream potable water supply intake from the point of discharge is Bailey Deep Mine PWS 5 non-community public water supply and intake Enlow Fork. The application was considered administratively complete on June 26, 2015. Application received February 17, 2015.

30121301 and NPDES No. PA0236195. Consol Pennsylvania Coal Company LLC, (1525 Pleasant Grove Road, P.O. Box J, Claysville, PA, 15232). To revise the permit and NPDES permit for the Harvey Mine in Richhill and Morris Townships, **Greene County** for construction of the 7 North 3 Airshaft site and add one NPDES Outfall. Application also includes a request for a Section 401 Water Quality Certification. Surface Acres Proposed 31.2. Receiving Stream: Unnamed tributary to Browns Creek, classified for the following use(s): HQ-WWF. The application was considered administratively complete on June 30, 2015. Application received April 15, 2015.

11733701 and GP12-11733701-R19. Robindale Energy Services, Inc., (224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920). To renew the permit for the Cambria Slope Mine No. 33 in Cambria Township, **Cambria County**. Includes renewal of Air Quality GPA/GP12 Authorization. No Discharges. The application was considered administratively complete on June 29, 2015. Application received April 15, 2015.

17041301 and NPDES No. PA0235628 and GP12-17041301. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Penfield Mine in Huston Township, **Clearfield County** and related NPDES permit. Includes renewal of Air Quality GPA/GP12 Authorization. No additional discharges. The application was considered administratively complete on July 2, 2015. Application received March 13, 2015.

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

Permit No. 56090103 and NPDES No. PA0262358. Mountaineer Mining Corp., 1010 Garrett Shortcut Road, Berlin, PA 15530, permit renewal for the continued operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 58.1 acres. Receiving streams: unnamed tributaries to/and Buffalo Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 29, 2015.

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

17990102 and NPDES PA0238236. RES Coal LLC (224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920). Transfer of an existing bituminous surface coal mine and auger from River Hill Coal Company, Inc. located in Decatur Township, **Clearfield County** affecting 344.2 acres. Receiving stream(s): Unnamed Tributary to Shimel Run and Little Laurel Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: June 15, 2015.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

<i>Parameter</i>	<i>Table 2</i>		
	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity*			
pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

16990301 and NPDES Permit No. PA0241521. Glen-Gery Corporation (1166 Spring Street, P.O. Box 7001, Wyomissing, PA 19610) Revision to a large industrial minerals mine and associated NPDES permit to add 13.0 acres in Monroe Township, **Clarion County**, affecting a total of 224.0 acres. Receiving streams: Reids Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 15, 2015.

New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500

26060605 and NPDES Permit No. PA0250937. John Joseph (470 Vanderbilt Road, Connellsville, PA 15425). NPDES renewal application for continued mining to an existing large noncoal surface mine, located in Jefferson Township, **Fayette County**, affecting 14.6 acres. Receiving streams: unnamed tributaries to Little Redstone Creek, classified for the following use: WWF. The potable water supplies intake within 10 miles downstream from the point of discharge: Municipal Authority of Washington Township, Belle Vernon Municipal Authority and Charleroi Municipal Authority. Renewal application received: June 29, 2015.

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

Permit No. 58130805. Johnson Bros. Quarries, (468 Old Mill Park Road, Towanda, PA 18848), Stage I & II bond release of a quarry operation in Rush Township, Susquehanna County affecting 0.9 acre on property owned by Joseph Vanderfeltz. Application received: June 29, 2015.

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.

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 limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

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 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. 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. PA0263036 (Mining Permit No. 56970105), Hoffman Mining, Inc., P.O. Box 130, Friedens, PA 15541 revised NPDES permit for a bituminous surface mine in Paint Township, **Somerset County**, affecting 171 acres. Receiving streams: unnamed tributaries to/and Stonycreek River, classified for the following use: cold water fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: February 9, 2015.

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 outfalls listed below discharge to unnamed tributaries to/and Stonycreek River:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
003	N
004	N
005	N
008	N
009	Y

The proposed effluent limits for the above listed outfalls 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	3.7
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
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

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

NPDES No. PA0256617. (Mining permit No. 17070112). RES Coal LLC, 224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920, renewal of an NPDES permit for surface coal mining in Bell Township, **Clearfield County** and Gaskill Township, **Jefferson County**, affecting 295.0 acres. Receiving stream(s): Unnamed Tributaries to Bear Run classified for the following use(s): CWF. Bear Run Watershed TMDL approved by EPA on April 7, 2007. Application received: February 24, 2015.

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 Bear Run

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TF-1	N
TF-2	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 ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	0.75	0.75
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35.0	70.0	90.0

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1–693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.

EA15-013. Brandywine Valley Association, 1760 Unionville-Wawaset Road, West Chester, PA 19382, Uwchlan Township, **Chester County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities along approximately 784 linear feet of an unnamed tributary to the East Branch Brandywine Creek (locally Ludwig's Run (Perennial, WWF, MF):

1. Installation of in-stream stabilization structures including rock crossvanes, log crossvanes and root wads.
2. Streambank grading for the establishment of a floodplain bench.
3. Installation of native riparian plantings for stabilization and enhancement efforts outside of the channel.
4. Temporary impacts to wetlands associated with the proposed streambank grading and installation of temporary stream crossings.

The southern limit of the site is located near the intersection of Norwood Road and Beech Street (Downingtown, PA USGS Quadrangles, Latitude 40.034576 N"; Longitude -75.681071 W").

E46-1120. Montgomery County Planning Commission, P.O. Box 311, Norristown, PA 19404-0311, Pottstown Borough, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a 10-foot wide trail located partially along the floodway/floodplain of the Schuylkill River (WWF, MF). The proposed trail will be built within the road right of way on Industrial Highway. The trail

section will narrow the existing roadway section by 10 feet along the river side of the road.

The site is located along Industrial Highway between Washington Street and east of Keim Street (Latitude: 40.238933; Longitude: -75.634127).

E15-858. Planebrook Partners, LLC, 2298 Horsehoe Pike, Honey Brook, PA 19344, East Whiteland Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain approximately 151 linear feet of 8-inch gravity sewer line across an unnamed tributary to Valley Creek (EV) for the purpose of installing a regional pump station to serve a proposed town-house development.

The site is located southwest of the intersection of Planebrook Road and Fairway Drive (Malvern, PA USGS map; Lat. 40.0223; Long. -75.3438).

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E45-595. Pennsylvania Department of Transportation, Engineering District 5-0, 1002 Hamilton Street, Allentown, PA 18101, in Pocono Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

1. To maintain a 8-foot by 5-foot box culvert at Sta. 508+35.47 with work consisting of concrete repairs and scour protection in a tributary to Scott Run (HQ-CWF, MF)

2. To maintain a 18-foot by 8-foot box culvert at Sta. 515+15.82 with work consisting of concrete repairs and scour protection in Scott Run (HQ-CWF, MF)

3. To remove the existing structure and to construct and maintain a road crossing of a tributary to Scott Run (HQ-CWF, MF) consisting of a 18-foot long, 18-inch pipe diameter pipe, 64-foot long 19-inch by 30-inch concrete pipe, a 8-foot long 24-inch diameter pipe with a riprap outlet apron, and 123-feet of open channel.

4. To maintain a single span concrete T-beam bridge with a normal clear span of 14.1 feet and an approximate underclearance of 7.5 feet with work consisting of replacement of the superstructure resulting in an approximate underclearance of 8 feet in Scott Run (HQ-CWF, MF)

5. To remove the existing structure and to construct and maintain a stream enclosure of a tributary to Scott Run (HQ-CWF, MF) consisting of a 100-foot long, 14-inch by 23-inch concrete pipe that outlets into Scott Run (HQ-CWF, MF)

6. To re-grade 225-feet of a tributary to Scott Run (HQ-CWF, MF), consisting of 2-foot bottom, 3:1 right side slope and 2:1 left side slope. Also to remove an existing structure and to construct and maintain a road crossing of the tributary to Scott Run consisting of a 75-foot long, 18-inch concrete pipe that outlets into Scott Run (HQ-CWF, MF)

7. To re-grade 125-feet of a tributary to Scott Run (HQ-CWF, MF), consisting of 2-foot bottom, 3:1 right side slope and 2:1 left side slope. Also to remove an existing structure and to construct and maintain a stream enclosure of the tributary to Scott Run consisting of a 108-foot long, 24-inch concrete pipe that outlets into Scott Run (HQ-CWF, MF)

8. To construct and maintain an outfall in the floodway of Scott Run (HQ-CWF, MF) consisting of a 24-inch diameter concrete pipe, endwall and riprap apron.

9. To construct and maintain a channel change along 702-feet of a tributary to Scott Run (HQ-CWF, MF), consisting of various open channels and pipe crossings.

10. To construct and maintain a channel change along 914-feet of a tributary to Scott Run (HQ-CWF, MF), consisting of various open channels and pipe crossings that outlets to tributary to Scott Run (UNT-2) (HQ-CWF, MF)

11. To construct and maintain an outfall to a pond along a tributary to Scott Run (HQ-CWF, MF) consisting of three (3) 14-inch by 23-inch pipes with riprap.

12. To construct and maintain a channel change along 64-feet of a tributary to Scott Run (HQ-CWF, MF), consisting of a V shaped channel with 4:1 side slopes.

13. To construct and maintain a channel change along 187-feet of a tributary to Scott Run (HQ-CWF, MF), consisting of a 4-foot bottom width with 2:1 side slopes.

14. To construct and maintain a channel change along 475-feet of a tributary to Scott Run (HQ-CWF, MF), consisting of various open channels and pipe crossings.

E58-312. Springville Township, P. O. Box 32, Springville, PA 18844, in Springville Township, **Susquehanna County**, U.S. Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a road crossing of a UNT to White Creek (CWF, MF) consisting of a 40-foot long open-bottom precast concrete arch having an 18-foot span, a 5.83-foot rise, with upstream and downstream wingwalls protected by R-5 riprap. The project is located approximately 0.15 mile southwest of the intersection of Campbell Road and Lynn Cemetery Road (Springville, PA Quadrangle, Latitude: 41°40'40"; Longitude: -75°57'21").

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

E02-1710. All Crane Rental of PA, LLC, P.O. Box 505, Route 837, West Elizabeth, PA 15088; Jefferson Hills Borough, **Allegheny County**; ACOE Pittsburgh District

The applicant is proposing to remove an existing 60' long, single-span, steel girder bridge, across Lobbs Run (WWF), and to construct and maintain in its place a 60' long, single span, reinforced concrete box beam bridge, at a slightly different location and skew, with an underclearance of approximately 21.2'. The project is locate approximately 1091' NE of the intersection of S.R. 837 and Walton Road (Glassport, PA USGS topographic quadrangle; Latitude: 40° 15' 39.45"; Longitude: -79° 54' 43.63"; U.S. Army Corps of Engineers Pittsburgh District), in Jefferson Hills Borough, Allegheny County. The project will impact approximately 50' of Lobbs Run.

E65-972. West Newton Borough, 112 South Water Street, West Newton Borough, **Westmoreland County**; ACOE Pittsburgh District.

The applicant is proposing to construct and maintain a 13.5' high and 129' long retaining wall along an unnamed tributary to the Youghiogheny River (WWF), for the purpose of stabilizing an eroding stream bank. The Project is locate at 100 Pemberton Place (Donora, PA USGS topographic quadrangle; Latitude: 40° 12' 22"; Longitude: -79° 46' 36"; US Army Corps of Engineers, Pittsburgh District), in West Newton Borough, Westmoreland County.

Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

E24-263, Raymond L. and Michelle L. Calhoun, 583 Horizon Drive, Brockway, PA 15824. Tapawingo Lodge Pedestrian Bridge Across Dog Hollow Run, in Ridgway Township, **Elk County**, ACOE Pittsburgh District (Carmen, PA Quadrangle N: 41.37265°; W: 78.791390°).

To construct and maintain a 10-foot wide pile supported pedestrian bridge having five 10-foot spans and one 20-foot span with a maximum underclearance of 10 feet across Dog Hollow Run (CWF) at Tapawingo Lodge 250 feet upstream of S.R. 949 approximately 5.9 miles southwest of Ridgway.

District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E5329-012: SWEPI LP, 2100 Georgetown Drive, Suite 400, Sewickley, PA 15143. Pike Township, **Potter County**, ACOE Baltimore District.

To construct, operate and maintain the Pine Creek Water Intake, which consists of one 6-inch suction line and intake structure, impacting 226 square feet of temporary impacts to Pine Creek (EV) (Marshlands, PA Quad-

rangle, Latitude: N41°44'18.81", Longitude: W77°37'28.90"), for the purpose of supporting Marcellus shale development.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460

D37-024EA. Foster Schaffer, Pennsylvania Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110. Pulaski Township, **Lawrence County**, USACOE Pittsburgh District.

Project proposes to remove the remains of the breached Pulaski Mill Dam for the purpose of restoring approximately 100 feet of stream channel. The proposed restoration project includes partial removal of a small island and construction of a channel block at the upstream end of a side channel to control stream bank erosion and eliminate a source of sediment. The project is located across the Shenango River (WWF) (Edinburg, PA Quadrangle, Latitude: 41.1110; Longitude: -80.4372).

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 AT&T 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

Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0042722 (Sewage)	Dushore Sewer Authority 224 Center Street Dushore, PA 18614-0248	Sullivan County Dushore Borough	Little Loyalsock Creek (10-B)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0025755 (Sewage)	Freeport Borough STP Freeport Borough 414 Market Street Freeport, PA 16229	Armstrong County Freeport Borough	Buffalo Creek (18-F)	Y
PA0219142 (Sewage)	Sewickley Township Municipal Sewage Authority STP 312 Sewickley Avenue PO Box 46 Herminie, PA 15637	Westmoreland County Sewickley Township	Little Sewickley Creek (19-D)	Y
PA0034185 (Sewage)	High Meadows MHP STP 4751 Kendor Dr. Lower Burrell, PA 15068	Westmoreland County Allegheny Township	Unnamed Tributary to the Allegheny River (18-A)	Y
PA0030694 (Sewage)	Camp Henry Kaufmann STP Girl Scout Camp Road Bolivar, PA 15923	Westmoreland County Fairfield Township	Snyders Creek (18-D)	Y
PA0097047 (Sewage)	Nike Site 37 Shaner Hts STP Mars Hill Road Rilton, PA 15637	Westmoreland County Sewickley Township	Unnamed Tributary to Little Sewickley Creek (19-D)	Y
PA0204048 (Sewage)	Tunnelton STP SR 3003 Tunnelton, PA 15725	Indiana County Conemaugh Township	Conemaugh River (18-C)	Y
PA0254169 (Sewage)	Enlow Fork Mine 2041 Pleasant Grove Road Claysville, PA 15323	Washington County East Finley Township	Unnamed Tributary to Templeton Fork (20-E)	Y
PA0217077 A-1	Almac Mach Co. Inc. Johnstown Plant 205 Morgan Place Johnstown, PA 15901	Cambria County Johnstown City	Little Conemaugh River (18-D)	N

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401

NPDES Permit No. PA0044474, Sewage, **Brinton Manor, Inc.**, 549 Baltimore Pike, Glen Mills, PA 19342.

This proposed facility is located in Concord Township, **Delaware County**.

Description of Action/Activity: To discharge from a facility known as Brinton Manor STP to West Branch Chester Creek in Watershed(s) 3-G.

Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.

NPDES Permit No. PA0007498 A-1, Industrial Waste, SIC Code 2096, **Wise Foods, Inc.**, 228 Rasely Street, Berwick, PA 18603-4533.

This existing facility is located in Berwick Borough, **Columbia County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit Amendment for an existing discharge of treated industrial wastewater.

NPDES Permit No. PA0209261, Sewage, SIC Code 4952, **Liberty Township**, 197 Mooresburg Road, Danville, PA 17821-7030.

This existing facility is located in Liberty Township, **Montour County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

NPDES Permit No. PA0020583, Sewage, SIC Code 4952, **Middleburg Municipal Authority**, 13 North Main Street, Middleburg, PA 17842.

This existing facility is located in Middleburg Borough, **Snyder County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

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

NPDES Permit No. PA0098973, Sewage, SIC Code 4952, **Conemaugh Township Supervisors**, 1120 Tire Hill Road, Johnstown, PA 15905.

This existing facility is located in Paint Township, **Somerset County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated sewage.

NPDES Permit No. PA0254843, SIC Code 4941, **West View Borough Municipal Authority Allegheny County**, 210 Perry Highway, Pittsburgh, PA 15229.

This proposed facility is located in Baden Borough, **Beaver County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated industrial waste water.

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

NPDES Permit No. PA0021598, Sewage, SIC Code 4952, **Conneaut Lake Joint Municipal Authority**, 9888 Highway 285, Conneaut Lake, PA 16316.

This existing facility is located in Sadsbury Township, **Crawford County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

NPDES Permit No. PA0273074, SIC Code 8800, **Brian L Trezona**, 10097 Mohawk Road, Cranesville, PA 16410.

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

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated sewage.

NPDES Permit No. PA0025356, Sewage, SIC Code 4952, **Mercer Borough**, 147 North Pitt Street, Mercer, PA 16137-1206.

Facility Name: Mercer Borough WWTP.

This existing facility is located in Mercer Borough, **Mercer County**.

Description of Proposed Activity: Issuance of an NPDES permit for an existing discharge of treated sewage. The draft permit published on 5/16/2015 was modified based on comments received from the applicant. The interim D.O. limitation was removed from the permit.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900

WQM Permit No. 4615402, Sewage, **Whitemarsh Township Authority**, P.O. Box 447, 462 Germantown Pike, Suite 1, Lafayette Hill, PA 19444.

This proposed facility is located in Whitemarsh Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a wastewater pump station servicing 95 units.

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

WQM Permit No. WQG012229, Sewage, SIC Code 8811, **Emily Eckhart**, 6936 Mountain Road, Macungie, PA 18062.

This proposed facility is located in Lower Macungie Township, **Lehigh County**.

Description of Proposed Action/Activity: The project is for the construction of a 400 GPD small flow treatment facility with a stream discharge. The facility will include a 1,000 gallon dual compartment treatment tank, an Orenco AdvanTex AX20N Combo Mode treatment unit, an ultraviolet disinfection chamber, a 350 gallon dosing tank, a 4" schedule 40 PVC delivery line, and a perforated outfall sewer encased in geotextile fabric and surrounded with crushed stone followed by a concrete discharge headwall.

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

WQM Permit No. 6715405, Sewerage, **Penn Township**, 20 Wayne Avenue, Hanover, PA 17331.

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

Description of Proposed Action/Activity: Permit approval for the replacement/relocation of the Colonial Hills force main. The new 2,830' of 6" force main will be constructed along Frock Drive to Dove Circle, with connection to the existing manhole No. 117-18 on Black Rock Road.

WQM Permit No. 6715404, Sewerage, **Penn Township**, 20 Wayne Avenue, Hanover, PA 17331.

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

Description of Proposed Action/Activity: Permit approval for the construction of sewage facilities consisting of 1,768' of 15" PVC sewer line from the existing manhole on Center Street to manhole No. 19.

WQM Permit No. 2208402, Amendment #2, Sewerage, **Lower Paxton Township Authority**, 425 Prince Street, Suite 139, Harrisburg, PA 17109.

This proposed facility is located in Lower Paxton Township, **Dauphin County**.

Description of Proposed Action/Activity: Permit amendment for the replacement of an existing 4.0 mgds pump in the existing triplex station with a 2 mgd pump, Beaver Creek Pumping Station.

Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.

WQM Permit No. 4706401, Sewage, SIC Code 4952, **William & Connie Knauer**, 20 Keefer Mill Lane, Danville, PA 17821.

This proposed facility will be located in Liberty Township, **Montour County**.

Description of Proposed Action/Activity: Permit issued authorizing design and operation of SFTF to serve residence.

WQM Permit No. 1987406 Amendment No. 2, Sewage, SIC Code 4952, **Catawissa Borough Columbia County**, 307 Main Street, Catawissa, PA 17820-1315.

This existing facility is located in Catawissa Borough, **Columbia County**.

Description of Proposed Action/Activity: replacement of existing gas chlorine disinfection with liquid sodium hypochlorite feed.

WQM Permit No. 1701401, Sewage, SIC Code 4952, **Aqua Pennsylvania Wastewater Inc.**, 762 W Lancaster Avenue, Bryn Mawr, PA 19010.

This existing facility is located in Sandy Township, **Clearfield County**.

Description of Proposed Action/Activity: Permit issued authorizing the removal of three sand filters and four sludge drying beds from the Treasure Lake East WWTF.

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

WQM Permit No. 6515401, SIC Code 4952, **Mon Valley Sewer Authority**, 20 South Washington Street, Donora, PA 15033-1394.

This proposed facility is located in Carroll Township, **Washington County**.

Description of Proposed Action/Activity: the construction of sewage facilities consisting of sewer lines and appurtenances in the City of Monessen in Westmoreland County and in the Borough of Donora in Washington County under the Long Term Control Plan Phase II for the Mon Valley Sewer Authority.

WQM Permit No. 0215401, Sewage, **Bell Acres Municipal Authority**, 1151 Camp Meeting Road, Sewickley, PA 15143.

This proposed facility is located in Bell Acres Borough, **Allegheny County**.

Description of Proposed Action/Activity: Wastewater conveyance and treatment improvements.

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

WQM Permit No. 2515402, Sewage, SIC Code 8800, **Brian L Trezona**, 10097 Mohawk Road, Cranesville, PA 16410.

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

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI136111 (WAIVER)	South Beaver Township Beaver County, 773 State Route 168, Darlington, PA 16115	Beaver	South Beaver Township	Painter Run, Unnamed Tributary of Brush Run, Unnamed Tributary of North Fork Little Beaver Creek, Unnamed Tributary to Brush Run and Unnamed Tributary to North Fork Little Beaver Creek/HQ-CWF

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG133570	Franklin Township 150 Century Lane Dillsburg, PA 17019	York	Franklin Township	Dogwood Run & UNT to North Branch of Bermudian/CWF & MF

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI012314004	Hartford Properties, LLC 1000 South Lenola Road Building 2, Suite 100 Maple Shade, NJ 08052	Delaware	Brookhaven Borough	Unnamed Tributary to Chester Creek WWF-MF

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023915003	Southern Lehigh School District 5775 Main Street Center Valley, PA 18034	Lehigh	Upper Saucon Township	Saucon Creek (CWF, MF) EV Wetlands
PAI024804032R	Nic Zawarski and Sons Developers, Inc. c/o Taras W. Zawarski 1441 Linden Street Bethlehem, PA 18018	Northampton	Forks Township	Bushkill Creek (HQ-CWF, MF)

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Nathan Crawford, Section Chief, Telephone 717.705.4802.

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
Perry and Richmond Townships Berks County	PAI030614004 Issued	PennDOT District 5-0 1002 Hamilton Street Allentown, PA 18101	Maiden Creek (WWF, MF) Moselem Creek (HQ-CWF, MF) EV Wetlands Wetlands	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657
East Drumore Township Lancaster County	PAI033607005(2) Issued	S and A Kreider and Sons 761 Spring Valley Road Quarryville, PA 17566	Jackson Run (HQ-CWF, MF)	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext.121
Hampden Township, Cumberland County	PAI032115002 Issued	Pinnacle Construction and Development Group 4545 Spring Road Cleveland, OH 44131	Trindle Spring Run (HQ-CWF, MF)	Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013-9101 717-240-7812

Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Jefferson County Conservation District, 1514 Route 28, Brookville, PA 15825

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI063314003	Sigel Volunteer Fire Company Station 19 8499 Route 949 South Sigel, PA 15860	Jefferson	Pine Creek Township	Black Run HQ-CWF; Shippen Run EV; Miller 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 Petroleum Product Contaminated Groundwater 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 Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
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

Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.

Facility Location & Municipality	Permit No.	Applicant Name & Address	Receiving Water/Use	Contact Office & Phone No.
Lower Southampton Township Bucks County	PAG02000914060	Evergreen Property Management, LP 76 Griffiths Miles Circle Warminster, PA 18974	Unnamed Tributary to Neshaminy Creek WWF-MF Poquessing Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Falls Township Bucks County	PAG02000915003	Fairless Credit Union 1900 S. Pennsylvania Avenue Fairless Hills, PA 19067	Unnamed Tributary to Martins Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Eddystone Borough Delaware County	PAG02002313008-1	Eddystone Rail Co. LLC 5 Industrial Highway Eddystone, PA 19022	Delaware River WWF-MF Crum Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Radnor Township Delaware County	PAG02002315017	Radnor Township School District 135 South Wayne Avenue Wayne, PA 19087	Darby Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Aston Township Delaware County	PAG02002315007	Delaware County Regional Water Control Authority 100 East Fifth Street Chester, PA 19016-0999	Baldwin Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Hanover Township Montgomery County	PAG02004615030	Girl Scouts of Eastern Pennsylvania 330 Manor Road Miquon, PA 19444	Swamp Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Norriton Township Montgomery County	PAG02004614105	Montgomery Del Val Association, LP 600 Old Elm Street Suite 100 Conshohocken, PA 19428	Unnamed Tributary to Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitemarsh Township Montgomery County	PAG02004615036	Phipps' Station Group, LLC P.O. Box 280 1120 Bethlehem Pike Spring House, PA 19477	Plymouth Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Franconia Township Montgomery County	PAG02004615005	J.C. McGinn Construction Company 5775 York Road Lahaska, PA 18931	Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Salford Township Montgomery County	PAG02004614087	A.G. Harleysville, L.P. 8301 Fairview Road Elkins Park, PA 19027	Unnamed Tributary to East Branch Perkiomen TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitpain Township Montgomery County	PAG02004615031	Wings Field Preservation Associates, L.P. 1501 Narcissa Road Blue Bell, PA 19422	Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hatfield Township Montgomery County	PAG02004615017	A&C Realestate Inc., LLC 86 Vincent Circle Ivyland, PA 18974	Unnamed Tributary to West Branch Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201511430	Taller Puertorriqueno, Inc. 2721 North 5th Street Philadelphia, PA 19133	Lower Delaware Watershed WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201511513	Temple University 422 Bell Building Philadelphia, PA 19122	Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201511508	Trustees of the University of Pennsylvania The Franklin Building 3451 Walnut Street Philadelphia, PA 19103	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

Carroll Valley
Borough
Adams County

PAG02000115016
Issued

Carroll Valley Borough
5685 Fairfield Drive
Fairfield, PA 17320

Toms Creek/CWF

Adams County
Conservation District
670 Old Harrisburg Road,
Suite 201
Gettysburg, PA 17325
717-334-0636

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Upper Bern Township Berks County	PAG020006150019 Issued	Joseph Tetz 201 Forge Dam Road Hamburg, PA 19526	Mill Creek, Wolf Creek/CWF, TSF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657
Maidencreek Township Berks County	PAG02000615018 Issued	Brandywine Transportation 595 State Street Mertztown, PA 19539	UNT to Willow Creek/CWF, MF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657
Centre Township Berks County	PAG02000615021 Issued	Centre Township Municipal, Authority 449 Bucks Hill Road Mohrsville, PA 19541	UNT to Irish Creek/ WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657
Bern Township Berks County	PAG02000615033 Issued	Empire Group of Reading PA 1420 Clarion Street Reading, PA 19601	UNT to Plum Creek, Schuylkill River/ CWF, WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657
City of Altoona Blair County	PAG02000715004 Issued	City Line Hospitality Holdings, LP 4991 New Design Road, Suite 109 Frederick, MD 21703	Mill Run/WWF, MF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814-696-0877 ext. 5
Susquehanna Township Dauphin County	PAG02002215012 Issued	Thea Drive Associates, LLC 474 Mount Sidney Road Lancaster, PA 17602	Paxton Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Conestoga Township Lancaster County	PAG02003615023 Issued	David K. Weaver 516 Martins Road Linden, PA 17744	Pequea Creek/ WWF, MF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext.121
Strasburg Township Lancaster County	PAG02003615031 Issued	David Bollinger 1827 Glenbrook Avenue Lancaster, PA 17603	UNT To Little Beaver Creek/ TSF, MF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext.121
Sadsbury Township Lancaster County	PAG02003615064 Issued	Kauffman Family LP 160 Route 41 PO Box 549 Gap, PA 17527	Williams Run/ TSF, MF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext.121

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Clay Township Lancaster County	PAG02003615073 Issued	Jay Zimmerman 1655 Clay Road Ephrata, PA 17522	Middle Creek/WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext.121
West Donegal Township Lancaster County	PAG02003615009 Issued	Exeter 1499 Zeager LP 140 West Germantown Pike Suite 150 Plymouth Meeting, PA 19462	Lynch Run (Trib To Conewago Creek)/ TSF, MF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext.121
City of Lebanon Lebanon County	PAG02003815014 Issued	Jason Horowitz 9010 Overlook Boulevard Brentwood, TN 37027	Brandywine Creek/ TSF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 717-277-5275
Annville Township Lebanon County	PAG02003815010 Issued	Ed Fetter 1000 North Front Street, Suite 500 Wormleysburg, PA 17043	Quittapahilla Creek/ TSF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 717-277-5275
Cornwall Borough & West Cornwall Borough Lebanon County	PAG02003815012 Issued	Jeffrey Steckbeck 43 North Cornwall Road Lebanon, PA 17042	Quittapahilla Creek/ TSF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 717-277-5275
York Township York County	PAG02006715017 Issued	Central PA Equities 19, LLC 146 Pine Grove Circle Suite 200 York, PA 17403	UNT to Mill Creek/ CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
Fairview Township York County	PAG02006714026-1 Issued	DLA Installation Support 5750 3rd Street Building 750 New Cumberland, PA 17070-5076	Marsh Run/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
York Township York County	PAG02006715014 Issued	Living Word Community Church 2530 Cape Horn Road Red Lion, PA 17356	UNT to Mill Creek/ WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
Ayr Township Fulton County	PAG02002914002 Issued	CFC Fulton Properties, LLC 2700 Clemens Road Hatfield, PA 19440	UNT's to Big Cove Creek (CWF, MF) Wetlands	Fulton County Conservation District 216 North 2nd Street, Suite 15 McConnellsburg, PA 17233-1170 717-485-3547

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3636

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Centre County Rush Twp	PAG02001415011	Advanced Powder Products Inc 301 Enterprise Dr Philipsburg, PA 16866	One Mile Run CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Clinton County Wayne Twp	PAG02001814006(1)	First Quality Products 121 North Rd McElhattan, PA 17748	WB Susquehanna River WWF	Clinton County Conservation District 45 Cooperation Ln Mill Hall, PA 17751 (570) 726-3798
Snyder County Center Twp	PAG02005515007	L&L Market Place Louie Wengard 351 Bickel Rd Middleburg, PA 17086	UNT to Middle Creek CWF, MF	Snyder County Conservation District 403 W Market St Middleburg, PA 17842 (570) 837-3000 X110

Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville, PA 16335

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Jackson Township Butler County	PAG02001014046(1)	Mr. John O. Bame Bame Dairy Farm 14 Snowdrop Lane Harmony, PA 16037	UNT Connoquenessing Creek WWF	Butler County Conservation District 724-284-5270
Cranberry Township Butler County	PAG02001015010	Amick Development, LLC c/o chester C. Amick III 1124 McLaughlin Run Bridgeville, PA 15017-2533	UNT Brush Creek WWF	Butler County Conservation District 724-284-5270
Cranberry Township Butler County	PAG02001015024	Fun Fore All 8 Progress Avenue Cranberry Township, PA 16066	UNT Brush Creek WWF	Butler County Conservation District 724-284-5270
Clinton Township Butler County	PAG02001015026	Gary & Linda Owcar 121 East Coda Circle Delray Beach, FL 33444	Rocky Run TSF	Butler County Conservation District 724-284-5270
Clarion Township & Monroe Township Clarion County	PAG02001615005	Clarion YMCA 15952 Rt 322 Clarion, PA 16214	Courtley's Run CWF	Clarion County Conservation District 814-297-7813
North East Township Erie County	PAG02002515011	Bay Valley Foods 11160 Parkway Drive North East, PA 16428	UNT Lake Erie CWF	Erie County Conservation District 814-825-6403

General Permit Type—PAG-03

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
New Garden Township Chester County	PAR800014	P.E. Kramme, Inc. 404 Monroeville Road P.O. Box 937 Monroeville, NJ 08343	Unnamed Tributary to Trout Run—3I	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Upper Chichester Township Delaware County	PAR800050	Total Distribution Services, Inc. 500 Water S. 7th Fl. Jacksonville, FL 32202	Unnamed Tributary to Marcus Hook Creek—3G	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
West Goshen Township Chester County	PAR800164	A. Duie Pyle, Inc. 650 Westtown Road P.O. Box 564 West Chester, PA 19381	Unnamed Tributary to Schuylkill River—3-D	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970

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<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
North Towanda Township Bradford County	PAR804863	EDPO, LLC d/b/a WOC Energy Services 44 Reuter Boulevard Towanda, PA 18848	Unnamed Tributary of Susquehanna River—4-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530
West Mifflin Borough Allegheny County	PAG036132	Pull-A-Part LLC 4473 Tilly Mill Road Atlanta, GA 30360-2107	Unnamed Tributary to Monongahela River—19-C	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Rostraver Township Westmoreland County	PAR506110 A-1	Westmoreland Sanitary Landfill LLC 111 Connor Lane Belle Vernon, PA 15012-4569	Unnamed Tributary of Speers Run—19-C	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
North Fayette Township Allegheny County	PAR506113	Deep Valley Coal & Disposal Inc. 711 Old Steubenville Pike Oakdale, PA 15071	Pinkertons Run—20-F	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Hempfield Township Westmoreland County	PAG036127	ABF Freight System Inc. 3801 Old Greenwood Road P O Box 10048 Ft. Smith, AR 72903	Jacks Run—19-D	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Hanover Township Washington County	PAG036129	Hydro Recovery LP 238 Main Street Lobby #2 Blossburg, PA 16912-1151	Unnamed Tributary to Raccoon Creek—20-D	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
East Deer Township Allegheny County	PAR216126	Pittsburgh Glass Works LLC 150 Ferry Street Creighton, PA 15030	Bailey Run and Unnamed Stream—18-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Ligonier Township Westmoreland County	PAR606153	Malinish's Auto Wreckers Inc. 110 Elk Lane Ligonier, PA 15658	Mill Creek—18-C	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Allegheny Township Westmoreland County	PAG036131	Key Belleilles Inc. 4727 State Rt 30 Berkshire Cntr Suite 102 Greensburg, PA 15601	Unnamed Tributary of Allegheny River—18-B	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Ohara Township Allegheny County	PAR236127	Matthews International Corp Two Northshore Center Pittsburgh, PA 15212	Allegheny River— 18-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Johnstown City Cambria County	PAR126105	Pepsi Beverages Company 167 Allenbill Drive Johnstown, PA 15904	Stoney Creek—18E CWF	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000

General Permit Type—PAG-13

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAG133568	West Lampeter Township 852 Village Road PO Box 237 Lampeter, PA 17537	Lancaster	West Lampeter Township	Bachman Run/ TSF & MF	Y

General Permit Type—PAG-13 Waiver

Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; 412-442-4000

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Rankin Borough Allegheny County	PAG136279	Rankin Borough 320 Hawkins Avenue Rankin, PA 15104-1008	Monongahela River 19-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER**Actions taken under the Pennsylvania Safe Drinking Water Act**

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

Permit No. 4015507 Minor Amendment, Public Water Supply.

Applicant	Aqua PA, Inc. 1 Aqua Way White Haven, PA 18661
[Township or Borough]	Black Creek Township, Luzerne County
Responsible Official	Patrick R. Burke, PE Aqua PA, Inc. 204 E. Sunbury Street Shamokin, PA 17872
Type of Facility	PWS
Consulting Engineer	Peter Lusardi, PE GHD 1240 North Mountain Road Harrisburg, PA 17112 (717) 541-0622
Permit to Construct Issued	06/24/2015

Permit No. 6415504MA, Public Water Supply.

Applicant	The River Hill Market 209 Boyds Mills Road Beach Lake, PA 18405
Municipality	Damascus Township

County **Wayne**
 Type of Facility PWS
 Consulting Engineer N/A
 Permit to Construct July 1, 2015
 Issued

Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 3615509 MA, Minor Amendment, Public Water Supply.

Applicant **Columbia Water Company**
 Municipality Marietta Borough
 County **Lancaster**
 Responsible Official David Lewis, Superintendent

1195 River Road
 PO Box 302
 Marietta, PA 17547-0302

Type of Facility Installation of new chlorine contact piping for the Lancaster (Chickies) Well Nos. 2 and 3.

Consulting Engineer Gerald R. McClune, P.E.
 Rettew Associates, Inc.
 3020 Columbia Avenue
 Lancaster, PA 17603

Permit to Construct 7/7/2015
 Issued

Operation Permit No. 3611543 issued to: **East Cocalico Township Authority (PWS ID No. 7360113)**, East Cocalico Township, **Lancaster County** on 7/7/2015 for facilities approved under Construction Permit No. 3611543.

Operation Permit No. 3615505 issued to: **Greiner Industries Inc. (PWS ID No. 7360778)**, Mount Joy Borough, **Lancaster County** on 7/7/2015 for facilities approved under Construction Permit No. 3615505.

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Permit No. 0215509, Public Water Supply.

Applicant **Richland Township Municipal Authority**
 2012 Kramer Road
 Gibsonia, PA 15044

[Borough or Township] Richland Township

County **Allegheny**

Type of Facility Bakerstown Road water storage tank

Consulting Engineer KLH Engineers, Inc.
 5173 Campbells Run Road
 Pittsburgh, PA 15205

Permit to Construct June 24, 2015
 Issued

Permit No. 6515504, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**
 124 Park & Pool Road
 New Stanton, PA 15672

[Borough or Township] Salem Township
 County **Westmoreland**
 Type of Facility Slickville water storage tank
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.

1004 Ligonier Street
 PO Box 853
 Latrobe, PA 15650

Permit to Construct June 25, 2015
 Issued

Permit No. 6514508, Public Water Supply.

Applicant **Highridge Water Authority**
 17 Maple Avenue
 Blairsville, PA 15717

[Borough or Township] East Wheatfield Township

County **Indiana**

Type of Facility SR 56 pump station

Consulting Engineer Gibson-Thomas Engineering Co., Inc.
 1004 Ligonier Street
 PO Box 853
 Latrobe, PA 15650

Permit to Construct June 25, 2015
 Issued

Permit No. 0215514MA, Minor Amendment. Public Water Supply.

Applicant **Moon Township Municipal Authority**
 1700 Beaver Grade Road
 Suite 200
 Moon Township, PA 15108

[Borough or Township] Moon Township

County **Allegheny**

Type of Facility Western Area water storage tank

Consulting Engineer KLH Engineers, Inc.
 5173 Campbells Run Road
 Pittsburgh, PA 15205

Permit to Construct June 24, 2015
 Issued

Permit No. 3015503MA, Minor Amendment. Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**
 1442 Jefferson Road
 Jefferson, PA 15344

[Borough or Township] Luzerne and Redstone Townships

County **Fayette**

Type of Facility Tower Hill Road waterline project

Consulting Engineer Bankson Engineers, Inc.
 267 Blue Run Road
 Suite 200
 Cheswick, PA 15024

Permit to Construct June 16, 2015
 Issued

Permit No. 5615509MA-E, Minor Amendment. Public Water Supply.

Applicant **Somerset Township Municipal Authority**
2209 North Center Avenue
Somerset, PA 15501

[Borough or Township] Somerset Township

County **Somerset**

Type of Facility Highland Hill Development project

Consulting Engineer The EADS Group
450 Aberdeen Drive
Somerset, PA 15501

Permit to Construct Issued June 16, 2015

Permit No. 6515510MA-E, Minor Amendment. Public Water Supply.

Applicant **Ligonier Township Municipal Authority**
One Municipal Park Drive
Ligonier, PA 15658

[Borough or Township] Ligonier Township

County **Westmoreland**

Type of Facility Waterline relocation project

Consulting Engineer The EADS Group
450 Aberdeen Drive
Somerset, PA 15501

Permit to Construct Issued June 30, 2015

Permit No. 0415502MA, Minor Amendment. Public Water Supply.

Applicant **Borough of Monaca**
928 Pennsylvania Avenue
Monaca, PA 15061

[Borough or Township] Monaca Borough

County **Beaver**

Type of Facility Disinfection system

Consulting Engineer Widmer Engineering, Inc.
806 Lincoln Place
Beaver Falls, PA 15010

Permit to Construct Issued June 25, 2015

Permit No. 0315502MA, Minor Amendment. Public Water Supply.

Applicant **Kittanning Suburban Joint Water Authority**
710 Tarrtown Road
Adrian, PA 16210

[Borough or Township] East Franklin Township

County **Armstrong**

Type of Facility SR 0268 waterline

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
Suite 200
Cheswick, PA 15024

Permit to Construct Issued June 25, 2015

Permit No. 5615508MA, Minor Amendment. Public Water Supply.

Applicant **Somerset County General Authority**
300 North Center Avenue
Suite 500
Somerset, PA 15501

[Borough or Township] Jenner Township

County **Somerset**

Type of Facility Jenner Crossroads water storage tank

Consulting Engineer Somerset Planning & Engineering Services, LLC
222 West Main Street
Suite 100
Somerset, PA 15501

Permit to Construct Issued June 25, 2015

Meyersdale Municipal Authority (Public Water Supply), Somerset County: On December 2, 2014, the Safe Drinking Water Program approved the Source Water Protection (SWP) Plan for Meyersdale Municipal Authority. The personnel involved with the development of this SWP Plan are to be commended for taking these proactive steps to protect these groundwater and surface water sources for their community. Development of the SWP Plan was completed with assistance from PA Rural Water Association and partially funded by the Department of Environmental Protection.

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 re-

quired, 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 Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Deamer Land Clearing Company, SR 35, Washington Township, **Snyder County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Deamer Land Clearing Company, 152 Energex Drive, Mifflintown, PA 17059 submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Sunbury Generation LP—Coal Storage Yard, P.O. Box 517, Old Trail Road, Shamokin Dam Borough, **Snyder County**. L.R. Kimball, 615 West Highland Avenue, P.O. Box 1000, Ebensburg, PA 15931-1048, on behalf of Sunbury Generation LP submitted a Final Report for the Coal Storage Yard site concerning remediation of site groundwater contaminated with metals. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

Warriors Mark Fuel Tanker Release, approximately 1.1 mile south of SR 350 and SR 550, Warriors Mark Township, **Huntingdon County**. Cardno ATC Associates, 103 North Meadows Drive, Suite 211, Wexford, PA 15090, on behalf of Sel-Lo Oil, 703 Ellenberger Drive, Altoona, PA 16601, and Steven and Marilee Ormsby, 4296 Warriors Mark Path, Warriors Mark, PA 16877, submitted a Final Report concerning remediation of site soils and groundwater contaminated with unleaded gasoline that was released in a truck accident. The Report is intended to document remediation of the site to the Residential Statewide Health Standard.

Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

South Side Works, South 26th Street & South Water Street—Parcels 24, 25, 26 (Former LTV South Side Works), City of Pittsburgh, **Allegheny County**. Civil & Environmental Consultants, 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Urban Redevelopment Authority, 200 Ross Street, Pittsburgh, PA 15219 has submitted a Final Report concerning remediation of site soils contaminated with volatile and semi-volatile organic compounds (VOCs & SVOCs) and metals. The Final Report is intended to document remediation of the site to meet the Site Specific standard for soils. Notice of the Final Report was published June 10, 2015 in the *Pittsburgh Post-Gazette*.

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 Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Deamer Land Clearing Company, SR 35, Washington Township, **Snyder County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Deamer Land Clearing Company, 152 Energex Drive, Mifflintown, PA 17059 submitted a Final Report concern-

ing the remediation of site soils contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on June 9, 2015.

Sunbury Generation LP Coal Storage Yard, P.O. Box 517, Old Trail Road, Shamokin Dam Borough, **Snyder County**. L.R. Kimball, 615 West Highland Avenue, P.O. Box 1000, Ebensburg, PA 15931-1048, on behalf of Sunbury Generation LP submitted a Final Report concerning the remediation of the Coal Storage Yard site groundwater contaminated with metals. The Final Report demonstrated attainment of the Site-Specific Standard, and was approved by the Department on June 18, 2015.

Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Former Trexler Estate, 4677 Route 309, Upper Saucon Township, **Lehigh County**. Pennoni Associates Inc., on behalf of LUP4, LLC, 27 Memorial Drive West, Bethlehem, PA 18015, submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with Leaded and Unleaded Gasoline. The report is intended to document remediation of the site to meet the Site Specific Standard. The Report was approved by the Department on June 29, 2015.

O'Dowd SUS Pad, 2411 State Route 3011, Auburn Township, **Susquehanna County**. Leidos Engineering, 6310 Allentown Boulevard, Harrisburg, PA 17112 on behalf of Chesapeake Appalachia LLC, 300 North 2nd Street, Harrisburg, PA 17101, submitted a Final report concerning the remediation of site soil contaminated with flowback fluid. The Final Report demonstrated attainment of the Background and Statewide Health standard, and was approved by the Department on July 2, 2015.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

Former Armstrong Environmental Services Facility, 205 Greenfield Road, Lancaster, PA, East Lampeter Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of 205 Greenfield Road LLP, 5 Holland Street, Salunga, PA 17538, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil. The site is being remediated to a combination of Residential Statewide Health and Site Specific Standards. The combined Remedial Investigation Report and Cleanup Plan were approved by the Department on June 10, 2015.

Michael Barone Property, 35 East Lisburn Road, Mechanicsburg, PA, Upper Allen Township, **Cumberland County**. Barry Isett & Associates, 85 South Route 100, Allentown, PA 18106, on behalf of Michael Barone, 35 East Lisburn Road, Mechanicsburg, PA 17055, 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 July 2, 2015.

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 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 Final Report demonstrated attainment of a combination of the Site-Specific and Statewide Health Standards and was approved by the Department on June 9, 2015.

Salem Tube, 951 Fourth Street, Pymatuning Township, **Mercer County**. Groundwater Sciences Corporation, 2601 Market Place Street, Harrisburg, PA 17110, on

behalf of Salem Tube, Inc., 951 Fourth Street, Greenville, PA 16125, submitted a Cleanup Plan concerning the remediation of site groundwater contaminated with trichloroethylene (TCE) and its degradation products, as well as, other incidental volatile organic compounds (VOCs). The Plan was approved by the Department on July 1, 2015.

Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Lawrenceville Willow Street Site (formerly Phoenix Rolls Works and Blawnox Roll Company; Mill Equipment & Engineering Corporation), 115 41st Street, City of Pittsburgh/Willow Street at 40th Street, **Allegheny County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Fort Willow Developers, L.P., 921 Beaver Street, Sewickley, PA 15143 submitted a Remedial Investigation Report/Cleanup Plan concerning site soils contaminated with arsenic, lead, nickel, manganese, benzo(a)pyrene; and site groundwater contaminated with chlorinated compounds. The RIR/CP was approved by the Department on June 30, 2015.

RESIDUAL WASTE GENERAL PERMITS

Permit Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application No. WMGR017SC001. Jesse Baro, Inc., 157 Quarry Road, Douglassville, PA 19518-1909. For the beneficial use of water supply treatment plant sludge in Douglass Township, **Berks County**, as (i) a soil additive by land application upon, agricultural, agronomic, horticultural, and silvicultural lands and (ii) land application on disturbed lands to facilitate re-vegetation for land reclamation purposes. General Permit was reissued by Central Office on June 17, 2015.

Persons interested in reviewing a general permit should be directed to Scott E. Walters at 717-787-7381, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

General Permit Application No. WMGR017. City of Lebanon Authority Water Treatment Plant., 12 E. Behney Street, Lebanon, PA 17042. For the beneficial use of water supply treatment plant sludge in Swatara Township, **Lebanon County**, as (i) a soil additive by land application upon, agricultural, agronomic, horticultural, and silvicultural lands and (ii) land application on disturbed lands to facilitate re-vegetation for land reclamation purposes. General Permit was reissued by Central Office on June 17, 2015.

Persons interested in reviewing a general permit should be directed to Scott E. Walters at 717-787-7381, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170,

Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

General Permit Application No. WMGR017D011. Municipal Authority of the Borough of Minersville, 2 East Sunbury Street, Minersville, PA 17954. For the beneficial use of water supply treatment plant sludge in Cass Municipality, **Schuylkill County**, as (i) a soil additive by land application upon, agricultural, agronomic, horticultural, and silvicultural lands and (ii) land application on disturbed lands to facilitate re-vegetation for land reclamation purposes. General Permit was reissued by Central Office on June 17, 2015.

Persons interested in reviewing a general permit should be directed to Scott E. Walters at 717-787-7381, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

General Permit Application No. WMGR017D005. R.C. Stahlnecker Co., 305 Broadway Street, Milton, PA 17847-2401. For the beneficial use of water supply treatment plant sludge in East Chillisquaque Township, **Northumberland County**, as (i) a soil additive by land application upon, agricultural, agronomic, horticultural, and silvicultural lands and (ii) land application on disturbed lands to facilitate re-vegetation for land reclamation purposes. General Permit was reissued by Central Office on June 17, 2015.

Persons interested in reviewing a general permit should be directed to Scott E. Walters at 717-787-7381, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

General Permit Application No. WMGR017D001. Danville Municipal Authority, 12 West Main Street, Danville, PA 17821. For the beneficial use of water supply treatment plant sludge in Mahoning Township, **Montour County**, as (i) a soil additive by land application upon, agricultural, agronomic, horticultural, and silvicultural lands and (ii) land application on disturbed lands to facilitate re-vegetation for land reclamation purposes. General Permit was reissued by Central Office on June 17, 2015.

Persons interested in reviewing a general permit should be directed to Scott E. Walters at 717-787-7381, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

General Permit Application No. WMGR017NE001. Borough of Schuylkill Haven, 12 West Main Street, Schuylkill Haven, PA 17972. For the beneficial use of water supply treatment plant sludge in Blythe Township, **Schuylkill County**, as (i) a soil additive by land application upon, agricultural, agronomic, horticultural, and silvicultural lands and (ii) land application on disturbed lands to facilitate re-vegetation for land reclamation purposes. General Permit was reissued by Central Office on June 17, 2015.

Persons interested in reviewing a general permit should be directed to Scott E. Walters at 717-787-7381, Chief, Permits Section, Division of Municipal and Residual

Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone, 412-442-4000.

General Permit No. WMGR101SW002. The Recycling Center, Inc., 5020 Thomas Run Road, Oakdale, PA 15017, Collier Township, **Allegheny County.** The General Permit allows for operation of a processing facility and beneficial use of steel slag, iron slag, and refractory bricks that were co-disposed with slag, reclaimed asphalt pavement materials (RAP) in quantities greater than 10 cubic yards and uncontaminated brick, block and concrete from sidewalk and highway projects as a construction material. Permit was issued in the Regional Office on July 6, 2015.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits issued under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 101606 Kline's Services, LLC. 5 Holland Street Salunga, PA 17538. This permit reissuance is for a change of ownership from Kline's Services, Inc. to Kline's Services, LLC. The permit was reissued on July 2, 2015 for Solid Waste Permit No. 101606 for the operation of the Kline's Services, LLC-Processing Facility, located in East Hempfield Township, **Lancaster County,** in accordance with Article V of the Solid Waste Management Act, 35 P. S. §§ 6018.101, et seq. Compliance with the terms and conditions set forth in the permit is mandatory. You have the right to file an appeal as to these terms and conditions.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531

GP3-48-008: New Enterprise Stone & Lime Co., dba Eastern Industries Inc. (3724 Crescent Court West, Suite 200, Whitehall, PA 18052) on June 25, 2015 for the construction and operation of a Portable Crushing

Operation with watersprays at Martins Creek Quarry located in Lower Mt, Bethel Twp., **Northampton County.**

GP9-48-008: New Enterprise Stone & Lime Co., dba Eastern Industries Inc. (3724 Crescent Court West, Suite 200, Whitehall, PA 18052) on June 25, 2015 for the installation and operation of a Diesel I/C Engine at Martins Creek Quarry located in Lower Mt, Bethel Twp., **Northampton County.**

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

Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648

GP11-14-00014B: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on June 16, 2015, to construct and operate one Deutz model TCD2013L04 diesel-fired engine with a rating of 167 brake horsepower (bhp) pursuant to the General Plan Approval and/or General Operating Permit (BAQ-GPA/GP-11): Nonroad Engines at their Pleasant Gap facility located in Spring Township, **Centre County.**

GP3-14-00014B: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on June 16, 2015, to construct and operate METSO model ST272 portable non-metallic mineral mobile screening plant with associated water spray dust suppression system pursuant to the General Plan Approval and/or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at the Pleasant Gap facility located in Spring Township, **Centre County.**

GP5-08-302B: HEP Pennsylvania Gathering, LLC (17806 1H-10W, Suite 210 San Antonio, TX 78257) on July 2, 2015, for the operation of two 1380 bhps natural-gas-fired Caterpillar model G3516B ultra-lean-burn compressor Powertherm Co. model 201VO-3-200-7114 oxidation catalysts under the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) at the Greenzweig Compressor Station in Herrick Township, **Bradford County.**

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Devendra Verma, New Source Review Chief—Telephone: 814-332-6940

GP5-20-299D: Kastle Resources (Partch Rd & Route 198, Linesville, PA 16424) on July 1, 2015, for the authorization to construct and/or operate one (1) lean burn 4 stroke natural gas engine (Caterpillar model G3508LE) rated at 670 bhps at 1,400 rpms, one (1) Hanover Natural Gas Dehydrator (Model # 30-10-RB-375M with associated 1.50 mmBtus/hr Reboiler, and two (2) 8,840 gallons produced water storage tanks (BAQ-GPA/GP5) located at your facility in Beaver Township, **Crawford County.**

GP5-37-347B: Hilcorp Energy Pulaski Carlisle Central Facility (Brown School Road, Pulaski, PA 16143) on June 24, 2015, for the authorization to construct and/or operate two (2) natural gas fired compressor engines (Caterpillar G3516B) and produced water storage tanks (BAQ-GPA/GP5) located at your facility in Pulaski Township, **Lawrence County.**

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

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

20-123F: Lord Corporation Cambridge Springs Facility (124 Grant Street, Cambridge Springs, PA 16403) on June 23, 2015, has issued a plan approval for the construction and operation of a surface coating booth and a curing oven associated with the expansion project located at their facility in Cambridge Springs Borough, **Crawford County**. This is a Title V Facility.

42-174G: Casella Waste Management—McKean County Landfill (19 Ness Lane, Kane, PA 16735-5335), on July 1, 2015, has issued a plan approval for the modification of conditions from plan approval 42-174F with regards to submittal of a plan approval application for the gas collection system in Sergeant Township, **McKean County**. This is a Title V facility.

43-196D: General Transportations—Grove City Plant (1503 W. Main Street Extension, Grove City, PA 16127-2513), on July 1, 2015, has issued a plan approval for the modification of test cells #5 & #6 to allow for testing of newer engine models in Grove City Borough, **Mercer County**. This is a Title V facility.

61-198B: Handsome Lake Energy, LLC (173 Cornplanter Lane, Kennerdell, PA 16374) on June 5, 2015, has issued a plan approval for modifications to the facility Title V Operating Permit 61-00198. This facility is located in Rockland Township, **Venango County**. The proposed modifications include the removal of the fuel throughput limit and the use of monthly NO_x emission calculations to show compliance with facility emission limits.

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.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702

07-03055A: Advanced Metals Processing—PA LLC (129 South Sparks Street, Suite 1, State College, PA 16801-3913) on June 30, 2015, for a nonferrous metal delacquering oven at the facility in Hollidaysburg Borough, **Blair County**. The plan approval was extended.

36-05079D: Chester County Solid Waste Authority (7224 Division Highway Honey Brook, PA 19344) on June 30, 2015, for the Area E expansion of the Lanchester Landfill in Caernarvon Township, **Lancaster County**. The plan approval was extended.

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

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

08-00010H: Global Tungsten & Powders Corp. (1 Hawes Street, Towanda, PA 18848) on June 30, 2015, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from August 19, 2015 to February 15, 2016, at their facility located in Towanda Borough, **Bradford County**. The plan approval has been extended.

08-00043A: Glenn O Hawbaker, Inc. (711 East College Ave. Bellefonte, PA 16823) on June 24, 2015, to extend the authorization for the construction of a wet sand and gravel operation at the Green's Landing facility located in Athens Township, **Bradford County** from July 4, 2015, to December 31, 2015. The plan approval has been extended.

08-00030B: HEP Pennsylvania Gathering, LLC (17806 1H-10W Suite 210 San Antonio, TX 78257) issued a revised plan approval on July 1, 2015, due to a change in ownership of the Greenzweig Compressor Station facility from Angelina Gathering Co, LLC to HEP Pennsylvania Gathering, LLC. This facility is located in Herick Township, **Bradford County**. This plan approval contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions. The plan approval has been transferred.

08-00030A: HEP Pennsylvania Gathering, LLC (17806 1H-10W Suite 210 San Antonio, TX 78257) issued a revised plan approval on July 1, 2015, due to a change in ownership of the Greenzweig Compressor Station facility from Angelina Gathering Co, LLC to HEP Pennsylvania Gathering, LLC. This facility is located in Herick Township, **Bradford County**. This plan approval contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions. The plan approval has been transferred.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

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

25-1034A: Emkey Gas Processing (Concord Road, Union City, PA 16438) on June 29, 2015, effective June 30, 2015, will issue a plan approval extension for the construction of a 10 mmscf/d gas processing facility in Union City Township, **Erie County**. This is a State Only facility.

43-270I: CCL Container Corporation (1 Llodio Drive, Hermitage, PA 16148) on July 1, 2015, effective August 31, 2015, for the plan approval extension for the installation of four (4) can manufacturing lines, three (3) inside liner baghouses and a regenerative thermal oxidizer (RTO). The facility manufactures aluminum cans used for packaging various consumer products. This facility is located in the City of Hermitage, **Mercer County**.

Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702

07-05001: Appvion, Inc. (100 Paper Mill Road, Roaring Spring, PA 16673-1488) on June 25, 2015, for the kraft pulp and paper mill located in Roaring Spring Borough, **Blair County**. The Title V permit was renewed.

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

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

19-00007: Transcontinental Gas Pipe Line Company, LLC (2800 Post Oak Blvd, Houston, TX 77056) on June 26, 2015, was issued a renewal Title V operating permit for their facility located in Jackson Township, **Columbia County**. The facility's main sources include four natural gas-fired combustion turbines, several storage tanks, and two emergency generators. The Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507

40-00119: First Quality Nonwovens, (101 Green Mountain Road, Hazleton, PA 18202) The Department issued a State Only operating permit on June 30, 2015, for a fabric manufacturing facility in Hazle Township, **Luzerne County**.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702

67-03126: Yorkshire Animal Hospital (3434 E. Market Street, York, PA 17402-2621) on July 1, 2015, for the animal crematory unit at the veterinary facility located in Springettsbury Township, **York County**. The State-only permit was renewed.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

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

25-00974: HI Tech Plating Company (1015 West 18th Street, Erie, PA 16502) on June 30, 2015 issued the renewal of the State Only Operating Permit for the plating operations facility located in Erie City, **Erie County**. The sources at the facility include, Chrome Electroplating Tanks which is controlled by using a wetting agent and a packed bed scrubber (subject to 40 CFR Part 63 Subpart N), miscellaneous natural gas combustion, nickel electroless plating tanks (subject to 40 CFR Part 63 Subpart WWWW), a masking paint process, and a liquid hone wet blast controlled by a filter. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. The facility is an area source for all pollutants.

43-00286: RW Sidley Inc. (3401 New Castle Road, West Middlesex, PA 16159) on June 30, 2015, for a renewal of the Natural Minor Permit to operate a concrete products manufacturing facility located in Shenango Township, **Mercer County**. The facility sources include a portable concrete batch plant and two Silo-Vents as emitting sources. Actual Emissions based on the permit application are: Particulate Matter less than 10 microns

(PM₁₀): 9.26 TPY. The facility is natural minor because; the emission of pollutants is less than Title V threshold limits.

43-00304: Greenville Veterinary Clinic LLC (409 East Jamestown Road, Greenville, PA 16125), on June 30, 2015 issued a renewal State Only Operating Permit for the facility located in West Salem Township, **Mercer County**. The facility is a Natural Minor. The facility has a pet crematory. The particulate emissions are limited to 0.08 gr/dscf corrected to 7% O₂ Under normal operation, the maximum average concentrations of total suspended particulate is less than 0.024 lb/hr and the maximum average concentration of CO is less than 6.06 ppms at 7% O₂. Other criteria pollutants are less than 1 TPY. The renewal permit also contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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.

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

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

59-00012: Dairy Farmers of America, Inc. (72 Milk Plant Road, Middlebury Center, PA 16935) issued a revised State Only operating permit, Revision No. 1 on June 11, 2015, for their facility in Middlebury Township, **Tioga County**. This operating permit modification allows installation of a new Limpsfield Combustion Engineering Co. model LCN62 21.0 MMBtus per hour natural gas fired burner (Limpsfield burner) for an existing boiler #1 (Source ID CU031) and an increase in operating hours for the Maxon burner associated with the powdered milk drying system (Source ID P101). The operating permit is effective through May 29, 2019. This revised State Only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Devendra Verma, New Source Review Chief—Telephone: 814-332-6940

10-00021: INDSPEC Chemical Corporation (133 Main Street, Petrolia, PA 16050) for its facility located in Petrolia Borough, **Butler County**. The de minimis emission increase is due to the temporary installation of a diesel fueled engine to operate the facility fire pump system while source 180A is being rebuilt. The Department has started a list of de minimis increases as prescribed in 25 Pa. Code § 127.449(i).

Since the April 4, 2012, issuance date of Title V Operating Permit 10-00021, INDSPEC Chemical Corporation has notified the Department of the following de minimis emission increases at the facility:

Table 1: Deminimis Emission Increases at INDSPEC since the TV Permit reissuance.

Date	Source	PM ₁₀ (tons)	SO _x (tons)	NO _x (tons)	VOC (tons)	CO (tons)
9-18-13	Temp replacement of String Cooler Train	0.013	0.002	0.256	0.018	0.238
4-4-14	Transfer of PVC pellets from rail cars to trucks.	0.002	-	-	-	-
7-1-15	Temporary diesel fueled fire pump engine.	0.03	0.18	0.58	0.58	0.50
Total Reported Increases		0.015	0.002	0.256	0.018	0.238
Allowable		0.6 ton/source 3 tons/facility	1.6 ton/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

This is the second de minimis emission increase approved since the April 4, 2012, TV Permit Issuance for the Petrolia Facility.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

Coal Permits Issued

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

33901602 and NPDES No. PA0214604. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To transfer the permit for the Brockway Tipple in Snyder Township, **Jefferson County** and related NPDES Permit from AMFIRE Mining Company LLC to Rosebud Mining Company. No additional discharges. The application was considered administratively complete on March 4, 2015. Application received December 31, 2014. Permit issued June 30, 2015.

03971301 and NPDES No. PA0215091. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To transfer the reclamation only permit for the Ridge Mine in South Bend Township, Armstrong County, Young Township, **Indiana County** and related NPDES Permit from Amfire Mining Company LLC to Rosebud Mining Company. No discharges. The application was

considered administratively complete on March 4, 2015. Application received December 13, 2014. Permit issued June 25, 2015.

32011301 and NPDES No. PA0235636. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To transfer the permit for the Palmerton Mine in Burrell Township, **Indiana County** and related NPDES permit from Amfire Mining Company LLC to Rosebud Mining Company. No additional discharges. The application was considered administratively complete on March 4, 2015. Application received December 31, 2014. Permit issued June 25, 2015.

11031301 and NPDES No. PA0235539. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To transfer the permit for the Madison Mine in Jackson Township, **Cambria County** and related NPDES permit from Amfire Mining Company LLC to Rosebud Mining Company. No additional discharges. The application was considered administratively complete on March 4, 2015. Application received December 31, 2014. Permit issued June 25, 2015.

32061301 and NPDES No. PA0235679. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To renew and revise the permit for Starford Mine in Green and Cherryhill Townships, **Indiana County** to delete 827.4 acres from the underground permit area. No additional discharges. The application was considered administratively complete on December 18, 2012. Application received May 18, 2012. Permit issued June 30, 2015.

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

61100101. K & A Mining (P.O. Box 288, Grove City, PA 16127) Renewal of an existing bituminous surface mine in Irwin Township, **Venango County**, affecting 68.6 acres. Receiving streams: Unnamed tributary to Williams Run, unnamed tributary to Scrubgrass Creek, and unnamed tributary to East Branch Wolf Creek. This renewal is issued for reclamation only. Application received: April 20, 2015. Permit Issued: June 30, 2015.

33850118 and NPDES Permit No. PA0106682. P. and N. Coal Co., Inc. (P.O. Box 332, Punxsutawney, PA 15767) Revision to an existing bituminous surface and auger mine to add 11.8 acres in Winslow Township,

Jefferson County, for a total of 185.1 acres. Receiving streams: Three unnamed tributaries to Soldier Run. Application received: February 11, 2015. Permit Issued: June 30, 2015.

10130103. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Revision to an existing bituminous surface to add 4.9 acres in Clay Township, **Butler County**, affecting a total of 48.9 acres. Receiving streams: Muddy Creek. This revision also includes a request to change the post-mining land use from forestland to unmanaged natural habitat on the property of Prime Choice Properties, LLC. Application received: April 24, 2015. Permit Issued: July 1, 2015.

33090106. MSM Coal Company, Inc. (P.O. Box 243, DuBois, PA 15801) Renewal of an existing bituminous surface mine in Knox Township, **Jefferson County**, affecting 54.1 acres. Receiving streams: Unnamed tributaries to Fivemile Run. This renewal is issued for reclamation only. Application received: April 24, 2015. Permit Issued: July 1, 2015.

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

17860135 and NPDES PA0115622. Strishock, LLC (P.O. Box 1006, DuBois, PA 15801). Permit renewal for continued operation and restoration of a bituminous surface mine located in Union, Brady, and Sandy Townships, **Clearfield County** affecting 367.6 acres. Receiving stream(s): Stony Run, Laborde Branch, and Sugar Camp Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: January 7, 2015. Permit issued: June 24, 2015.

17060101 and NPDES No. PA0269573. Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830). Permit revisions include adding new properties, revising the permit outline and Erosion & Sedimentation Plan in Lawrence Township, **Clearfield County**, affecting 203.0 acres. Receiving streams: Unnamed Tributary to Little Clearfield Creek classified for the following use(s): HQ. There are no potable water supply intakes within 10 miles downstream. Application received: March 19, 2015. Permit issued: June 25, 2015.

17110109 and NPDES PA0257818. King Coal Sales, Inc. (P. O. Box 712, Philipsburg, PA 16866). Permit renewal for continued operation and restoration of a bituminous surface mine located in Morris Township, **Clearfield County** affecting 85.7 acres. Receiving stream(s): Unnamed Tributary to Hawk Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: March 26, 2015. Permit issued: June 30, 2015.

17080116 and NPDES PA0256978. Forcey Coal, Inc. (P. O. Box 225, 475 Banion Road, Madera, PA 16661). Permit renewal for continued operation and restoration of a bituminous surface mine located in Bigler Township, **Clearfield County** affecting 42.0 acres. Receiving stream(s): Unnamed Tributary to Clearfield Creek classified for the following use(s): CWF and Clearfield Creek classified for the following use(s): WWF. There are no potable water supply intakes within 10 miles downstream. Application received: April 13, 2015. Permit issued: June 29, 2015.

12040101. Allegheny Enterprises, Inc. (3885 Roller Coaster Road, Corsica, PA 15829). Permit renewal for reclamation only of a bituminous surface mine located in Shippen Township, **Cameron County** affecting 280.8 acres. Receiving stream(s): Unnamed Tributaries to

Finley Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 23, 2014. Permit issued: June 29, 2015.

17930117 and NPDES PA0219584. RES Coal LLC (224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920). Permit renewal for the continued operation and restoration of a bituminous surface mine and renewal of a GP-12 in Goshen Township, **Clearfield County** affecting 329.8 acres. Receiving streams: Unnamed Tributaries to Surveyor Run and Surveyor Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: October 28, 2014. Permit issued: June 30, 2015.

New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500

03080103 and NPDES Permit No. PA0251488. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Permit renewal issued for reclamation only to an existing bituminous surface mine, located in Redbank Township, **Armstrong County**, affecting 52 acres. Receiving streams: unnamed tributaries to Little Mudlick Creek and Redbank Creek. Application received: May 8, 2015. Renewal permit issued: June 29, 2015.

63030102 and NPDES Permit No. PA0278068. Amerikohl Mining, Inc. (1384 State Route 711, Stahlstown, PA 15687). Permit issued for commencement, operation and restoration of a bituminous surface mine, located in Nottingham Township, **Washington County**, affecting 65.9 acres. Receiving streams: unnamed tributary to Mingo Creek and Sugar Run. Application received: June 16, 2014. Permit issued: June 30, 2015.

03100101 and NPDES Permit No. PA0251925. Bedrock Mines, LP (111 Freeport Road, Pittsburgh, PA 15215). Permit renewal issued for reclamation only to an existing bituminous surface mine, located in North Buffalo Township, **Armstrong County**, affecting 33.3 acres. Receiving streams: unnamed tributaries to Nicholson Run. Application received: May 15, 2015. Renewal permit issued: June 30, 2015.

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

Permit No. 19950101R3. Blaschak Coal Corp., (PO Box 12, Mahanoy City, PA 17948), renewal of an existing anthracite surface mine and refuse disposal operation in Conyngham Township and Centralia Borough, **Columbia County** affecting 846.0 acres, receiving streams: Shamokin Creek and Mahanoy Creek. Application received: December 9, 2010. Renewal issued: July 6, 2015.

Permit No. 19950101GP104. Blaschak Coal Corp., (PO Box 12, Mahanoy City, PA 17948), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 19950101 in Conyngham Township and Centralia Borough, **Columbia County**, receiving streams: Shamokin Creek and Mahanoy Creek. Application received: June 6, 2011. Permit issued: July 6, 2015.

Permit No. 54850107R6. Lone Eagle Coal Company, Inc., (2068 Old Phoenix Road, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in Foster Township, **Schuylkill County** affecting 55.9 acres, receiving stream: Crystal Run. Application received: March 13, 2015. Renewal issued: July 6, 2015.

Permit No. 54850107GP104R. Lone Eagle Coal Company, Inc., (2068 Old Phoenix Road, Pottsville, PA 17901), renewal of General NPDES Stormwater Permit

for stormwater discharges associated with mining activities on Surface Mining Permit No. 54850107 in Foster Township, **Schuylkill County**, receiving stream: Crystal Run. Application received: March 13, 2015. Renewal issued: July 6, 2015.

Noncoal Permits Issued

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

Permit No. 64142802 and NPDES Permit No. PA0225517. Robert A. Coleman (P.O. Box 3, Susquehanna, PA 18847), Commencement, operation and restoration of a quarry operation and NPDES permit for discharge of treated mine drainage in Scott Township, **Wayne County** affecting 3.0 acres, receiving stream: unnamed tributary to Balls Creek Watershed. Application received: August 15, 2014. Permit Issued: June 30, 2015.

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

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

42154001. Ram Forest Products, Inc. (1716 Honeoye Road, Shinglehouse, PA 16748) Blasting activity permit for construction blasting in Ceres Township, **McKean County**. This blasting activity permit expires July 1, 2016. Permit Issued: June 25, 2015.

New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500

63154101. Wampum Hardware Co. (636 Paden Road, New Galilee, PA 16141). Blasting activity permit for the construction of the Solomon Ford, located in Centerville Borough, **Washington County** with an exploration date of December 31, 2015. Blasting permit issued: June 29, 2015.

63154003. Senex Explosives, Inc. (710 Millers Run Road, Cuddy, PA 15031). Blasting activity permit for the construction of the Washington/Arden Landfill, located in Chartiers Township, **Washington County** with an exploration date of June 30, 2016. Blasting permit issued: July 1, 2015.

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

Permit No. 64154001. Northeast Blasting, (403 Middle Creek Road, Honesdale, PA 18431), construction blasting for a trench at Larksville Fire Department in Paupack Township, **Wayne County** with an expiration date of June 13, 2016. Permit issued: July 1, 2015.

Permit No. 36154122. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Stoney Brook Phase 1B retention basin in West Donegal Township, **Lancaster County** with an expiration date of August 30, 2015. Permit issued: July 2, 2015.

Permit No. 58154122. Meshoppen Blasting, Inc., (P.O. Box 127, Meshoppen, PA 18630), construction blasting for SWN NR19 Walker Diehl pad and access road in Oakland Township, **Susquehanna County** with an expiration date of June 15, 2016. Permit issued: July 2, 2015.

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 AT&T 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

Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511

E40-764. Donald and Linda Frederick, 2845 Lakeview Drive, Harveys Lake, PA 18618. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To remove the existing dock and to construct and maintain a 1,500 sq. ft. lakehouse/dock within the basin of Harveys Lake (HQ-CWF). The project is located approximately at Pole 261, Lakeside Drive (Harveys Lake, PA Quadrangle Latitude: 41°21'19"; Longitude: -76°2'24"). Subbasin 5B.

E52-244. Edwards Family Limited Trust, 204 State Route 435, Elmhurst Township, PA 18444. Greene Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To remove the existing structure and to construct and maintain a 26-foot wide single-span steel beam bridge across Wallenpaupack Creek (HQ-CWF, MF) having a 75-foot span and approximately a 7.5-foot underclearance for the purpose of accessing to a Stone Quarry. Fill will be placed within the floodway for the new roadway approaches. The existing roadway within the floodway will be removed and area restored to existing grades. The project is located approximately 0.25 mile south of the intersection of State Route 191 and Huckleberry Road (Newfoundland, PA Quadrangle Latitude: 41°16'48.2"; Longitude: -75°19'58.5"). Subbasin 1C.

E35-456. PPL Electric Utilities Corporation, Two North Ninth Street, GENN 4, Allentown, PA 18101,

Thornhurst, Clifton and Covington Townships, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the Lackawanna County portion of the West Pocono—North Pocono 230kV Transmission Line Reliability Project. The water obstructions and encroachments are shown in the attached tables.

The project begins at the Lackawanna County/Luzerne County Line approximately 0.80 mile northeast of River Road (Thornhurst, PA Quadrangle Latitude 41° 10' 2.86"; Longitude: -75° 36' 51.69") and ends 0.10 mile east of Freytown Road (Sterling, PA Quadrangle Latitude 41° 17' 12.81"; Longitude: -75° 27' 2.25") in Thornhurst, Clifton and Covington Townships, Lackawanna County. Subbasin 5A.

**Utility Line Stream Crossing Table
West Pocono—North Pocono 230kV Transmission Line**

Crossing Number	Crossing ID	Utility Type	Stream Area Impacted by Access Road Crossings (ac.)	Temporary or Permanent Stream Impact	Watercourse Name	Chapter 93 Designated Watercourse Classification	Latitude	Longitude	Flow	Municipality	Special PFBC Stream Designation	USGS Quadrangle
1	S-63	Conductor	N/A	N/A	Choke Creek	EV	41°10'02.12"	75°36'49.15"	P	Thornhurst	Wild Trout	Thornhurst
2	S-65E	Conductor	N/A	N/A	Sand Spring Creek	EV	41°11'14.56"	75°36'13.05"	P	Thornhurst	Class A Wild Trout	Thornhurst
3	S-65F	Conductor & Access Road	0.001	TEMP	UNT to Sand Spring Creek	EV	41°11'40.12"	75°36'04.72"	I	Thornhurst	Wild Trout	Thornhurst
4	S-68	Conductor	N/A	N/A	UNT to Pond Creek	EV	41°12'01.99"	75°36'01.23"	I	Thornhurst	N/A	Thornhurst
5	S-70B	Conductor	N/A	N/A	Pond Creek	EV	41°12'32.11"	75°35'44.10"	P	Thornhurst	N/A	Thornhurst
6	S-73B	Conductor & Access Road	0.005	TEMP	UNT to Pond Creek	EV	41°12'49.58"	75°35'25.61"	I	Thornhurst	N/A	Thornhurst
7	S-73A	Conductor & Access Road	0.001	TEMP	UNT to Pond Creek	EV	41°12'49.88"	75°35'24.65"	I	Thornhurst	N/A	Thornhurst
8	S-74	Conductor & Access Road	0.003	TEMP	Buckey Run	EV	41°13'15.81"	75°35'51.28"	P	Thornhurst	Wild Trout	Thornhurst
9	S-75A	Conductor	N/A	N/A	Spruce Run	EV	41°13'24.84"	75°34'00.30"	P	Clifton	Wild Trout	Thornhurst
10	S-75B	Conductor	N/A	N/A	Fenner Mill Run	EV	41°13'41.07"	75°33'39.25"	P	Clifton	Wild Trout	Thornhurst
11	S-75C	Conductor	N/A	N/A	Ash Creek	EV	41°13'51.33"	75°33'26.30"	P	Clifton	Class A Wild Trout	Thornhurst
12	S-75D	Conductor	N/A	N/A	UNT to Ash Creek	EV	41°13'58.14"	75°33'07.12"	I	Clifton	Wild Trout	Thornhurst
13	S-77	Conductor	N/A	N/A	Silver Creek	EV	41°14'06.74"	75°32'25.99"	P	Clifton	Wild Trout	Thornhurst
14	S-78	Conductor	N/A	N/A	UNT to Silver Creek	EV	41°14'06.28"	75°32'23.37"	P	Clifton	Wild Trout	Thornhurst
15	S-79	Conductor	N/A	N/A	UNT to Silver Creek	EV	41°13'48.13"	75°32'06.48"	I	Clifton	Wild Trout	Thornhurst
16	S-81B	Conductor	N/A	N/A	UNT to Silver Creek	EV	41°13'51.41"	75°31'47.81"	I	Clifton	Wild Trout	Thornhurst
17	S-82	Access Road	0.017	TEMP	Rucks Run	EV	41°14'02.04"	75°31'04.93"	P	Clifton	Wild Trout	Thornhurst
18	S-83	Conductor & Access Road	0.009	TEMP	UNT to Rucks Run	EV	41°14'01.49"	75°30'50.59"	I	Clifton	Wild Trout	Thornhurst
19	S-88	Conductor	N/A	N/A	Meadow Brook	EV	41°15'29.23"	75°30'39.18"	P	Covington	Wild Trout	Moscow
20	S-96	Conductor	N/A	N/A	Emerson Run	HQ-CWF	41°17'28.38"	75°29'56.15"	P	Covington	Wild Trout	Sterling
21	S-99	Conductor	N/A	N/A	Lake Run	HQ-CWF	41°18'07.48"	75°29'12.41"	P	Covington	Class A Wild Trout	Sterling
22	S-101	Conductor	N/A	N/A	Roaring Brook	HQ-CWF	41°18'13.55"	75°28'49.98"	P	Covington	Class A Wild Trout	Sterling
TOTAL												0.036

Utility Line Wetland Crossing Table
West Pocono—North Pocono 230kV Transmission Line

Crossing Number	Crossing ID	Utility Type	Permanent Wetland Impact Area (sq.ft)	Temporary Impacts from Work Pad (ac.) ⁴	Latitude	Longitude	Watercourse Name / Watercourse associated with Wetland Crossing	Chapter 93 Designated Watercourse Classification	Municipality	Wetland Impact Notes
1	W-63	Conductor	0	N/A	41°10'01.54"	75°36'49.48"	Choke Creek	EV	Thornhurst	None
2	W-64	Conductor	0	N/A	41°10'27.52"	75°36'27.50"	Lehigh River	EV	Thornhurst	None
3	W-65A	Conductor	0	N/A	41°11'14.45"	75°36'13.13"	Sand Spring Creek	EV	Thornhurst	None
4	W-65C	Conductor & Access Road	0	0.020	41°11'40.24"	75°36'04.26"	Sand Spring Creek	EV	Thornhurst	None
5	W-68	Conductor	0	N/A	41°12'02.33"	75°36'01.70"	Pond Creek	EV	Thornhurst	None
6	W-70	Conductor	0	N/A	41°12'17.46"	75°35'59.16"	Pond Creek	EV	Thornhurst	None
7	W-72	Conductor	0	N/A	41°12'35.86"	75°35'40.00"	Pond Creek	EV	Thornhurst	None
8	W-73	Conductor & Access Road	0	0.030	41°12'50.30"	75°35'24.83"	Pond Creek	EV	Thornhurst	None
9	W-74	Conductor & Access Road	0	0.040	41°13'15.79"	75°34'51.45"	Buckey Run	EV	Thornhurst	None
10	W-75A	Conductor	0	N/A	41°13'24.44"	75°33'58.96"	Spruce Run	EV	Clifton	None
11	W-75B	Conductor	0	N/A	41°13'51.77"	75°33'25.75"	Ash Creek	EV	Clifton	None
12	W-75C	Conductor & Access Road	0	0.040	41°13'58.62"	75°33'06.89"	Ash Creek	EV	Clifton	None
13	W-77	Conductor	0	N/A	41°14'07.13"	75°32'28.05"	Silver Creek	EV	Clifton	None
14	W-79	Conductor	0	N/A	41°13'48.50"	75°32'04.43"	Silver Creek	EV	Clifton	None
15	W-81	Conductor	0	N/A	41°13'51.34"	75°31'48.18"	Silver Creek	EV	Clifton	None
16	W-82A	Conductor	0	N/A	41°13'59.07"	75°31'04.21"	Rucks Run	EV	Clifton	None
17	W-82B	Access Road	0	0.080	41°14'02.01"	75°31'03.68"	Rucks Run	EV	Clifton	None
18	W-83	Conductor & Access Road	0	0.040	41°14'01.05"	75°30'52.84"	Rucks Run	EV	Clifton	None
19	W-88	Conductor & Access Road	102	0.500	41°15'29.49" 41°15'32.69"	75°30'37.36" 75°30'23.89"	Meadow Brook	EV	Covington	2 Poles
20	W-93	Conductor & Access Road	51	0.050	41°16'36.49"	75°30'11.201"	Meadow Brook	EV	Covington	1 Pole
21	W-97	Conductor & Access Road	79	0.030	41°17'46.94"	75°29'36.61"	Lake Run	HQ-CWF	Covington	1 Pole
22	W-99	Conductor	N/A	N/A	41°18'05.92"	75°29'16.59"	Lake Run	HQ-CWF	Covington	None
TOTALS			232	0.830						

E40-761. PPL Electric Utilities Corporation, Two North Ninth Street, GENN4, Allentown, PA 18101, **Luzerne County**, Army Corps of Engineers Philadelphia District.

To construct and maintain various water obstructions and encroachments associated with the Luzerne County portion of the West Pocono—North Pocono 230kV Transmission Line Reliability Project. The water obstructions and encroachments are shown in the attached tables.

The project begins approximately 0.50 mile northeast from the intersection of State Route 115 and Thornhurst Road (Thornhurst, PA Quadrangle Latitude 41° 8' 47.41"; Longitude: -75° 38' 16.54") and ends at the Lackawanna County/Luzerne County Line approximately 0.80 mile northeast of River Road (Thornhurst, PA Quadrangle Latitude 41° 10' 2.86"; Longitude: -75° 36' 51.69") in Buck Township, Luzerne County. Subbasin 2A.

Utility Line Stream Crossing Table

West Pocono—North Pocono 230kV Transmission Line

Crossing Number	Crossing ID	Utility Type	Stream Area Impacted by Access Road Crossings (ac.)	Temporary or Permanent Stream Impact	Watercourse Name	Chapter 93 Designated Watercourse Classification	Latitude	Longitude	Flow	Municipality County	Special PFBC Stream Designation	USGS Quadrangle
1	S-61B	Conductor	N/A	N/A	Kendall Creek	EV	41°9'31.69"	75°38'12.62"	I	Buck	Wild Trout	Pleasant View Summit
2	S-61C	Conductor	N/A	N/A	UNT to Choke Creek	EV	41°9'57.10"	75°36'52.95"	P	Buck	Wild Trout	Thornhurst
3	S-63	Conductor	N/A	N/A	Choke Creek	EV	41°10'02.12"	75°36'49.15"	P	Buck	Wild Trout	Thornhurst
TOTAL												0.00

Utility Line Wetland Crossing Table

West Pocono—North Pocono 230kV Transmission Line

Crossing Number	Crossing ID	Utility Type	Permanent Wetland Impact Area (sq.ft)	Temporary Impacts from Work Pad (ac.)	Latitude	Longitude	Watercourse Name / Watercourse associated with Wetland Crossing	Chapter 93 Designated Watercourse Classification	Municipality County	Wetland Impact Notes	
											Wetland Impact Notes
1	W-60	Conductor & Access Road	N/A	0.030	41°9'03.89"	75°38'37.76"	White House Run	HQ-CWF	Buck	None	
2	W-61B	Conductor & Access Road	N/A	0.020	41°9'43.22"	75°37'56.14"	Kendall Creek	EV	Buck	None	
3	W-61C	Conductor	N/A	N/A	41°9'44.22"	75°37'50.56"	Kendall Creek	EV	Buck	None	
4	W-61E	Access Road	N/A	0.010	41°9'38.50"	75°37'24.36"	Kendall Creek	EV	Buck	None	
5	W-61D	Conductor	N/A	N/A	41°9'55.99"	75°36'52.58"	Choke Creek	EV	Buck	None	
TOTALS										0	0.060

NOTICES

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E41-664. Loyalsock Township, 2501 East Third Street, Williamsport, PA 17701-4007. Riverfront Park Trail Project in Loyalsock Township, **Lycoming County**, ACOE Baltimore District (Montoursville South, PA Quadrangle Lat: 41° 14' 38"; Long: -76° 57' 13").

To construct, operate and maintain a new pedestrian bridge, upgrade of an existing walking trail with bituminous pavement and construct a new bituminous parking area along Greevy Road—Riverfront Park Trail in Loyalsock Township—Lycoming County. All the improvements are located within the floodway/floodplain of West Branch Susquehanna River.

The proposed pedestrian bridge over Bull Run will be a 60 ft. long x 8 ft. wide pre-fabricated pedestrian bridge. The bridge will completely span the stream channel. The proposed walking trail and parking area improvements will be constructed such that the grading associated with the proposed improvements are designed so there is no net increase of fill within the floodway. The total estimated stream impacts for the project are approximately 480 ft² of permanent impacts. The proposed project will not permanently impact wetlands, cultural or archaeological resources, forests recreational areas, landmarks wildlife refuge or historical sites. Susquehanna River and Bull Run are classified with a designated use of Warm Water Fishery (WWF).

District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA

E5829-100: Gibson Township, Williams Field Services Company, LLC; Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275; Gibson Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 10 inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 9,386 square feet (0.21 acre) of a PEM wetland (Clifford, PA Quadrangle; Latitude: 41° 44' 19", Longitude: -75° 36' 26").

2) a 10 inch diameter steel natural gas gathering pipeline and temporary timber bridge crossing impacting 77 lineal feet of Bear Swamp Creek (CWF-MF) (Clifford, PA Quadrangle; Latitude: 41° 44' 19", Longitude: -75° 36' 26").

The project consists of constructing approximately 0.43 mile of 10" steel natural gas gathering line located in Gibson Township, Susquehanna County, connecting the Merritt Well Pad to the Gibson Compressor Station. The project will result in 77 lineal feet of temporary stream impacts and 9,386 square feet (0.21 acre) of temporary wetland impacts, for the purpose of providing for the conveyance of Marcellus Shale natural gas to market.

E5729-072: PVR Marcellus Gas Gathering, LLC, 101 West Third Street, Williamsport, PA 17701, Fox Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A timber mat bridge impacting 41 linear feet of unnamed tributaries to Schrader Creek (EV, MF) (Grover, PA Quadrangle 41°35'08"N 76°48'08"W);

2) a timber mat bridge impacting 23 linear feet of unnamed tributaries to Schrader Creek (EV, MF) and 23

square feet of palustrine emergent (PEM) wetland (Grover, PA Quadrangle 41°35'12.6"N 76°47'42"W);

3) one 12-inch water pipeline, one 24-inch natural gas pipeline, and a timber mat bridge impacting 353 square feet of a palustrine forested (PEM) wetland (Grover, PA Quadrangle 41°34'59"N 76°48'36"W);

4) one 12-inch water pipeline, one 24-inch natural gas pipeline, and a timber mat bridge impacting 1,745 square feet of a palustrine forested (PFO) wetland (Grover, PA Quadrangle 41°34'59"N 76°48'34"W);

5) one 12-inch water pipeline, one 24-inch natural gas pipeline, and a timber mat bridge impacting 312 square feet of palustrine scrub-shrub (PSS) wetland (Grover, PA Quadrangle 41°34'58"N 76°48'33"W);

6) one 12-inch water pipeline, one 24-inch natural gas pipeline, and a timber mat bridge impacting 683 square feet of a palustrine emergent (PEM) wetland (Grover, PA Quadrangle 41°34'55"N 76°48'29"W);

7) one 12-inch water pipeline, one 24-inch natural gas pipeline, and a timber mat bridge impacting 60 linear feet of an unnamed tributary to Schrader Creek (EV, MF) (Grover, PA Quadrangle 41°34'54"N 76°48'28"W);

8) one 12-inch water pipeline, one 24-inch natural gas pipeline, and a timber mat bridge impacting 54 linear feet of an unnamed tributary to Schrader Creek (EV, MF) and 78 square feet of an adjacent palustrine emergent (PEM) wetland (Grover, PA Quadrangle 41°34'47"N 76°48'24"W);

9) one 12-inch water pipeline, one 24-inch natural gas pipeline, and a timber mat bridge impacting 78 linear feet of an unnamed tributary to Schrader Creek (EV, MF) (Grover, PA Quadrangle 41°34'39"N 76°48'21"W);

10) one 12-inch water pipeline, one 24-inch natural gas pipeline, and a timber mat bridge impacting 52 linear feet of an unnamed tributary to Schrader Creek (EV) (Grover, PA Quadrangle 41°34'34"N 76°48'22"W);

11) timber mat bridges impacting 32 linear feet of an unnamed tributary to Schrader Creek (EV, MF) and 372 square feet of a palustrine emergent (PEM) wetland (Grover, PA Quadrangle 41°34'24"N 76°48'17"W);

12) 6-inch cross culverts and associated fill impacting 3,217 square feet of a palustrine emergent (PEM) wetland (Grover, PA Quadrangle 41°34'21"N 76°48'11"W);

13) 6-inch cross culverts and associated fill impacting 3,921 square feet of a palustrine emergent (PEM) wetland (Grover, PA Quadrangle 41°34'24"N 76°47'52"W);

14) one 12-inch water pipeline, one 16-inch natural gas pipeline, and a timber mat bridge impacting 41 linear feet of unnamed tributaries to Rock Run (EV, MF) and 2,111 square feet of adjacent palustrine forested (PFO) and emergent (PEM) wetlands (Grover, PA Quadrangle 41°33'42"N 76°48'12"W).

The project will result in a total of 381 linear feet of stream impacts and 0.29 acre of wetland impacts all for the purpose of installing a natural gas gathering line, water line, and temporary access roadways for Marcellus well development. These impacts are associated with the impacts of E0829-088 and E4129-084.

E0829-088: PVR Marcellus Gas Gathering, LLC, 101 West Third Street, Williamsport, PA 17701, Canton Township, **Bradford County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) one 12-inch water pipeline, one 24-inch natural gas pipeline, and a timber mat bridge impacting 165 linear

feet of unnamed tributaries to Towanda Creek (CWF, MF) and 708 square feet of adjacent palustrine emergent (PEM) wetlands (Grover, PA Quadrangle 41°35'44"N 76°50'33"W);

2) one 12-inch water pipeline, one 24-inch natural gas pipeline, and a timber mat bridge impacting 12 linear feet of an unnamed tributary to Towanda Creek (CWF, MF) (Grover, PA Quadrangle 41°35'38"N 76°50'34"W).

The project will result in a total of 177 linear feet of stream impacts and 0.02 acre of wetland impacts all for the purpose of installing a natural gas gathering line, water line, and temporary access roadways for Marcellus well development. These impacts are associated with the impacts of E4129-084 and E5729-072.

E4129-084: PVR Marcellus Gas Gathering, LLC, 101 West Third Street, Williamsport, PA 17701, McNett Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) one 12-inch water pipeline, one 24-inch natural gas pipeline, and a timber mat bridge impacting 86 linear feet of an unnamed tributary to Towanda Creek (CWF, MF) (Grover, PA Quadrangle 41°35'27"N 76°50'28"W);

2) one 12-inch water pipeline, one 24-inch natural gas pipeline, and a timber mat bridge impacting 76 linear feet of an unnamed tributary to North Branch Rock Run (EV, MF) (Grover, PA Quadrangle 41°35'00"N 76°50'07"W);

3) one 12-inch water pipeline, one 24-inch natural gas pipeline, and a timber mat bridge impacting 206 square feet of palustrine emergent (PEM) wetland (Grover, PA Quadrangle 41°35'01"N 76°50'00"W);

4) one 12-inch water pipeline, one 8-inch natural gas pipeline, and a 16-foot-long 18-inch culvert with associated fill impacting 51 linear feet of an unnamed tributary to Schrader Creek (EV, MF) (Grover, PA Quadrangle 41°35'13"N 76°49'25"W);

5) one 12-inch water pipeline, one 8-inch natural gas pipeline, and a 16-foot-long 18-inch culvert with associated fill impacting 58 linear feet of an unnamed tributary to Schrader Creek (EV, MF) and 481 square feet of adjacent palustrine emergent (PEM) wetlands (Grover, PA Quadrangle 41°35'17"N 76°49'26"W);

6) one 12-inch water pipeline, one 24-inch natural gas pipeline, and a timber mat bridge impacting 77 linear feet of Schrader Creek (EV, MF) and 727 square feet of adjacent palustrine emergent (PEM) wetlands (Grover, PA Quadrangle 41°35'01"N 76°48'50"W);

7) timber mat bridges impacting 46 linear feet of an unnamed tributary to Rock Run (EV, MF) (Grover, PA Quadrangle 41°33'11"N 76°48'19"W);

8) a timber mat bridge impacting 17 linear feet of unnamed tributaries to Rock Run (EV, MF) and 127 square feet of adjacent palustrine emergent (PEM) wetland (Grover, PA Quadrangle 41°33'21"N 76°48'19"W);

9) one 12-inch water pipeline, one 16-inch natural gas pipeline, and a timber mat bridge impacting 3,760 square feet of palustrine emergent (PEM) wetland (Grover, PA Quadrangle 41°32'43"N 76°48'30"W);

10) one 12-inch water pipeline, one 16-inch natural gas pipeline, and a timber mat bridge impacting 117 linear feet of Rock Run (EV, MF), 194 linear feet of unnamed tributaries to Rock Run (EV, MF), 4,222 square feet of adjacent palustrine emergent (PEM) wetland, and 3,849 square feet of adjacent palustrine forested (PFO) wetlands (Grover, PA Quadrangle 41°32'41"N 76°48'31"W);

11) one 12-inch water pipeline, one 16-inch natural gas pipeline, and a timber mat bridge impacting 332 square feet of palustrine scrub-shrub (PSS) wetland (Grover, PA Quadrangle 41°32'38"N 76°48'30"W);

12) one 12-inch water pipeline, one 16-inch natural gas pipeline, and a timber mat bridge impacting 78 linear feet of an unnamed tributary to Rock Run (EV, MF) (Grover, PA Quadrangle 41°32'35"N 76°48'31"W).

The project will result in a total of 800 linear feet of stream impacts and 0.31 acre of wetland impacts all for the purpose of installing a natural gas gathering line, water line, and temporary access roadways for Marcellus well development. These impacts are associated with the impacts of E0829-088 and E5729-072.

E5829-099: Bridgewater Township, Williams Field Services Company, LLC; Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275; Brooklyn Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 10 inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 2,477 square feet (0.06 acre) of a PEM wetland (Montrose—East, PA Quadrangle; Latitude: 41° 50' 51", Longitude: -75° 49' 04"),

2) a 10 inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 80 linear feet of an unnamed tributary to Snake Creek (CWF-MF) (Montrose—East, PA Quadrangle; Latitude: 41° 50' 51.08", Longitude: -75° 49' 04"),

3) a 10 inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 58 linear feet of an unnamed tributary to Snake Creek (CWF-MF) (Montrose—East, PA Quadrangle; Latitude: 41° 50' 51.08", Longitude: -75° 49' 04"),

4) a 10 inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 54 linear feet of an unnamed tributary to Snake Creek (CWF-MF) (Montrose—East, PA Quadrangle; Latitude: 41° 50' 51.08", Longitude: -75° 49' 04"),

5) a 10 inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 1,600 square feet (0.04 acre) of a PEM wetland (Montrose—East, PA Quadrangle; Latitude: 41° 51' 46", Longitude: -75° 49' 38"),

6) a 10 inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 54 linear feet of an unnamed tributary to Snake Creek (CWF-MF) (Montrose—East, PA Quadrangle; Latitude: 41° 51' 48", Longitude: -75° 49' 40"),

7) a 10 inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 5,132 square feet (0.12 acre) of a PEM wetland (Montrose—East, PA Quadrangle; Latitude: 41° 51' 48", Longitude: -75° 49' 40"),

8) a 10 inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 8,582 square feet (0.20 acre) of a PEM wetland (Montrose—East, PA Quadrangle; Latitude: 41° 51' 50", Longitude: -75° 49' 46"),

9) a 10 inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 1,139 square feet (0.03 acre) of a PEM wetland (Montrose—East, PA Quadrangle; Latitude: 41° 51' 50", Longitude: -75° 49' 49"),

10) a 10 inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 25 lineal feet of an unnamed tributary to Snake Creek (CWF-MF) (Montrose—East, PA Quadrangle; Latitude: 41° 51' 50", Longitude: -75° 49' 49"),

11) a 10 inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 51 lineal feet of an unnamed tributary to Snake Creek (CWF-MF) (Montrose—East, PA Quadrangle; Latitude: 41° 51' 44", Longitude: -75° 50' 11"),

12) a 10 inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 51 lineal feet of an unnamed tributary to Snake Creek (CWF-MF) (Montrose—East, PA Quadrangle; Latitude: 41° 51' 44", Longitude: -75° 50' 11"),

13) a temporary timber mat crossing impacting 27 square feet (<0.01 acre) of a PEM wetland (Montrose—East, PA Quadrangle; Latitude: 41° 51' 44", Longitude: -75° 50' 11"),

14) a temporary timber mat crossing impacting 42 square feet (<0.01 acre) of a PEM wetland (Montrose—East, PA Quadrangle; Latitude: 41° 51' 40", Longitude: -75° 50' 36"),

15) a temporary timber mat crossing impacting 86 square feet of floodway to an unnamed tributary to Snake Creek (CWF-MF) (Montrose—East, PA Quadrangle; Latitude: 41° 51' 44", Longitude: -75° 50' 11"),

16) a temporary timber mat crossing impacting 279 square feet of floodway to an unnamed tributary to Snake Creek (CWF-MF) (Montrose—East, PA Quadrangle; Latitude: 41° 51' 44", Longitude: -75° 50' 11"),

17) a temporary timber mat crossing impacting 109 square feet of floodway to an unnamed tributary to Snake Creek (CWF-MF) (Montrose—East, PA Quadrangle; Latitude: 41° 51' 44", Longitude: -75° 50' 11"),

18) an 10 inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 7,327 square feet of floodway to an unnamed tributary to Snake Creek (CWF-MF) (Montrose—East, PA Quadrangle; Latitude: 41° 51' 40", Longitude: -75° 50' 36").

The project consists of constructing approximately 3.6 miles of 10" steel natural gas gathering line located in Bridgewater Township, Susquehanna County. The project will result in 373 lineal feet of temporary stream impacts, 7,801 square feet (0.18 acre) of floodway only impacts, and 18,999 square feet (0.44 acre) of temporary wetland impacts for the purpose of providing safe and reliable conveyance of Marcellus Shale natural gas to market.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460

D24-063EA. Ms. Jenifer Christman, Western Pennsylvania Conservancy, 1067 Philadelphia Street, Suite 101, Indiana, PA 15701. Jay Township, **Elk County**, USACOE Baltimore District.

Project proposes to remove Cherry Run Dam for the purpose of eliminating a threat to public safety and restoring approximately 375 feet of stream channel to a free-flowing condition. The dam is located across Cherry Run (HQ-CWF, MF) (Kersey, PA Quadrangle; Latitude: 41.2630, Longitude: -78.5202).

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 AT&T 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.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802

ESCGP No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
ESG00131330001-1 Issued	Columbia Gas Transmission, LLC 1700 MacCorkle Avenue SE Charleston, WV 25314	York	Penn Township	UNT to South Branch of Conewago Creek, Gitts Run/WWF

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-2 # ESG29-117-15-0007(01)

Applicant Name Talisman Energy USA, Inc.
Contact Person Ben Younkin
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Tioga

Township(s) Bloss and Liberty Twps.

Receiving Stream(s) and Classification(s) Watersheds:

Zimmerman Creek (#21318-HQ-CWF), Blacks Creek (#21363-CWF) Sawmill Creek (#31469-CWF, NRT) Bellman Run (#31455-CWF, NRT) Flower Run (#31457-CWF, NRT) and Johnson Creek (#31443-CWF, NRT)
Secondary—Bellman Run (CWF, NRT)

ESCGP-2 # ESG29-113-15-0002

Applicant Name Appalachia Midstream Services, LLC
Contact Person Randy DeLaune
Address 400 Ist Center, Suite 404
City, State, Zip Horseheads, NY 14845-1015
County Sullivan

Township(s) Elkland Twp.

Receiving Stream(s) and Classification(s) Tributary 20118

to Elk Creek: EV, Tributary 20119 to Elk Creek: EV, Tributary 20117 to Elk Creek: EV, Elk Creek: EV,
Watershed: Elk Creek
Secondary—Loyalsock Creek

ESCGP-2 # ESX10-117-0109(01)

Applicant Name SWEPI LP
Contact Person Jason K. Shoemaker
Address 2100 Georgetown Drive, Suite 400
City, State, Zip Sewickley, PA 15143
County Tioga

Township(s) Rutland Twp.

Receiving Stream(s) and Classification(s) UNT to Mill Creek (TSF)

Secondary—Mill Creek

ESCGP-2 # ESX09-117-0032(01)

Applicant Name SWEPI LP
Contact Person Jason K. Shoemaker
Address 2100 Georgetown Drive, Suite 400
City, State, Zip Sewickley, PA 15143
County Tioga

Township(s) Middlebury Twp.

Receiving Stream(s) and Classification(s) UNT to Crooked Creek (WWF)

Secondary—Crooked Creek

ESCGP-2 # ESX10-117-0108(01)

Applicant Name SWEPI LP
Contact Person Jason K. Shoemaker
Address 2100 Georgetown Drive, Suite 400
City, State, Zip Sewickley, PA 15143
County Tioga

Township(s) Sullivan Twp.

Receiving Stream(s) and Classification(s) UNT to Corey Creek (CWF)

Secondary—Corey Creek

ESCGP-2 # ESX29-131-15-0003(01)

Applicant Name Appalachia Midstream Services, LLC
Contact Person Randy DeLaune
Address 400 IST Center, Suite 404
City, State, Zip Horseheads, NY 14845
County Wyoming

Township(s) Mehoopany Twp.

Receiving Stream(s) and Classification(s) 4 UNTs to Little Mehoopany Creek (CWF), Little Mehoopany Creek (CWF), Susquehanna River (WWF)

ESCGP-2 # ESX09-117-0086(01)

Applicant Name SWEPI LP
Contact Person Jason K. Shoemaker
Address 2100 Georgetown Drive, Suite 400
City, State, Zip Sewickley, PA 15143

County Tioga

Township(s) Chatham Twp.

Receiving Stream(s) and Classification(s) UNT to Crooked Creek (WWF), Blair Creek (WWF)

Secondary—Crooked Creek

ESCGP-2 # ESG29-081-15-0015

Applicant Name Inflection Energy (PA) LLC
Contact Person Thomas D. Gillespie
Address 49 East 4th Street, Suite 101
City, State, Zip Williamsport, PA 17701

County Lycoming

Township(s) Hepburn Twp.

Receiving Stream(s) and Classification(s) UNT Lycoming Creek and Long Run(HQ-CWF)

Secondary—Lycoming Creek is considered (HQ-CWF) above the mouth of Long Run and (WWF) below the mouth of Long Run.

ESCGP-2 # ESX29-131-15-0006

Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 14 Chesapeake Lane
City, State, Zip Sayre, PA 18840

County Wyoming

Township(s) Meshoppen Twp.

Receiving Stream(s) and Classification(s) UNT to Little Meshoppen Creek, Tributary to Meshoppen Creek (CWF)

Secondary—Meshoppen Creek (CWF)

ESCGP-2 # ESX10-117-0173(01)

Applicant Name EQT Production Company, LLC
Contact Person Todd Klaner
Address 2400 Zenith Ridge Rd., Suite 200
City, State, Zip Cannonsburg, PA 15317
County Tioga

Township(s) Duncan Twp.

Receiving Stream(s) and Classification(s) UNT to Sand Run (CWF, WTS)

Secondary—Wilson Run

ESCGP-2 # ESG29-115-14-0073(01)

Applicant Name Talisman Energy USA, Inc.
Contact Person Scott Puder
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845

County Susquehanna

Township(s) Apolacon Twp

Receiving Stream(s) and Classification(s) UNT to Apalachin Creek #31734 (CWF, NRT)

Secondary—Apalachin Creek (CWF, NRT)

ESCGP-2 # ESX29-115-15-0023

Applicant Name Williams Field Services Company, LLC
Contact Person Chad Johnson
Address 310 State Route 29 North
City, State, Zip Tunkhannock, PA 18657

County Susquehanna

Township(s) Gibson Twp

Receiving Stream(s) and Classification(s) #7507 UNT to Tunkhannock Creek (CWF), #7411 UNT to Butler Creek (CWF)

Southwest Region: Oil & Gas Program Mgr., 400 Waterfront Dr. Pittsburgh, PA

ESCGP-2 No.: ESX14-051-0016
 Applicant Name: Chevron Appalachia LLC
 Contact Person Alex Genovese
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Fayette Township: Luzerne
 Receiving Stream(s) and Classifications: UNTs to Monongahela River, UNT to Rush Run/Middle Monongahela River; Other WWF

ESCGP-2 No.: ESG14-125-0094
 Applicant Name: MarkWest Liberty Midstream & Resources LLC
 Contact Person: Richard Lowry
 Address: 4600 J Barry Court Suite 500
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington Township(s): Blaine & Donegal
 Receiving Stream(s) and Classifications: Buffalo Creek, HQ-WWF; HQ

ESCGP-2 No.: ESX14-003-0006
 Applicant Name: EQT Production Company
 Contact Person: Todd Klaner
 Address: 455 Racetrack Road Suite 101
 City: Washington State: PA Zip Code: 15301
 County: Allegheny Township(s): Jefferson Hills & Clairton
 Receiving Stream(s) and Classifications: UNTs to Peters Creek/Middle Monongahela River; Other TSF

ESCGP-2 No.: ESG15-059-0015
 Applicant Name: EQM Gathering OPCO LLC
 Contact Person: Adam Tobia
 Address: 625 Liberty Avenue
 City: Pittsburgh State: PA Zip Code: 15222
 County: Greene Township(s): Morris
 Receiving Stream(s) and Classifications: UNT to Browns Creek and Browns Creek/Browns Creek Watershed; Bates Fork Watershed; HQ; Siltation-Impaired (Browns Creek and Bates Fork Watersheds

ESCGP-2 No.: ESX15-125-0011
 Applicant Name: Rice Drilling B LLC
 Contact Person: Joseph Mallow
 Address: 171 Hillpointe Drive Suite 301
 City: Canonsburg State: PA Zip Code: 15317
 County Washington Township(s): Somerset
 Receiving Stream(s) and Classifications: Eight (8) UNT to Pigeon Creek/Monongahela; Other Warm Water Fishes

ESCGP-2 No.: ESX14-003-0005
 Applicant Name: EQT Production—Land PA
 Contact Person: Todd Klaner
 Address: 455 Racetrack Road Suite 101
 City: Washington State: PA Zip Code: 15301
 County: Allegheny Township(s): Forward
 Receiving Stream(s) and Classifications: Sunfish Run, UNTs to Sunfish Run, UNTs to Monongahela River; Other WWF

ESCGP-2 No.: ESX14-125-0098
 Applicant Name: Rice Poseidon Midstream LLC
 Contact Person: Kyle Shirey
 Address: 400 Woodcliff Drive
 City: Canonsburg State: PA Zip Code 15317
 County: Washington Township(s): Fallowfield, West Pike Run, Bentleyville Boro
 Receiving Stream(s) and Classifications: Tributaries of Pigeon Creek, Tributaries of Pike Run, Tributaries of Little Pike/Middle Monongahela River Watershed; Other WWF and TSF

ESCGP-2 No.: ESX15-059-0020
 Applicant Name: EQM Gathering OpCo, LLC
 Contact Person: Adam Tobia
 Address: 625 Liberty Avenue
 City: Pittsburgh State: PA Zip Code: 15222
 County: Greene Township(s): Morgan
 Receiving Stream(s) and Classifications: UNTs to Poverty Run (WWF)/Tenmile Creek; Other WWF

ESCGP-2 No.: ESG14-007-0010
 Applicant Name: Utica Gas Services LLC
 Contact Person: John Lattea
 Address: 190 Midstream Way
 City: Jane Lew State: WV Zip Code: 26378
 County: Beaver Township(s): South Beaver and Darlington
 Receiving Stream(s) and Classifications: North Fork Little Beaver Creek HQ-CWF and UNT 99677550 to Brush Run HQ-CWF; HQ; Other CWF

ESCGP-2 NO.: ESX09-005-0003 MAJOR REVISION
 Applicant Name: EXCO Resources (PA) LLC
 Contact Person: Brian E Rushe
 Address: 260 Executive Drive Suite 100
 City: Cranberry Twp State: PA Zip Code: 16066
 County: Armstrong Township(s): Manor
 Receiving Stream(s) and Classifications: UNT Campbell Run (WWF) Other WWF

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, PO Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
15-67-011	Daniel B. Krieg, Inc. 4200 Paxton Street Harrisburg, PA 17111 Attn: Daniel Stacks	York	West Manchester Township	5 ASTs storing asphalt sealer	35,300 gallons total

SPECIAL NOTICES

Intent to Issue Plan Approval

Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA. 19104-4543, Contact: Edward Wiener, Chief, Source Registration at 215-685-9426.

AMS 15148: (ARIA Health, Torresdale Campus, Red Lion and Knights Road, Philadelphia, PA 19114) for installing one (1) 1,573 HPs natural gas, Combined Heat and Power system (CHP). There will be a potential emission increase of eight (8) tons of Nitrogen Oxides (NO_x) per year for the facility. The plan approval will contain operating, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

Issuance of a Minor State Only Operating Permit

Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA. 19104-4543, Contact: Edward Wiener, Chief, Source Registration at 215-685-9426.

The City of Philadelphia, Air Management Services (AMS) has issued a Minor State Only Operating Permit for the following facility:

S14-014: General Services Administration William J. Green Jr., Federal Building (600 Arch Street, Philadelphia, PA 19106) issued July 1, 2015 for the operation of a federal building in the City of Philadelphia, **Philadelphia County**. The synthetic minor emission sources include three (3) 13.39 MMBTUs/hr boilers, three (3) hot water heaters, one (1) 746 kW Emergency Generator, 650 HPs Emergency Generator and one (1) 175 kW emergency generator.

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of June 2015 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
AccuStar Labs—Lebanon	929 Mt. Zion Rd. Lebanon, PA 17046	Laboratory Analysis
AirChek, Inc.	1936 Butler Bridge Rd. Mills River, NC 28759	Laboratory Analysis
CA Construction	4101 Beale Ave. Altoona, PA 16601	Mitigation
Chad Albright	4101 Beale Ave. Altoona, PA 16601	Testing
Tina Artigliere	PO Box 4475 Reading, PA 19606	Testing
Richard Benchoff, Jr. Radon Detection & Control, III	PO Box 419 South Heights, PA 15081	Mitigation
William Boni	5135 Interboro Ave. Pittsburgh, PA 15207	Testing & Mitigation
Rob Bruno Boro Environmental	501 Sharp Ave. Glenolden, PA 19036	Testing
Jeffrey Chase	124 Merino Dr. Canonsburg, PA 15317	Testing
Steven Clayton	764 Muir Rd. Blairsville, PA 15717	Mitigation
DC Radon Solutions, LLC	61 Rim View Ln. Shillington, PA 19607	Mitigation
Carl Distenfeld	4326 Crestview Rd. Harrisburg, PA 17112	Laboratory Analysis
Scott Feeser	PO Box 343 East Berlin, PA 17316	Testing
Aaron Flook	106 E. Genessee St. Pittsburgh, PA 15223	Testing
Vilas Godbole	6314 Hilltop Dr. Brookhaven, PA 19015	Testing
Shawn Haney	1662 Stony Battery Rd. Lancaster, PA 17601	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Thomas Hollingsworth	8020 Mine St. Fogelsville, PA 18051	Mitigation
Chris Kessler	950 Capehorn Rd. York, PA 17402	Testing
Mitchell Lehman	820 Woodlawn Ave. Wilmington, DE 19805	Mitigation
Jeremy Ling	1460 Ryland Rd. Mechanicsburg, PA 17050	Mitigation
Thomas Moore	421 Redgate Rd. Sewickley, PA 15143	Testing
Jonathan Musselman	577 Park Ave. Harleysville, PA 19438	Testing
Omega Radon	5135 Interboro Ave. Pittsburgh, PA 15207	Mitigation
Jerry Petrill	290 Forbes Trail Rd. Greensburg, PA 15601	Testing
Gerald Petrone	152 Orchard Dr. McMurray, PA 15317	Testing
Pillar to Post Philadelphia, LLC	8001 Roosevelt Blvd., Ste. 400 Philadelphia, PA 19152	Testing
Eric Rode	290 S. Mill Rd. Milton, PA 17847	Testing
Troy Rudy	PO Box 4214 Lancaster, PA 17604	Testing
Eugene Spoehr	6303 Hilltop Dr. Brookhaven, PA 19015	Testing
Tayzak Incorporated	523 Burnside Rd. McDonald, PA 15057	Testing
TCS Industries, Inc.	4326 Crestview Rd. Harrisburg, PA 17112	Laboratory Analysis
Kevin Thompson	PO Box 242 Unionville, PA 19375	Testing
Lawrence Transue	2305 Lone Cedar Dr. Easton, PA 18040	Testing
David Weikel	3650 Concorde Pkwy., St. 100 Chantilly, VA 20151	Testing
Thomas Wilson	PO Box 9 Mingoville, PA 16856	Testing
Eric Zigga	835 Murray St. Throop, PA 18512	Mitigation

[Pa.B. Doc. No. 15-1326. Filed for public inspection July 17, 2015, 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. 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.

Draft Technical Guidance Document: New Guidance

DEP ID: 263-4200-002. Title: Guidelines for the Evaluation of Underground Storage Tank Cathodic Protection Systems. Description: Regulated underground storage tank systems (UST) are required by the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104) and related regulations to be protected from corrosion. Regulated USTs that utilize cathodic protection to prevent corrosion must have the cathodic protection evaluated at a minimum every 3 years. Currently the Storage Tank Program receives cathodic protection evaluation documentation that varies in the level of detail provided by the cathodic protection tester. This inconsistency results in errors in determining compliance at regulated facilities by third-party inspectors and follow-up questions that must be asked by program staff. The purpose of this guidance is to establish guidelines regarding the evaluation of cathodic protection systems operating on USTs in this Commonwealth to promote submission of consistent and complete reports. A UST Cathodic Protection System Evaluation Form has been created to accompany the guidance document. These two documents outline what is expected when performing cathodic protection evaluations.

Written Comments: Interested persons may submit written comments on this new technical guidance document by August 17, 2015. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the originator's name and address. Commentators are urged to submit comments using the Department's online eComment system at www.ahs.dep.pa.gov/eComment. Written comments should be submitted to Technical Guidance Coordinator, Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P. O. Box 2063, Harrisburg, PA 17105-2063, ecomment@pa.gov.

Contact: Kris Shiffer, (717) 772-5809, kshiffer@pa.gov

Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 15-1327. Filed for public inspection July 17, 2015, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Hanover Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hanover Hospital has requested an exception to the requirements of 28 Pa. Code § 139.12(a) (relating to neonatal care units) and 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *2014 Guidelines for Design and Construction of Health Care Facilities*. The facility specifically requests an exemption from the following standards contained in this publication: 2.2-2.12.6.12(1) (relating to environmental services rooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and

Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 15-1328. Filed for public inspection July 17, 2015, 9:00 a.m.]

Application of Reading Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Reading Hospital has requested an exception to the requirements of 28 Pa. Code § 103.4(3) (relating to functions), regarding governance and management.

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).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 15-1329. Filed for public inspection July 17, 2015, 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 § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publica-

tion: *2014 Guidelines for Design and Construction of Health Care Facilities*. The facility specifically requests an exemption from the following standards contained in this publication: 2.6-2.3.3 (relating to personal services (barber/beauty) areas).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 15-1330. Filed for public inspection July 17, 2015, 9:00 a.m.]

Decisions on Requests for Exception to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions); effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code Part IV, Subparts B—G.

Section 51.33(d) of 28 Pa. Code provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from April 2015, through June 2015. Publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception request and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals, abortion facilities and ambulatory surgical facilities shall be addressed to Garrison E. Gladfelter, Jr., Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980. Inquiries regarding long-term care facilities shall be addressed to Susan Williamson, Director, Division of Nursing Care Facilities, Room 528, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816.

Hospitals

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Wilkes-Barre General Hospital	§ 101.31(7)	Extension of request for hospital requirements	06/06/15	granted
Jefferson Hospital	§ 107.2	Medical staff membership (psychologists)	04/11/15	not nec.
Jefferson Hospital	§ 107.2	Medical staff membership (podiatrists)	04/11/15	granted
Washington Health System	§ 107.2	Medical staff membership	04/11/15	granted
Kane Community Hospital	§ 107.26(b)(3)	Additional committees	04/11/15	granted
Magee Womens Hospital of UPMC Health System	§ 107.26(b)(3)	Additional committees	04/11/15	granted
UPMC Altoona	§ 107.26(b)(3)	Additional committees	04/11/15	granted
UPMC Bedford	§ 107.26(b)(3)	Additional committees	04/11/15	granted
UPMC East	§ 107.26(b)(3)	Additional committees	04/11/15	granted
UPMC Hamot	§ 107.26(b)(3)	Additional committees	04/11/15	granted
UPMC Horizon	§ 107.26(b)(3)	Additional committees	04/11/15	granted
UPMC McKeesport	§ 107.26(b)(3)	Additional committees	04/11/15	granted
UPMC Mercy	§ 107.26(b)(3)	Additional committees	04/11/15	granted
UPMC Northwest	§ 107.26(b)(3)	Additional committees	04/11/15	granted
UPMC Passavant	§ 107.26(b)(3)	Additional committees	04/11/15	granted
UPMC Presbyterian Shadyside	§ 107.26(b)(3)	Additional committees	04/11/15	granted
UPMC St. Margaret	§ 107.26(b)(3)	Additional committees	04/11/15	granted

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Lock Haven Hospital	§ 107.61	Written orders	06/06/15	granted
ACMH Hospital	§ 107.62(a)	Oral orders	04/25/15	granted
Jefferson Hospital	§ 107.62(a)	Oral orders	04/11/15	granted
Penn Highlands Elk	§ 107.62(a)	Oral orders	04/25/15	granted
St. Clair Hospital	§ 107.62(a)	Oral orders	05/23/15	granted
ACMH Hospital	§ 107.62(b)	The medical staff by-laws	04/25/15	granted
Jefferson Hospital	§ 107.62(b)	The medical staff by-laws	04/11/15	granted
Penn Highlands Elk	§ 107.62(b)	The medical staff by-laws	04/25/15	granted
St. Clair Hospital	§ 107.62(b)	The medical staff by-laws	05/23/15	granted
St. Luke's Hospital—Anderson Campus	§ 107.64	Administration of drugs	04/04/15	denied
St. Luke's Hospital Bethlehem	§ 107.64	Administration of drugs	04/04/15	denied
St. Luke's Quakertown Hospital	§ 107.64	Administration of drugs	04/04/15	denied
Ephrata Community Hospital	§ 127.32	Written orders (radiology)	05/16/15	denied
Nason Hospital	§ 138.18	EPS studies	06/13/15	granted
Abington Memorial Hospital	§ 153.1	2.6-2.2.2.7 Patient bathing facilities	04/11/15	denied
Abington Memorial Hospital	§ 153.1	2.6-2.3.1.1 Dining, recreation, and day spaces—general	04/11/15	denied
Butler Memorial Hospital	§ 153.1	4-7.5.2(a) Bronchoscopy	02/14/15	denied
Evangelical Community Hospital	§ 153.1	3.2-3.2.6.10 Soiled holding rooms	05/02/15	granted
Evangelical Community Hospital	§ 153.1	3.1-8.4.3.2 Hand-washing station sinks	05/02/15	granted
Evangelical Community Hospital	§ 153.1	3.2-6.4.1 Lounge facilities	05/02/15	granted
Evangelical Community Hospital	§ 153.1	3.2-4.1.3 Specimen storage	05/02/15	granted
Evangelical Community Hospital	§ 153.1	3.1-3.6.6.1 Medication safety zones—general	05/02/15	granted
Evangelical Community Hospital	§ 153.1	3.1-3.6.6.2 Medication safety zones—work areas for preparing, dispensing, and administering medications	05/02/15	granted
Evangelical Community Hospital	§ 153.1	3.1-7.2.2.9 Grab bars	05/02/15	granted
Geisinger Medical Center	§ 153.1	2.1-8.5.3.2 Size of Technology Distribution Rooms (TDRs)	06/13/15	granted
Geisinger Medical Center	§ 153.1	2.1-8.5.3.1 Number of Technology Distribution Rooms (TDRs)	05/09/15	granted
Gettysburg Hospital	§ 153.1	3.6-3.6.10.3 Work counter	04/25/15	granted

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Gettysburg Hospital	§ 153.1	3.6-3.6.10.2 Flushing-rim clinical sink with a bedpan washer	04/25/15	granted
Gettysburg Hospital	§ 153.1	3.6-3.6.11.1 Stretcher/wheelchair storage	04/25/15	granted
Gettysburg Hospital	§ 153.1	3.6-3.7.1 Staff lounge	06/06/15	granted
Heart of Lancaster Regional Medical Center	§ 153.1	3.6-3.6.6 Medicine rooms	05/09/15	granted
JC Blair Memorial Hospital	§ 153.1	2.2-3.4.6.6(2) Medication safety zone and storage—locked storage	04/11/15	denied
JC Blair Memorial Hospital	§ 153.1	2.2-3.4.2.1(1)(b) CT scanner rooms	04/11/15	denied
JC Blair Memorial Hospital	§ 153.1	2.2-3.4.4.7 Pre-procedure patient care area or rooms	04/11/15	denied
JC Blair Memorial Hospital	§ 153.1	3.1-3.6.6.1 Medication safety zones—general	04/11/15	denied
JC Blair Memorial Hospital	§ 153.1	3.1-3.6.1 Nurse stations	04/11/15	denied
JC Blair Memorial Hospital	§ 153.1	2.2-3.4.5.4(1) Patient toilet room—access	04/11/15	denied
JC Blair Memorial Hospital	§ 153.1	2.2-3.4.6.6(1) Medication safety zone and storage—patient holding	04/11/15	denied
JC Blair Memorial Hospital	§ 153.1	3.1-6.3.5.1 Medical records—location	04/11/15	denied
JC Blair Memorial Hospital	§ 153.1	2.2-3.4.5.4(2) Patient toilet room—serving multiple procedure rooms	04/11/15	denied
JC Blair Memorial Hospital	§ 153.1	3.1-6.3.5.2 Medical records—space requirements	04/11/15	denied
JC Blair Memorial Hospital	§ 153.1	2.2-3.4.6.3 Consultation areas	04/11/15	denied
JC Blair Memorial Hospital	§ 153.1	3.1-3.6.6.2 Medication safety zones—work areas	04/11/15	denied
JC Blair Memorial Hospital	§ 153.1	2.2-3.4.4.2(2) MRI scanner room space requirements	04/11/15	denied
JC Blair Memorial Hospital	§ 153.1	2.2-3.4.4.7 Pre-procedure patient care areas	06/06/15	granted
JC Blair Memorial Hospital	§ 153.1	2.2-3.4.5.4 Patient toilet room	06/06/15	granted
JC Blair Memorial Hospital	§ 153.1	2.2-3.4.4.2(2) MRI scanner room equipment clearances	06/06/15	granted
JC Blair Memorial Hospital	§ 153.1	2.2-3.4.2.1(1)(b) CT scanner room equipment clearances	06/06/15	granted
JC Blair Memorial Hospital	§ 153.1	3.1-6.3.5.2 Medical records—space requirements	06/06/15	granted

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
JC Blair Memorial Hospital	§ 153.1	3.1-6.3.5.1 Medical records—location	06/06/15	granted
Milton S Hershey Medical Center	§ 153.1	3.1-1.4 Facility layout	05/09/15	granted
Milton S Hershey Medical Center	§ 153.1	2.1-8.5.3.2 Size of Technology Distribution Rooms (TDRs)	06/06/15	granted
Milton S Hershey Medical Center	§ 153.1	2.2-3.10.2.2(1)(a) Space requirements	05/09/15	granted
Milton S Hershey Medical Center	§ 153.1	2.1-8.5.3.4 Facility requirements (TDRs)	06/06/15	granted
Reading Hospital	§ 153.1	2.2-3.6.3.4 Patient uptake/cool-down rooms	04/11/15	denied
Reading Hospital	§ 153.1	2.2-3.4.6.6(1) Medication safety zone and storage	05/09/15	not nec.
St. Luke's Miners Memorial Hospital	§ 153.1	2.1-8.5.3.2 Size of Technology Distribution Rooms (TDRs)	06/13/15	granted
St. Mary's Medical Center	§ 153.1	2.2-3.2.2.7 Shower rooms	04/11/15	denied
Surgical Specialty Center at Coordinated Health	§ 153.1	2.2-3.12.6.12 Environmental services rooms	04/25/15	denied
Surgical Specialty Center at Coordinated Health	§ 153.1	2.1-2.6.6.2(1)(b)(ii) Hand-washing stations	05/09/15	denied
Tyrone Hospital	§ 153.1	3.1-7.2.2.3 Doors and door hardware	04/11/15	not nec.
Tyrone Hospital	§ 153.1	3.1-7.2.2.8 Hand-washing stations	04/04/15	granted
Tyrone Hospital	§ 153.1	3.1-7.2.2.3(4)(b) Doors and door hardware	04/04/15	granted
Tyrone Hospital	§ 153.1	3.1-3.8.2 Toilet room(s) for patient use	05/02/15	granted
Tyrone Hospital	§ 153.1	3.1-7.2.2.1 Corridor width	04/11/15	granted
Tyrone Hospital	§ 153.1	3.1-3.2.3.3 Hand-washing stations	04/11/15	granted
UPMC Hamot	§ 153.1	2.1-8.5.3.2 Size of Technology Distribution Rooms (TDRs)	05/23/15	granted
UPMC Hamot	§ 153.1	2.1-8.5.3.3(2) Location and access requirements	05/23/15	granted
UPMC Horizon	§ 153.1	Table 2.1-4 Station outlets for hospitals	04/11/15	granted
UPMC Horizon	§ 153.1	2.2-3.1.3.6(2)(a) Space requirements	04/11/15	granted
UPMC Presbyterian Shadyside	§ 153.1	2.1-3.2.2.2(5) Room features	04/11/15	granted
York Cancer Center	§ 153.1	3.1-3.6.10 Soiled holding rooms	06/13/15	granted
York Hospital	§ 153.1	3.1-3.6.10 Soiled holding rooms	04/11/15	granted
Lehigh Valley Hospital	§ 571.2(d)	Modifications to HHS requirements	04/11/15	granted
Ambulatory Surgical Facilities				
Geisinger Medical Center Woodbine	§ 51.31	Principle	05/23/15	denied

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Geisinger Medical Center Woodbine	§ 51.32	Exceptions for innovation programs	05/23/15	denied
Paoli Surgery Center	§ 551.21(d)(1)	Criteria for ambulatory surgery	01/10/15	granted
North East Surgery Center	§ 551.21(d)(3)	Criteria for ambulatory surgery	06/06/15	granted in part; denied in part
Geisinger Medical Center Outpatient Surgery Woodbine	§ 551.22(3)(i)	Criteria for performance of ambulatory surgery—pediatric, accreditation of training	04/11/15	denied
Geisinger Medical Center Outpatient Surgery Woodbine	§ 551.22(3)(ii)	Criteria for performance of ambulatory surgery—pediatric, certification	04/11/15	denied
Twin Rivers Endoscopy Center	§ 551.3(ii)	Class B, Definitions (PS III patients)	05/23/15	granted
Hospital of the University of PA Reproductive Surgical Facility	§ 551.3(ii)	Class B, Definitions (PS III patients)	04/11/15	denied
Children's Hospital of Philadelphia, Brandywine Valley Specialty Care and Surgery Center	§§ 553.1—553.4	Governing bodies	06/13/15	granted
Children's Hospital of Philadelphia, King of Prussia Specialty Care and Ambulatory Center	§§ 553.1—553.4	Governing bodies	04/18/15	granted
Children's Hospital of Philadelphia, Brandywine Valley Specialty Care and Surgery Center	§§ 555.1—555.3	Medical staff	06/13/15	granted
Children's Hospital of Philadelphia, King of Prussia Specialty Care and Ambulatory Center	§§ 555.1—555.3	Medical staff	04/18/15	granted
Reading Hospital SurgiCenter at Spring Ridge	§ 555.22	Preoperative care	04/04/15	denied
Abington Memorial Hospital Endoscopy Center	§ 555.31(a)	Principle	04/11/15	granted
Geisinger Medical Center Outpatient Surgery Woodbine	§ 555.32(a)	Administration of anesthesia	04/25/15	granted
UPMC Digestive Health and Endoscopy Center	§ 555.32(a)	Administration of anesthesia	04/11/15	granted
Children's Hospital of Philadelphia, Brandywine Valley Specialty Care and Surgery Center	§§ 557.1—557.4	Quality assurance and improvement	06/13/15	granted
Children's Hospital of Philadelphia, King of Prussia Specialty Care and Ambulatory Center	§§ 557.1—557.4	Quality assurance and improvement	04/18/15	granted
Children's Hospital of Philadelphia, Brandywine Valley Specialty Care and Surgery Center	§ 559.2	Directors of nursing	06/13/15	granted
Children's Hospital of Philadelphia, King of Prussia Specialty Care and Ambulatory Center	§ 559.2	Directors of nursing	04/18/15	granted
Children's Hospital of Philadelphia, Brandywine Valley Specialty Care and Surgery Center	§§ 563.1—563.13	Medical records	06/13/15	granted
Children's Hospital of Philadelphia, King of Prussia Specialty Care and Ambulatory Center	§§ 563.1—563.13	Medical records	04/18/15	granted

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Children's Hospital of Philadelphia, Brandywine Valley Specialty Care and Surgery Center	§ 567.53	Sterilization control	06/13/15	denied
Children's Hospital of Philadelphia, King of Prussia Specialty Care and Ambulatory Center	§ 567.53	Sterilization control	05/09/15	denied
Associates in Urology	§ 569.2	Fire safety standards	05/16/15	denied
Penn Highlands DuBois	§ 569.35(7)	General safety precautions (flammable agents in ASF)	04/04/15	granted
Penn Highlands Elk Surgery Center	§ 569.35(7)	General safety precautions (flammable agents in ASF)	05/02/15	granted
CH Ambulatory Surgery Center of Hazleton	§ 571.1	3.7-7.2.3.3(3) Walls	05/09/15	denied
Radiance Surgery Center	§ 571.1	3.7-3.2.3.2 Clearances	05/30/15	denied
Radiance Surgery Center	§ 571.1	3.7-3.6.5 Scrub facilities	05/30/15	denied
Nursing Care Facilities				
Church of God Home, Inc.	§ 201.22(h)	Prevention, control, and surveillance of tuberculosis	06/13/15	granted
Margaret E. Moul Home	§ 201.22(h)	Prevention, control, and surveillance of tuberculosis	04/11/15	granted
Spang Cest Manor	§ 201.22(h)	Prevention, control, and surveillance of tuberculosis	05/02/15	granted
SpiriTrust Lutheran The Village at Gettysburg	§ 201.22(h)	Prevention, control, and surveillance of tuberculosis	05/16/15	granted
SpiriTrust Lutheran The Village at Shrewsbury	§ 201.22(h)	Prevention, control, and surveillance of tuberculosis	05/16/15	granted
SpiriTrust Lutheran The Village at Sprenkle Drive	§ 201.22(h)	Prevention, control, and surveillance of tuberculosis	05/16/15	granted
SpiriTrust Lutheran The Village at Utz Terrace	§ 201.22(h)	Prevention, control, and surveillance of tuberculosis	05/16/15	granted
StoneRidge Popular Run	§ 201.22(h)	Prevention, control, and surveillance of tuberculosis	06/13/15	granted
StoneRidge Towne Centre	§ 201.22(h)	Prevention, control, and surveillance of tuberculosis	06/13/15	granted
Luther Acres Manor	§ 201.22(j)	Prevention, control, and surveillance of tuberculosis	04/18/15	granted
The Village at Penn State	§ 201.3	Definitions	05/16/15	granted
Laurel View Village	§ 205.20(a)	Resident bedrooms	05/30/15	granted
Rolling Hills Manor	§ 205.24(a)	Dining room	05/09/15	granted
Rolling Hills Manor	§ 205.27	Lounge and recreational areas	05/09/15	granted
Mountain View Care Center	§ 205.31	Storage	06/13/15	granted
Whitestone Care Center	§ 205.31	Storage	04/11/15	granted

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Forbes Center for Rehabilitation and Healthcare	§ 205.36(b)	Bathing facilities	05/02/15	granted
Mosser Nursing Home	§ 205.36(f) and (h)	Bathing facilities	05/02/15	granted
Artman Lutheran Home	§ 205.36(h)	Bathing facilities	06/20/15	granted
Woodhaven Care Center	§ 205.36(h)	Bathing facilities	04/18/15	granted
Manchester Commons	§ 205.6(a)	Function of building	04/25/15	granted
Milford Senior Care and Rehabilitation Center	§ 205.6(a)	Function of building	05/23/15	granted
Waverly Heights	§ 205.6(a)	Function of building	04/25/15	granted
Edinboro Manor	§ 205.67(j) and (k)	Electric requirements for existing and new construction	04/18/15	granted
Saint Joseph Villa	§ 205.67(j) and (k)	Electric requirements for existing and new construction	05/16/15	granted
Avalon Springs Nursing Center	§ 211.9(g)	Pharmacy services	06/06/15	granted
Broomall Manor	§ 211.9(g)	Pharmacy services	04/11/15	granted
Caring Heart Rehabilitation and Nursing Center	§ 211.9(g)	Pharmacy services	05/16/15	granted
Colonial Manor Nursing Home	§ 211.9(g)	Pharmacy services	04/25/15	granted
Courtyard Gardens Nursing and Rehabilitation Center	§ 211.9(g)	Pharmacy services	05/02/15	granted
Foulkeways at Gwynedd	§ 211.9(g)	Pharmacy services	05/23/15	granted
Golden Livingcenter—Rosemont	§ 211.9(g)	Pharmacy services	06/20/15	granted
Hanover Hall	§ 211.9(g)	Pharmacy services	05/16/15	granted
Hospitality Care Center of Hermitage, Inc.	§ 211.9(g)	Pharmacy services	06/06/15	granted
Kingston Health Care Center	§ 211.9(g)	Pharmacy services	04/04/15	granted
Little Flower Manor	§ 211.9(g)	Pharmacy services	06/20/15	granted
Mountain City Nursing & Rehabilitation Center	§ 211.9(g)	Pharmacy services	06/06/15	granted
Normandie Ridge	§ 211.9(g)	Pharmacy services	06/20/15	granted
Penn Hall at Menno Haven	§ 211.9(g)	Pharmacy services	05/23/15	granted
Pinecrest Manor	§ 211.9(g)	Pharmacy services	06/06/15	granted
Quincy Retirement Community	§ 211.9(g)	Pharmacy services	05/23/15	granted
St. Luke's Villa	§ 211.9(g)	Pharmacy services	04/04/15	granted
Swaim Health Center	§ 211.9(g)	Pharmacy services	06/20/15	granted
Twin Pines Health Care Center	§ 211.9(g)	Pharmacy services	04/11/15	granted
Westminster Village	§ 211.9(g)	Pharmacy services	06/13/15	granted
Westminster Woods at Huntingdon	§ 211.9(g)	Pharmacy services	05/23/15	granted
Wyndmoor Hills Health Care & Rehab Center	§ 211.9(g)	Pharmacy services	04/25/15	granted

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Division of Acute and Ambulatory Care or the Division of Nursing Care Facilities at the previously referenced addresses or telephone numbers, or for speech and/or hearing impaired persons, V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 15-1331. Filed for public inspection July 17, 2015, 9:00 a.m.]

Health Research Advisory Committee Meeting

The Health Research Advisory Committee (Committee) of the Department of Health (Department) will hold a public meeting on July 20, 2015, from 2:30 p.m. to 4 p.m. in Room 129, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

The Committee makes recommendations to the Department regarding research priorities under section 903 of the Tobacco Settlement Act (35 P.S. § 5701.903). The purpose of the meeting is to review recent health research priorities for the Commonwealth Universal Research Enhancement Program and recommend health research priorities for State Fiscal Year 2015-2016.

For additional information or persons with disabilities who wish to attend the meeting and require an auxiliary aid, service or other accommodation should contact Sylvia Golas, DMD, MPH, Public Health Program Administrator, Health Research Office or Violet Witmer, Administrative Officer, Health Research Office, (717) 231-2825 or at the Health and Welfare Building, Room 833, 625 Forster Street, Harrisburg, PA 17120-0701, or for speech and/or hearing impaired persons at 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.

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 15-1332. Filed for public inspection July 17, 2015, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Holy Family Residence
2500 Adams Avenue
Scranton, PA 18509
FAC ID # 860302

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 15-1333. Filed for public inspection July 17, 2015, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Bankroll Doubler Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Bankroll Doubler.

2. *Price:* The price of a Pennsylvania Bankroll Doubler instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Bankroll Doubler instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), \$ (DLRSN) symbol, Bankroll (DOUBLE) symbol, and a BANK (BANK) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTN), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$150 (ONEHUNTY), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$25,000 (TWYFIVTHO) and \$300,000 (THRHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$15, \$20, \$25, \$30, \$50, \$100, \$150, \$200, \$400, \$500, \$1,000, \$10,000, \$25,000 and \$300,000. A player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,200,000 tickets will be printed for the Pennsylvania Bankroll Doubler instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$300,000 (THRHUNTHO) appears in the "prize" area

under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$300,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25,000 (TWYFIVTHO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$ (DLRSN) symbol, and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under that \$ (DLRSN) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Bankroll (DOUBLE) symbol, and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under that Bankroll (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a BANK (BANK) symbol, and a prize symbol of \$100 (ONE HUN) appears in five of the "prize" areas and a prize symbol of \$50⁰⁰ (FIFTY) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$ (DLRSN) symbol, and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under that \$ (DLRSN) symbol, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a BANK (BANK) symbol, and a prize symbol of \$30⁰⁰ (THIRTY) appears in 13 of the "prize" areas, a prize symbol of \$100 (ONE HUN) appears in one of the "prize" areas, and a prize symbol \$10⁰⁰ (TEN DOL) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$ (DLRSN) symbol, and a prize symbol of \$400 (FOR HUN) appears in the "prize" area under that \$ (DLRSN) symbol, on a single ticket, shall be entitled to a prize of \$400.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a BANK (BANK) symbol, and a prize symbol of \$30⁰⁰ (THIRTY) appears in five of the "prize" areas and a prize symbol \$25⁰⁰ (TWY FIV) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$ (DLRSN) symbol, and a prize symbol of \$200 (TWO HUN) appears in the "prize" area under that \$ (DLRSN) symbol, on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Bankroll (DOUBLE) symbol, and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under that Bankroll (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a BANK (BANK) symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the "prize" areas, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$200.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$150 (ONEHUNFTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$150.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$ (DLRSN) symbol, and a prize symbol of \$150 (ONEHUNFTY) appears in the "prize" area under that \$ (DLRSN) symbol, on a single ticket, shall be entitled to a prize of \$150.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$ (DLRSN) symbol, and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under that \$ (DLRSN) symbol, on a single ticket, shall be entitled to a prize of \$100.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Bankroll (DOUBLE) symbol, and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "prize" area under that Bankroll (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$100.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$ (DLRSN) symbol, and a prize symbol of \$50⁰⁰ (FIFTY) appears in the

“prize” area under that \$ (DLRSN) symbol, on a single ticket, shall be entitled to a prize of \$50.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Bankroll (DOUBLE) symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that Bankroll (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$40.

(z) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(aa) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$ (DLRSN) symbol, and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “prize” area under that \$ (DLRSN) symbol, on a single ticket, shall be entitled to a prize of \$30.

(bb) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Bankroll (DOUBLE) symbol, and a prize symbol of \$15⁰⁰ (FIFTN) appears in the “prize” area under that Bankroll (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$30.

(cc) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(dd) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$ (DLRSN) symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the

“prize” area under that \$ (DLRSN) symbol, on a single ticket, shall be entitled to a prize of \$20.

(ee) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Bankroll (DOUBLE) symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under that Bankroll (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$20.

(ff) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$15⁰⁰ (FIFTN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(gg) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$ (DLRSN) symbol, and a prize symbol of \$15⁰⁰ (FIFTN) appears in the “prize” area under that \$ (DLRSN) symbol, on a single ticket, shall be entitled to a prize of \$15.

(hh) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(ii) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$ (DLRSN) symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under that \$ (DLRSN) symbol, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,200,000 Tickets:</i>
\$10 w/ \$	15	680,000
\$10	12	850,000
\$15 w/ \$	30	340,000
\$15	30	340,000
\$10 × 2	200	51,000
\$10 w/ BANKROLL	60	170,000
\$20 w/ \$	60	170,000
\$20	200	51,000
\$15 × 2	200	51,000
\$15 w/ BANKROLL	200	51,000
\$30 w/ \$	200	51,000
\$30	300	34,000
\$10 × 5	300	34,000
(\$20 w/ BANKROLL) + \$10	300	34,000
\$50 w/ \$	200	51,000
\$50	200	51,000
\$20 × 5	600	17,000
\$50 × 2	600	17,000
\$50 w/ BANKROLL	300	34,000
\$100 w/ \$	300	34,000
\$100	600	17,000
\$50 × 3	6,000	1,700
\$100 + \$50	2,182	4,675
(\$50 w/ BANKROLL) + \$30 + \$20	2,182	4,675
(\$50 w/ \$) × 3	2,400	4,250

When Any Of Your Numbers Match
Any Winning Number, Win Prize
Shown Under The Matching
Number. Win With:

Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 10,200,000 Tickets:
\$150 w/ \$	\$150	2,400
\$150	\$150	6,000
BANK w/ ((\$20 × 5) + (\$10 × 10))	\$200	8,000
\$100 × 2	\$200	8,000
(\$50 × 2) + \$100	\$200	8,000
\$100 w/ BANKROLL	\$200	8,000
\$200 w/ \$	\$200	8,000
\$200	\$200	8,000
BANK w/ ((\$30 × 5) + (\$25 × 10))	\$400	8,000
\$100 × 4	\$400	15,000
(\$20 w/ BANKROLL) × 10	\$400	8,000
\$400 w/ \$	\$400	8,571
\$400	\$400	15,000
BANK w/ ((\$30 × 13) + \$100 + \$10)	\$500	12,000
\$100 × 5	\$500	24,000
(\$50 w/ BANKROLL) × 5	\$500	12,000
\$500 w/ \$	\$500	24,000
\$500	\$500	24,000
BANK w/ ((\$100 × 5) + (\$50 × 10))	\$1,000	30,000
\$500 × 2	\$1,000	60,000
(\$200 × 2) + \$500 + \$100	\$1,000	30,000
\$500 w/ BANKROLL	\$1,000	30,000
\$1,000 w/ \$	\$1,000	30,000
\$1,000	\$1,000	60,000
\$1,000 × 10	\$10,000	340,000
\$10,000	\$10,000	340,000
\$25,000	\$25,000	340,000
\$300,000	\$300,000	1,020,000

Reveal a "\$" (DLRSN) symbol, win prize shown under that symbol automatically.

Reveal a "BANKROLL" (DOUBLE) symbol, win double the prize shown under that symbol.

Reveal a "BANK" (BANK) symbol, win all 15 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Bankroll Doubler instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant 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 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 instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter

a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Bankroll Doubler, prize money from winning Pennsylvania Bankroll Doubler instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Bankroll Doubler instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *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.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Bankroll Doubler or through normal communications methods.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 15-1334. Filed for public inspection July 17, 2015, 9:00 a.m.]

Pennsylvania Crossword Doubler Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Crossword Doubler.

2. *Price:* The price of a Pennsylvania Crossword Doubler instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Crossword Doubler instant lottery game ticket will feature a “YOUR LETTERS” area, two crossword puzzle play grids, known as “GRID 1” and “GRID 2” respectively, and a “DOUBLER WORD” play area. “GRID 1,” “GRID 2” and the “DOUBLER WORD” play area are played separately. The play symbols located in the “YOUR LETTERS” area are: the letters A through and including Z. The play symbols located in “GRID 1” and “GRID 2” are: the letters A through and including Z. The play symbols and their captions located in the “DOUBLER WORD” play area are: the letters A through and including Z.

4. *Prizes:* The prizes that can be won in “GRID 1” are: \$5, \$10, \$20, \$40, \$100, \$400, \$1,000, \$10,000 and \$50,000. The prizes that can be won in “GRID 2” are: \$5, \$10, \$20, \$50, \$100, \$500, \$1,000, \$10,000 and \$100,000. A player can win up to 3 times on a ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 13,800,000 tickets will be printed for the Pennsylvania Crossword Doubler instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets where the player completely matches ten words in “GRID 2,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets where the player completely matches ten words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$50,000.

(c) Holders of tickets where the player completely matches nine words in “GRID 1” or “GRID 2,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets where the player completely matches eight words in “GRID 1” or “GRID 2,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets where the player completely matches seven words in “GRID 2” and the one word in the “DOUBLER WORD” area, using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets where the player completely matches seven words in “GRID 2,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets where the player completely matches seven words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets where the player completely matches six words in “GRID 1” or “GRID 2” and the one

word in the “DOUBLER WORD” area, using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets where the player completely matches six words in “GRID 1” or “GRID 2,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets where the player completely matches five words in “GRID 2” and the one word in the “DOUBLER WORD” area, using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets where the player completely matches five words in “GRID 2,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets where the player completely matches five words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$40.

(m) Holders of tickets where the player completely matches four words in “GRID 2” and the one word in the “DOUBLER WORD” area, using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$40.

(n) Holders of tickets where the player completely matches four words in “GRID 1” or “GRID 2,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets where the player completely matches three words in “GRID 1” and the one word in the “DOUBLER WORD” area, using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets where the player completely matches three words in “GRID 1” or “GRID 2,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets where the player completely matches two words in “GRID 1” or “GRID 2” and the one word in the “DOUBLER WORD” area, using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets where the player completely matches two words in “GRID 1” or “GRID 2,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$5.

7. *Game Play Instructions for the Pennsylvania Crossword Doubler game are:*

(a) The player shall scratch the “YOUR LETTERS” area to reveal 18 letters. For each of the 18 letters revealed in the “YOUR LETTERS” area, the player shall rub the same letter each time it is found in “GRID 1,” “GRID 2” and the “DOUBLER WORD” play area.

(b) When a player reveals two or more entire words in “GRID 1” or “GRID 2,” the player is entitled to win a prize as described in Section 6.

(c) Only the highest prize won in each “GRID” will be paid if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

(d) For purposes of this game, a word must contain at least three letters and cannot be formed by linking letters diagonally or by reading the letters from the bottom to the top.

(e) Every single letter square of a word must be matched and letters combined to form a word must appear in an unbroken horizontal or vertical string of letters in "GRID 1," "GRID 2" and the "DOUBLER WORD" play area. There will only be one word in an unbroken horizontal or vertical string of letters.

(f) Every single letter in the unbroken string must be revealed in "YOUR LETTERS" and must be included to form a word.

(g) The possible complete words for each ticket in the game are shown on "GRID 1," "GRID 2" and the "DOUBLER WORD" areas. The player must match all of the letters in a possible complete word in order to complete the word.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>GRID 1 Win With:</i>	<i>GRID 2 Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 13,800,000 Tickets:</i>
2 WORDS		\$5	15	920,000
2 WORDS w/ DOUBLER WORD	2 WORDS	\$5	15	920,000
		\$10	40	345,000
	2 WORDS w/ DOUBLER WORD	\$10	40	345,000
3 WORDS		\$10	60	230,000
2 WORDS w/ DOUBLER WORD	3 WORDS	\$10	60	230,000
3 WORDS w/ DOUBLER WORD	2 WORDS w/ DOUBLER WORD	\$20	60	230,000
4 WORDS		\$20	150	92,000
4 WORDS	4 WORDS	\$20	300	46,000
	4 WORDS	\$20	150	92,000
	4 WORDS w/ DOUBLER WORD	\$40	300	46,000
		\$40	300	46,000
5 WORDS		\$40	600	23,000
5 WORDS	3 WORDS	\$50	300	46,000
	5 WORDS	\$50	300	46,000
5 WORDS	4 WORDS	\$60	1,846	7,475
3 WORDS	5 WORDS	\$60	1,846	7,475
	5 WORDS w/ DOUBLER WORD	\$100	545.45	25,300
6 WORDS		\$100	1,333	10,350
	6 WORDS	\$100	1,333	10,350
6 WORDS	6 WORDS	\$200	20,000	690
6 WORDS w/ DOUBLER WORD		\$200	20,000	690
	6 WORDS w/ DOUBLER WORD	\$200	15,000	920
7 WORDS		\$400	8,000	1,725
	7 WORDS	\$500	12,000	1,150
	7 WORDS w/ DOUBLER WORD	\$1,000	40,000	345
8 WORDS		\$1,000	40,000	345
	8 WORDS	\$1,000	40,000	345
9 WORDS		\$10,000	1,380,000	10
	9 WORDS	\$10,000	1,380,000	10
10 WORDS		\$50,000	920,000	15
	10 WORDS	\$100,000	1,380,000	10

DOUBLER WORD: Using your letters, completely match the doubler word to double the prize(s) won on GRID 1 and GRID 2.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Crossword Doubler instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant 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 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 instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money*: For a period of 1 year from the announced close of Pennsylvania Crossword Doubler, prize money from winning Pennsylvania Crossword Doubler instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Crossword Doubler instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *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.

13. *Termination of the Game*: The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Crossword Doubler or through normal communications methods.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 15-1335. Filed for public inspection July 17, 2015, 9:00 a.m.]

Pennsylvania Find The 9s Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name*: The name of the game is Pennsylvania Find The 9s.

2. *Price*: The price of a Pennsylvania Find The 9s instant lottery game ticket is \$1.

3. *Play Symbols*: Each Pennsylvania Find The 9s instant lottery game ticket will contain one play area consisting of "GAME 1," "GAME 2," "GAME 3" and "GAME 4." Each "GAME" is played separately. The play symbols and their captions located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 20 (TWENT) and a 9 (NINE) symbol.

4. *Prize Symbols*: The prize symbols and their captions, located in the play area are: Free (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$6⁰⁰ (SIX DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰

(TWENTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN) and \$9,000 (NIN THO).

5. *Prizes*: The prizes that can be won in this game are: Free \$1 ticket, \$1, \$2, \$4, \$5, \$6, \$10, \$20, \$50, \$100, \$400 and \$9,000. The player can win up to 4 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game*: Approximately 12,000,000 tickets will be printed for the Pennsylvania Find The 9s instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets with a 9 (NINE) symbol in a "GAME" and a prize symbol of \$9,000 (NIN THO) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$9,000.

(b) Holders of tickets with a 9 (NINE) symbol in a "GAME" and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$400.

(c) Holders of tickets with a 9 (NINE) symbol in a "GAME" and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with a 9 (NINE) symbol in a "GAME" and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets with a 9 (NINE) symbol in a "GAME" and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(f) Holders of tickets with a 9 (NINE) symbol in a "GAME" and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets with a 9 (NINE) symbol in a "GAME" and a prize symbol of \$6⁰⁰ (SIX DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$6.

(h) Holders of tickets with a 9 (NINE) symbol in a "GAME" and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$5.

(i) Holders of tickets with a 9 (NINE) symbol in a "GAME" and a prize symbol of \$4⁰⁰ (FOR DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$4.

(j) Holders of tickets with a 9 (NINE) symbol in a "GAME" and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$2.

(k) Holders of tickets with a 9 (NINE) symbol in a "GAME" and a prize symbol of \$1⁰⁰ (ONE DOL) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$1.

(l) Holders of tickets with a 9 (NINE) symbol in a "GAME" and a prize symbol of FREE (TICKET) appears in the "Prize" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of one Pennsylvania Find The 9s instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds*: The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Reveal a "9" (NINE) Symbol In
Any Game, Win Prize Shown
For That Game. Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 12,000,000 Tickets
FREE	FREE \$1 TICKET	9.52	1,260,000
\$1 × 2	\$2	37.5	320,000
\$2	\$2	42.86	280,000
\$1 × 4	\$4	120	100,000
\$2 × 2	\$4	75	160,000
\$4	\$4	120	100,000
(\$2 × 2) + \$1	\$5	300	40,000
\$4 + \$1	\$5	250	48,000
\$5	\$5	600	20,000
\$2 × 3	\$6	300	40,000
\$4 + \$2	\$6	600	20,000
\$6	\$6	600	20,000
\$5 × 2	\$10	600	20,000
(\$4 × 2) + \$2	\$10	600	20,000
\$6 + \$4	\$10	230.77	52,000
\$10	\$10	750	16,000
\$5 × 4	\$20	3,000	4,000
\$10 × 2	\$20	3,000	4,000
(\$5 × 2) + \$10	\$20	1,000	12,000
\$20	\$20	1,500	8,000
(\$10 × 3) + \$20	\$50	3,000	4,000
(\$20 × 2) + \$10	\$50	3,000	4,000
(\$20 × 2) + (\$5 × 2)	\$50	3,000	4,000
\$50	\$50	3,000	4,000
\$50 × 2	\$100	12,000	1,000
\$100	\$100	12,000	1,000
\$100 × 4	\$400	48,000	250
\$400	\$400	48,000	250
\$9,000	\$9,000	1,333,333	9

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Find The 9s instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant 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 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 instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter

a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Find The 9s, prize money from winning Pennsylvania Find The 9s instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Find The 9s instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *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.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Find The 9s or through normal communications methods.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 15-1336. Filed for public inspection July 17, 2015, 9:00 a.m.]

Pennsylvania Pirate's Treasure '15 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Pirate's Treasure '15.

2. *Price:* The price of a Pennsylvania Pirate's Treasure '15 instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Pirate's Treasure '15 instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWEENT), Treasure Chest (CHEST) symbol, Anchor (WIN20) symbol, Pirate Ship (SHIP) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTN), \$20⁰⁰ (TWEENTY), \$25⁰⁰ (TWY FIV), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$2,500 (TWYFIVHUN) and \$30,000 (TRY THO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$3, \$4, \$5, \$10, \$15, \$20, \$25, \$50, \$100, \$250, \$500, \$2,500 and \$30,000. The player can win up to 12 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,200,000 tickets will be printed for the Pennsylvania Pirate's Treasure '15 instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets with a Treasure Chest (CHEST) symbol in the play area, and a prize symbol of \$30,000 (TRY THO) appears in the "prize" area under that Treasure Chest (CHEST) symbol, on a single ticket, shall be entitled to a prize of \$30,000.

(b) Holders of tickets with a Treasure Chest (CHEST) symbol in the play area, and a prize symbol of \$2,500 (TWYFIVHUN) appears in the "prize" area under that Treasure Chest (CHEST) symbol, on a single ticket, shall be entitled to a prize of \$2,500.

(c) Holders of tickets with a Treasure Chest (CHEST) symbol in the play area, and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under that Treasure Chest (CHEST) symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets with a Treasure Chest (CHEST) symbol in the play area, and a prize symbol of \$250 (TWOHUNFTY) appears in the "prize" area under that Treasure Chest (CHEST) symbol, on a single ticket, shall be entitled to a prize of \$250.

(e) Holders of tickets with a Pirate Ship (SHIP) symbol in the play area, and a prize symbol of \$25⁰⁰ (TWY FIV) appears in two of the "prize" areas and a prize symbol of \$20⁰⁰ (TWEENTY) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$250.

(f) Holders of tickets with a Treasure Chest (CHEST) symbol in the play area, and a prize symbol of \$100 (ONE

HUN) appears in the "prize" area under that Treasure Chest (CHEST) symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets with a Pirate Ship (SHIP) symbol in the play area, and a prize symbol of \$25⁰⁰ (TWY FIV) appears in two of the "prize" areas and a prize symbol of \$5⁰⁰ (FIV DOL) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets with a Treasure Chest (CHEST) symbol in the play area, and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "prize" area under that Treasure Chest (CHEST) symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets with a Treasure Chest (CHEST) symbol in the play area, and a prize symbol of \$25⁰⁰ (TWY FIV) appears in the "prize" area under that Treasure Chest (CHEST) symbol, on a single ticket, shall be entitled to a prize of \$25.

(j) Holders of tickets with a Treasure Chest (CHEST) symbol in the play area, and a prize symbol of \$20⁰⁰ (TWEENTY) appears in the "prize" area under that Treasure Chest (CHEST) symbol, on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets with an Anchor (WIN20) symbol in the play area, on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets with a Treasure Chest (CHEST) symbol in the play area, and a prize symbol of \$15⁰⁰ (FIFTN) appears in the "prize" area under that Treasure Chest (CHEST) symbol, on a single ticket, shall be entitled to a prize of \$15.

(m) Holders of tickets with a Treasure Chest (CHEST) symbol in the play area, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "prize" area under that Treasure Chest (CHEST) symbol, on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets with a Treasure Chest (CHEST) symbol in the play area, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "prize" area under that Treasure Chest (CHEST) symbol, on a single ticket, shall be entitled to a prize of \$5.

(o) Holders of tickets with a Treasure Chest (CHEST) symbol in the play area, and a prize symbol of \$4⁰⁰ (FOR DOL) appears in the "prize" area under that Treasure Chest (CHEST) symbol, on a single ticket, shall be entitled to a prize of \$4.

(p) Holders of tickets with a Treasure Chest (CHEST) symbol in the play area, and a prize symbol of \$3⁰⁰ (THR DOL) appears in the "prize" area under that Treasure Chest (CHEST) symbol, on a single ticket, shall be entitled to a prize of \$3.

(q) Holders of tickets with a Treasure Chest (CHEST) symbol in the play area, and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the "prize" area under that Treasure Chest (CHEST) symbol, on a single ticket, shall be entitled to a prize of \$2.

(r) Holders of tickets with a Treasure Chest (CHEST) symbol in the play area, and a prize symbol of \$1⁰⁰ (ONE DOL) appears in the "prize" area under that Treasure Chest (CHEST) symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Reveal A "TREASURE CHEST" (CHEST) Symbol, Win Prize Shown Under That Symbol. Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 10,200,000 Tickets
\$2	\$2	8.82	1,156,000
\$3	\$3	25	408,000
\$2 × 2	\$4	75	136,000
\$4	\$4	150	68,000
(\$2 × 2) + \$1	\$5	100	102,000
\$3 + \$2	\$5	150	68,000
\$5	\$5	300	34,000
\$2 × 5	\$10	300	34,000
\$5 × 2	\$10	300	34,000
(\$4 × 2) + \$2	\$10	187.5	54,400
\$10	\$10	214.29	47,600
\$3 × 5	\$15	500	20,400
\$5 × 3	\$15	500	20,400
\$10 + \$5	\$15	500	20,400
\$15	\$15	500	20,400
\$2 × 10	\$20	2,000	5,100
\$5 × 4	\$20	2,000	5,100
\$10 × 2	\$20	2,000	5,100
\$20 w/ ANCHOR	\$20	342.86	29,750
\$20	\$20	2,000	5,100
\$5 × 5	\$25	1,200	8,500
(\$20 w/ ANCHOR) + \$5	\$25	1,200	8,500
\$25	\$25	1,200	8,500
\$5 × 10	\$50	1,200	8,500
\$10 × 5	\$50	1,200	8,500
\$25 × 2	\$50	800	12,750
\$50	\$50	1,200	8,500
PIRATE SHIP w/ ((\$25 × 2) + (\$5 × 10))	\$100	2,000	5,100
\$25 × 4	\$100	6,000	1,700
(\$20 w/ ANCHOR) × 5	\$100	6,000	1,700
\$100	\$100	6,000	1,700
PIRATE SHIP w/ ((\$25 × 2) + (\$20 × 10))	\$250	30,000	340
\$250	\$250	60,000	170
\$50 × 10	\$500	60,000	170
\$500	\$500	60,000	170
\$500 × 5	\$2,500	340,000	30
\$2,500	\$2,500	340,000	30
\$30,000	\$30,000	1,020,000	10

Reveal an "ANCHOR" (WIN20) symbol, win \$20 instantly.
Reveal a "PIRATE SHIP" (SHIP) symbol, win all 12 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Pirate's Treasure '15 instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant 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 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 instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Pirate's Treasure '15, prize money from winning Pennsylvania Pirate's Treasure '15 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Pirate's Treasure '15 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and

the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *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.

13. *Termination of the Game*: The Secretary may announce a termination date, after which no further tickets

from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Pirate's Treasure '15 or through normal communications methods.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 15-1337. Filed for public inspection July 17, 2015, 9:00 a.m.]

FISH AND BOAT COMMISSION

Classification of Wild Trout Streams; Proposed Additions, Revisions and Removals; September 2015

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time to time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

At the next Commission meeting on September 28 and 29, 2015, the Commission will consider changes to its list of wild trout streams. Specifically, the Commission will consider the addition of the following streams or portions of streams to the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary To</i>	<i>Mouth Lat/Lon</i>
Bedford	Tiger Run	Headwaters to Mouth	Little Wills Creek	39.834064 78.714294
Blair	Decker Run	Headwaters to Mouth	Bald Eagle Creek	40.688725 78.230606
Blair	Elk Run	Headwaters to Mouth	Little Juniata River	40.657829 78.219475
Blair	Hutchinson Run	Headwaters to Mouth	Little Juniata River	40.660103 78.255722
Blair	Kelso Run	Headwaters to Mouth	Bells Gap Run	40.620369 78.380302
Blair	Shaw Run	Headwaters to Mouth	Bells Gap Run	40.637589 78.395538
Blair	Sink Run	Headwaters to Mouth	Bald Eagle Creek	40.677182 78.233544
Blair	Sugar Run	Headwaters to Mouth	Little Juniata River	40.583782 78.343102
Butler	UNT to Buffalo Creek (RM 32.70)	Headwaters to Mouth	Buffalo Creek	40.931811 79.730219
Cambria	Beaverdam Run	Headwaters to backwaters of Glendale Lake	Glendale Lake	40.645020 78.579489
Cambria	Douglas Run	Headwaters to Mouth	West Branch Susquehanna River	40.693985 78.805816
Cambria	Fallentimber Run	Headwaters to Mouth	Clearfield Creek	40.679893 78.496506
Cambria	Flanigans River	Headwaters to Mouth	Little Chest Creek	40.629353 78.662109
Cambria	Fox Run	Headwaters to Mouth	West Branch Susquehanna River	40.638200 78.770111
Cambria	Peg Run	Headwaters to Mouth	West Branch Susquehanna River	40.709900 78.803314
Cambria	Porter Run	Headwaters to Mouth	West Branch Susquehanna River	40.667567 78.788181
Cambria	UNT to Beaverdam Run (RM 9.29)	Headwaters to Mouth	Beaverdam Run	40.646824 78.613731

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary To</i>	<i>Mouth Lat/Lon</i>
Cambria	UNT to North Branch Little Conemaugh River (RM 1.92)	Headwaters to Mouth	North Branch Little Conemaugh River	40.402031 78.703918
Cambria	Walnut Run	Headwaters to Mouth	West Branch Susquehanna River	40.662601 78.783905
Carbon	Stewart Creek	Headwaters to Mouth	Mahoning Creek	40.815278 75.740833
Centre	UNT to Spring Creek (RM 1.31)	Headwaters to Mouth	Spring Creek	40.926698 77.780579
Chester	Culbertson Run	Headwaters to Mouth	East Branch Brandywine Creek	40.057949 75.744049
Chester	Dennis Run	Headwaters to Mouth	West Branch Brandywine Creek	39.961349 75.800934
Chester	UNT to West Branch Brandywine Creek (RM 10.87)	Headwaters to Mouth	West Branch Brandywine Creek	39.939159 75.777893
Chester	UNT to West Branch Brandywine Creek (RM 13.86)	Headwaters to Mouth	West Branch Brandywine Creek	39.962414 75.803940
Clarion	Crooks Run	Headwaters to Mouth	UNT To Little Mill Creek (RM 0.96)	41.216370 79.234634
Clarion	UNT to Little Mill Creek (RM 0.96)	Headwaters to Mouth	Little Mill Creek	41.216179 79.236351
Clearfield	Bell Run	Headwaters to Mouth	West Branch Susquehanna River	40.913334 78.647499
Clearfield	Deer Run	Headwaters to Mouth	West Branch Susquehanna River	40.870314 78.755117
Clearfield	Kings Run	Headwaters to Mouth	West Branch Susquehanna River	40.735754 78.797013
Clearfield	Laurel Run	Headwaters to Mouth	West Branch Susquehanna River	40.894507 78.716974
Clearfield	Lytle Run	Headwaters to Mouth	Clearfield Creek	40.901741 78.428352
Clearfield	Martin Run	Headwaters to Mouth	West Branch Susquehanna River	40.849098 78.785511
Clearfield	Miller Run	Headwaters to Mouth	West Branch Susquehanna River	40.887901 78.729796
Clearfield	Moss Run	Headwaters to Mouth	Chest Creek	40.729128 78.691398
Clearfield	North Run	Headwaters to Mouth	West Branch Susquehanna River	40.868521 78.758231
Clearfield	Patchin Run	Headwaters to Mouth	West Branch Susquehanna River	40.782009 78.779752
Clearfield	Shryock Run	Headwaters to Mouth	West Branch Susquehanna River	40.753658 78.789452
Clearfield	Spring Run	Headwaters to Mouth	Chest Creek	40.785648 78.677826
Clearfield	Tuckers Run	Headwaters to Mouth	Chest Creek	40.838244 78.682430
Clearfield	UNT to Bear Run (RM 0.73)	Headwaters to Mouth	Bear Run	40.884065 78.772723
Clearfield	UNT to Bear Run (RM 2.92)	Headwaters to Mouth	Bear Run	40.877265 78.803804

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<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary To</i>	<i>Mouth Lat/Lon</i>
Clearfield	UNT to North Camp Run (RM 1.07)	Headwaters to Mouth	North Camp Run	40.785820 78.657433
Clearfield	UNT to Potts Run (RM 6.39)	Headwaters to Mouth	Potts Run	40.862022 78.511810
Clearfield	UNT to Potts Run (RM 6.55)	Headwaters to Mouth	Potts Run	40.860249 78.512764
Clearfield	UNT to Potts Run (RM 7.60)	Headwaters to Mouth	Potts Run	40.849518 78.517288
Clearfield	UNT to West Branch Susquehanna River (RM 192.62)	Headwaters to Mouth	West Branch Susquehanna River	40.920547 78.608807
Clearfield	UNT to West Branch Susquehanna River (RM 196.85)	Headwaters to Mouth	West Branch Susquehanna River	40.908920 78.646450
Clearfield	UNT to West Branch Susquehanna River (RM 201.12)	Headwaters to Mouth	West Branch Susquehanna River	40.898376 78.705115
Clearfield	UNT to West Branch Susquehanna River (RM 205.82)	Headwaters to Mouth	West Branch Susquehanna River	40.886228 78.754040
Clearfield	UNT to West Branch Susquehanna River (RM 205.88)	Headwaters to Mouth	West Branch Susquehanna River	40.885504 78.754759
Clearfield	UNT to West Branch Susquehanna River (RM 211.37)	Headwaters to Mouth	West Branch Susquehanna River	40.844677 78.784697
Clearfield	Woods Run	Headwaters to Mouth	Wilson Run	40.832500 78.675556
Clinton	Graham Run	Headwaters to Mouth	West Branch Susquehanna River	41.167938 77.531357
Crawford	UNT to Oil Creek (RM 31.38)	Headwaters to Mouth	Oil Creek	41.720333 79.773956
Fayette	Laurel Run	Headwaters to PA/WV State Line	Big Sandy Creek	39.720840 79.710823
Huntingdon	Coal Bank Run	Headwaters to Mouth	Shoup Run	40.211590 78.201141
Huntingdon	Laurel Run	Headwaters to Mouth	Great Trough Creek	40.321758 78.124969
Indiana	Cush Cushion Creek	Headwaters to Mouth	West Branch Susquehanna River	40.725833 78.805556
Indiana	Isenberg Run	Headwaters to Mouth	Cush Cushion Creek	40.720343 78.861141
Indiana	Keal Run	Headwaters to Mouth	South Branch Bear Run	40.874097 78.831045
Indiana	Leonard Run	Headwaters to Mouth	Yellow Creek	40.615871 78.920547
Indiana	Painters Run	Headwaters to Mouth	Cush Cushion Creek	40.723090 78.866231
Indiana	Penn Run	Headwaters to Mouth	Two Lick Creek	40.638374 79.038033
Indiana	Powell Run	Headwaters to Mouth	Shryock Run	40.755625 78.808363

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary To</i>	<i>Mouth Lat/Lon</i>
Indiana	South Branch Bear Run	Headwaters to Mouth	Bear Run	40.876423 78.809113
Indiana	UNT to Yellow Creek (RM 17.82)	Headwaters to Mouth	Yellow Creek	40.612488 78.955849
Juniata	Macedonia Run	Headwaters to Mouth	Juniata River	40.609474 77.445000
Lackawanna	Aylesworth Creek	Headwaters to Mouth	Lackawanna River	41.520279 75.544998
Lancaster	Behm Run	Headwaters to PA Turnpike	Chiques Creek	40.208771 76.395927
Lancaster	Boyers Run	Headwaters to PA Turnpike	Chiques Creek	40.207569 76.395020
Lancaster	Elders Run	Headwaters to Mouth	Middle Creek	40.252220 76.248909
Lancaster	Harnish Run	Headwaters to North Peartown Road	Cocalico Creek	40.272900 76.156097
Lancaster	McCreary Run	Balance Mill Road Bridge to Mouth	Octoraro Creek	39.775940 76.059948
Lycoming	Ross Run	Headwaters to Mouth	Pine Creek	41.419876 77.489098
McKean	Bolivar Run	Headwaters to Mouth	Tunungwant Creek	41.973560 78.623947
McKean	Gilbert Run	Headwaters to Mouth	Marilla Brook	41.953930 78.716782
McKean	Marilla Brook	Headwaters to Mouth	West Branch Tunungwant Creek	41.941311 78.673904
McKean	Rutherford Run	Headwaters to Mouth	East Branch Tunungwant Creek	41.934174 78.648170
McKean	UNT to Gilbert Run	Headwaters to Mouth	Gilbert Run	41.966373 78.722672
Mifflin	Granville Run	Headwaters to Mouth	Juniata River	40.573009 77.584732
Mifflin	Minehart Run	Headwaters to Mouth	Juniata River	40.556030 77.632057
Mifflin	Wakefield Run	Headwaters to Mouth	Juniata River	40.517902 77.698251
Schuylkill	Morgan Run	Headwaters to Mouth	Schuylkill River	40.727100 76.089760
Schuylkill	UNT to Little Schuylkill River (RM 5.10)	Headwaters to Mouth	Little Schuylkill River	40.642296 76.016159
Schuylkill	UNT to Mahoning Creek (RM 10.09)	Headwaters to Mouth	Mahoning Creek	40.778675 75.843140
Schuylkill	UNT to Schuylkill River (RM 107.46)	Headwaters to Mouth	Schuylkill River	40.581829 76.079735
Somerset	Chub Run	Headwaters to Lower Bridge on Wass Hollow Road	Mill Run	39.721340 79.346581
Somerset	Little Glade Run	Headwaters to Mouth	Drake Run	39.860222 79.362221
Somerset	Mountain Run	Headwaters to Mouth	Wills Creek	39.831493 78.815887
Somerset	Savage Run	Headwaters to Mouth	Shaffers Run	39.886005 78.771660

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<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary To</i>	<i>Mouth Lat/Lon</i>
Somerset	Spook Run	Headwaters to Mouth	Elklick Run	39.813400 79.104523
Somerset	UNT to Laurel Hill Creek (RM 22.23)	Headwaters to Mouth	Laurel Hill Creek	39.986267 79.243637
Somerset	UNT to Laurel Hill Creek (RM 22.67)	Headwaters to Mouth	Laurel Hill Creek	39.990524 79.240082
Susquehanna	Snell Creek	Headwaters to Mouth	East Branch Wyalusing Creek	41.795833 76.014722
Union	Spruce Run	Headwaters to Mouth	Laurel Run	40.889099 77.196350
Union	Stony Run	Headwaters to Mouth	Laurel Run	40.894581 77.202789
Union	UNT to Rapid Run (RM 6.35)	Headwaters to Mouth	Rapid Run	40.987289 77.111710
Union	UNT to Rapid Run (RM 7.16)	Headwaters to Mouth	Rapid Run	40.987511 77.125610
Warren	UNT to Brokenstraw Creek (RM 33.95)	Headwaters to Mouth	Brokenstraw Creek	41.971130 79.587746
Warren	UNT to Brokenstraw Creek (RM 35.90)	Headwaters to Mouth	Brokenstraw Creek	41.975063 79.605164
York	Kreutz Creek	Headwaters to Ducktown Road Bridge (SR 2021)	Susquehanna River	40.019286 76.519114

The Commission also will consider the following revisions to the section limits of streams on the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Current Limits</i>	<i>Revised Limits</i>	<i>Tributary To</i>	<i>Mouth Lat/Lon</i>
Clearfield	Bear Run	Headwaters to South Branch Bear Run	Headwaters to Mouth	West Branch Susquehanna River	40.881111 78.761948
Clinton	Bald Eagle Creek	Headwaters to Inlet Foster Joseph Sayers Lake	Headwaters to Harveys Run	West Branch Susquehanna River	41.135277 77.400558
Northumberland	West Branch Susquehanna River	Moss Creek to Peg Run	Outfall of AMD Treatment Facility at RM 234.09 to Shryock Run	Susquehanna River	40.881111 76.797222
Somerset	South Fork Bens Creek	Conemaugh Township Reservoir to Mouth	Headwaters to Mouth	Bens Creek	40.272500 78.978611

In addition, the Commission will consider the removal of the following stream from the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary To</i>	<i>Mouth Lat/Lon</i>
Clinton	Teats Run	Headwaters to Mouth	West Branch Susquehanna River	41.241390 77.593056

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 15-1338. Filed for public inspection July 17, 2015, 9:00 a.m.]

Proposed Changes to List of Class A Wild Trout Waters; September 2015

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. With rare exceptions, the Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Biomass Class Criteria include provisions for:

(i) *Wild Brook Trout Fisheries*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild Brown Trout Fisheries*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) *Mixed Wild Brook and Brown Trout Fisheries*

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) *Wild Rainbow Trout Fisheries*

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

(v) *Mixed Wild Brook and Rainbow Trout Fisheries*

(A) Combined brook and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

(vi) *Mixed Wild Brown and Rainbow Trout Fisheries*

(A) Combined brown and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brown trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

During recent surveys, Commission staff documented the following stream sections to have Class A wild trout populations. The Commission intends to consider adding these waters to its list of Class A Wild Trout Streams at its meeting on September 28 and 29, 2015.

<i>County</i>	<i>Stream</i>	<i>Section</i>	<i>Limits</i>	<i>Tributary To</i>	<i>Mouth Lat/Lon</i>	<i>Brook Trout (kg/ha)</i>	<i>Brown Trout (kg/ha)</i>	<i>Rainbow Trout (kg/ha)</i>	<i>Length (miles)</i>	<i>Survey Year</i>
Cambria	Porter Run	01	Headwaters to Mouth	West Branch Susquehanna River	40.667567 78.788181	52.62	28.14	—	1.77	2014
Cambria	Walnut Run	01	Headwaters to Mouth	West Branch Susquehanna River	40.662601 78.783905	1.33	69.03	—	2.68	2014
Cambria/ Indiana	Douglas Run	01	Headwaters to Mouth	West Branch Susquehanna River	40.693985 78.805816	2.26	42.26	—	2.68	2014
Carbon	Fawn Run	01	Headwaters to Mouth	Lehigh River	41.094036 75.754978	46.96	0.71	—	1.90	2014
Carbon	Stewart Creek	02	Crooked Run to Mouth	Mahoning Creek	40.815278 75.740833	—	88.08	—	1.70	2013
Centre	Black Gap Run	01	Headwaters to Mouth	White Deer Creek	41.011967 77.212662	59.90	10.71	—	1.49	2014
Centre	Old Mingle Valley Run	01	Headwaters to Mouth	Penns Creek	40.840987 77.405951	18.52	27.73	—	1.47	2014
Centre	Sixmile Run	01	Headwaters to Clay Mine Road	Moshannon Creek	40.943056 78.123056	67.59	49.76	—	4.22	2012
Centre	UNT To Spring Creek (RM 1.31)	02	UNT at RM 0.53 to Mouth	Spring Creek	40.926698 77.780579	—	53.78	—	0.53	2014
Centre/ Clinton	Eastville Run	01	Headwaters to Sink at RM 0.44	Fishing Creek	41.040195 77.227460	37.88	—	—	1.75	2014
Clearfield	Jack Dent Branch	02	First Forest Road Bridge downstream of the headwaters to Mouth	Medix Run	41.220278 78.393889	40.29	—	—	1.70	2014
Clinton	Greenlick Run	01	Headwaters to Little Greenlick Run	Left Branch Young Womans Creek	41.439167 77.702500	29.99	21.25	—	3.79	2012
Clinton	Greenlick Run	02	Little Greenlick Run to Mouth	Left Branch Young Womans Creek	41.439167 77.702500	34.53	110.43	—	1.93	2012
Clinton	Long Run	03	Emergence of Stream 1.42 km upstream of Mouth to Mouth	Fishing Creek	41.086944 77.469444	0.69	169.27	13.65	0.88	2013
Clinton	Washburn Run	01	Headwaters to Mouth	Long Run	41.063332 77.354721	52.83	7.22	—	1.27	2014

<i>County</i>	<i>Stream</i>	<i>Section</i>	<i>Limits</i>	<i>Tributary To</i>	<i>Mouth Lat/Lon</i>	<i>Brook Trout (kg/ha)</i>	<i>Brown Trout (kg/ha)</i>	<i>Rainbow Trout (kg/ha)</i>	<i>Length (miles)</i>	<i>Survey Year</i>
Crawford	Dolly Run	01	Headwaters to Mouth	Shirley Run	41.708057 79.662781	—	188.18	—	2.17	2013
Elk	Sullivan Run	01	Headwaters to Mouth	Medix Run	41.267223 78.404999	46.12	1.43	—	3.45	2013
Fayette	Fulton Run	01	Headwaters to Mouth	Mill Run	39.949963 79.432861	34.62	—	—	3.66	2012
Lackawanna	Aylesworth Creek	01	Headwaters to Backwaters Edgerton Reservoir	Lackawanna River	41.520279 75.544998	41.20	—	—	1.54	2013
Lackawanna	Aylesworth Creek	02	Outlet of Edgerton Reservoir to Backwaters Aylesworth Creek Lake	Lackawanna River	41.520279 75.544998	32.10	—	—	1.56	2013
Lackawanna	Plank Bridge Creek	01	Headwaters to Mouth	Spring Brook	41.305556 75.643889	132.74	1.92	—	2.47	2012
Lycoming	Antes Creek	01	Big Spring (Nippenose) to Mouth	West Branch Susquehanna River	41.188824 77.240997	0.01	46.22	—	3.30	2014
Lycoming	Mosquito Creek	01	Outflow Mosquito Valley Reservoir to Williamsport Water Authority Intake	West Branch Susquehanna River	41.224998 77.041389	45.49	31.61	—	4.43	2014
Lycoming	Mosquito Creek	02	Williamsport Water Authority Intake to Mouth	West Branch Susquehanna River	41.224998 77.041389	0.03	57.37	—	2.88	2014
Lycoming	Remington Run	01	Headwaters to Mouth	Mosquito Creek	41.199444 77.050552	36.06	4.52	—	2.62	2014
Lycoming	Ross Run	01	Headwaters to Mouth	Pine Creek	41.419876 77.489098	36.48	2.45	—	1.77	2014
Mifflin	Wakefield Run	02	UNT at RM 2.42 to Mouth	Juniata River	40.517902 77.698251	—	55.65	—	2.42	2014
Potter	Nelson Run	01	Headwaters to Mouth	Mill Creek	41.732735 77.936798	8.30	61.76	—	3.18	2014
Potter	Peet Brook	01	Headwaters to Mouth	Allegheny River	41.833889 77.942223	4.18	175.64	—	4.78	2014
Potter	Steer Run	01	Headwaters to Mouth	Allegheny River	41.807220 78.014168	44.03	19.68	—	3.58	2014

<i>County</i>	<i>Stream</i>	<i>Section</i>	<i>Limits</i>	<i>Tributary To</i>	<i>Mouth Lat/Lon</i>	<i>Brook Trout (kg/ha)</i>	<i>Brown Trout (kg/ha)</i>	<i>Rainbow Trout (kg/ha)</i>	<i>Length (miles)</i>	<i>Survey Year</i>
Schuylkill	UNT To Mahoning Creek (RM 10.09)	02	UNT upstream from intersection of Dairy and Struss Valley Road to Mouth	Mahoning Creek	40.778675 75.843140	1.20	42.54	—	2.00	2013
Snyder/ Union	Coral Run	01	Headwaters to Mouth	Penns Creek	40.856945 77.264999	60.46	0.23	—	3.25	2013
Somerset	Cub Run	01	Headwaters to 2.6 km upstream of Mouth	Clear Shade Creek	40.171667 78.745278	65.44	1.06	—	1.39	2014
Somerset	Iser's Run	01	Headwaters to Backwater of Rockwell Reservoir	Town Line Run	39.858334 79.218613	37.98	—	—	1.04	2014
Somerset	South Fork Bens Creek	01	Headwaters to Backwater of Conemaugh Township Reservoir	Bens Creek	40.272500 78.978611	51.08	—	—	1.30	2014
Tioga	Sand Run	01	Headwaters to Mouth	Wilson Creek	41.639721 77.301392	51.63	—	—	2.07	2014
Union	Stony Run	01	Headwaters to SR 45	Laurel Run	40.894581 77.202789	36.13	—	—	2.90	2014
Union	UNT To Rapid Run (RM 6.35)	01	Headwaters to Mouth	Rapid Run	40.987289 77.111710	42.47	1.38	—	0.92	2014
Union	UNT To Rapid Run (RM 7.16)	01	Headwaters to Mouth	Rapid Run	40.987511 77.125610	32.98	15.79	—	0.98	2014
Westmoreland	McCullen Run	01	Headwaters to Mouth	Laughlintown Run	40.215041 79.184240	4.82	0.42	5.24	2.90	2013

Persons with comments, objections or suggestions concerning the additions are invited to submit comments in writing to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working

days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 15-1339. Filed for public inspection July 17, 2015, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency 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>
18-465	Department of Transportation Physical and Mental Criteria Including Vision Standards Relating to the Licensing of Drivers 45 Pa.B. 2255 (May 9, 2015)	6/8/15	7/8/15

Department of Transportation Regulation #18-465 (IRRC #3096)

Physical and Mental Criteria Including Vision Standards Relating to the Licensing of Drivers

July 8, 2015

We submit for your consideration the following comments on the proposed rulemaking published in the May 9, 2015 *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. Persons authorized to diagnose and treat disorders and disabilities.—Consistency with statute; Economic impact.

The persons authorized to diagnose and treat disorders and disabilities are set forth in several provisions in Chapter 15 Licensing of Drivers of the statute, including:

- 75 Pa.C.S. § 1508.1(a) Physical examinations, which states:

Authorization to conduct examinations.—*The department shall promulgate regulations to authorize specific classes of licensed practitioners of the healing arts, to include, but not be limited to, physicians, chiropractors, physician assistants and certified registered nurse practitioners, to conduct examinations required for the issuance of a driver's license and a school bus driver endorsement. (Emphasis added.)*

- 75 Pa.C.S. § 1518(b), Reports by health care personnel, which states:

All physicians, podiatrists, chiropractors, physician assistants, certified registered nurse practitioners and other persons authorized to diagnose or treat disor-

ders and disabilities defined by the Medical Advisory Board shall report to the department, in writing, the full name, date of birth and address of every person over 15 years of age diagnosed as having any specified disorder or disability within ten days. (Emphasis added.)

- 75 Pa.C.S. § 1519(a) Determination of incompetency, which states:

The department, having cause to believe that a licensed driver or applicant may not be physically or mentally qualified to be licensed, may require the applicant or driver to undergo one or more of the examinations authorized under this subchapter in order to determine the competency of the person to drive. The department may require the person to be examined by a physician, a certified registered nurse practitioner, a physician assistant or a licensed psychologist. . . . Vision qualifications may be determined by an optometrist or ophthalmologist. (Emphasis added.)

The physical and mental criteria to be used in evaluation of a driver are found under the duties of the Medical Advisory Board in 75 Pa.C.S. § 1517(b), which states:

The board may advise the department and review regulations proposed by the department concerning physical and mental criteria including vision standards relating to the licensing of drivers under the provisions of this chapter.

The Pennsylvania Coalition of Nurse Practitioners (PCNP) commented in opposition to the proposed regulation and respectfully requests amendments. PCNP explains that the existing regulation (Sections 83.2, 83.5(a) and 83.5(b)), as well as the amended language at Paragraph 83.5(b)(5), include a Certified Registered Nurse Practitioner (CRNP) as a "health care provider" that is

qualified in the diagnosis and treatment of the physical and mental criteria established in the regulation. However, for unexplained reasons, proposed Subsection 83.5(c) would limit a subsequent assessment of cognitive or emotional functioning to “a psychiatrist, neurologist or licensed psychologist.” This would exclude all other defined “health care providers,” including CRNPs, from making this assessment. PCNP respectfully requests that the regulation be amended to be consistent with the statute and other regulations by including CRNPs in Subsection 83.5(c).

We agree that the statute specifically directs that CRNPs, as well as “other persons authorized to diagnose or treat disorders and disabilities” can perform the diagnosis. We further agree that the Department has not provided a reason for not including all health care providers from making the assessment in Subsection 83.5(c). How can a class of health care provider, specifically designated by statute to diagnose a condition that could disqualify a driver, not be qualified to subsequently assess that same driver with the same condition for driving ability?

To be consistent with the statute, we recommend that Subsection 83.5(c) be amended to include the health care providers established in statute. If the Department does not amend the regulation to include all qualified health care providers, it should explain how the regulation is consistent with the statute and how the cost of an assessment by a psychiatrist, neurologist or licensed psychologist is justifiable. The Department should also amend the Regulatory Analysis Form to reflect these costs imposed by the regulation.

2. Timetable for review and compliance.

Regulatory Analysis Form Question 29 asks for a schedule for review of the regulation, including the dates such as when compliance with the final-form regulation will be required. The response shows dates in 2014 which obviously have expired. We ask the Department to review and amend these dates for the final-form regulation submittal.

3. Section 83.2. Definitions.—Need; Clarity.

Dementia

The second and third sentences of this definition describe the early stages and progressive nature of dementia. We do not believe these sentences are needed to understand what the Department considers to be dementia. Therefore, we recommend deleting them.

Mental or emotional disorder

As written, this definition relies on the description and definition in the “current *Diagnostic and Statistical Manual of Mental Disorders*, including its introduction or International Classification of Diseases.” If that is the standard that defines mental or emotional disorder, we recommend deleting the rest of the definition because it may conflict with a future change in the manual.

If the Department maintains this language, it should review the definition’s phrasing for need and clarity. We recommend deleting the word “important” because it is not clear what distinction the word implies in the consideration of a symptom and what it would exclude from the definition of mental or emotional disorder. In the context of the health care provider’s recommendation specified in Paragraph 83.5(b)(5), why is the last sentence of the definition needed that states “Some mental disorders cause poor judgment . . . that might affect driving performance”?

Neurologist and Psychiatrist

Both of these definitions include a licensed physician who is “Board-eligible.” We have three concerns relating to how “Board-eligible” is consistent with the statute and is clear.

First, 75 Pa.C.S. § 1519(a) states a person who “may not be physically or mentally qualified to be licensed” may be required to be examined by “a physician, a certified registered nurse practitioner, a physician assistant or a licensed psychologist” and for vision examination by “an optometrist or ophthalmologist.” There is no mention of “Board-eligible” in this provision of the statute for these professions. The Department should explain how including the phrase “Board-eligible” in the regulation is consistent with the statute.

Second, it is not clear what specific standard or minimum training the phrase “Board-eligible” includes. Other definitions in Section 83.2 of health care professions (CRNP, Chiropractor, Licensed Optometrist and Psychologist) state or imply a person must be licensed and not just eligible to be licensed. Why are Board-eligible neurologists and psychiatrists included in the definitions and what training must they meet to be Board-eligible?

Finally, these definitions use the term “Board.” The definitions should state more specifically which board the Department accepts for the certifications.

Psychologist

This term is defined as “a person licensed as a psychologist.” We recommend adding that the person is licensed as a psychologist by the State Board of Psychology, similar to the existing definitions of “licensed optometrist” and “licensed physician.”

4. Section 83.5. Other physical and mental standards.—Clarity.

Discretion of the health care provider

Subsection (b) states,

“An individual who has any of the following conditions will not be qualified to drive if, *in the opinion of the [health care] provider* the condition is *likely* to impair the ability to control and safely operate a motor vehicle: . . .” (Emphases added.)

Subsection (b) implies the health care provider has discretion and exercises judgment in determining whether a person can drive safely. However, as written, Subparagraph (b)(5)(i) contradicts that discretion by stating “An individual *will* be disqualified” for certain conditions. (Emphasis added.) We recommend that the Department review this language to make these provisions consistent with each other.

Stages of Alzheimer’s disease

Paragraph (a)(5) sets a general disqualification when an individual is diagnosed with Stage 5, 6 or 7 Alzheimer’s disease or dementia. Clause (b)(5)(i)(D) disqualifies at a different stage for an individual with signs of Stage 3 or greater. If this is the Department’s intent, it should explain the difference between the provisions and consider amending Clause (b)(5)(i)(D) to just Stages 3 or 4. If not, the Department should reconcile these provisions.

5. Miscellaneous Clarity.

• Chapter 83 uses the defined term “health care provider” in Paragraph 83.5(b)(5), as well as the undefined term “provider” in Subsection 83.5(b). For clarity, we recommend that the Department review Chapter 83 and

make amendments to consistently use the defined term “health care provider” throughout Chapter 83.

- In Section 83.2 the term “dementia” is defined and includes a reference to the “Alzheimer Association.” Should this be the Alzheimer’s Association?

- In Subsection 83.5(c), the phrase “licensed psychologist” is used. Since the definition of psychologist states

they must be licensed, it is redundant to use the word “licensed” in Subsection 83.5(c).

JOHN F. MIZNER, Esq.,
Chairperson

[Pa.B. Doc. No. 15-1340. Filed for public inspection July 17, 2015, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed on the Commission’s web site at www.irrc.state.pa.us.

<i>Final Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
126-10	Philadelphia Parking Authority Image Retention and Use	7/2/15	8/13/15

JOHN F. MIZNER, Esq.,
Chairperson

[Pa.B. Doc. No. 15-1341. Filed for public inspection July 17, 2015, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Renewal of Designation as a Certified Reinsurer

ACE Reinsurance (Switzerland), Ltd. has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on July 8, 2015, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P. S. § 442.1(a)) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Nicholas S. Murray, Financial Analysis Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, nmurray@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 15-1342. Filed for public inspection July 17, 2015, 9:00 a.m.]

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Passage Village of Laurel Run Operations, LLC

Passage Village of Laurel Run Operations, LLC has applied for a Certificate of Authority to operate a Con-

tinuing Care Retirement Community at The Village of Laurel Run in Fayetteville, PA. The initial filing was received on July 6, 2015, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 15-1343. Filed for public inspection July 17, 2015, 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 offices in Harrisburg and Pittsburgh, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in Room 2026, Piatt Building, 301, 5th Avenue, Pittsburgh, PA 15222.

Appeal of Eric A. Payne; file no. 15-119-185320; GEICO Casualty Company; Doc. No. P15-07-001; August 4, 2015, 2 p.m.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Robert Tanzer; file no. 15-119-184115; Capitol Insurance Company; Doc. No. P15-06-015; August 12, 2015, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 15-1344. Filed for public inspection July 17, 2015, 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 the companies' termination of the insureds' homeowners policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Pittsburgh, PA. Failure by the appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in Hearing Room 2026, Piatt Building, 301 5th Avenue, Pittsburgh, PA 15222.

Appeal of Dolores Kolesin; file no. 15-115-182111; Erie Insurance Exchange; Doc. No. P15-04-009; August 4, 2015, 9 a.m.

Appeal of Andrew E. and Elaine Hrinda; file no. 15-188-183273; Allstate Vehicle & Property Insurance Company; Doc. No. P15-04-020; August 4, 2015, 10 a.m.

Appeal of Robert Fajerski; file no. 15-119-182460; Allstate Property & Casualty Insurance Company; Doc. No. P15-04-016; August 4, 2015, 11 a.m.

Appeal of Nancy C. Lascheid; file no. 15-188-184981; PA National Mutual Casualty Insurance Company; Doc. No. P15-06-017; August 4, 2015, 1 p.m.

Parties may appear with or without counsel and offer relevant testimony and 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.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 15-1345. Filed for public inspection July 17, 2015, 9:00 a.m.]

RiverSource Life Insurance Company (AERS-129957562); Rate Increase Filing for Several LTC Forms

RiverSource Life Insurance Company is requesting approval to increase the premium 85.2% on 256 policyholders with the following individual LTC policy form number: 30160A-PA with endorsement 32100-PA. Only policies issued after September 15, 2002, are affected by this proposed increase.

Unless formal administrative action is taken prior to October 1, 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. 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 within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 15-1346. Filed for public inspection July 17, 2015, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Management Directive No. 530.1—Agency Benefit Coordinators, Amended June 29, 2015.

Administrative Circular No. 15-08—Closing Instruction No. 4, Fiscal Year 2014-15; Pending Lapse/Lapse Transactions and Reporting Deadlines, Dated June 2, 2015.

Administrative Circular No. 15-09—Closing Instruction No. 5, Fiscal Year 2014-15; Year-End Processing Deadlines and an Important Reminder about SAP Budget Period Values, Dated June 2, 2015.

LAURA CAMPBELL,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 15-1347. Filed for public inspection July 17, 2015, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule; All Milk Marketing Areas; Over-Order Premium

Under the Milk Marketing Law (31 P.S. § 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on September 2, 2015, at 10 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the level and duration of the Class I over-order premium to be effective October 1, 2015.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of

parties by: (1) having their attorney file with the Board on or before 12 p.m. on July 30, 2015, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 12 p.m. on July 30, 2015, notification of their desire to be included as a party. Parties shall indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@state.pa.us.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. Copies of the filings will be available on the Board web site at http://www.mmb.state.pa.us/portal/server.pt/community/public_hearings/21456.

1. By 3 p.m. on August 6, 2015, the petitioner shall file with the Board, in person or by mail, one original and five copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the petitioner, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a written report or written testimony explaining the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 3 p.m. on August 20, 2015, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 12 p.m. on August 27, 2015, parties shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, five copies shall be provided for Board use and one copy shall be provided to each interested party.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 12 p.m. on August 12, 2015.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

TIM MOYER,
Secretary

[Pa.B. Doc. No. 15-1348. Filed for public inspection July 17, 2015, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Meeting Cancellation

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303), is announcing the cancellation of the July 21, 2015, Authority Board meeting. The next meeting of the Authority's Board will be held September 8, 2015, and will be announced in a future issue of the *Pennsylvania Bulletin*.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,
Executive Director

[Pa.B. Doc. No. 15-1349. Filed for public inspection July 17, 2015, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security

Public Meeting held
July 8, 2015

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

*Electric Generation Supplier License Cancellations of
Companies with an Expired Financial Security;
M-2015-2490383*

Tentative Order

By the Commission:

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained.

Failure to file the requested documentation may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company's electric supplier license, removal of each company's information from the Commission's website and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

As of June 29, 2015, each EGS listed in the Supplier Table below has not submitted the required bond or other approved security to the Commission.

Supplier Table—List of electric generation suppliers that have not submitted the required security

A-2013-2351254	Batchelor Energy LLC
A-2012-2321229	Best Energy LLC
A-2010-2159567	BTU Energy LLC
A-2012-2311410	Commercial and Industrial Energy Solutions LLC
A-2010-2201567	Dash Energy LLC
A-2012-2295320	Energy Brokers LLC
A-110161	Energy Window, Inc.
A-2013-2391728	Facility Solutions Group, Inc.
A-2011-2227268	Geary Energy LLC
A-2010-2159584	Great Lakes Energy LLC
A-2010-2159620	GSE Consulting LP
A-2011-2225785	Hawk Energy Corporation
A-2011-2278059	Moxi Energy Advisors LLC
A-2011-2276675	National1 Energy LLC
A-2013-2398398	National Power Source LLC
A-2012-2305802	Pennell & Wiltberger, Inc.
A-2010-2151569	Platinum Advertising II LLC
A-2010-2205525	Reliable Power LLC
A-2012-2339001	Shimshek Energy LLC
A-2012-2292048	Sprague Operating Resources LLC
A-2011-2248651	The Energy Link LLC
A-2011-2241822	Topco Associates LLC
A-2011-2255323	Ultimate Energy Advisors LLC
A-2014-2415133	United Power Consultants, Inc.
A-2010-2158382	US Sun Energy, Inc.
A-2011-2260766	Utility Savings Solutions LLC
A-2011-2270793	Whitefence, Inc.

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services (TUS) sent a 60-day Security Renewal Notice Letter to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security, must be filed within 60 days prior to each entity's security expiration date. Subsequently, after the expiration date of each entity's approved financial security, TUS sent a Certified Security Renewal Warning Letter which sought security renewal documentation within 10 days. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to cancel the EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore,*

It Is Ordered That:

1. Cancellation of the Electric Generation Supplier Licenses of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.
2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small

Business Advocate, the Bureau of Investigation & Enforcement, Department of Revenue—Bureau of Corporation Taxes, all electric distribution companies, all of the Electric Generation Suppliers in the Supplier Table and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. Absent the filing of adverse public comment or the filing of approved security within 30 days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services shall prepare a Final Order for entry by the Secretary and shall advise the affected Bureaus within the Commission in writing that the Electric Generation Supplier Licenses held by each company listed in the Supplier Table, are cancelled and the cases may be closed.

4. Upon entry of the Final Order described in ordering Paragraph No. 3 above, each company listed in the Supplier Table will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission's website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-1350. Filed for public inspection July 17, 2015, 9:00 a.m.]

Implementation of the Alternative Energy Portfolio Standards Act of 2004: Standards for the Participation of Demand Side Management Resources—Technical Reference Manual 2016 Update; Doc. No. M-2015-2469311

The Pennsylvania Public Utility Commission (Commission) on July 8, 2015, adopted the 2016 version of the Energy-Efficiency and DSM Rules for Pennsylvania's Alternative Energy Portfolio Standard, Technical Reference Manual (TRM). A copy of the Order, the TRM and the TRM appendices can be found on the Commission's web site as follows:

Order: <http://www.puc.pa.gov/pcdocs/1370248.docx>

TRM: <http://www.puc.pa.gov/pcdocs/1370278.docx>

Appendix C: <http://www.puc.pa.gov/pcdocs/1370271.xlsx>

Appendix D: <http://www.puc.pa.gov/pcdocs/1370264.xlsx>

In implementing the Alternative Energy Portfolio Standards Act (73 P.S. §§ 1648.1—1648.8), the Commission had initially adopted the TRM on October 3, 2005. Subsequently, in the Energy Efficiency and Conservation (EE&C) Program Implementation Order, entered on January 16, 2009, at Doc. No. M-2008-2069887, the Commission adopted the TRM as a component of the EE&C Program evaluation process. In that Implementation Order, the Commission also noted that the TRM will need to be updated and expanded to fulfill the requirements of the EE&C Program. The Commission's adoption of the 2016 TRM concludes the current update to the TRM.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-1351. Filed for public inspection July 17, 2015, 9:00 a.m.]

Petition of Department of Labor and Industry, Office of Vocational Rehabilitation for a Proposed Pilot for Distribution of Telecommunications Relay Service Wireless Equipment to People with Disabilities in Pennsylvania

Public Meeting held
July 8, 2015

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

Petition of Department of Labor & Industry Office of Vocational Rehabilitation for a Proposed Pilot for Distribution of Telecommunications Relay Service Wireless Equipment to People with Disabilities in Pennsylvania;
Doc. No. P-2015-2484229

Pennsylvania Telecommunications Relay Service;
Doc. No. M-00900239

Pennsylvania Telecommunications Relay Service—2015;
Doc. No. M-2015-2460700

Order

By the Commission:

On May 21, 2015, the Office of Vocational Rehabilitation (OVR), in the Pennsylvania Department of Labor & Industry (L&I), filed the subject Petition and related proposal information with this Commission seeking approval to use monetary support from the Telecommunications Relay Service (TRS) Fund for a two-year wireless Telecommunications Device Distribution Program Pilot project (TDDP Pilot). Notice of the Petition was published in the *Pennsylvania Bulletin*, and comments were filed. This Order approves the request for funding from the TRS Fund for Phase I and Phase II of the TDDP Pilot.

History

The Commission initially established certificated traditional relay service and the associated surcharge funding mechanism in 1990 at Docket No. M-00900239.¹ Relay service was funded by the TRS Fund operating within Pennsylvania to provide adequate and equivalent access to their services by end-user consumers with physical impairments under applicable federal law.² Thereafter, Act 34 of 1995, 35 P.S. §§ 6701.1—6701.4, codified the operation of relay service and the Commission's oversight of the TRS Fund and the TRS surcharge mechanism.

Act 34 also established the TDDP which is funded by the TRS Fund.³ Responsibility for managing the TDDP is vested in OVR. The responsibility for financial disbursements in support of the TDDP program rests with the Commission pursuant to the submission of annual budgets from OVR. Act 174 of 2004, 35 P.S. § 6701.3a, established the Print Media Access System Program

¹ See generally Petition of the Pennsylvania Telephone Association Requesting The Commission to Approve Implementation Of Pennsylvania Relay Service for the Deaf, Hearing and/or Speech Impaired Community within the Commonwealth of Pennsylvania, et al., Docket No. M-00900239 et al., Orders entered May 29 and July 9, 1990 (collectively 1990 TRS Order), also cited at 35 P.S. § 6701.4(c). See also 52 Pa. Code § 63.37, operation of the TRS system and relay service fund, and 47 U.S.C. § 225, telecommunications services for hearing-impaired and speech-impaired individuals.

² Federal Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101 et seq.

³ TDDP provides equipment to enable eligible low-income persons to use telecommunications relay services. The statute was amended by Act 181 of 2002 to be more inclusive of persons with disabilities by expanding the definition of "persons with a disability" to include all disabilities that prevent a person from using standard telecommunications equipment.

(PMASP) that is also funded by the TRS Fund.⁴ These statutory provisions are now referred to as the Universal Telecommunications and Print Media Access Act (UTPMAA).⁵ The UTPMAA also requires the Commission to report annually on the TRS Fund, the TDDP, and the PMASP to the General Assembly. 35 P.S. § 6701.4. Subsequently, captioned telephone relay service (CTRS) was established in Pennsylvania by contract pursuant to a request for proposals.

Hamilton Relay Inc. (Hamilton Relay),⁶ the current certificated traditional relay provider, submits the estimated annual traditional relay minutes of use (MOU) and charges. Hamilton Telecommunications Company (Hamilton Telecommunications),⁷ an affiliate of Hamilton Relay, provides CTRS pursuant to a contract with the Commission and submits the estimated annual CTRS MOU. OVR submits the annual TDDP and PMASP budgets. The TRS Fund also covers the TRS Advisory Board activities and Fund Administrator costs. U.S. Bank is the current Fund Administrator.

Local exchange carriers (LECs)⁸ submit annual wireline access line counts pursuant to 52 Pa. Code § 63.37(c). The Pennsylvania relay service costs are recovered through a monthly TRS surcharge set by the Commission and assessed by the LECs on wireline residence and business customers. The TRS Fund and the surcharge are reviewed and evaluated at least annually. The 2015 review was conducted at Docket No. M-2015-2460700, effective July 1, 2015.⁹ Additionally, the Commission's Bureau of Audits periodically audits the TDDP pursuant to the Memorandum of Understanding between L&I and the Commission at Docket No. M-00900239F0004.¹⁰

On May 25, 2015, OVR filed the instant letter Petition and related supporting proposal information seeking Commission approval to use the TRS Fund to conduct a two-year, two-phase TDDP Pilot that would distribute wireless equipment to eligible participants. The proposed TDDP Pilot, also referred to as the Temple Wireless Expansion Initiative (WEI), would be implemented through the Institute of Disabilities at Temple University (Temple University) in its current capacity as Administrator of the TDDP on behalf of OVR. The TDDP Pilot would enable the eligible participants with disabilities to obtain equivalent communication capabilities through the use of appropriate wireless/mobile equipment devices. The WEI Proposal attached to the OVR Petition points out that:

Wireless devices allow individuals with disabilities to:

- Customize devices in a way best suited to their specific communication and access needs;
- Increase communication options, such as facilitating face-to-face communication by translating text to Braille, placing video-based relay calls from any location, and increasing the number of individuals with whom one is able to communicate;

⁴ PMASP is a newspaper reading service for persons with certain vision and physical disabilities. Administrative responsibility is vested in OVR. The Commission is responsible for the financial disbursements supporting this program under relevant OVR budgetary submissions.

⁵ See 35 P.S. § 6701.1, [https://govt.westlaw.com/pac/Browse/Home/Pennsylvania/UnofficialPurdonsPennsylvaniaStatutes?guid=N91371959FC024254BFBC72C46E89937C&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/pac/Browse/Home/Pennsylvania/UnofficialPurdonsPennsylvaniaStatutes?guid=N91371959FC024254BFBC72C46E89937C&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)).

⁶ See Application of Hamilton Relay, Docket No. A-2014-2447601 (December 4, 2014).

⁷ See RFP-2012-2, Bp8 = 2304702 (May 24, 2012).

⁸ LECs include incumbent and competitive wireline local exchange carriers. The term does not include wireless carriers.

⁹ See, e.g., M-2014-2399129, eff. July 1, 2014; M-2013-2341301, eff. July 1, 2013; M-2012-2281401, eff. July 1, 2012; M-2011-2218783, eff. July 1, 2011, and M-2010-2151504, eff. July 1, 2010.

¹⁰ See concurrent release of A Report on the Telecommunications Device Distribution Program and Print Media Access System Program Audits for the Twelve Months Ended June 30, 2013 and June 30, 2012, Docket No. D-2014-2406981.

- Use standard wireless telecommunication features such as video chat, instant messaging, and email;

- Take advantage of the numerous features and specialized applications of wireless devices created to assist individuals with disabilities; and

- Receive emergency notifications in “real time.”

OVR Petition, WEI Proposal at 2.

The TDDP Pilot will provide needed data for a potential expansion of the TDDP involving the availability, distribution, and funding of adaptive wireless equipment devices to eligible end-users on a permanent and statewide basis consistent with applicable statutory law.

The OVR Petition and related WEI Proposal point out that, as of 2014, wireless equipment device distribution options for qualified persons with disabilities are available in eleven other states. OVR Petition, WEI Proposal at 2.

Notice of the Petition was served on the statutory advocates and published in the *Pennsylvania Bulletin* on June 13, 2015. 45 Pa.B. 2964. Comments were requested from interested persons, to be filed by June 23, 2015.

Comments in support of the TDDP Pilot were received from the Office of Consumer Advocate (OCA); the Honorable Representative Edward C. Gainey, 24th Legislative District; L&I's Advisory Council for the Deaf and Hard of Hearing (L&I Advisory Council); the Commission's Pennsylvania TRS Advisory Board (PA TRS Advisory Board); L&I's Office for the Deaf and Hard of Hearing (ODHH); and the Hearing Loss Association of America Pennsylvania State Office (HLAA-PA). There were no comments in opposition to the overall purpose and substance of the TDDP Pilot.

Discussion

In our evaluation of the proposal for a TDDP Pilot to explore accessible wireless options, we are guided by the UTPMAA, which vests administrative oversight of TDDP operations in OVR. See 35 P.S. § 6701.3. We are also guided by federal law governing TRS, particularly the prohibition contained in Section 225(d)(2) of the federal Communications Act of 1934 as amended, 47 U.S.C. § 225(d)(2), against discouraging or impairing the development of new technology. However, the Commission has oversight of the TRS Fund, and the Commission's responsibility in this regard includes ensuring that the TRS Fund is used in a manner consistent with the statutory mandates of the UTPMAA and that it remains fiscally viable and capable of supporting relevant program requirements. This approach is also consistent with Federal Communications Commission (FCC) authority to certify only those states with TRS programs that comply with federal law. Accordingly, we shall not address in detail the proposal relating to operations, such as the selection of pilot participants or the administration of the pilot wireless program.

A. Petition and Proposal

The proposed TDDP Pilot would be implemented through Temple University in its current capacity as Administrator of the TDDP on behalf of OVR. The proposed TDDP Pilot would be a two-year pilot project designed to test the availability and use of wireless devices by a limited number of eligible Pennsylvanians with disabilities for a limited timeframe. The related wireless devices would be supported from and distributed to eligible end-users through the existing TDDP.¹¹

¹¹ See generally 35 P.S. § 6701.3.

The TDDP Pilot would, *inter alia*, provide for:

- Recruitment and selection of 60 eligible participants over the two-year, two-phase project;
- Distribution of selected wireless/mobile devices equipped with appropriate applications and software;
- Outreach, training, surveys, and personal interview evaluation activities;
- Remote system software updating for the distributed wireless devices by an equipment administrator; and
- Monitoring, measurement, and evaluation of the use of these devices and their use.

OVR seeks sufficient funding from the TRS Fund for the relevant costs of the TDDP Pilot, including the costs of the wireless device equipment distribution and the costs for managing the overall TDDP Pilot through its two-year duration.

OVR's filing estimates that the TDDP Pilot would cost approximately \$85,000 for the first year of the TDDP Pilot.¹² Phase I would enroll 30 eligible¹³ individuals. Its results would help refine the operation of Phase II, which would also enroll 30 eligible individuals based on slightly different selection criteria and would commence during month eleven of Phase I. Temple University would hold mandatory meetings to explain the pilot and provide training to assist pilot participants. Temple University would conduct case studies and "longitudinal" surveys to assess the needs and trends that surface during the TDDP Pilot.

Participants would incur some costs. Because the TDDP Pilot would cover only the selected equipment, eligible recipients would be responsible for the cost the underlying wireless connectivity service(s) to enable the wireless devices to function.¹⁴ In addition, participants may incur travel expenses associated with program orientation and training. OVR Petition, WEI Proposal at 5.

OVR asserts that the results of the TDDP Pilot should determine the feasibility of an expansion of the TDDP to cover wireless devices for eligible persons in the future. To that end, OVR and Temple University intend to study TDDP Pilot results to ascertain the following:

- (a) Will the availability of wireless technologies increase utilization of the program by younger Pennsylvanians?
- (b) Will people with disabilities accept the devices "only," recognizing that providing wireless telecommunication access services to commercial wireless networks may be beyond the scope of the existing legislation?
- (c) Will people with disabilities accept "locked" wireless technologies (e.g., with restricted access to telecommunications "apps")?
- (d) Which wireless telecommunications devices and which apps are preferred for telecommunications access and by Pennsylvanians with which disability characteristics?
- (e) How will access to these wireless technologies improve access to telecommunications? How frequently and for what purposes will the wireless devices be used?

¹² The budget table in the WEI Proposal discloses a projected outlay requirement of \$83,233.38 for "Grant Year 1" or Phase I of the TDDP Pilot.

¹³ The criteria for eligibility in the TDDP pilot are those that are statutorily mandated at 35 P.S. § 6701.3.

¹⁴ The WEI Proposal explicitly states: "Individuals [TDDP Pilot participants] will need to describe how they will access wi-fi service (in their home or in the community e.g., public library) and understand that the program will not pay for such wireless access services." OVR Petition, WEI Proposal at 8.

(f) How much training will people need to use 21st Century wireless technologies?

(g) Are there differences in the usefulness of the program that varies by age? By type of disability?

(h) How much will an expanded program cost (1) on a temporary trial pilot basis; and, (2) on a permanent basis with a wider distribution scope?

OVR Petition, WEI Proposal at 3 and 8-9.

OVR asserts that the quantitative and qualitative analyses resulting from the proposed TDDP Pilot will also assist in determining whether and how the TDDP may need to be permanently expanded to provide statewide availability of wireless devices in the future and also provide guidance as to the relevant costs for any such expansion.

B. Comments

As noted above, comments in support of the TDDP Pilot were received from OCA, Representative Gainey, the L&I Advisory Council, the PA TRS Advisory Board, ODHHS, and HLAA-PA. Our focus is on those aspects of the comments that relate to funding rather than on the merits of the pilot or statewide wireless accessibility, recognizing that the benefits of wireless accessibility itself are uncontested.

OCA supports the TDDP Pilot approach proposed in the Petition. OCA also "submits based on several references in the [UTPMAA] to the needs of the disabled consumer to 'communicate by wire or radio,' the requirement that the TDDP recipient have 'telephone service' may be read broadly to include wireless service." OCA Comments at 2. OCA notes that the UTPMAA provides that the TDDP may not overspend the amount of TRS surcharge dollars allocated and that the TRS may not fund administrative costs of the TDDP. OCA Comments at 3. OCA further states that "the two-year pilot period will also afford the Commission, General Assembly, and other interested parties an opportunity to address how to assure that the TRS Fund is equitably supported by all Pennsylvania consumers who depend on a reliable, universally available communications network." OCA Comments at 3. OCA also submits that the proposal is consistent with Section 3011 of the Public Utility Code, 66 C.S. § 3011(6), relating to delivery of technological advances and new services to improve quality of life for Commonwealth residents, and 66 C.S. § 3011(7), relating to provision of telecommunications products and services to improve the quality of life of persons with disabilities. OCA Comments at 4.

Representative Gainey supports the TDDP Pilot because it "will immensely help those eligible Pennsylvanians with disabilities" and "the pilot does not place a financial burden on the existing TRS fund." He notes that "landline use has declined to the point that funding the TRS adequately without testing the wireless option may threaten [TRS Fund] solvency." He also states that TDDP Pilot eligible "participants would be responsible to provide the internet connection to use the [wireless] device" and that "the pilot does not budget for these costs nor for travel costs to attend [pilot] meetings." Gainey Comments at 1. Finally, Representative Gainey asserts that "the Wireless Initiative pilot is within the parameters of the applicable statutory requirements of Title 35, section 6701.2" where the relevant "definition clearly covers the distribution of wireless devices to eligible Pennsylvanians with disabilities under the TDDP, and easily falls under the purpose of the Wireless Initiative pilot project." Gainey Comments at 2.

The L&I Advisory Council supports the TDDP Pilot and its management by Temple University, asserting that the TDDP Pilot will usher a new and better era of communications capabilities for eligible persons with disabilities in Pennsylvania. The L&I Advisory Council also points out that a “number of states in the Union have already started to distribute wireless devices through their telecommunications device distribution programs,” and that the “proposed pilot project is also compatible with existing and applicable statutory requirements of Pennsylvania law, and its budget would not impose an unreasonable or inequitable burden on the existing TRS Fund mechanism.” L&I Advisory Council Comments at 1-2.

The Commission’s TRS Advisory Board endorses the wireless TDDP Pilot proposal. However, the TRS Advisory Board support for the wireless pilot and its acceptance “that the budgeted funding for the two year Phase One and Phase Two implementation of the trial of the wireless initiative may come from the TDDP Program Fund (which was created by a *wireline* surcharge)” are predicated on the condition that “any additional funding required either for the pilot program or its full implementation, going forward, be derived from sources other than the wireline surcharge.” TRS Advisory Board Comments at 1-2 (emphasis in the original).

ODHH supports the TDDP Pilot, noting that as of 2014 several other states such as Arkansas, California, Kansas, Kentucky, Maryland, and Wyoming offer wireless devices through their respective device distribution programs. ODHH also states that “the pilot does not place a burden on the existing TRS fund” since “eligible participants, as part of their application to participate, are responsible to provide the internet connection to use the device,” and that the same “participants will not be reimbursed for travel costs to attend” various pilot-related meetings. ODHH also ascertains that the “Wireless Initiative pilot project is fully consistent with the applicable statutory requirements of the Pennsylvania law that governs the operations of the TRS and the TDDP,” and “the statute clearly covers the distribution of wireless devices to eligible Pennsylvanians with disabilities under the TDDP and easily falls under the purpose of the Wireless Initiative pilot project.” ODHH Comments at 1-2, citing to 35 P. S. § 6701.2.

The HLAA-PA supports the TDDP Pilot but notes that the proposed participation criteria could limit eligibility to individuals who are either amplification users or America Sign Language (ASL) users. The HLAA-PA states that the proposed selection criteria for the pilot do not ensure the participation of “individuals with hearing loss who are unable to understand a voice phone but do not use ASL.” The HLAA-PA requests that the selection be revised to “ensure that this population is sufficiently represented.” HLAA-PA Comments at 1.

C. Analysis

We recognize that there is universal support among the commenters regarding the merits of a TDDP Pilot and the desire for statewide access to wireless technologies, communications, and devices by eligible persons with disabilities. We also recognize that federal authority over TRS mandates its availability within a state, and that federal certification of such programs requires corresponding compliance with federal requirements. These requirements include a prohibition on actions that discourage or impair the technology providing TRS. The overall TRS program serves the public interest, and our actions are designed to ensure that it continues to be consistent with Section 225(d)(2), 47 U.S.C. § 225(d)(2), of federal law

and be compliant with the certification requirements under Section 225(f), 47 U.S.C. § 225(f). We commend L&I, OVR, and Temple University in their efforts to continuously refine their policies for increased access to wireline and wireless telecommunications services and networks by persons with disabilities under Pennsylvania and federal law. Previously, L&I recognized that certain technical issues had arisen with the increased use of access lines and networks that are Internet Protocol (IP) based by persons with disabilities.¹⁵ Therefore, on July 9, 2014, this Commission issued an advisory letter to L&I authorizing funding from the TRS Fund for TDDP distribution of IP-enabled wireline devices to eligible end-users.

The first prong of our analysis is whether the proposed TDDP Pilot distribution of wireless devices is consistent with the applicable statutory mandates.

Telecommunications relay service is statutorily defined as:

Telephone transmission services that provide the ability for a person with a disability to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of a person who does not have a disability to communicate using voice communication services by wire or radio. The term includes services that enable two-way communication between an individual who uses a telecommunication device or other nonvoice terminal device and an individual who does not use such a device.

35 P. S. § 6701.2.

A telecommunications device is statutorily defined as:

Equipment necessary for a person with a disability to engage in communication by wire or radio with another person with a disability or with a hearing individual.

35 P. S. § 6701.2.

We believe that the proposed wireless TDDP Pilot fits within these definitions. First, the statutory terms “[t]elephone transmission services that provide the ability for a person with a disability to engage in communication by wire or radio” and “[e]quipment necessary for a person with a disability to engage in communication by wire or radio” clearly encompass wireless communications and the TDDP availability of wireless equipment devices enabling such communications for eligible persons with disabilities. Second, the majority of the commenting parties explicitly acknowledge that the scope of the proposed wireless TDDP Pilot is within the applicable statutory parameters of the UTPMAA, and we fully agree with this premise. Furthermore, the TDDP Pilot is entirely consistent with applicable federal law.

Consistent with our statutory responsibilities, and federal law, the second prong of our analysis concerns the necessary and requested TRS Fund financial disbursements for implementing the proposed wireless TDDP Pilot. The TDDP Pilot is projected to cost approximately \$85,000 for the 30 participants in Phase I. The Petition does not specify an anticipated budget for Phase II. Based on the similarity to Phase I, we have extrapolated that Phase II is likely to cost approximately \$90,000. As Phase I progresses, the anticipated Phase II costs will become

¹⁵ Pennsylvania Public Utility Commission, Telecommunications Device Distribution Program (TDDP), Distribution of Internet Protocol Enabled Devices through Office of Vocational Rehabilitation, Advisory Letter to the Honorable Julia K. Hathaway, Secretary, Department of Labor and Industry, July 9, 2014.

clearer and can be communicated to this Commission through the annual budget submissions by L&I as explained previously.

We believe, based on our review of the current balance and budget requests for the TDDP Fund, which is a subaccount within the TRS Fund, that neither of these sums would impair the solvency of the TRS Fund on a one-time basis. The TDDP portion of the TRS Fund has an appropriate monetary reserve that is sufficient to absorb the projected implementation cost of the proposed wireless pilot.¹⁶ Accordingly, we shall approve TRS funding for the TDDP Pilot program for actual costs up to \$85,000 for Phase I and up to \$90,000 for Phase II. In the event that either phase overruns its cost estimate, OVR will have several options: to petition this Commission for additional TRS funding, which is not guaranteed; to curtail the scope of the pilot program to stay within the approved funding; or to find alternate funding.

In order to fulfill our responsibility for oversight of the TRS Fund, further the public interest in this program, and ensure compliance with federal law, we shall require monthly billing detailing the costs incurred. OVR shall submit detailed monthly bills for costs incurred for the TDDP Pilot to Commission staff in a manner that follows the current TDDP bill payment procedures. Commission staff will submit TDDP Pilot bills for payment in the same manner in which TDDP bills are currently paid. TDDP Pilot expenses will be subject to the Memorandum of Understanding between L&I and the Commission.

We administratively note that the FCC has the National Deaf-Blind Equipment Distribution Program (NDBEDP) through which it supports programs “that distribute communications equipment to low-income individuals who are deaf-blind.”¹⁷ We also note that through the 2015-2016 NDBEDP fund allocations, \$321,594 is being distributed to Temple University.¹⁸ We hereby encourage OVR and Temple University to seek, obtain, and utilize available federal funding sources under applicable federal law, regulations, or administrative agency decisions that may partially defray or otherwise minimize the monetary disbursements required from the TRS Fund for the implementation of the proposed wireless TDDP Pilot.

Certain commenting parties have addressed issues pertaining to the future funding of TDDP wireless device availability on a permanent and statewide basis from the TRS Fund. We are fully cognizant of these issues but will not address them at this time. Rather, we will address them in due course in collaboration with OVR and Temple University. For now, we agree with the commenting parties that the public benefits accruing to eligible participants under the proposed wireless TDDP Pilot will promote the public interest and satisfy our federal obligation to provide adequate and equivalent access to communications access for Pennsylvanians with disabilities. We believe that this Commission possesses the necessary administrative flexibility to deal with these matters and to seek timely and appropriate legislative changes if and when such changes become necessary.

¹⁶ 2014 Annual Report pursuant to the UTPMAA to the General Assembly, dated October 1, 2014, http://www.puc.pa.gov/Telecom/pdf/TDD_Program_Legis_Rpt2014.pdf.

¹⁷ In re Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, Section 105, Relay Services for Deaf-Blind Individuals, CG Docket No. 10-210, (FCC, Rel. May 27, 2015), Order, FCC 15-57, ¶ 1, at 1.

¹⁸ FCC Public Notice, Consumer and Governmental Affairs Bureau Announces 2015-2016 Allocation for the National Deaf-Blind Equipment Distribution Program, June 22, 2015, DA 15-722, at 3.

Conclusion

We shall authorize funding from the TRS Fund for the TDDP Pilot to be at actual costs up to \$85,000 for Phase I and actual costs up to \$90,000 for Phase II, consistent with this Order; *Therefore,*

It Is Ordered That:

1. The Petition of the Department of Labor and Industry Office of Vocational Rehabilitation for a Proposed Pilot for Distribution of Telecommunications Relay Service Wireless Equipment to People with Disabilities in Pennsylvania is granted consistent with this Order.

2. Funding from the Telecommunications Relay Service Fund for the actual costs of the Telecommunications Device Distribution Program Pilot, as proposed by the Department of Labor and Industry, Office of Vocational Rehabilitation, be approved, consistent with this Order.

3. The Office of Vocational Rehabilitation shall submit detailed monthly bills for costs incurred for the Telecommunications Device Distribution Program Pilot to Commission staff, consistent with current Telecommunications Device Distribution Program bill payment procedures.

4. Commission staff shall submit the Telecommunications Device Distribution Program Pilot bills for payment in the same manner in which Telecommunications Device Distribution Program bills are currently paid. Telecommunications Device Distribution Program Pilot expenses will be subject to the Memorandum of Understanding at Docket No. M-00900239F0004 between the Department of Labor & Industry and the Commission.

5. The Office of Vocational Rehabilitation, the Department of Labor and Industry, and the Institute of Disabilities at Temple University as Administrator of the Telecommunications Device Distribution Program are hereby advised to seek, obtain, and utilize available federal funding sources under applicable federal law, regulations, or administrative agency decisions to the extent that those resources further this Telecommunications Device Distribution Program Pilot and ensure our compliance with state and federal law.

6. The Commission’s contact for technical issues relating to this proceeding is the Bureau of Technical Utility Services and the Commission’s contact for legal and procedural issues are the Law Bureau and the Office of Special Assistants, and their properly and respectively designated Staff members and their successors.

7. No later than eighteen (18) months from the start of this pilot, the Office of Vocational Rehabilitation shall file an interim report to the Commission, at this docket, evaluating the Telecommunications Device Distribution Program Pilot at that time and making recommendations for actions to be taken at the conclusion of the Telecommunications Device Distribution Program Pilot.

8. Within sixty (60) days of the receipt of the Office of Vocational Rehabilitation report, the Law Bureau, in consultation with other Commission Staff Bureaus and Offices, shall submit a report to the Commission containing recommendations on the Telecommunications Device Distribution Program Pilot including any recommendations proposed by the Office of Vocational Rehabilitation.

9. A copy of this Order be published in the *Pennsylvania Bulletin* and also served upon the Department of Labor and Industry Office of Vocational Rehabilitation, the Office of Consumer Advocate, the Office of Small Business Advocate, the Commission’s Bureau of Investigation and Enforcement, the Honorable Representative

Edward C. Gainey, the Department of Labor and Industry Advisory Council for the Deaf and Hard of Hearing, the Commission's Pennsylvania Telecommunications Relay Service Advisory Board, the Department of Labor and Industry Office for the Deaf and Hard of Hearing, and the Hearing Loss Association of America Pennsylvania State Office.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-1352. Filed for public inspection July 17, 2015, 9:00 a.m.]

Petition of Pike County Light & Power

P-2015-2490141. Pike County Light & Power. Petition of Pike County Light & Power for approval of a Default Service Implementation Plan beginning June 1, 2016.

Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before August 3, 2015. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the petitioner and a copy provided to the Administrative Law Judge. The documents filed in support of the petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov and at the petitioner's business address.

Applicant: Pike County Light & Power Company, c/o Orange & Rockland Utilities, Inc., 4 Irving Place, New York, NY 10003

Through and By Counsel: John J. Gallagher, Esq., 711 Forrest Road, Harrisburg, PA 17112, (717) 599-5839, jgallagher@jglawpa.com and Enver Acevedo, Senior Attorney, Consolidated Edison Company, Inc., 4 Irving Place, New York, NY 10003, (212) 460-3762, fax (212) 677-5850, acevedoe@coned.com

Prehearing Conference

An initial prehearing conference on the previously-captioned case will be held as follows:

Date: Thursday, August 6, 2015

Time: 10 a.m.

Location: Hearing Room 3
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Presiding: Administrative Law Judge Joel H. Cheskis
P. O. Box 3265
Harrisburg, PA 17105-3265
(717) 787-3265
Fax: (717) 787-0481

For persons with a disability who wish to attend the hearing, the Commission may be able to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit the request.

Persons who require an interpreter to participate in the hearings, the Commission will make every reasonable

effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit the request.

- Scheduling Office: (717) 787-1399

- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-1353. Filed for public inspection July 17, 2015, 9:00 a.m.]

Pro Forma Transaction

A-2015-2491621 and A-2015-2491622. HyperCube Telecom, LLC and Intrado Communications, Inc. Joint application of HyperCube Telecom, LLC and Intrado Communications, Inc. for all approvals under 66 Pa.C.S. (relating to Public Utility Code) of a pro forma transaction disposing of stock not involving a change in conditions of service or rates.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before August 3, 2015. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicants: HyperCube Telecom, LLC; Intrado Communications, Inc.

Through and By Counsel: Deanne M. O'Dell, Esquire, Eckert Seamans Cherin & Mellott, LLC, 213 Market Street, 8th Floor, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-1354. Filed for public inspection July 17, 2015, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by August 3, 2015. 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-2015-2489308. Tony Williams Car Service, LLC (1 Elwyn Avenue, Carnegie, Allegheny County, PA 15106) persons in limousine service, from points in Allegheny, Beaver, Butler, Westmoreland and Washington Counties, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

A-2015-2489778. Pocono Wine Tours, LLC (207 Lyric Circle, Saylorsburg, PA 18353) for the right to begin to transport, as a common carrier, by motor vehicle, persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in the Counties of Monroe, Carbon and Northampton.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-1355. Filed for public inspection July 17, 2015, 9:00 a.m.]

Transfer of Control

A-2015-2491623 and A-2015-2491624. Charter Communications, Inc. and Time Warner Cable, Inc., Time Warner Cable Information Services (Pennsylvania), LLC and Time Warner Cable Business, LLC. Joint application of Charter Communications, Inc. and Time Warner Cable, Inc., Time Warner Cable Information Services (Pennsylvania), LLC and Time Warner Cable Business, LLC for approval of the transfer of control of Time Warner Cable Information Services (Pennsylvania), LLC and Time Warner Cable Business, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before August 3, 2015. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicants: Charter Communications, Inc.; Time Warner Cable, Inc.; Time Warner Cable Information Services (Pennsylvania), LLC; Time Warner Cable Business, LLC

Through and By Counsel: Deanne M. O'Dell, Esquire, Eckert Seamans Cherin & Mellott, LLC, 213 Market Street, 8th Floor, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-1356. Filed for public inspection July 17, 2015, 9:00 a.m.]

Water and Sewer Service

A-2015-2491413 and A-2015-2491414. The Meadows at Watsonstown, LLC. Joint application of The Meadows at Watsonstown, LLC for approval, nunc pro tunc, of: 1) the transfer to it of water and sewer assets from DDB Watsonstown, LP; 2) the right of The Meadows at

Watsonstown, LLC to provide water service to the public in a limited portion of Delaware Township, Northumberland County, known as Spring Lake Crest; 3) the right of The Meadows at Watsonstown, LLC to provide sewer service to the public in a limited portion of Delaware Township, Northumberland County, known as Spring Lake Crest; 4) the adoption of the existing water tariff; and 5) the adoption of the existing sewer tariff.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before August 3, 2015. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: The Meadows at Watsonstown, LLC

Through and By Counsel: Michael D. Klein, Esquire, D. Troy Sellars, Esquire, Cozen O'Connor, 305 North Front Street, Suite 400, Harrisburg, PA 17101-1236

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-1357. Filed for public inspection July 17, 2015, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Notice of Rescheduling of Sales of Wheelchair Accessible Taxicab Medallions

The Philadelphia Parking Authority's Board Order 15-003, published at 45 Pa.B. 1239 (March 7, 2015), directing the Taxicab and Limousine Division (TLD) to administer the sale of 61 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 on each of the following dates at 10 a.m. at the TLD Headquarters at 2415 South Swanson Street, Philadelphia, PA 19148:

<i>Sale Date</i>	<i>Medallion Nos.</i>
July 8, 2015	WP-1651, WP-1652, WP-1653, WP-1654, WP-1655 and WP-1656
July 15, 2015	WP-1657, WP-1658, WP-1659, WP-1660 and WP-1661

However, under paragraph number 9 of the Board Order, TLD Director James R. Ney exercised his discretion to reschedule the sale of these medallions.

Therefore, the sealed bids for these medallions will be opened by the Director at the TLD's Headquarters at 10 a.m. at 2415 South Swanson Street, Philadelphia, PA 19148:

<i>New Sale Date</i>	<i>Medallion Nos.</i>
August 19, 2015	WP-1651, WP-1652, WP-1653, WP-1654 and WP-1655
August 26, 2015	WP-1656, WP-1657, WP-1658, WP-1659, WP-1660 and WP-1661

Refer to Board Order 15-003, published at 45 Pa.B. 1239, 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. 15-1358. Filed for public inspection July 17, 2015, 9:00 a.m.]

Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority application to render service as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148 by August 3, 2015. The nonrefundable protest filing fee is \$2,500 payable to the PPA by certified check or money order. The application is available for inspection at the TLD with Administrative Counsel between 9 a.m. and 4 p.m., Monday through Friday (contact Christine Kirlin, Esq. to make an appointment) or may be inspected at the business address of the respective applicant.

Doc. No. A-15-05-04. Tarp Taxi, LLC (2351 South Swanson Street, Philadelphia, PA 19148): An application for a medallion taxicab certificate of public convenience (CPC) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney:* David R. Alperstein, Esquire, 1080 North Delaware Avenue, Suite 505, Philadelphia, PA 19125.

Doc. No. A-15-05-03. Turquoise Taxi, LLC (2351 South Swanson Street, Philadelphia, PA 19148): An application for a medallion taxicab CPC to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney:* David R. Alperstein, Esquire, 1080 North Delaware Avenue, Suite 505, Philadelphia, PA 19125.

Doc. No. A-15-05-14. Oracle Taxi, LLC (2351 South Swanson Street, Philadelphia, PA 19148): An application for a medallion taxicab CPC to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney:* David R. Alperstein, Esquire, 1080 North Delaware Avenue, Suite 505, Philadelphia, PA 19125.

Doc. No. A-15-05-15. Synapse Taxi, LLC (2351 South Swanson Street, Philadelphia, PA 19148): An application

for a medallion taxicab CPC to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney:* David R. Alperstein, Esquire, 1080 North Delaware Avenue, Suite 505, Philadelphia, PA 19125.

Doc. No. A-15-05-18. Supply Taxi, LLC (2351 South Swanson Street, Philadelphia, PA 19148): An application for a medallion taxicab CPC to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney:* David R. Alperstein, Esquire, 1080 North Delaware Avenue, Suite 505, Philadelphia, PA 19125.

Doc. No. A-15-06-08. Ponthea, Inc. (1415 June Lane, Penn Valley, PA 19072): An application for a medallion taxicab CPC to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

Doc. No. A-15-07-01. Clark's Premier Limousine, LLC (122 Altimari Court, Southampton, PA 18966): An application for a limousine CPC to transport persons on an exclusive basis arranged for in advance in luxury limousine service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney:* Michael S. Henry, Esquire, 100 South Broad Street, Suite 650, Philadelphia, PA 19110.

Doc. No. A-15-07-01. Clark's Premier Limousine, LLC (122 Altimari Court, Southampton, PA 18966): An application for a limousine CPC to transport persons on an exclusive basis arranged for in advance in 9-15 passenger vehicle service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney:* Michael S. Henry, Esquire, 100 South Broad Street, Suite 650, Philadelphia, PA 19110.

VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 15-1359. Filed for public inspection July 17, 2015, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 15-088.P, Construction of Emergency Laydown Space at Southport West, until 2 p.m. on Monday, August 10, 2015. Information (including mandatory prebid information) can be obtained from the web site www.philaport.com under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 15-1360. Filed for public inspection July 17, 2015, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable items), section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, so individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended, or Existing</i>	<i>Action Taken</i>
Samuel U. Stoltzfus, Jr. and Daniel Z. Beiler 8819 State Route 44 South Williamsport, PA 17702	Lycoming County/ Limestone Township	18.52	Layers	New	Approved
Tyler Snider 22357 Mountain Foot Road Neelyton, PA 17239	Huntingdon County/ Dublin Township	1,171.85	Swine/ Cattle	Amended	Approved
Robert Gochenaur 3449 Delta Road Airville, PA 17302	York County/ Lower Chanceford Township	181.3	Broilers	Amended	Approved
Joel H. Rutt 1178 White Oak Road Manheim, PA 17545	Lancaster County/ Rapho Township	170.14	Broiler	Amended	Approved
S. & A. Kreider & Sons, Inc.—Main Farm Scott Kreider 761 Spring Valley Road Quarryville, PA 17566	Lancaster County/ East Drumore Township	1,118	Cattle	Amended	Approved
Jeffrey S. Barley— The Barley Farms 862 Donerville Road Millersville, PA 17551	Lancaster County/ Manor Township	151.47	Pullets	New	Approved
Kevin Frey 3827 Bossler Road Elizabethtown, PA 17022	Lancaster County/ West Donegal Township	118.5	Layers	New	Approved
Dean Weinhold 442 North Farmersville Road Ephrata, PA 17522	Lancaster County/ West Earl Township	19.16	Broilers/ Horse	New	Approved
S. Lamar Haldeman 1553 Shamrock Road Paxinos, PA 17860	Northumberland County/ Shamokin Township	63.72	Broilers/ Horse/Swine	Amended	Approved

JOHN QUIGLEY,
Chairperson

[Pa.B. Doc. No. 15-1361. Filed for public inspection July 17, 2015, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing

The Susquehanna River Basin Commission (Commission) will hold a public hearing on August 6, 2015, at 7 p.m. at the East Hanover Township Municipal Building, Main Hall, 8848 Jonestown Road, Grantville, PA 17028 (parking lot entry off of Manada Gap Road; see <http://easthanoverwpdcpa.org/index.php/about-contact>). The public hearing will end at 9 p.m. or at the conclusion of public testimony, whichever is sooner. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. The projects are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for September 10, 2015, which will be noticed separately. The Commission will also hear testimony on amending the Comprehensive Plan for the Water Resources of the Susquehanna River Basin. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects and other items. The deadline for the submission of written comments is August 17, 2015.

For further information contact Jason Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436.

Information concerning the applications for these projects is available at the Commission's Water Resource Portal at www.srbc.net/wrp. Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at www.srbc.net/pubinfo/docs/2009-02_Access_to_Records_Policy_20140115.pdf.

Supplementary Information

The public hearing will cover amendments to the Comprehensive Plan for the Water Resources of the Susquehanna River Basin. The public hearing will also cover the following projects:

Projects Scheduled for Action

1. Project Sponsor and Facility: Caernarvon Township Authority, Caernarvon Township, Berks County, PA. Application for groundwater withdrawal of up to 0.763 mgd (30-day average) from Well 7.
2. Project Sponsor and Facility: Chetremon Golf Course, LLC, Burnside Township, Clearfield County, PA. Application for consumptive water use of up to 0.200 mgd (peak day).
3. Project Sponsor and Facility: Chetremon Golf Course, LLC (Irrigation Storage Pond), Burnside Township, Clearfield County, PA. Application for surface water withdrawal of up to 0.200 mgd (peak day).
4. Project Sponsor and Facility: Chief Oil & Gas, LLC (Loyalsock Creek), Forksville Borough, Sullivan County, PA. Application for surface water withdrawal of up to 2.000 mgd (peak day).
5. Project Sponsor and Facility: Furman Foods, Inc., Point Township, Northumberland County, PA. Application for renewal of groundwater withdrawal of up to 0.320 mgd (30-day average) from Well 1 (Docket No. 19850901).
6. Project Sponsor and Facility: Furman Foods, Inc., Point Township, Northumberland County, PA. Application

for renewal of groundwater withdrawal of up to 0.190 mgd (30-day average) from Well 4 (Docket No. 19850901).

7. Project Sponsor and Facility: Furman Foods, Inc., Point Township, Northumberland County, PA. Application for renewal of groundwater withdrawal of up to 0.090 mgd (30-day average) from Well 7 (Docket No. 19850901).

8. Project Sponsor and Facility: JELD-WEN, Inc. Fiber Division—PA, Wysox Township, Bradford County, PA. Application for groundwater withdrawal of up to 0.252 mgd (30-day average) from Well 1.

9. Project Sponsor and Facility: JELD-WEN, Inc. Fiber Division—PA, Wysox Township, Bradford County, PA. Application for groundwater withdrawal of up to 0.252 mgd (30-day average) from Well 4.

10. Project Sponsor and Facility: JELD-WEN, Inc. Fiber Division—PA, Wysox Township, Bradford County, PA. Application for groundwater withdrawal of up to 0.323 mgd (30-day average) from Well 5.

11. Project Sponsor and Facility: JELD-WEN, Inc. Fiber Division—PA, Wysox Township, Bradford County, PA. Application for groundwater withdrawal of up to 0.323 mgd (30-day average) from Well 6.

12. Project Sponsor and Facility: JELD-WEN, Inc. Fiber Division—PA, Wysox Township, Bradford County, PA. Application for groundwater withdrawal of up to 0.345 mgd (30-day average) from Well 7.

13. Project Sponsor and Facility: JELD-WEN, Inc. Fiber Division—PA, Wysox Township, Bradford County, PA. Application for consumptive water use of up to 0.424 mgd (peak day).

14. Project Sponsor and Facility: Keister Miller Investments, LLC (West Branch Susquehanna River), Mahaffey Borough, Clearfield County, PA. Application for surface water withdrawal of up to 2.000 mgd (peak day).

15. Project Sponsor and Facility: Lycoming County Water and Sewer Authority, Fairfield Township, Lycoming County, PA. Application for groundwater withdrawal of up to 0.180 mgd (30-day average) from Production Well 3.

16. Project Sponsor and Facility: Moxie Freedom, LLC, Salem Township, Luzerne County, PA. Application for consumptive water use of up to 0.092 mgd (peak day).

17. Project Sponsor and Facility: Moxie Freedom, LLC, Salem Township, Luzerne County, PA. Application for groundwater withdrawal of up to 0.062 mgd (30-day average) from Production Well 1.

18. Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Conservation and Restoration. Project Facility: Cresson Mine Drainage Treatment Plant, Cresson Borough, Cambria County, PA. Application for groundwater withdrawal from Argyle Stone Bridge Well for inclusion in treatment of up to 6.300 mgd (30-day average) from four sources.

19. Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Conservation and Restoration. Project Facility: Cresson Mine Drainage Treatment Plant, Cresson Township, Cambria County, PA. Application for groundwater withdrawal from Cresson No. 9 Well for inclusion in treatment of up to 6.300 mgd (30-day average) from four sources.

20. Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Conservation and Restoration. Project Facility: Cresson Mine Drainage Treatment Plant, Gallitzin Township, Cambria County, PA. Application for groundwater withdrawal from Gallitzin

Shaft Well 2A (Gallitzin Shaft #2) for inclusion in treatment of up to 6.300 mgd (30-day average) from four sources.

21. Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Conservation and Restoration. Project Facility: Cresson Mine Drainage Treatment Plant, Gallitzin Township, Cambria County, PA. Application for groundwater withdrawal from Gallitzin Shaft Well 2B (Gallitzin Shaft #1) for inclusion in treatment of up to 6.300 mgd (30-day average) from four sources.

22. Project Sponsor and Facility: Seneca Resources Corporation (Marsh Creek), Delmar Township, Tioga County, PA. Application for renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20110907).

23. Project Sponsor and Facility: Shrewsbury Borough, York County, PA. Application for renewal and modification to increase groundwater withdrawal by an additional 0.024 mgd (30-day average), for a total of up to 0.089 mgd (30-day average) from the Blouse Well (Docket No. 19820103).

24. Project Sponsor and Facility: Shrewsbury Borough, York County, PA. Application for renewal of groundwater withdrawal of up to 0.099 mgd (30-day average) from the Smith Well (Docket No. 19811203).

25. Project Sponsor and Facility: SWN Production Company, LLC (Tioga River), Hamilton Township, Tioga County, PA. Application for surface water withdrawal of up to 2.000 mgd (peak day).

26. Project Sponsor and Facility: Talisman Energy USA, Inc. (Wappasening Creek), Windham Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 1.000 mgd (peak day) (Docket No. 20110621).

27. Project Sponsor: UGI Development Company. Project Facility: Hunlock Creek Energy Center, Hunlock Township, Luzerne County, PA. Modification to increase

consumptive water use by an additional 1.526 mgd (peak day), for a total of up to 2.396 mgd (peak day) (Docket No. 20090916).

28. Project Sponsor and Facility: XTO Energy, Inc. (West Branch Susquehanna River), Chapman Township, Clinton County, PA. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20110911).

Request for Conditional Transfer

1. Panda Power Funds request for transfer of ownership of Hummel Station, LLC (Docket Nos. 20081222 and 20081222-2). Transferred dockets will include modification of conditions requiring mitigation of all consumptively used water.

Opportunity to Appear and Comment

Interested parties may appear at the hearing to offer comments to the Commission on any project or other item previously listed. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Ground rules will be posted on the Commission's web site, www.srbc.net, prior to the hearing for review. The presiding officer reserves the right to modify or supplement these rules at the hearing. Written comments on any project or other item previously listed may also be mailed to Jason Oyler, General Counsel, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788, or submitted electronically through www.srbc.net/pubinfo/publicparticipation.htm. Comments mailed or electronically submitted must be received by the Commission on or before August 17, 2015, to be considered.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: July 2, 2015.

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 15-1362. Filed for public inspection July 17, 2015, 9:00 a.m.]

