

PENNSYLVANIA BULLETIN

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Board of Coal Mine Safety
Department of Banking and Securities
Department of Community and Economic
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Department of Conservation and Natural
Resources
Department of Environmental Protection
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Environmental Hearing Board
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Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
State Board of Barber Examiners
State Board of Cosmetology
State Board of Nursing

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

No. 493, December 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

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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 057 through 070					
057	Nov 4	HB0138	PN2256	60 days	Health and Safety (35 Pa.C.S.)—soliciting by first responder organizations
058	Nov 4	HB0792	PN1678	90 days	Housing Finance Agency Law—Interfund transfers from Housing Affordability and Rehabilitation Enhancement Fund
059	Nov 4	HB0874	PN2009	60 days	Crimes Code (18 Pa.C.S.)—offenses of harassment, stalking and threat to use weapons of mass destruction
060	Nov 4	HB1275	PN2336	60 days	Dental Law—public health dental hygiene practitioner and restricted faculty license
061	Nov 4	SB0765	PN1302	60 days	Vehicle Code (75 Pa.C.S.)—duty of driver in emergency response areas
062	Nov 24	HB0089	PN0079	Immediately*	Judicial Code (42 Pa.C.S.)—automatic retirement on age
063	Nov 24	HB0239	PN2334	60 days	County Pension Law—further providing for supplemental benefits
064	Nov 24	HB0753	PN1052	Six months	Pennsylvania Long-term Care Council Act—enactment
065	Nov 24	SB0077	PN0053	60 days	Game and Wildlife Code (34 Pa.C.S.)—dog training areas
066	Nov 24	SB0609	PN1386	Immediately	Prostate Cancer Surveillance, Education, Detection and Treatment Act—enactment
067	Nov 24	SB0775	PN0834	60 days	Cities (11 Pa.C.S.)—omnibus amendments
068	Nov 24	SB0791	PN0951	60 days	Second Class Township Code—removal for failure to perform duties
069	Nov 24	SB0793	PN1031	60 days	Second Class Township Code—building and housing regulations, building and housing inspectors, Uniform Construction Code, property maintenance code and reserved powers
070	Nov 24	SB0887	PN1364	Six months	Vehicle Code (75 Pa.C.S.)—duty of driver in construction and maintenance areas or on highway safety corridors and duty of driver in emergency response areas
2015 Joint Resolutions of Regular Session Passed—JR 001					
001	Nov 16	HB0090	PN0251		Constitution of Pennsylvania—compensation and retirement of justices, judges and justices of the peace

* 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. 15-2207. Filed for public inspection December 18, 2015, 9:00 a.m.]

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

[231 PA. CODE PART II]

Order Rescinding and Replacing Rules 1.1 through 13.3 and Rule 17 and Amending Rules 14.1 through 16.12 of the Orphans' Court Rules; No. 682 Supreme Court Rules Doc.

Amended Order

Per Curiam

And Now, this 1st day of December, 2015, upon the recommendation of the Orphans' Court Procedural Rules Committee; the proposal having been published for public comment at 43 Pa.B. 2010 (April 13, 2013):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that:

1) Rules 1.1 through 13.3 and Rule 17 of the Pennsylvania Orphans' Court Rules are rescinded and replaced; and

2) Rules 14.1 through 16.12 of the Pennsylvania Orphans' Court Rules 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 September 1, 2016 for all legal papers and pleadings filed as of that date.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

RULE 1. [JUDGES—LOCAL RULES] (Reserved)

(Editor's Note: Rule 1 of the Orphans' Court Rules, which appears in 231 Pa. Code pages 1-1 to 1-2, serial pages (373431) and (373432), is reserved.)

Rules 1.1—1.3. (Reserved).

RULE 2. [CONSTRUCTION AND APPLICATION OF RULES] (Reserved)

(Editor's Note: Rule 2 of the Orphans' Court Rules, which appears in 231 Pa. Code page 2-1, serial page (307573), is reserved.)

Rules 2.1—2.3. (Reserved).

RULE 3. [PLEADING AND PRACTICE] (Reserved)

(Editor's Note: Rule 3 of the Orphans' Court Rules, which appears in 231 Pa. Code pages 3-1—3-5, serial pages (370011), (370012) and (307577)—(307579), is reserved.)

Rules 3.1—3.7. (Reserved).

RULE 4. [COMPUTATION OF TIME] (Reserved)

(Editor's Note: Rule 4 of the Orphans' Court Rules, which appears in 231 Pa. Code page 4-1, serial page (236781), is reserved.)

Rules 4.1—4.3. (Reserved).

RULE 5. [NOTICE] (Reserved)

(Editor's Note: Rule 5 of the Orphans' Court Rules, which appears in 231 Pa. Code pages 5-1—5-4, serial pages (323245)—(323248), is reserved.)

Rules 5.1—5.6. (Reserved).

RULE 6. [ACCOUNTS AND DISTRIBUTION] (Reserved)

(Editor's Note: Rule 6 of the Orphans' Court Rules, which appears in 231 Pa. Code pages 6-1—6-5, serial pages (326689)—(326691) and (323253)—(323255), is reserved.)

Rules 6.1—6.12. (Reserved).

RULE 7. [EXCEPTIONS] (Reserved)

(Editor's Note: Rule 7 of the Orphans' Court Rules, which appears in 231 Pa. Code pages 7-1—7-3, serial pages (272413)—(272415), is reserved.)

Rules 7.1 and 7.2. (Reserved).

RULE 8. [AUDITORS AND MASTERS] (Reserved)

(Editor's Note: Rule 8 of the Orphans' Court Rules, which appears in 231 Pa. Code pages 8-1 to 8-2, serial pages (236797) and (236798), is reserved.)

Rules 8.1—8.8. (Reserved).

RULE 9. [OFFICIAL EXAMINERS] (Reserved)

(Editor's Note: Rule 9 of the Orphans' Court Rules, which appears in 231 Pa. Code page 9-1, serial page (236799), is reserved.)

Rule 9.1. (Reserved).

RULE 10. [REGISTER OF WILLS] (Reserved)

(Editor's Note: Rule 10 of the Orphans' Court Rules, which appears in 231 Pa. Code page 10-1, serial page (323257), is reserved.)

Rules 10.1 and 10.2. (Reserved).

RULE 11. [JURY TRIALS] (Reserved)

(Editor's Note: Rule 11 of the Orphans' Court Rules, which appears in 231 Pa. Code page 11-1, serial page (276615), is reserved.)

Rules 11.1 and 11.2. (Reserved).

RULE 12. [SPECIAL PETITIONS] (Reserved)

(Editor's Note: Rule 12 of the Orphans' Court Rules, which appears in 231 Pa. Code pages 12-1—12-8, serial pages (276617)—(276624), is reserved.)

Rules 12.1—12.15. (Reserved).

RULE 13. [DISTRIBUTION; SPECIAL SITUATIONS] (Reserved)

(Editor's Note: Rule 13 of the Orphans' Court Rules, which appears in 231 Pa. Code page 13-1, serial page (276625), is reserved.)

Rules 13.1—13.3. (Reserved).

RULE 17. [SHORT TITLE] (Reserved)

(Editor's Note: Rule 17 of the Orphans' Court Rules, which appears in 231 Pa. Code page 17-1, serial page (323267), is reserved.)

Rule 17.1. (Reserved).

(*Editor's Note:* Chapters I—X are new and printed in regular type to enhance readability.)

CHAPTER I. PRELIMINARY RULES

Rule

- 1.1. Short Title and Citation.
- 1.2. Construction and Application of Rules.
- 1.3. Definitions.
- 1.4. Extension of Time Limitations.
- 1.5. Local Rules.
- 1.6. Mediation by Agreement, Local Rule, or Court Order.
- 1.7. Entry and Withdrawal of Counsel.
- 1.8. Forms.

Rule 1.1. Short Title and Citation.

These Rules shall be known as the Pennsylvania Orphans' Court Rules, shall be referred to individually herein as "Rule," and cited as "Pa.O.C. Rule _____."

Note: Rule 1.1 is substantively similar to former Rule 17.

Rule 1.2. Construction and Application of Rules.

(a) The Rules adopted by the Supreme Court regulating the practice and procedure of the Orphans' Court Divisions of this Commonwealth and the local rules adopted by such courts shall be liberally construed to secure the just, timely and efficient determination of every action or proceeding to which they are applicable. The court at every stage of any action or proceeding may disregard any error or defect of procedure that does not affect the substantive rights of the parties in interest.

(b) The principles of interpretation and related matters set forth in Pa.R.C.P. Nos. 102 through 153 inclusive, with the exception of Pa.R.C.P. No. 126, shall apply to these Rules.

Note: Rule 1.2(a) is identical to former Rule 2.1. Rule 1.2(b) is new.

Explanatory Comment: The Orphans' Court Division exercises equitable powers and applies equitable principles. *Estate of Hahn*, 369 A.2d 1290, 1291-92 (Pa. 1977); *Estate of Freihofer*, 174 A.2d 282, 284 (Pa. 1961).

The question frequently arises as to the effect and use of the notes and explanatory comments which are issued with the Orphans' Court Rules. Notes and explanatory comments are not part of the Rules but they may be used in construing the Rules. The Supreme Court of Pennsylvania has stated in *Laudenberger v. Port Authority of Allegheny County*, 436 A.2d 147, 151 (Pa. 1981):

These explanatory notes have not been officially adopted or promulgated by this Court, nor do they constitute part of the rule. However, they indicate the spirit and motivation behind the drafting of the rule, and they serve as guidelines for understanding the purpose for which the rule was drafted.

Rule 1.3. Definitions.

The following words and phrases when used in these Rules shall have the following meanings, respectively, unless the context clearly indicates otherwise or the particular word or phrase is expressly defined in the Chapter in which the particular Rule is included:

"Accountant"—a fiduciary or other party who has filed an Account;

"Account"—a financial report by a fiduciary of the principal and income transactions in the form prescribed by Rule 2.1, excluding the annual reports of Guardians;

"Adult"—an individual eighteen years of age or over;

"Clerk"—the Clerk of the Orphans' Court Division or its equivalent;

"Commonwealth"—the Commonwealth of Pennsylvania;

"Court"—the Orphans' Court Division of the Court of Common Pleas or any judge thereof having jurisdiction;

"Electronic Filing"—the electronic transmission via the internet of a legal paper to the clerk;

"Facsimile copy"—a copy of a document transmitted and received by facsimile equipment;

"Fiduciary"—an agent under a power of attorney, custodian under the Uniform Transfers to Minors Act, personal representative, guardian, trustee, guardian *ad litem*, or trustee *ad litem*, and any other person acting in any similar capacity, whether domiciliary or ancillary, individual or corporate, subject to the jurisdiction of the court;

"Filing Party"—a party, or an attorney acting on behalf of a party, who files a legal paper;

"Guardian"—a fiduciary who has the care and management of the estate, the person, or both, of a minor or an incapacitated person;

"Guardian *ad litem* or Trustee *ad litem*"—a fiduciary who is appointed by a court in a legal proceeding to represent an individual or class of individuals under a legal disability;

"Incapacitated Person"—a person determined to be incapacitated under the provisions of Chapter 55 of Title 20 (relating to incapacitated persons);

"Interested Party"—one or more individuals or entities having or claiming an interest in the estate, trust, person or other entity that is the subject of the legal proceeding;

"Legal Paper"—a document that is filed with the court;

"Local Rule"—every Rule promulgated in accordance with Rule 1.5;

"Majority"—when used in reference to age, means of the age of eighteen years or over;

"Minor"—an individual under the age of eighteen years;

"Motion"—if in writing, a legal paper that must be signed, but does not need to be verified, does not plead any facts not of record, and does not require the court to obtain jurisdiction over an Interested Party;

"Objector"—an individual or entity filing objections to an Account and/or Petition for Adjudication/Statement of Proposed Distribution pursuant to Rule 2.7;

"Personal Representative"—the executor or administrator of any description of a decedent's estate;

"Petition for Adjudication/Statement of Proposed Distribution"—a uniform, statewide form promulgated by the Supreme Court used in conjunction with the filing of an Account (see Appendix of forms);

"Pleading"—a type of legal paper that must be signed and verified in accordance with Rules 3.12 and 3.13 and includes, but is not limited to, petitions, answers, replies, and certain preliminary objections;

"Publication"—the publication in a newspaper of general circulation where such newspaper is originally issued and circulated;

"Register of Wills" or "Register"—the Register of Wills or its equivalent having jurisdiction or authority to probate wills and grant letters as provided by 20 Pa.C.S. § 901;

“Supreme Court”—the Supreme Court of the Commonwealth;

“Verified”—when used in reference to a written statement of fact, means supported by the signer’s oath or affirmation or made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Note: This definitional section is new; but, some of the definitions are substantively identical to the definitions in former Rule 2.3 and other definitions are taken from and are similar to Pa.R.C.P. No. 76.

Rule 1.4. Extension of Time Limitations.

The court, upon its own motion or the motion of any party, may extend any time period prescribed by these Rules.

Note: Rule 1.4 is identical to former Rule 2.2.

Rule 1.5. Local Rules.

(a) All previously promulgated local rules are hereby vacated, effective September 1, 2016, except for those local rules promulgated under Chapter 14 regarding guardianship of incapacitated persons, Chapter 15 regarding adoptions, and Chapter 16 regarding proceedings pursuant to section 3206 of the Abortion Control Act.

(b) The Orphans’ Court Divisions of the several judicial districts of this Commonwealth may adopt local rules regulating practice and procedure. Such local rules shall not be inconsistent with these Rules.

(c) The local rules applicable to practice in the Civil or Trial Division of the local Court of Common Pleas shall not be applicable in the Orphans’ Court Division unless so directed by these Rules or by local rule adopted by the court of the particular judicial district in accordance with this Rule.

(d) When a local rule corresponds to a Rule, the local rule shall be given a number that corresponds to the number of these Rules.

(e) All proposed local rules and proposed amendments to local rules shall be submitted in writing to the Supreme Court Orphans’ Court Procedural Rules Committee (“Committee”) for review in advance of becoming effective. The submitting court shall not adopt the proposed local rule or proposed amendment to the local rule until the submitting court receives written notification from the Committee that the proposed local rule or the proposed amendment to the local rule is not inconsistent with these Rules.

(f) After written notification is received from the Committee, the submitting court shall comply with all the following requirements:

- (1) The local rule shall be set forth in writing;
- (2) One certified paper copy of the local rule shall be filed with the Administrative Office of Pennsylvania Courts;
- (3) Two certified paper copies of the local rule and a computer diskette or a CD-ROM that complies with requirements of 1 Pa. Code § 13.11(b), or an agreed-upon alternate format, containing the text of the local rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(4) A copy of the local rule shall be published on the Unified Judicial System’s website through the Pennsylvania Judiciary’s Web Application Portal, currently <http://ujportal.pacourts.us/localrules/ruleselection.aspx>; and

(5) The local rule shall be kept continuously available in the office of the clerk for public inspection and copying by any person. Upon request and the payment of reasonable costs for reproduction and mailing, the clerk shall furnish to any person a copy of any local rule.

(g) A local rule shall become effective only upon publication on the Pennsylvania Judiciary’s Web Application Portal and not less than thirty days after the date of publication of the local rule in the *Pennsylvania Bulletin*.

(h) No case shall be dismissed nor request for relief granted or denied because of the failure to comply with a local rule. In any case of noncompliance with a local rule, the court shall advise the party of the specific provision at issue and provide a reasonable time for the party to comply with the local rule. Subsequent noncompliance may result in court-imposed sanctions.

(i) The Committee may at any time recommend that the Supreme Court suspend, vacate, or require amendment of a local rule.

Note: Rule 1.5 is new; but, the procedures for promulgating local rules are based upon former Rule 1.2 and have been modeled after those found in Pa.R.Crim.P. 105. The Administrative Office of Pennsylvania Courts maintains a web site containing the texts of local rules at <http://www.pacourts.us/T/SpecialCourts/LocalRules.htm>.

Explanatory Comment: After the court has alerted the party to the local rule pursuant to subparagraph (h), the court may impose a sanction for subsequent noncompliance either on the individual party or counsel who has entered a written appearance on behalf of a party, but may not dismiss the petition, or grant or deny relief because of noncompliance with the local rule. *Cf.* Pa.R.Crim.P. 105 Comment.

Rule 1.6. Mediation by Agreement, Local Rule, or Court Order.

All parties having an interest in a matter may participate by written agreement, or the court by local rule or order in a particular matter may provide for the parties to participate, in private mediation or in court-supervised mediation.

Note: Rule 1.6 has no counterpart in former Orphans’ Court Rules.

Explanatory Comment: The confidentiality of mediation is provided by statute, *See* 42 Pa.C.S. § 5949.

Rule 1.7. Entry and Withdrawal of Counsel.

(a) *Appearance.* Any counsel appearing before the court or the Register shall enter a written appearance by any one of the following means:

- (1) filing an entry of appearance with the clerk or the Register;
- (2) signing a legal paper that is filed with the clerk or the Register; or
- (3) as prescribed by local rule, which may include submitting an appearance slip to the court, entering counsel’s information when a legal paper is filed, or signing a cover sheet.

(b) *Withdrawal.* Counsel who has entered an appearance before the court as provided in subparagraph (a) shall not be permitted to withdraw without filing a petition to withdraw and obtaining the court’s leave, unless co-counsel, if any, will continue representing the party or there is a simultaneous entry of appearance by other counsel that will not delay the litigation.

Note: Rule 1.7 has no counterpart in former Orphans' Court Rules, but is based upon many local rules of similar import.

Explanatory Comment: Admission *pro hac vice* in accordance with Pennsylvania Bar Admission Rule 301 shall proceed by request, the disposition and content of which shall conform to the requirements of Pennsylvania Rule of Civil Procedure No. 1012.1.

Rule 1.8. Forms.

(a) The forms approved by the Supreme Court for statewide practice and procedure before the Registers and courts shall be used exclusively by all Registers and clerks. Where a Supreme Court-approved form exists, no other form shall be allowed or required by local rule or practice.

(b) The forms approved by the Supreme Court for statewide practice are set forth in an Appendix to these Rules. The forms may be revised and supplemented from time to time. The forms shall also be maintained for public access at the official website of the Administrative Office of Pennsylvania Courts.

(c) A court may require a legal paper to be accompanied by a cover sheet or checklist. A court that imposes such requirements must promulgate a local rule, numbered Local Rule 1.8(c), stating the requirements and setting forth the form of the cover sheet or checklist.

Note: Rule 1.8 is substantively similar to former Rule 1.3, but with some modifications.

Explanatory Comment: Rule 1.8 has been modified from former Rule 1.3 by now mandating the exclusive use of statewide forms promulgated by the Supreme Court. Previously, forms approved or mandated for use pursuant to local rule could be accepted by the local register and clerk so long as the local register and clerk also permitted and accepted forms promulgated by the Supreme Court. Now, if the Supreme Court has promulgated or approved a form for use before the register or clerk, then such form is the only one that may be used by the applicant or petitioner and is the only one that can be accepted by the local register or clerk. The mandatory statewide forms are set forth in the Appendix attached hereto. The current website for electronic access to the forms is found at www.pacourts.us/forms under the For-the-Public category. The forms posted on the website are capable of on-line completion.

CHAPTER II. ACCOUNTS, OBJECTIONS AND DISTRIBUTIONS

Rule	
2.1.	Form of Account.
2.2.	Form; Assets Transferred by the Exercise of a Power of Appointment.
2.3.	Form; Separate Accounts for Minors.
2.4.	Petition for Adjudication/Statement of Proposed Distribution; Virtual Representation.
2.5.	Notice of Account Filing.
2.6.	Filing with the Clerk.
2.7.	Objections to Accounts or Petitions for Adjudication/Statements of Proposed Distribution.
2.8.	Pleadings Allowed After Objections are Filed.
2.9.	Confirmation of Accounts; Awards.
2.10.	Foreign Heirs and Unknown Distributees.
2.11.	Appointment of Official Examiners.

Rule 2.1. Form of Account.

(a) Except where otherwise provided by an order of the court in a particular matter, Accounts shall be prepared and filed with the clerk in conformity with the form of the Model Accounts set forth in the Appendix or in conformity with any other form adopted by the Supreme Court subsequent to the date of adoption of these Rules.

(b) As illustrated in the Model Accounts, Accounts shall conform to the following rules:

(1) The dates of all receipts, disbursements and distributions, the sources of the receipts, and the persons to whom disbursements and distributions are made and the purpose thereof shall be stated. When a number of payments have been received from the same source or disbursed or distributed to the same recipient for the same purpose over a period of time, such receipts, disbursements or distributions need not be itemized, but may be stated in total amounts only, with beginning and ending dates within the period covered.

(2) Except where otherwise provided by an order of the court in a particular matter, principal and income shall be accounted for separately within the Account.

(3) Assets held by the accountant on the closing date of the Account shall be separately itemized.

(4) Every Account shall contain:

(i) a cover page;

(ii) a summary page with page references;

(iii) separate schedules, as needed, which set forth receipts, gains or losses on sales or other dispositions, disbursements, distributions, investments made, changes in holdings, and other schedules as appropriate; and

(iv) signature and verification pages signed by all the accountants stating the Account and verified by at least one of the accountants. The verification of a personal representative's Account shall contain a statement that the Grant of Letters and the first complete advertisement thereof occurred more than four months before the filing of the Account, unless the personal representative has been directed by the court to file an Account prior to that time.

(c) The Uniform Fiduciary Accounting Principles with accompanying commentaries and illustrations, recommended by the Committee on National Fiduciary Accounting Standards in collaboration with the National Center for State Courts, shall serve as an elaboration of the requirements of this Rule.

(d) When a non-profit corporation incorporated for charitable purposes or a cemetery company is required to file an Account, such corporation or company may file its financial statements for its three most recent fiscal years in lieu of filing an Account in the form required by this Rule. Financial statements shall be verified to be true and correct by a representative of the non-profit corporation or cemetery company.

(1) The court may require the corporation or company to submit its financial information in some other form or for some longer period.

(2) The court may require more or less financial information as it deems appropriate, including some or all of the following:

(i) the statute or other authority under which the corporation or company was incorporated and the date of its incorporation;

(ii) the names and addresses of the trustees or directors of the corporation or company;

(iii) a concise statement of the general purpose of the corporation or company; and

(iv) a copy of the corporation's or company's charter or articles of incorporation and bylaws.

Note: Rule 2.1 is substantively similar to former Rule 6.1 and Rule 12.15, except that certain subparagraphs have been reordered and Rule 12.15 and its Official Note have become subparagraph (d).

Explanatory Comment: Piggy-backed Accounts and limited Accounts are permitted pursuant to 20 Pa.C.S. §§ 762, 3501.2, and 7799.1.

Rule 2.2. Form; Assets Transferred by the Exercise of a Power of Appointment.

Assets that are appointed pursuant to the exercise of a power of appointment shall be accounted for separately, and testamentary assets shall be segregated from appointive assets.

Note: Rule 2.2 has been revised but remains substantively similar to subparagraph (d) of former Rule 6.1.

Rule 2.3. Form; Separate Accounts for Minors.

Unless the court for cause shown directs otherwise, the estate of each minor or the custodial account of each minor shall be accounted for separately.

Note: Rule 2.3 is substantively similar to former Rule 6.2, except that Rule 2.3 now also expressly encompasses the Account of a minor's custodial account.

Rule 2.4. Petition for Adjudication/Statement of Proposed Distribution; Virtual Representation.

(a) A petition for adjudication/statement of proposed distribution shall be filed with the clerk at the time of filing an Account.

(b) In addition to other information required by the form, the petition for adjudication/statement of proposed distribution shall set forth the name of each interested party (whether *sui juris* or not) who is not receiving notice of the filing of the Account and the filing of the petition for adjudication/statement of proposed distribution because another individual or entity is proposed to represent such interested party pursuant to 20 Pa.C.S. § 751(6) or §§ 7721—7726, and shall set forth additional facts as to the following:

(1) a statement of the interested party's interest in the property; and

(2) for representation being proposed pursuant to 20 Pa.C.S. § 751(6),

(i) a statement that the interested party is not *sui juris* or is unborn, unknown or unascertained; and

(ii) one of the following:

(A) a statement that the proposed representative has an interest in the property similar to that of the interested party who is not *sui juris* or is unborn, unknown or unascertained; or

(B) a statement that the proposed representative is the *sui juris* living ancestor of the interested party who is not *sui juris* or is unborn, unknown or unascertained and that such living *sui juris* ancestor has an interest in the property that is not adverse to that of the interested party who is not *sui juris* or is unborn, unknown or unascertained; and

(3) for representation in trust matters being proposed pursuant to 20 Pa.C.S. §§ 7721—7726,

(i) an explanation about how the interested party's interest in the property can be adequately represented by the proposed representative pursuant to 20 Pa.C.S. § 7723,

(ii) a statement that with respect to the matter at issue there is no conflict of interest between the proposed representative and the interested party to be represented that will or might affect the impartiality of the proposed representative (except as provided pursuant to 20 Pa.C.S. § 7723(7)); and

(iii) one of the following:

(A) either a statement that the proposed representative has been informed of the right to decline such representation pursuant to 20 Pa.C.S. § 7725 within the time period set forth therein and has failed to inform the trustee in writing that he or she declines to be the proposed representative; or

(B) that the proposed representative's signed consent to serve is attached as an exhibit to the petition for adjudication/statement of proposed distribution.

(c) The petition for adjudication/statement of proposed distribution shall be accompanied by such legal paper as is required by the form.

(d) At least one of the accountants stating the Account shall sign and verify the petition for adjudication/statement of proposed distribution in accordance with Rules 3.12 and 3.13.

(e) Counsel for the accountant shall sign the petition for adjudication/statement of proposed distribution in accordance with and pursuant to Rule 3.12.

Note: Although substantially modified, Rule 2.4 is derived from former Rule 6.9. One modification is to require averments for virtual representation under 20 Pa.C.S. § 751(6) generally and representation in "trust matters" pursuant to 20 Pa.C.S. § 7721 *et seq.* Another substantial modification is the addition of subparagraph (e) that requires counsel to sign the petition for adjudication/statement of distribution attesting that the submitted petition for adjudication/statement of distribution accurately replicates the Model Form and subjects counsel to rules and sanctions as provided in Pa.R.C.P. Nos. 1023.1 through 1023.4. (See Rule 3.12.)

Explanatory Comment: The Supreme Court has adopted form petitions for adjudication/statements of proposed distribution of a decedent's estate, trust, guardian of an incapacitated person's estate, guardian of a minor's estate, and the estate of a principal stated by an agent under a power of attorney. These form petitions for adjudication/statements of proposed distribution are the exclusive forms for adjudicating an Account, and consequently, the local court and clerk must accept these statewide forms and may not accept or allow any other forms previously permitted under local rules. The exclusive statewide form petitions for adjudication/statements of proposed distribution appear in the Appendix and are available electronically at www.pacourts.us/forms under the For-the-Public category.

Cover sheets or checklists may be required by local rule as permitted by Rule 1.8(c).

Rule 2.5. Notice of Account Filing.

(a) No Account shall be confirmed or statement of proposed distribution approved unless the accountant has given written notice of the filing of the Account as provided in subparagraph (d) of this Rule to the following, as applicable:

(1) every unpaid claimant who has given written notice of his or her claim to the accountant or who has performed any action that is the equivalent of giving written notice as provided in 20 Pa.C.S. §§ 3384 or 7755;

(2) any other individual or entity with an asserted claim known to the accountant that is not shown in either the Account or the petition for adjudication/statement of proposed distribution as being either paid in full or to be paid in full;

(3) any other individual or entity known to the accountant to have or claim an interest in the estate or trust as a beneficiary, heir, or next of kin, except for those legatees or claimants whose legacies or claims have been satisfied in full as reflected in the Account or will be satisfied in full as proposed in the petition for adjudication/statement of proposed distribution; and

(4) For an Account where a charitable interest is involved, refer to Rule 4.4.

(b) Notice to an individual or entity shall be given in accordance with Rule 4.2; provided, however, that if the individual or entity is represented by counsel who has entered his or her appearance in accordance with Rule 1.7(a), notice shall be given to counsel and the individual or entity.

(c) If the proposed distribution is to an estate or trust and a charity is a "qualified beneficiary," as defined in 20 Pa.C.S. § 7703, of that recipient estate or trust, then notice shall be given to the Attorney General on behalf of the charitable beneficiary. If the proposed distribution is to an estate or trust and any one of the accountants stating the Account is a personal representative or a trustee of the recipient estate or trust, then notice shall also be given to the beneficiaries of the estate or trust, to the extent known.

(d) Written notice, as provided in subparagraph (a) of this Rule, shall be mailed at least 20 days prior to the audit in those counties having a separate Orphans' Court Division or 20 days prior to the date by which objections must be filed in all other counties, and the written notice shall state the date of the audit or the date by which objections must be filed, and the time and place of the audit, if one is to be held, to the extent then known. If an audit is to be held and the time and place of the audit is not known at the time the notice is mailed, the notice shall state that the time and place of the audit will be provided upon request. A copy of the Account, petition for adjudication/statement of proposed distribution, and any legal paper filed therewith shall be sent with the notice, unless the recipient of the notice is a trust beneficiary who is not a "qualified beneficiary" as defined in 20 Pa.C.S. § 7703, or unless the court orders otherwise in a particular matter.

(e) If the audit of an Account is continued or the date for filing written objections is extended, additional notice shall be mailed at least 20 days prior to the date of the continued audit or the new date for filing written objections to all of those who initially received notice of the Account's filing. The additional notice shall state the date of the continued audit or the date by which objections must be filed, and the time and place of the continued audit, if one is to be held, to the extent then known. If the time and place of the continued audit is not known at the time the additional notice is mailed, the additional notice shall state that the time and place of the continued audit will be provided upon request.

(f) All notices and additional notices shall be sent by first-class United States mail, postage prepaid. Service by mail is complete upon mailing.

(g) A certificate of service and a copy of the notice shall be appended to the petition for adjudication/statement of proposed distribution or filed with the clerk prior to the

audit or continued audit date, in those counties having a separate Orphans' Court Division, or by the date when objections must be filed in all other counties.

(h) The notice shall contain the information provided in subparagraphs (1), (2), and (3), as applicable, and, in all cases, shall contain a statement as provided in subparagraph (4):

(1) the accountant's position on any known dispute or interpretation question, together with a copy of any instrument or material parts thereof containing any provision which forms the basis of the dispute or question;

(2) the accountant's understanding of the nature of each contested or unpaid claim, a detailed explanation that specifically identifies the claim, whether the claim is admitted or contested, and if admitted, why the claim is not being paid in full;

(3) if the Account and petition for adjudication/statement of proposed distribution is not sent with the notice pursuant to subparagraph (d) of this Rule, the notice shall state the amount of all compensation paid or payable to the accountant, all attorneys' fees paid or payable, and that copies of the Account and petition for adjudication/statement of proposed distribution are available upon request; and

(4) that any recipient of the notice who objects to any transaction shown in the Account, any interpretation or position taken by the accountant, or to any payment, failure to pay, distribution proposed, or any other aspect of the petition for adjudication/statement of proposed distribution must file written objections in accordance with Rule 2.7 with the clerk on or before the audit date in those counties holding an audit and by a specified date in all other counties, and if there is no such objection, then no action need be taken as such recipient will be deemed to have approved the Account, as stated, and agreed with the accountant's position on any dispute or question as set forth in the petition for adjudication/statement of proposed distribution, if any, and with the accountant's proposed disbursements and distribution.

Note: Although substantially modified, Rule 2.5 is derived from former Rule 6.3.

Explanatory Comment: Pursuant to the cross-references to 20 Pa.C.S. §§ 3384 and 7755, notice of the claim given to accountant's counsel of record is notice to the accountant. See 20 Pa.C.S. § 3384(b)(4). If the court is inclined not to agree with accountant's position, interpretation or proposed disbursements and distribution, best practice would be for the court to direct the accountant to notify the interested parties of the court's position and what additional action must be taken by any interested party who objects to the court's position.

Rule 2.6. Filing with the Clerk.

All Accounts shall be filed with the clerk.

Note: Rule 2.6 is derived from what was formerly Rule 6.6. Former Rule 6.4 regarding the time for filing the first Account of the personal representative has been deleted as it is codified in 20 Pa.C.S. § 3501.1.

Rule 2.7. Objections to Accounts or Petitions for Adjudication/Statements of Proposed Distribution.

(a) Objections to an Account and/or a petition for adjudication/statement of proposed distribution shall be filed with the clerk on or before the time and date of the audit in those counties holding an audit, and by a

specified date in all other counties, with a copy sent by first-class United States mail, postage prepaid, to the accountant or the accountant's counsel, if represented, and to each interested party and claimant who received the notice pursuant to Rule 2.5, to the extent known.

(b) Objections shall be in writing, with consecutively numbered paragraphs, signed by counsel, or if not represented by counsel, then by all the objectors in accordance with Rule 3.12. Objections shall be verified by at least one of the objectors in accordance with Rule 3.13.

(c) Each objection shall:

- (1) be specific as to description and amount;
 - (2) raise one issue of law or fact, but if there are several objections relating to the same issue, all such objections shall be included in the same paragraph as subparts; and
 - (3) briefly set forth the reason or reasons in support thereof.
- (d) The court may extend the time for filing objections.

Note: Although substantially modified, Rule 2.7 is derived from former Rule 6.10.

Explanatory Comment: If the notice received by the objector has a service list appended to it setting forth the name and address of each interested party who received the notice under Rule 2.5, the objector must mail his or her objections to every name and address appearing on the service list.

Rule 2.8. Pleadings Allowed After Objections are Filed.

(a) Answers to objections, preliminary objections to objections, and answers to preliminary objections are permitted, but a party does not waive any rights by failing to file any of the foregoing. If an answer to objections is filed, no responsive pleading to the answer is permitted.

(b) Preliminary objections to objections shall be limited to lack of jurisdiction over the subject matter and lack of standing.

(c) If filed, answers to objections, preliminary objections to objections, and answers to preliminary objections must be filed within 20 days after service of the applicable preceding pleading, with a copy served upon the accountant, if applicable, and to each interested party and claimant who received the notice pursuant to Rule 2.5, or to his or her counsel, if represented.

(d) The court may summarily decide preliminary objections to objections and may do so prior to the filing of an answer to the preliminary objections.

Note: Rule 2.8 has no counterpart in former Orphans' Court Rules.

Explanatory Comment: Preliminary objections to objections are limited in the grounds that may be raised. Insufficient specificity, failure to conform to law, and the inclusion of scandalous or impertinent matter, *inter alia*, are not properly raised as preliminary objections to objections. (*Cf.* Rule 3.9 and Pa.R.C.P. No. 1028).

Rule 2.9. Confirmation of Accounts; Awards.

(a) An Account shall be confirmed or petition for adjudication/statement of proposed distribution approved when an adjudication or a decree of distribution is issued by the court and docketed by the clerk, expressly confirming the Account or approving the petition for adjudication/statement of proposed distribution and specifying, or

indicating by reference to the petition for adjudication/statement of proposed distribution, the names of those to whom the balance available for distribution is awarded and the amount or share awarded to each.

(b) An adjudication confirming an Account discharges the fiduciaries as to those transactions set forth in the Account.

(c) The practice related to Schedules of Distribution shall be prescribed by local rule.

Note: Rule 2.9 is substantively similar to former Rule 6.11(a). Former Rule 6.11(b) has been deleted.

Rule 2.10. Foreign Heirs and Unknown Distributees.

(a) If it appears that the decedent may have heirs in a foreign country but their location, existence or identity is unknown, the accountant or his or her counsel shall notify the consulate of the country, prior to audit, of the facts indicating that the decedent may have had heirs in that country.

(b) Whenever the existence, identity or whereabouts of a distributee is unknown, or it appears that a distributee may not have the actual benefit, use, enjoyment or control of the money or other property if awarded to him or her, or the court is requested to withhold distribution or to make an award other than to the distributee or his or her nominee, the accountant or his or her counsel shall submit to the court or auditor, as the case may be, a written report outlining the investigation made and the facts relevant thereto. The report shall be in such form and may be filed at such place and time as shall be prescribed by local rule or order of the court.

Note: With only minor modifications, Rule 2.10 is substantively similar to former Rules 13.2 and 13.3. Former Rule 13.1 has been deleted.

Rule 2.11. Appointment of Official Examiners.

The court, by local rule or order in a particular matter, may appoint an official examiner who shall examine the assets held by or the transactions of any fiduciary.

Note: Rule 2.11 is substantively identical to former Rule 9.1. The appointment and conduct of Auditors and Masters is provided for in Chapter IX.

CHAPTER III. PETITION PRACTICE AND PLEADING

Part	
A.	Petition Practice
B.	Responsive Pleadings
C.	Pleadings in General

Part A. Petition Practice

Rule	
3.1.	Petitions Generally.
3.2.	Headings; Captions.
3.3.	Contents of All Pleadings; General and Specific Averments.
3.4.	Form of Petition; Exhibits; Consents; Signing and Verification.
3.5.	Mode of Proceeding on Petition.

Rule 3.1. Petitions Generally.

Matters may be raised before the court by written petition filed with the clerk in conformity with these Rules. Petitions for adjudication/statements of proposed distribution shall be governed by Chapter II.

Note: Rule 3.1 has no counterpart in former Orphans' Court Rules.

Explanatory Comment: The filing of an Account provides the procedure for raising questions related to the administration or distribution of an estate or trust, including a guardianship or minor's estate as well as a

decendent's estate. Application to the Orphans' Court Division may also be commenced by a petition that is verified or attested by an affidavit. See 20 Pa.C.S. §§ 761, 762.

Rule 3.2. Headings; Captions.

Pleadings shall include the docket number, if one has been assigned to the matter by the clerk or Register, and shall include a heading identifying the type of pleading filed, and in the case of a petition, identifying the nature of the relief requested therein. In those counties having a separate Orphans' Court Division, pleadings shall be captioned "Court of Common Pleas of _____ County, Orphans' Court Division".

Note: Rule 3.2 has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. No. 1018.

Rule 3.3. Contents of All Pleadings; General and Specific Averments.

The following rules shall apply to all pleadings:

(a) Every pleading shall be divided into consecutively numbered paragraphs. Each paragraph shall contain as far as practicable only one material allegation.

(b) The material facts on which a cause of action or defense is based shall be stated in a concise and summary form.

(c) Averments of fraud or mistake shall be averred with particularity. Malice, intent, knowledge, and other conditions of mind may be averred generally.

(d) In pleading the performance or occurrence of conditions precedent, it is sufficient to aver generally that all conditions precedent have been performed or have occurred. A denial of such performance or occurrence shall be made specifically and with particularity.

(e) In pleading an official document or official act, it is sufficient to identify it by reference and aver that the document was issued or the act done in compliance with law.

(f) In pleading a judgment, order or decision of a domestic or foreign court, judicial or administrative tribunal, or board, commission or officer, it is sufficient to aver the judgment, order or decision without setting forth matter showing jurisdiction to render it.

(g) Averments of time and place shall be specifically stated.

(h) Any part of a pleading may be incorporated by reference in another part of the same pleading or in another pleading in the same action. A party may incorporate by reference any matter of record in any state or federal court of record whose records are within the county in which the action is pending, or any matter which is recorded or transcribed verbatim in the office of the prothonotary, clerk of any court of record, recorder of deeds or Register of such county.

(i) When any claim or defense is based upon an agreement, the pleading shall state specifically if the agreement is oral or written.

(j) When any claim or defense is based upon a writing, the pleading shall have attached to it a copy of the writing, or the material part thereof, but if the writing or copy is not accessible to the pleader, it is sufficient so to state, identifying the reason therefor, and setting forth the substance of the writing.

Note: Rule 3.3 has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. No. 206.1(c) and Pa.R.C.P. No. 1019.

Rule 3.4. Form of Petition; Exhibits; Consents; Signing and Verification.

(a) In addition to the requirements of Rules 3.2 and 3.3, a petition shall set forth:

(1) a title indicating briefly the purpose of the petition;

(2) a concise statement of the facts relied upon to establish the court's jurisdiction and to justify the relief requested;

(3) the questions of law with respect to the petition and the relief requested;

(4) if the trust includes a charitable interest for which notice is required under Rule 4.4, whether the Office of the Attorney General has been given notice, whether the Office of the Attorney General has issued a statement of no objection to the petition, or the reason for failing to give the Office of the Attorney General notice;

(5) the names and addresses of every interested party who has an interest in the matter that is the subject of the petition;

(6) the name of any individual who is an interested party but is not *sui juris*, along with the following information:

(i) the name and address of the guardian, agent under power of attorney, or another individual being proposed to represent such individual, if any;

(ii) if such individual is a minor and no guardian has been appointed for such minor's estate, the minor's age, the names and addresses of his or her parents, and the individual with whom he or she resides or the facility at which he or she resides; and

(iii) if the non-*sui juris* individual is proposed to be represented in the matter at issue by another individual or entity pursuant to 20 Pa.C.S. §§ 751(6) or 7721—7726, then subparagraph (7) of this Rule shall also apply;

(7) the name of each interested party (whether *sui juris* or not) who is not receiving notice of the filing of the petition because another individual or entity is proposed to represent such interested party pursuant to 20 Pa.C.S. §§ 751(6) or 7721—7726, and shall set forth additional facts as to the following:

(i) a statement of the interested party's interest in the property; and

(ii) for representation being proposed pursuant to 20 Pa.C.S. § 751(6),

(A) a statement that the interested party is not *sui juris* or is unborn, unknown or unascertained; and

(B) one of the following:

(I) a statement that the proposed representative has an interest in the property similar to that of the interested party who is not *sui juris* or is unborn, unknown or unascertained; or

(II) a statement that the proposed representative is the *sui juris* living ancestor of the interested party who is not *sui juris* or is unborn, unknown or unascertained and that such living *sui juris* ancestor has an interest in the property that is not adverse to that of the interested party who is not *sui juris* or is unborn, unknown or unascertained; and

(iii) for representation in trust matters being proposed pursuant to 20 Pa.C.S. §§ 7721—7726,

(A) an explanation about how the interested party's interest in the property can be adequately represented by the proposed representative pursuant to 20 Pa.C.S. § 7723,

(B) a statement that with respect to the matter at issue there is no conflict of interest between the proposed representative and the interested party to be represented that will or might affect the impartiality of the proposed representative (except as provided pursuant to 20 Pa.C.S. § 7723(7)); and

(C) one of the following:

(I) either a statement that the proposed representative has been informed of the right to decline such representation pursuant to 20 Pa.C.S. § 7725 within the time period set forth therein and has failed to inform the trustee in writing that he or she declines to be the proposed representative; or

(II) that the proposed representative's signed consent to serve is attached as an exhibit to such petition; and

(8) a prayer for the relief desired.

(b) A proposed form of decree bearing the caption of the case and setting forth the relief requested in the prayer of the petition shall be attached to the front of the petition. In the case of a petition requiring a citation under Rule 3.5(a), a proposed form of preliminary decree for the issuance of the citation to the interested parties, subject to subparagraph (a)(7) of this Rule, shall also be attached to the front of the petition.

(c) Petitioner shall attach to the petition such exhibits, consents or approvals as may be required by these Rules, applicable statute, or local rule. If the petitioner is unable to attach any necessary exhibit, consent or approval, the petition shall so state and identify the reason therefor.

(d) The petition shall be verified by at least one of the petitioners in accordance with Rule 3.13 and signed by counsel, or if not represented by counsel, then signed by all the petitioners in accordance with Rule 3.12.

Note: Rule 3.4 is based upon former Rule 3.3 and Rule 3.4, but has been modified to require averments for virtual representation under 20 Pa.C.S. § 751(6) generally and representation in "trust matters" pursuant to 20 Pa.C.S. § 7721 *et seq.* Another modification is the addition of subparagraph (d) that requires petitioner's counsel to sign the petition, or all of the petitioners to sign the petition, if unrepresented, thereby subjecting these signatories to rules and sanctions as provided in Pa.R.C.P. Nos. 1023.1 through 1023.4. (*See* Rule 3.12.)

Rule 3.5. Mode of Proceeding on Petition.

(a) *Citation Practice.*

(1) When personal jurisdiction is required and has not previously been obtained or conferred by statute, or when a citation is otherwise required by statute, the petition shall include a preliminary decree for the issuance of a citation to those interested parties for whom a citation is necessary to show cause why the relief requested in the petition should not be granted.

(2) The citation to obtain personal jurisdiction and a copy of the petition shall be served upon each cited party at least 20 days before the date when a responsive pleading is due, in the same manner as service of original process under Pa.R.C.P. Nos. 402 through 404, Pa.R.C.P. No. 420, and Pa.R.C.P. Nos. 422 through 424 inclusive. If service cannot be made under the foregoing rules, the court may order service by publication in accordance with

Pa.R.C.P. No. 430. Service of a citation as original process shall not be permitted by electronic means, unless agreed to by the respondent.

(3) If the citation is not being issued in order to obtain personal jurisdiction over an interested party, the petition and the citation may be served by first-class United States mail, postage prepaid, at least 20 days before the date when a responsive pleading is due.

(4) If the citation and petition are not served at least 20 days before the date when a responsive pleading is due, the court, upon request, may authorize the reissuance of the citation.

(5) Once the citation to obtain personal jurisdiction has been served upon the cited party by original process in accordance with subparagraph (a)(2), then notice of a rescheduled return date or any other rescheduled date for filing a responsive pleading or appearing before the court may be served by first-class United States mail, postage prepaid, at least 20 days before such rescheduled date.

(6) If an interested party (whether *sui juris* or not) is represented by another, the citation and petition shall be served upon the interested party's representative(s) pursuant to Rule 4.2.

(7) Proof of service of the citation shall be filed with the clerk on or before the date when a responsive pleading is due.

(8) Each interested party identified in the citation, or such interested party's representative identified in the citation, may file a responsive pleading in accordance with these Rules on or before the date provided in the citation.

(b) *Notice Practice.*

(1) In all cases where personal jurisdiction is not required or has been previously obtained, or conferred by statute, the petitioner shall, either in advance of filing or contemporaneously therewith, provide a copy of the petition to the interested parties identified in the petition. The petition shall have affixed to its first page a notice to plead that shall be substantially in the following form:

To: _____

You are hereby notified to file a written response to the (name of pleading) within twenty (20) days from the date of notice or on or before the date when the pleading is to be filed, whichever is later, or the court may deem that you have no objection to the relief requested therein and may grant such relief without further notice to you.

(2) A certificate of service, listing the names and addresses of those individuals and entities receiving notice of the filing of the petition, shall be appended to, or filed contemporaneously with, the petition.

(3) If an interested party (whether *sui juris* or not) is not receiving notice of the filing of the petition because he or she is represented by another, a copy of the petition shall be sent in accordance with subparagraph (b)(1) to the interested party's representative pursuant to Rule 4.2.

(c) *Consents/Statements of No Objection; Joinders.*

No citation or notice to plead is required where all individuals and/or entities identified in the petition as interested parties (or any representative thereof) satisfy one of the following:

(1) they are named petitioners in the petition;

(2) they filed joinders to the petition; or

(3) they signed a document, that is attached to the petition as an exhibit, consenting to or stating that they have no objection to the relief requested in the petition.

Note: Subparagraphs (a) and (b) of Rule 3.5 are derived from former Rule 3.5. The final sentence of subparagraph (a)(2) is identical to former Rule 3.7(h)(1); it merely has been relocated to this section. Subparagraphs (c) and (d) of this Rule have no counterpart in former Orphans' Court Rules.

Explanatory Comment: Personal jurisdiction is conferred by statute in certain circumstances. *See e.g.*, 20 Pa.C.S. § 7712. A sheriff does not need to serve the citation issued by the clerk; instead, any adult person may serve the citation and file the proof of service in accordance with subparagraph (a)(7) of this Rule 3.5. *See* 20 Pa.C.S. § 765. If a citation is not being issued with the petition, then the petition must be endorsed with a notice to plead. *See* Rule 3.5(b) and Pa.R.C.P. No. 1026. The court, by local rule or by order in a particular matter, may establish a procedure for rules to show cause as provided in Pa.R.C.P. No. 206.4 *et seq.*

Part B. Responsive Pleadings

Rule	
3.6.	Pleadings Allowed After Petition.
3.7.	Time for Filing and Service of Responsive Pleadings.
3.8.	Headings of Responsive Pleadings.
3.9.	Preliminary Objections.
3.10.	Denials; Effect of Failure to Deny.
3.11.	Answer with New Matter.

Rule 3.6. Pleadings Allowed After Petition.

Pleadings allowed after the filing of a petition are limited to:

- (a) an answer that can include new matter;
- (b) a reply, if an answer contains new matter;
- (c) preliminary objections to the petition as permitted by Rule 3.9;
- (d) an answer to preliminary objections; and
- (e) a petition to join one or more persons as parties to the proceeding and an answer thereto.

Note: Rule 3.6 has no counterpart in former Orphans' Court Rules, but is based, in part, on Pa.R.C.P. No. 1017.

Explanatory Comment: Any interested party may file a new petition bringing a new issue or dispute before the court or seeking alternative relief in the same trust or estate. Motions are permitted in Orphans' Court Division, and this Rule 3.6 does not prohibit or limit motions practice.

Rule 3.7. Time for Filing and Service of Responsive Pleadings.

(a) Unless the court orders otherwise, each interested party identified in the petition, or such interested party's representative identified in the petition, may file a responsive pleading in accordance with these Rules within 20 days of the date of notice or the date of the filing, whichever is later. A party residing outside of the United States shall have 60 days, rather than 20 days, within which to file a responsive pleading to the citation or the petition initiating the proceeding.

(b) A copy of the responsive pleading shall be sent to the petitioner or his or her counsel, if represented, and all interested parties identified in the petition or counsel representing an interested party if so identified in the petition or in a subsequent pleading. A certificate of

service, listing the names and addresses of those individuals and entities receiving a copy of the responsive pleading shall be appended to, or filed contemporaneously with, the responsive pleading.

(c) A notice to plead in substantially the form provided in Rule 3.5(b)(1) shall be affixed to the first page of an answer that contains new matter and to the first page of preliminary objections which aver a fact that is not contained in the petition.

(d) Regardless of the residency of any interested party, each subsequent pleading shall be filed within 20 days after service of the preceding pleading, but no pleading need be filed unless the preceding pleading included a notice to plead that complies with the requirements of Rule 3.5(b)(1).

Note: Rule 3.7 is new, but is derived from Pa.R.C.P. No. 1026.

Explanatory Comment: The court, by local rule, may establish procedures for the disposition of matters after the pleadings are closed.

Rule 3.8. Headings of Responsive Pleadings.

All responsive pleadings shall contain a heading identifying the name of the pleading to which it is responding.

Note: Rule 3.8 has no counterpart in former Orphans' Court Rules.

Rule 3.9. Preliminary Objections.

(a) *General.* Preliminary objections may be filed to any petition by any interested party or the interested party's representative.

(b) *Grounds for Preliminary Objections.* Preliminary objections filed to any petition under the Rules of Chapter III are limited to the following grounds:

- (1) lack of jurisdiction over the subject matter of the action or lack of jurisdiction over the person, improper venue, or improper form of service;
- (2) failure of a pleading to conform to law or rule of court or inclusion of scandalous or impertinent matter;
- (3) insufficient specificity in a pleading;
- (4) legal insufficiency of a pleading (demurrer);
- (5) lack of standing or lack of capacity to sue, nonjoinder of a necessary party, or misjoinder of a cause of action; and
- (6) pendency of a prior action or agreement for alternative dispute resolution.

(c) *Form.* All preliminary objections shall be raised at one time in one pleading, shall state specifically the grounds relied upon, and may be inconsistent.

(d) *Disposition of Preliminary Objections.*

(1) A party may file an amended pleading, without consent of any other party and without leave of court, within 20 days after service of the preliminary objections. If a party files an amended pleading, the preliminary objections to the original pleading shall be deemed moot.

(2) In all other instances, the court shall determine promptly all preliminary objections. If an issue of fact is raised, the court shall consider evidence by deposition or otherwise.

(e) *Pleadings Allowed Subsequent to the Disposition of Preliminary Objections.*

(1) If the preliminary objections are overruled, the party who filed the preliminary objections shall have the

right to file an answer within 20 days after entry of the order overruling the preliminary objections or within such other time as the court shall direct.

(2) If the filing of an amended petition or a new petition is allowed or required, it shall be filed within 20 days after entry of the order concerning such amended or new petition or within such other time as the court shall direct.

(3) New preliminary objections may be filed to any amended or new petition in accordance with this Rule.

Note: Rule 3.9 has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. No. 1028.

Explanatory Comment: Preliminary objections raising an issue under subparagraphs (b)(2), (b)(3), (b)(4), and in some instances (b)(1), may be determined from the facts of record so that further evidence is not required. In such situations, the court may summarily decide preliminary objections prior to the filing of an answer.

Preliminary objections raising an issue under subparagraphs (b)(5) and (b)(6), and in some instances (b)(1), cannot be determined from the facts of record. In such situations, if the preliminary objections are not endorsed with a notice to plead in the form required by Rule 3.5(b)(1), no reply will be required under Rule 3.10, and the preliminary objections will be overruled.

Pleadings may be amended only in accordance with subparagraphs (d)(1), (e)(2) or Rule 3.14.

For preliminary objections to Objections to an Account, petition for adjudication/statement of proposed distribution or a notice, *cf.* Rule 2.8(b) for a more limited scope of permitted preliminary objections.

Rule 3.10. Denials; Effect of Failure to Deny.

(a) A responsive pleading shall admit or deny each averment of fact in the preceding pleading or any part thereof. Admissions and denials in a responsive pleading shall refer specifically to the paragraph in which the averment admitted or denied is set forth. A party denying only a part of an averment shall specify so much of it as is admitted and shall deny the remainder.

(b) Averments in a pleading to which a responsive pleading is required are admitted when not denied specifically or by necessary implication. A general denial or a demand for proof, except as provided by subparagraph (c) of this Rule, shall have the effect of an admission.

(c) A statement by a party that after reasonable investigation the party is without knowledge or information sufficient to form a belief as to the truth of an averment shall have the effect of a denial.

(d) Averments in a pleading to which no responsive pleading is required shall be deemed to be denied.

(e) A responsive pleading shall be signed by counsel, or if not represented by counsel, then by all the respondents in accordance with Rule 3.12. A responsive pleading that admits or denies any averment of fact shall be verified by at least one of the respondents in accordance with Rule 3.13.

Note: Rule 3.10 has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. No. 1029.

Explanatory Comment: Reliance on subparagraph (c) does not excuse a failure to admit or deny a factual allegation when it is clear that the respondent must know whether a particular allegation is true or false. *Cf. Cercone v. Cercone*, 386 A.2d 1, 4 (Pa. Super. 1978).

Rule 3.11. Answer with New Matter.

All applicable affirmative defenses shall be pleaded in the answer under the heading "New Matter." A party may set forth as new matter any other material facts that are not merely denials of the averments of the preceding pleading.

Note: Rule 3.11 has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. No. 1030.

Part C. Pleadings in General

Rule	
3.12.	Signing.
3.13.	Verification.
3.14.	Amendment.
3.15.	Pleading More Than One Cause of Action; Alternative Pleadings.

Rule 3.12. Signing.

(a) Counsel who has entered an appearance for a party pursuant to Rule 1.7(a) shall sign every pleading and any brief or memorandum of law and shall include counsel's name and address. A party not represented by any counsel of record shall sign every pleading and any brief or memorandum of law and shall include the party's name, an address where legal paper may be served, and a telephone number.

(b) If the legal paper includes a facsimile telephone number and/or email address, that party or his or her counsel agrees to accept service of legal paper by transmission of a facsimile copy or by electronic transmission.

(c) By signing a legal paper, the party and counsel are subject to Pa.R.C.P. Nos. 1023.1 through 1023.4. The court has authority to impose sanctions and grant relief in accordance with Pa.R.C.P. No. 1023.4.

Note: Rule 3.12 has no counterpart in former Orphans' Court Rules, but subparagraphs (a) and (b) are derived from Pa.R.C.P. No. 1025. Rule 3.12(c) is based upon Pa.R.C.P. No. 1023.1 *et seq.*

Explanatory Comment: The Explanatory Comments appearing after Pa.R.C.P. Nos. 1023.1 and 1023.4 are fully incorporated by reference herein.

Rule 3.13. Verification.

(a) Every pleading shall be verified, averring as true every fact not appearing of record in the action or containing a denial of fact based upon the signer's personal knowledge or information and belief. A pleading may be verified upon personal knowledge as to a part and upon information and belief as to the remainder. The signer need not aver the source of the information or expectation of ability to prove the averment or denial at the trial.

(b) If a pleading contains averments that are inconsistent in fact, the verification shall state that the signer has been unable after reasonable investigation to ascertain which of the inconsistent averments, specifying them, are true but that the signer has knowledge or information sufficient to form a belief that one of them is true.

(c) The verification shall be made by one or more of the parties filing the pleading unless all the parties (1) lack sufficient knowledge or information, or (2) are outside the jurisdiction of the court and the verification of none of them can be obtained within the time allowed for filing the pleading. In such cases, the verification may be made by any person having sufficient knowledge or information and belief and shall set forth the source of the person's

information as to matters not stated upon his or her own knowledge and the reason why the verification is not made by a party.

Note: Rule 3.13 has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. No. 1024.

Rule 3.14. Amendment.

A party may amend a pleading pursuant to Rule 3.9(d)(1), or at any other time, either by written consent of all other parties filed with the clerk or by leave of court. The amended pleading may aver transactions or occurrences that have happened before or after the filing of the original pleading. An amendment may be made to conform the pleading to the evidence offered or admitted.

Note: Rule 3.14 has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. No. 1033.

Explanatory Comment: Rule 3.9(d)(1) provides for amending a pleading after the filing of preliminary objections.

Rule 3.15. Pleading More Than One Cause of Action; Alternative Pleadings.

(a) More than one cause of action may be stated in a pleading. Each cause of action shall be stated in a separate count, preceded by a heading, and the count shall name the parties to that cause of action and shall contain a separate request for relief.

(b) Causes of action and defenses may be pleaded in the alternative.

Note: Rule 3.15 has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. No. 1020.

CHAPTER IV. FORMAT AND SERVICE OF LEGAL PAPER BY PARTIES AND COURT; ELECTRONIC FILING

Rule	
4.1.	Format of All Legal Paper.
4.2.	Citation or Notice to Individuals and Entities.
4.3.	Service of Legal Paper Other than Citations or Notices.
4.4.	Charities—Notice to the Attorney General.
4.5.	Service of Legal Paper by Court and Clerk.
4.6.	Notice of the Date of Entry of an Adjudication or Court Order on the Docket.
4.7.	Electronic Filing.

Rule 4.1. Format of All Legal Paper.

All legal paper filed with the clerk must conform to the following requirements:

(a) The document shall be on 8 1/2 inch by 11 inch paper.

(b) The document shall be prepared on white paper (except for dividers and similar sheets) of good quality.

(c) The text must be double spaced, but quotations more than two lines long may be indented and single-spaced. Margins must be at least one inch on all four sides.

(d) The lettering shall be clear and legible and no smaller than point 12. The lettering shall be on only one side of a page, except that exhibits and similar supporting documents may be double-sided.

Note: Rule 4.1 has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. No. 204.1.

Explanatory Comment: Rule 4.1 governing the format of legal paper is modeled after Pa.R.C.P. No. 204.1 and thus is substantively identical to Pa.R.A.P. No. 124(a) and Pa.R.Crim.P. 575(C). See Explanatory Comment to Pa.R.C.P. No. 204.1. The goal is to foster uniformity in the formatting of legal paper filed in all judicial tribunals,

regardless of the level of court or division of court; this uniformity, in turn, will promote the objective of the unified judicial system under the Constitution of 1968 and facilitate the statewide practice of law.

Rule 4.2. Citation or Notice to Individuals and Entities.

(a) *To individuals.* Whenever a citation under Rule 3.5(a) is to be served or notice under Rule 2.5 or Rule 3.5(b) is to be given to an individual:

(1) If the individual is *sui juris*, or if the individual has reached the age of 18 and is believed to be incapacitated (under the provisions of Chapter 55 of Title 20), but for whom no guardian is known to have been appointed by a Pennsylvania court or by the court of any other jurisdiction (including a guardian *ad litem* with respect to the matter at issue), then such notice or citation shall be provided:

(i) to the individual; or

(ii) if the individual will be represented with respect to the matter at issue by a representative under the provisions of 20 Pa.C.S. §§ 7721—7726, then such notice or citation may instead be provided to such representative, including notice as required by 20 Pa.C.S. § 7725 that each such representative may decline to act as a representative for the *sui juris* individual.

(2) If the individual is not *sui juris*, or is unborn, unknown or unascertained, then such notice or citation shall be provided to such individual's representative with respect to the matter at issue under the provisions of 20 Pa.C.S. §§ 751(6) or 7721—7726, including notice required by 20 Pa.C.S. § 7725 that each such representative may decline to act as a representative for the individual; provided, however, that if a guardian or trustee *ad litem* has been appointed to represent such individual by the court having jurisdiction over the matter at issue, then such notice or citation shall also be provided to the guardian or trustee *ad litem*.

(b) *To entities.* Whenever a citation under Rule 3.5(a) is to be served or notice under Rule 2.5 or Rule 3.5(b) is to be given to an entity, then such citation or notice shall be provided:

(1) to the entity through the entity's duly authorized representative; or

(2) if the entity will be represented with respect to the matter at issue by a representative under the provisions of 20 Pa.C.S. §§ 7721—7726, then such notice or citation may instead be provided to such representative, including notice as required by 20 Pa.C.S. § 7725 that each such representative may decline to act as a representative for the entity.

(c) *Counsel.* If counsel has entered an appearance on behalf of an individual, entity or representative who would otherwise receive notice or a citation as provided under subparagraphs (a) and (b) of this Rule, then such notice or citation shall instead be given to counsel, except as provided in Rule 2.5(b) wherein the notice must be given to both counsel and the individual, entity or representative.

(d) *Additional service or notice.* Notwithstanding the foregoing, if the court having jurisdiction over the matter determines that the representation is or might be inadequate, then the court may in its discretion direct to whom a citation or notice shall be provided.

Note: Rule 4.2 is derived from former Rule 5.2, but has been substantially modified to address virtual representa-

tion under 20 Pa.C.S. § 751(6) generally and representation in “trust matters” pursuant to 20 Pa.C.S. § 7721 *et seq.* Cf. Rule 2.5(b) for different requirements that the notice must be mailed to the individual or entity and to counsel representing such individual or entity.

Rule 4.3. Service of Legal Paper Other than Citations or Notices.

(a) Copies of all pleadings, and any brief or memorandum of law in connection therewith, other than notices served pursuant to Rule 2.5 or citations served pursuant to Rule 3.5(a), filed in an action or served upon any party to an action shall be served upon every other party to the action. This service shall be made:

(1) by handing, or mailing by first-class United States mail, postage prepaid, a copy to, or leaving a copy for, each party at the address of the party’s counsel of record listed on an entry of appearance or prior pleading of the party, or at such other address as a party may agree;

(2) by transmitting a facsimile copy to the party’s counsel of record as provided by subparagraph (c); or

(3) by electronic transmission as provided in subparagraph (d).

(b) If there is no attorney of record,

(1) Service shall be made by handing a copy to the party or by mailing a copy to, or leaving a copy for, the party at the address listed on an entry of appearance or prior pleading or at the residence or place of business of the party, or by transmitting a facsimile copy as provided by subparagraph (c) or by electronic transmission as provided in subparagraph (d).

(2) If such service cannot be made, service shall be made by leaving a copy at, or mailing a copy to, the last known address of the party to be served.

(c)(1) A facsimile copy may be served if the parties agree thereto or if a facsimile telephone number is included on an entry of appearance or other legal paper previously filed with the court in the action.

(2) A facsimile copy shall begin with a facsimile cover sheet containing:

(i) the name, firm, address, telephone number, of both the party making service and the party served;

(ii) the facsimile telephone number of the party making service and the facsimile telephone number to which the facsimile copy was transmitted;

(iii) the title of the legal paper served; and

(iv) the number of pages transmitted.

(d) Service may be effected by electronic transmission if the parties agree thereto or if an email address is included on an entry of appearance or other legal paper previously filed with the court in the action.

(e) Service by mail is complete upon mailing, and service by facsimile is complete when transmission is confirmed. Electronic service is complete when the legal paper is sent to the recipient’s email address, or when the recipient is notified by email that a legal paper affecting the recipient has been filed and is available for review on the court’s website.

Note: Most of Rule 4.4 has no counterpart in former Orphans’ Court Rules, but is based on Pa.R.C.P. No. 440 with modifications. Subparagraph (d) of this Rule is identical to former Rule 3.7(h)(2); it merely has been reformatted and relocated to this Chapter IV.

Explanatory Comment: The Notes and Explanatory Comment appearing after Pa.R.C.P. No. 440 are fully incorporated by reference herein. Service of legal papers as provided in Rule 4.3 can occur even if the local judicial district has not implemented electronic filing.

Rule 4.4. Charities—Notice to the Attorney General.

(a) In every court proceeding involving or affecting a charitable interest with the exception hereinafter set forth, at least 20 days advance written notice thereof shall be given to the Attorney General of the Commonwealth at the principal office in Harrisburg, Pennsylvania, or to a deputy of the Attorney General designated for such purpose for the judicial district in which the proceeding is pending. The notice shall include or be accompanied by such of the following as may be appropriate:

(1) the caption of the case;

(2) a description of the nature of the proceeding;

(3) the date, time and place when the matter is to be heard by the court to the extent then known;

(4) the name of the decedent, settlor, incapacitated person or minor, if not disclosed by the caption;

(5) a copy of the will or other instrument creating the charitable interest;

(6) the name and address of any specific charity which may be affected by the proceeding;

(7) if the charitable interest is a present interest, a description and the approximate market value of that interest;

(8) if the charitable interest is a future interest and the estimated present value of the charity’s future interest in the property exceeds \$25,000, a brief description thereof including the conditions precedent to its vesting in enjoyment and possession, the names and ages of persons known to have interests preceding such charitable interest, and the approximate market value of the property involved;

(9) a description of any unresolved claim and any material question of interpretation or distribution likely to be submitted for adjudication which may affect the value of the charitable interest;

(10) the names and addresses of all fiduciaries;

(11) the name and address of counsel for each fiduciary;

(12) the name and address of counsel for any charity who has received notice or has appeared for the charity and the name of the charity which counsel represents; and

(13) a copy of an Account if the proceeding involves an Account and if the charity is any one of the following:

(i) a residuary beneficiary, including as a beneficiary of a residuary trust;

(ii) a pecuniary legatee in an amount greater than \$25,000; or

(iii) a pecuniary legatee where the bequest has not and will not be paid in full.

(b) Proof of service of the above notice or an acknowledgment of such notice received from the Attorney General or a deputy of the Attorney General shall be filed with the clerk in every proceeding involving a charitable interest prior to the entry of any decree.

(c) Unless the court directs otherwise, no notice to the Attorney General or a deputy of the Attorney General

shall be required with respect to a pecuniary legacy to a charity in the amount of \$25,000 or less which has been or will be paid in full.

Note: Rule 4.4 is substantively identical to former Rule 5.5.

Explanatory Comment: See Appendix (OC-06) for form of notice under this Rule.

Rule 4.5. Service of Legal Paper by Court and Clerk.

(a) The clerk and the court may serve all notices, opinions, and orders via electronic means where any one of the following has occurred:

(1) the parties have agreed to receipt of legal paper by electronic transmission;

(2) the underlying legal paper related to the notice, opinion or order was electronically filed; or

(3) an email address appears on an entry of appearance or other legal paper previously filed with the clerk in the action.

(b) The clerk and the court may serve all notices, opinions, and orders by facsimile in accordance with Rule 4.3(c).

Note: Rule 4.5 is based upon former Rule 3.7(i); it has been reformatted and relocated to this Chapter IV.

Explanatory Comment: This Rule 4.5 differs from its counterpart in former Rule 3.7(i) in several respects: first, this Rule permits the clerk and court to serve not only notices, but also opinions and orders, via electronic means as well as by facsimile; and second, it provides that the clerk and court are able to send notices, opinions, and orders via electronic means if the underlying legal paper was filed electronically. Service from the court and clerk as provided in Rule 4.5 can occur even if the local judicial district has not implemented electronic filing.

Rule 4.6. Notice of the Date of Entry of an Adjudication or Court Order on the Docket.

(a) The clerk shall immediately give written notice of the entry of an adjudication or court order in a particular matter to each party's counsel of record or, if unrepresented, to each party. The notice shall include a copy of the adjudication or court order.

(b) The clerk shall note in the docket the date when notice was given to the party or to his or her counsel under subparagraph (a) of this Rule.

Note: Rule 4.6 has no counterpart in former Orphans' Court Rule, but is derived from Pa.R.C.P. No. 236.

Rule 4.7. Electronic Filing.

(a) *Authorization for Electronic Filing.* A court may permit or require electronic filing of legal paper. Any court that implements electronic filing shall establish procedures governing such filing by local rule, which shall not be inconsistent with the procedures set forth herein.

(b) *Electronic Filing of Legal Paper.*

(1) If implemented by court, a filing party may file a legal paper with the clerk by means of electronic filing.

(2) Any party may require the filing party to file the original of a legal paper or exhibit by filing a notice to file with the clerk and serving a copy of the notice upon the filing party. The filing party shall file the specified document with the clerk within 14 days after service of the notice. The court for any reason may direct any party to file the original of a legal paper or exhibit with the

clerk within the time specified in the order. Upon disposition of the matter before the court, an original document may be returned to the party who filed it or retained by the court, as the court may determine.

(c) *Signature, Verification and Retention of Legal Paper.*

(1) The original legal paper shall be properly signed, and where required, verified.

(2) The electronic filing of a legal paper constitutes a certification by the filing party that the original document was signed, and where applicable, verified.

(3) Unless retained by the court, the filing party shall maintain the original of all documents so certified, together with any exhibits filed, for 5 years after the final disposition of the case.

(d) *Website and Filing Date.*

(1) The court shall designate a website for the electronic filing of legal paper. A user name and password shall be issued to authorized users.

(2) The court shall provide electronic filing access at all times. The time and date of the filing shall be that registered by the court's computer system.

(3) The court shall provide, through its website, an acknowledgement from the clerk that the filing has been processed. Such acknowledgement shall include the date and time of filing in a form which can be printed for retention by the filing party.

(e) *Delay in Filing.* A filing party shall be responsible for any delay, disruption, or interruption of electronic transmission, and for the legibility of the document electronically filed, except for delays caused by the failure of the court's website. The filing party may petition the court to resolve any dispute concerning an alleged failure of the court's website.

(f) *Fees.*

(1) A filing party shall pay the fee for electronically filing a legal paper as provided by the court.

(2) The court may assess an additional automation fee for each legal paper electronically filed which shall be used for the development, implementation, maintenance, and training in the use of the court's electronic filing system and other related uses.

Note: Rule 4.7 is substantively identical to former Rule 3.7, but has been relocated to Chapter IV of these Rules.

Explanatory Comment: This Rule is designed as a general enabling mechanism by which local judicial districts can, if they so choose, implement electronic filing. Implementation procedures not inconsistent with this Rule will be determined by local rules of court.

Those jurisdictions which require e-filing must also provide the necessary technical assistance to those parties who lack the capacity to electronically file legal paper.

Nothing in this Rule is intended to change the procedural requirements of Orphans' Court practice, as embodied in the statutes and rules of court. Rather, this Rule is intended to facilitate the delivery of legal paper to the court and the parties, as well as to reduce record management burdens in the office of the clerk. The terms "electronic filing," "filing party," and "legal paper" are defined in Rule 1.3.

The court may, from time to time, modify the approved electronic filing system to take into consideration the costs and security of the system and the maintenance of electronic data and images.

CHAPTER V. RULES GOVERNING SPECIFIC TYPES OF PETITIONS

Rule	
5.1.	Declaratory Judgment.
5.2.	Family Exemption.
5.3.	Intestate Share to Surviving Spouse from Real Estate.
5.4.	Revocation, Vacating or Extension of Time for Filing of Surviving Spouse's Election.
5.5.	Appointment of a Guardian <i>ad litem</i> or a Trustee <i>ad litem</i> .
5.6.	Appointment of a Guardian for the Estate or Person of a Minor.
5.7.	Appointment of a Trustee.
5.8.	Discharge of Fiduciary and Surety.
5.9.	Partition.
5.10.	Public Sale of Real Property.
5.11.	Private Sale of Real Property or Options Therefor.
5.12.	Mortgage or Lease of Real Property.
5.13.	Inalienable Property.
5.14.	Designation of a Successor Custodian.
5.15.	Confirmation of Trustee Appointment.

Rule 5.1. Declaratory Judgment.

(a) *Commencement of Action.* An action for declaratory judgment shall be commenced by petition and citation directed to the interested parties.

(b) *Contents of Petition.* In addition to the requirements provided by the Rules in Chapter III, the petition shall contain sufficient averments to entitle petitioner to the declaratory relief requested under the Pennsylvania Declaratory Judgments Act, 42 Pa.C.S. § 7531 *et seq.*, including:

- (1) a concise statement of the facts relied upon to justify a declaratory judgment proceeding;
- (2) the question of law, if any, with respect to which declaratory relief is requested;
- (3) identity of all interested parties; and
- (4) a prayer for the relief desired.

(c) *Exhibits.* A copy of the will, trust, other governing instrument, or any other document to be construed shall be attached to the petition as an exhibit.

Note: Rule 5.1 has no counterpart in former Orphans' Court Rules, but is based upon Philadelphia Local Rule 1.2.P.

Rule 5.2. Family Exemption.

(a) *Contents of Petition.* In addition to the requirements provided by the Rules in Chapter III, a petition for a family exemption shall set forth the following:

- (1) facts establishing a *prima facie* right of the petitioner to the exemption;
- (2) whether allowance of the claim is being requested prior to the confirmation or audit of the Account;
- (3) a description of the property claimed; and
- (4) if the exemption is claimed from real estate and a valuation has not been agreed upon by all interested parties, the nomination of two appraisers for appointment by the court to appraise the same.

(b) *Exhibits.* A copy of the qualifications and credentials of the two appraisers nominated in the petition for appointment by the court shall be attached to the petition as exhibits.

(c) *Award by Consent.* The court may, at the request of the petitioner, award in distribution specific real estate included in the Account in satisfaction of, or on account of, the family exemption without compliance with the procedure outlined in subparagraphs (a) and (b) of this Rule if all interested parties agree in writing that the petitioner is entitled to the family exemption and to the valuation at which such real estate is to be awarded.

Note: Rule 5.2 is based upon former Rule 12.1.

Rule 5.3. Intestate Share to Surviving Spouse from Real Estate.

(a) *Contents of Petition.* When no Account is filed and all or part of the spouse's intestate share under 20 Pa.C.S. § 2102 is claimed from real estate, the claim shall be presented by petition, which shall conform to the requirements provided by the Rules in Chapter III, and shall set forth the following:

- (1) facts establishing a *prima facie* right of the spouse to the statutory intestate share;
- (2) a description of the property claimed; and
- (3) if the exemption is claimed from real estate and a valuation has not been agreed upon by all interested parties, the nomination of two appraisers for appointment by the court to appraise the same.

(b) *Exhibits.* A copy of the qualifications and credentials of the two appraisers nominated in the petition for appointment by the court shall be attached to the petition as exhibits.

(c) *Award by Consent.* The court may, at the request of the surviving spouse, award specific real estate in satisfaction of, or on account of, the spouse's statutory intestate share without compliance with the procedure outlined in subparagraphs (a) and (b) of this Rule if all interested parties agree in writing that the surviving spouse is entitled to the statutory share and to the valuation at which such real estate is to be awarded.

Note: Rule 5.3 is based upon former Rule 12.2.

Explanatory Comment: Deletion of specific reference to the former statutory allowance of \$10,000.00 increased to \$30,000.00 allows greater flexibility. The Rule would not need to be amended in the future if the statutory amount should be further increased. With the broader language employed there is no longer any need to refer to the specific statutory provisions. As amended, the Rule recognizes the present practice of making the award of real estate in satisfaction of the spouse's allowance a part of the distribution decree when a court accounting is filed. While this Rule will be employed only in a minimum of instances for the foregoing reason and also because of the availability of § 3546 of Title 20, it, nevertheless, is considered advisable to preserve it in its altered form as a guide when it is to be employed.

Rule 5.4. Revocation, Vacating or Extension of Time for Filing of Surviving Spouse's Election.

(a) *Contents of Petition.* In addition to the requirements provided by the Rules in Chapter III, a petition to revoke or vacate an election of a surviving spouse to take against the will and other conveyances of the decedent shall set forth the following:

- (1) the date of the decedent's death, whether a will has been probated and, if so, a reference to the place and date of probate;
- (2) the name and capacity of the fiduciary of the decedent's estate, if any, and a reference to the record of his appointment;
- (3) the name, address and relationship, if known, of the other interested parties and the nature and the extent of each of their interests;

(4) the names of the interested parties who have consented to the revocation or vacating of the election and the names of those who have not consented;

(5) a description and valuation of the decedent's real and personal property affected by the election;

(6) the date and manner of executing the election desired to be revoked or vacated and whether the same has been recorded, registered or filed, and if so, the date and place thereof;

(7) whether the surviving spouse has made or executed and delivered at any place an election contrary to that desired to be revoked or vacated, and whether that election has been recorded, registered or filed, and if so, the date and place thereof;

(8) the facts relied upon to justify the revocation or vacating of the election; and

(9) a request for a citation upon the interested parties who have not joined in the petition or who have not consented thereto to show cause why the election should not be revoked or vacated.

(b) A petition for the extension of the time in which the surviving spouse may file an election to take against the will and other conveyances shall be filed prior to the expiration of six months as provided in 20 Pa.C.S. § 2210 with the clerk of the county where decedent's will was probated.

(c) Notice of the filing of any petition under this Rule shall be provided to the personal representative of decedent's estate in accordance with Rule 3.5(b)(1).

Note: Rule 5.4 is based upon former Rule 12.3.

Rule 5.5. Appointment of a Guardian *ad litem* or a Trustee *ad litem*.

(a) On petition of the accountant or any interested party, or upon its own motion, the court may appoint one or both of the following if the court considers that the interests of the non-*sui juris* individuals are not adequately represented:

(1) a guardian *ad litem* to represent a minor or a person believed to be incapacitated under the provisions of Chapter 55 of Title 20, but for whom no guardian of the estate is known to have been appointed by a Pennsylvania court or by the court of any other jurisdiction; and

(2) a trustee *ad litem* to represent an absentee, a presumed decedent, or unborn or unascertained persons not already represented by a fiduciary.

(b) The same person may be appointed as guardian *ad litem* and trustee *ad litem* and may be appointed for more than one non-*sui juris* individual when the interests to be represented are not conflicting.

(c) *Contents of Petition.* The request for the appointment of guardian *ad litem* and trustee *ad litem* may be made in one petition. In addition to the requirements provided by the Rules in Chapter III, the petition shall set forth the following:

(1) the name, age and address of the minor or person believed to be incapacitated under the provisions of Chapter 55 of Title 20, but for whom no guardian of the estate is known to have been appointed;

(2) the relationship, if any, of such non-*sui juris* individual to any interested party and to the decedent or settlor;

(3) the interest of such non-*sui juris* individual in the property or in the matter at issue;

(4) the provisions of any instrument creating such interests;

(5) the necessity for such interests to be represented by a guardian *ad litem* or a trustee *ad litem*; and

(6) the proceeding in which such non-*sui juris* individual is to be represented.

(d) A decree appointing a guardian *ad litem* or trustee *ad litem* shall specify the period or proceeding during which the guardian *ad litem* or trustee *ad litem* shall act as such.

Note: Rule 5.5 is based upon former Rule 12.4, with some modifications to provide for a person believed to be incapacitated under the provisions of Chapter 55 of Title 20, but not yet adjudicated as such or for whom no guardian is known to have been appointed.

Rule 5.6. Appointment of a Guardian for the Estate or Person of a Minor.

(a) *Contents of Petition.* Separate petitions for each minor must be filed requesting the appointment of a guardian of the estate or person of each such minor. In addition to the requirements provided by the Rules in Chapter III, the petition shall set forth the following:

(1) the name, address and relationship of the petitioner to the minor;

(2) the name, address and age of the minor;

(3) the names and addresses of his or her parents, if living, and whether the minor's parents consent to the petition if the petition is not being filed by the minor's parents;

(4) the need for the appointment of a guardian;

(5) if the petition is filed due to the death of the minor's parent or legal guardian, or if the minor is to receive property under a will, deed or other written instrument conveying property whether the petitioner knows if the parent, legal guardian or decedent appointed a guardian for the minor in his or her will, deed or any other written instrument, and if so, the name of such proposed guardian;

(6) that the minor has no guardian presently appointed or that a guardian already appointed has died or has been discharged or removed by the court, together with the date of such death, discharge or removal and a reference to the court order discharging or removing the previously appointed guardian;

(7) the name, address and age of the proposed guardian and his or her relationship to the minor, if any;

(8) the nature of any interest of the proposed guardian adverse to that of the minor including, *inter alia*, a reference to any estate in which the minor is interested and in which the proposed guardian is a fiduciary or surety or employee of a fiduciary or surety therein;

(9) if the minor is fourteen years of age or older, the preference of the minor, if any, as to who should be appointed as guardian;

(10) if the petition is for the appointment of a guardian of the person, the religious persuasion of the minor's parents and the religious persuasion of the proposed guardian;

(11) if the petition is for the appointment of a guardian of the estate of the minor, an itemization of the assets of such estate, their location, approximate value and income, if any;

(12) if the minor is entitled to receive any property as a party to any court action or proceeding, a reference to the court record and the amount of the property to which the minor is entitled; and

(13) that notice has been given to the United States Veterans' Administration or its successor, if the minor is the child of a veteran and insurance or other gratuity is payable to him or her by the United States Veterans' Administration, or its successor.

(b) *Exhibits.* The following shall be attached to the petition:

(1) the proposed guardian's written consent to the appointment;

(2) the written consents of the minor's parents to the petition if they are not the petitioners and if they consent to the petition; and

(3) a copy of decedent's will, deed, or other written instrument referenced in subparagraph (a)(5) of this Rule that appoints a guardian.

(c) If the minor is fourteen years of age or older, the minor shall appear in court at the time of the hearing, if any.

Note: Rule 5.6 is derived from former Rule 12.5.

Explanatory Comment: In a change from former Rule 12.5, Rule 5.6 requires separate petitions for each minor even if the same person is proposed as the guardian of the estates or persons of several minors. Separate Accounts must be filed for the estate of each minor. See Rule 2.3. Additionally, petitioner must attach a copy of any known written instrument that appoints a guardian to receive property or proceeds on behalf of a minor. See 20 Pa.C.S. § 5115. As used in (a)(5) and (a)(12) of this Rule, "property" includes cash and cash proceeds.

Rule 5.7. Appointment of a Trustee.

(a) *Contents of Petition.* A petition for the appointment of a trustee may be filed by a resigning trustee, the current trustee or any trust beneficiary and shall conform to the requirements provided by the Rules in Chapter III and set forth the following:

(1) the situs of the trust and if any court previously has exercised jurisdiction over the trust;

(2) the provisions of the instrument creating the trust;

(3) the general character, location, and value of the trust property;

(4) the reasons why any individual or corporation named in the trust instrument as trustee or successor trustee is unable or unwilling to serve;

(5) the names, addresses and relationships of all interested parties and whether those who have not joined in or consented to the petition have been given notice of the filing of the petition, or the reason for failing to give any interested party notice;

(6) the name and address of the proposed trustee and his or her relationship, if any, to any interested party; and

(7) whether the proposed trustee has any interest in the trust.

(b) *Exhibits.* The following shall be attached to the petition:

(1) a copy of the trust instrument;

(2) the proposed trustee's written consent to the appointment;

(3) the signed written consents of all interested parties who have not signed or joined in the petition, but who consent to the appointment of the proposed trustee; and

(4) if issued, the consent or letter of acquiescence from the Office of the Attorney General if required under 20 Pa.C.S. § 7764(d)(2).

Note: Rule 5.7 is based upon former Rule 12.6.

Explanatory Comment: See 20 Pa.C.S. § 7764.

Rule 5.8. Discharge of Fiduciary and Surety.

(a) *Account Previously Filed.* A petition for the discharge of a fiduciary and his or her surety, or of the surety alone, subsequent to an Account having been filed and confirmed, shall conform to the requirements provided by the Rules in Chapter III and set forth the following:

(1) the nature of the fiduciary capacity;

(2) the date and a reference to the record of the fiduciary's appointment;

(3) the date of filing the fiduciary's Account and the date of the court's adjudication or order confirming the Account; and

(4) that the entire estate has been distributed to the creditors and parties entitled thereto and that no other property belonging to the estate has been received or remains to be accounted for by the fiduciary.

(b) *Account Annexed.* In lieu of filing and advertising an Account, a personal representative who is distributing an estate under the provisions of 20 Pa.C.S. § 3531, or the guardian of the estate of a minor who has attained majority and whose gross estate does not exceed the statutory limitation of an administration without appointment of a guardian, may annex an Account to the petition for discharge with the information required above, modified to indicate any previous distribution, and suggesting the proper distribution of any balance on hand.

Note: Rule 5.8 is based upon former Rule 12.7.

Explanatory Comment: Pursuant to Rule 2.9(b), an adjudication of an Account discharges the fiduciaries as to the transactions set forth in the adjudicated Account.

Rule 5.9. Partition.

In addition to the requirements provided by the Rules in Chapter III, a petition for partition shall set forth the following:

(a) the date of the decedent's death and whether he or she died testate or intestate, in whole or in part;

(b) a description, giving the size and location, of the property to be partitioned, the liens and charges to which it is subject and the rents due from tenants thereof, and that the property has not been partitioned or valued for partition;

(c) the name, address and relationship of those interested in the land to be partitioned, the extent of the interest of each of such persons, and, if such interest is created by a recorded deed or will, a reference to such record; and

(d) a request for a citation upon the interested parties who have not joined in or consented to the petition to appear and show cause why an inquest in partition should not be granted.

Note: Rule 5.9 is substantively identical to former Rule 12.8.

Rule 5.10. Public Sale of Real Property.

(a) In addition to the requirements provided by the Rules in Chapter III, a petition for the public sale of real property shall set forth the reason for filing the petition,

a description, stating the size and location of the property to be sold, and the liens and charges to which it is subject.

(b) Public notice of the sale shall be given as required by law and as may be further required by local rule or as the court may order in a particular matter.

Note: Rule 5.10 is substantively identical to former Rule 12.9.

Rule 5.11. Private Sale of Real Property or Options Therefor.

(a) *Contents of Petition.* In addition to the requirements provided by the Rules in Chapter III, a petition for the private sale or exchange of real property, or for the grant of an option for any such sale or exchange shall set forth the following:

(1) the information required in a petition for the public sale of real property under Rule 5.10(a); and

(2) the name and address of the proposed purchaser and the terms of the proposed sale, exchange or option, the consideration therefor, and that this consideration is more than can be obtained at public sale.

(b) *Exhibits.* The petition shall be supported by the affidavits of at least two competent persons setting forth that they have inspected the real property to be sold, exchanged or optioned, that they are not personally interested in the proposed sale, exchange or option, that they are acquainted with the value of real estate in the area, that in their opinion the proposed consideration is more than can be obtained at public sale, and in the case of an exchange, that they are acquainted with the value of real estate in the locality of the property to be received.

Note: Rule 5.11 is substantively identical to former Rule 12.10.

Rule 5.12. Mortgage or Lease of Real Property.

In addition to the requirements provided by the Rules in Chapter III, a petition to mortgage or lease real property shall set forth the following:

(a) the information required in a petition for the public sale of real property under Rule 5.10(a), as far as practicable; and

(b) the name of the proposed mortgagee or lessee and the terms of the proposed mortgage or lease.

Note: Rule 5.12 is substantively identical to former Rule 12.11.

Rule 5.13. Inalienable Property.

In addition to the requirements provided by the Rules in Chapter III, a petition under Chapter 83 of Title 20 shall set forth the facts required by 20 Pa.C.S. § 8301, as applicable, and the following:

(a) the names of all interested parties who have not joined in or consented to the petition, and their addresses, if known; and

(b) if the petition is for the public or private sale of real property subject to a life estate with remainder over and the real property is not held in trust, the petition shall request the appointment of a named trustee to make the sale and hold the proceeds in trust.

Note: Rule 5.13 is substantively identical to former Rule 12.12.

Rule 5.14. Designation of a Successor Custodian.

A petition for the designation of a successor custodian under the Pennsylvania Uniform Gifts to Minors Act shall

conform to the requirements provided by the Rules in Chapter III and set forth as far as practicable the information required in a petition for the appointment of a guardian of the estate of a minor.

Note: Rule 5.14 is substantively identical to former Rule 12.13.

Rule 5.15. Confirmation of Trustee Appointment.

(a) *Contents of Petition.* Where an initial or successor trustee is appointed pursuant to a trust instrument or by the unanimous agreement of all qualified beneficiaries (as defined in 20 Pa.C.S. § 7703) pursuant to 20 Pa.C.S. § 7764, a petition for the court to confirm such appointment shall conform to the requirements provided by the Rules in Chapter III and shall set forth the following:

(1) the reason for filing the petition; and

(2) the pertinent provisions of the instrument creating the trust and providing for the appointment of the trustee.

(b) *Exhibits.* The following shall be attached to the petition:

(1) a copy of the trust instrument duly certified by counsel to be a true and correct copy; and

(2) the designated trustee's written consent to serve.

Note: Rule 5.15 is substantively identical to former Rule 12.14.

CHAPTER VI. (Reserved)

CHAPTER VII. RULES RELATING TO PRE-HEARING AND HEARING PROCEDURE

Rule

- | | |
|------|--|
| 7.1. | Depositions, Discovery, Production of Documents and Perpetuation of Testimony. |
| 7.2. | Motion for Judgment on the Pleadings. |
| 7.3. | Motion for Summary Judgment. |
| 7.4. | Injunctions. |

Rule 7.1. Depositions, Discovery, Production of Documents and Perpetuation of Testimony.

The court, by local rule or order in a particular matter, may prescribe the practice relating to depositions, discovery, production of documents and perpetuation of testimony. To the extent not provided for by local rule or an order governing a particular matter, the practice relating to depositions, discovery, production of documents and perpetuation of testimony shall conform to the practice in the Trial or Civil Division of the local Court of Common Pleas.

Note: Rule 7.1 is identical to former Rule 3.6.

Rule 7.2. Motion for Judgment on the Pleadings.

After the relevant pleadings are closed, but within such time as not to unreasonably delay the hearing, any party may move for judgment on the pleadings. The court shall enter such judgment or order as shall be proper on the pleadings.

Note: Rule 7.2 has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. No. 1034.

Explanatory Comment: The Official Note to Pa.R.C.P. No. 1034 is fully incorporated by reference herein, except that the court may, but is not required to, promulgate local rules governing the procedure for these motions.

Rule 7.3. Motion for Summary Judgment.

(a) After the relevant pleadings are closed, but within such time as not to unreasonably delay a hearing, any

party may move for summary judgment in whole, or in part, as a matter of law in the manner set forth in Pa.R.C.P. Nos. 1035.1, 1035.2, and 1035.4.

(b) The party against whom the motion for summary judgment is filed shall respond in accordance with Pa.R.C.P. Nos. 1035.3(a)—(b) and 1035.4.

(c) The court shall rule upon the motion for summary judgment as provided in Pa.R.C.P. Nos. 1035.3(c)—(e) and 1035.5.

Note: Rule 7.3 has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. No. 1035.1 *et seq.*

Explanatory Comment: The Notes, Official Note and Explanatory Comments to Pa.R.C.P. No. 1035.1 *et seq.* are incorporated by reference herein, except that the court may, but is not required to, promulgate local rules governing the procedure for these motions.

Rule 7.4. Injunctions.

Upon petition, the court may issue a preliminary, special, or permanent injunction in accordance with the rules and procedures provided in Pa.R.C.P. No. 1531.

Note: Rule 7.4 has no counterpart in former Orphans' Court Rules, but is derived from Pa.R.C.P. No. 1531.

Explanatory Comment: With the repeal of 20 Pa.C.S. § 772, the propriety of and procedure for obtaining an injunction in an Orphans' Court matter was uncertain. This Rule clarifies that an injunction may be requested and issued in this court. The procedure for requesting the issuance of an injunction shall conform to the practice set forth in Pa.R.C.P. No. 1531. The Notes and Explanatory Comments to Pa.R.C.P. No. 1531 are fully incorporated by reference herein.

CHAPTER VIII. RECONSIDERATION

Rule	
8.1.	Exceptions and Post-Trial Motions.
8.2.	Motions for Reconsideration.

Rule 8.1. Exceptions and Post-Trial Motions.

Except as provided in Rule 8.2, no exceptions or post-trial motions may be filed to any order or decree of the court.

Explanatory Comment: The former exception practice is discontinued, and this Rule clarifies that post-trial motion practice applicable in the Civil Division of the Court of Common Pleas is not applicable in the Orphans' Court Division.

Rule 8.2. Motions for Reconsideration.

(a) By motion, a party may request the court to reconsider any order that is final under Pa.R.A.P. 341(b) or 342, or interlocutory orders subject to immediate appeal under Pa.R.A.P. 311, so long as the order granting reconsideration is consistent with Pa.R.A.P. 1701(b)(3).

(b) Upon a motion to do so, a court may reconsider an interlocutory order at any time.

(c) Motions for reconsideration are not permitted to any order in involuntary termination or adoption matters under the Adoption Act, 23 Pa.C.S. § 2101 *et seq.*

Explanatory Comment: The period for filing an appeal is not tolled by the filing of a motion for reconsideration unless the court grants the motion for reconsideration prior to the expiration of the appeal period. See Pa.R.A.P. 1701(b)(3). Interlocutory orders may be reconsidered anytime during the pendency of the proceeding.

See *Key Automotive Equip. Specialists, Inc. v. Abernethy*, 636 A.2d 1126, 1128 (Pa. Super. 1994); 42 Pa.C.S. § 5505.

CHAPTER IX. AUDITORS AND MASTERS

Rule	
9.1.	Notice of Hearings.
9.2.	Filing of Report.
9.3.	Form of Auditor's Report.
9.4.	Form of Master's Report.
9.5.	Transcript of Testimony.
9.6.	Notice of Filing Report.
9.7.	Confirmation of Report.
9.8.	Security for Expenses and Fees.

Rule 9.1. Notice of Hearings.

An auditor or master appointed pursuant to 20 Pa.C.S. § 751 shall give notice of scheduled hearings in such manner and to such parties as local rules shall prescribe.

Note: Rule 9.1 is substantively identical to former Rule 8.1.

Rule 9.2. Filing of Report.

An auditor or master shall file his or her report within 90 days after his or her appointment, unless the court extends the time upon request.

Note: Rule 9.2 is based upon former Rule 8.2.

Rule 9.3. Form of Auditor's Report.

An auditor's report shall include a statement of the questions involved, findings of fact, conclusions of law, and, if the Account is approved by the auditor, it shall also expressly confirm the Account and shall specify, or indicate by reference to the petition of adjudication/statement of proposed distribution, the names of the persons to whom the balance available for distribution is awarded and the amount or share awarded to each of such persons.

Note: Rule 9.3 is identical to former Rule 8.3.

Rule 9.4. Form of Master's Report.

A master's report shall state the number, times, dates and duration of the hearings held, the number, extent and causes of any delays or continuances, and the basis of the court's jurisdiction, and shall include a statement and discussion of the questions involved, findings of fact and conclusions of law, and specific recommendations.

Note: Rule 9.4 is identical to former Rule 8.4.

Rule 9.5. Transcript of Testimony.

The transcript of testimony taken before an auditor or master shall be filed with the report.

Note: Rule 9.5 is identical to former Rule 8.5.

Rule 9.6. Notice of Filing Report.

An auditor or master shall give notice of the filing of the report or of the intention to file the report in such manner and to such parties as local rules shall prescribe.

Note: Rule 9.6 is identical to former Rule 8.6.

Rule 9.7. Confirmation of Report.

(a) The report of an auditor shall be confirmed in such manner as local rules shall prescribe.

(b) The report of a master shall not be approved until a decree is entered adopting its recommendations.

Note: Rule 9.7 is identical to former Rule 8.7.

Rule 9.8. Security for Expenses and Fees.

An auditor or master, the accountant, or any interested party may apply to the court at any time for leave to require security for the payment of the auditor's or

master's expenses and fees, and, when such leave is granted, the auditor or master may decline to proceed until security is entered.

Note: Rule 9.8 is substantively identical to former Rule 8.8.

CHAPTER X. REGISTER OF WILLS

Rule	
10.1.	Forms.
10.2.	Petition Practice.
10.3.	Hearings.
10.4.	Appeals from the Register of Wills.
10.5.	Notice to Beneficiaries and Intestate Heirs.
10.6.	Status Report by Personal Representative.

Rule 10.1. Forms.

The forms approved by the Supreme Court for statewide practice before the Register as set forth in the Appendix shall be used. No other forms shall be allowed or required by local rule or practice in such instances.

Note: Rule 10.1 is new, but is derived from former Rule 10.1.

Explanatory Comment: Rule 10.1 has been modified from former Rule 10.1 by now mandating the exclusive use of statewide forms promulgated by the Supreme Court. *See* Rule 1.8.

Rule 10.2. Petition Practice.

When a matter requires the Register to exercise discretion or decide an issue of fact or law, the pleading and practice shall conform as near as practical to the practice and procedure before the court as provided by Chapter III of these Rules and 20 Pa.C.S. § 906 (relating to caveats). The Register may issue a citation if appropriate and may require a party to prepare the form of citation. Service of citations issued by the Register shall be the responsibility of the party requesting the issuance of the citation.

Note: Rule 10.2 is new.

Rule 10.3. Hearings.

(a) Evidentiary hearings before the Register shall be recorded by stenographic or electronic means when directed by the Register or requested by an interested party, the cost of which shall be allocated as directed by the Register.

(b) The Register may issue subpoenas to compel attendance at evidentiary hearings as provided in 20 Pa.C.S. § 903(1).

(c) The Pennsylvania Rules of Evidence shall apply in all evidentiary hearings before the Register.

(d) The Register may require parties to submit memoranda and/or proposed findings of fact and conclusions of law.

(e) The Register shall promptly decide the matter at issue by written order or decree. The order or decree may, but need not, contain a brief opinion or recitation of relevant facts and legal conclusions as found by the Register.

Note: Rule 10.3 is new.

Explanatory Comment: In any matter, the Register or the Register's designee may hold an informal conference to narrow or define the issues, consider the necessity or desirability of amendments to the pleadings, obtain admissions of fact and stipulations as to documents, or to otherwise aid in the disposition of the matter.

Rule 10.4. Appeals from the Register of Wills.

Appeals to the court from an order or decree of the Register shall be by petition and governed by Chapter III of these Rules and any applicable local rules.

Note: Rule 10.4 is new, but is derived from former Rule 10.2.

Rule 10.5. Notice to Beneficiaries and Intestate Heirs.

(a) Within three (3) months after the grant of letters, the personal representative to whom original letters have been granted or the personal representative's counsel shall send a written notice of estate administration in the form approved by the Supreme Court to:

(1) every person, corporation, association, entity or other party named in decedent's will as an outright beneficiary whether individually or as a class member;

(2) the decedent's spouse and children, whether or not they are named in, or have an interest under, the will;

(3) where there is an intestacy in whole or in part, to every person entitled to inherit as an intestate heir under Chapter 21 of Title 20;

(4) the appointed guardian of the estate, parent or legal custodian of any beneficiary who is a minor;

(5) the appointed guardian of the estate or, in the absence of such appointment, the institution or person with custody of any beneficiary who is an adjudicated incapacitated person;

(6) the Attorney General on behalf of any charitable beneficiary (i) which is a residuary beneficiary, including as a beneficiary of a residuary testamentary trust; (ii) whose legacy exceeds \$25,000; or (iii) whose interest in a legacy will not be paid in full;

(7) the Attorney General on behalf of any governmental beneficiary;

(8) the trustee of any trust which is a beneficiary; and

(9) such other persons and in such manner as may be required by local rule.

(b) A "beneficiary" shall be deemed to include any person who may have an interest by virtue of the Pennsylvania anti-lapse statute, 20 Pa.C.S. § 2514.

(c) Notice shall be given by personal service or by first-class, prepaid mail to each person and entity entitled to notice under subparagraph (a)(1)—(9) whose address is known or reasonably available to the personal representative.

(d) Within ten (10) days after giving the notice required by paragraph (a) of this Rule, the personal representative or the personal representative's counsel shall file with the Register a certification that notice has been given as required by this Rule.

(e) Upon the failure of the personal representative or the personal representative's counsel to file the certification on a timely basis, the Register shall, after ten (10) days subsequent to providing written notice to the delinquent personal representative and his counsel, notify the court of such delinquency.

(f) This Rule shall not alter or diminish existing rights or confer new rights.

(g) The Register shall deliver a copy of Rule 10.5 and the forms of notice and certification approved by the Supreme Court to each personal representative not represented by counsel at the time letters are granted.

Note: Rule 10.5 is substantively identical to former Rule 5.6, except that subparagraph (d) of this Rule no longer prohibits the Register from charging a fee for filing this certification. The form of notice and certification of notice required by Rule 10.5 is set forth in the Appendix. Subparagraph (e) of this Rule is not intended to limit the inherent power of the court to impose sanctions upon a delinquent personal representative or counsel.

Explanatory Comment: It is not the intention of this Rule to require notice beyond the degree of consanguinity entitling a person to inherit under Chapter 21 of Title 20.

Rule 10.6. Status Report by Personal Representative.

(a) *Report of Uncompleted Administration.* If administration of an estate has not been completed within two years of the decedent's death, the personal representative or counsel shall file at such time, and annually thereafter until the administration is completed, a report with the Register showing the date by which the personal representative or his, her, or its counsel reasonably believes administration will be completed.

(b) *Report of Completed Administration.* Upon completion of the administration of an estate, the personal representative or his, her or its counsel shall file with the Register a report showing:

- (1) completion of administration of the estate;
- (2) whether a formal Account was filed with the Orphans' Court;
- (3) whether a complete Account was informally stated to all parties in interest;
- (4) whether final distribution has been completed; and
- (5) whether approvals of the Account, receipts, joinders and releases have been filed with the clerk.

(c) *Form of Status Report.* The report required by this Rule shall be in the form approved by the Supreme Court.

(d) *Copy of Rule.* Upon the grant of letters, the Register shall give a copy of Rule 10.6 to each personal representative not represented by counsel.

(e) *Failure to File a Status Report.* After at least ten (10) days subsequent to providing written notice to a delinquent personal representative and counsel, the Register shall inform the court of the failure to file the report required by this Rule with a request that the court conduct a hearing to determine what sanctions, if any, should be imposed.

Note: Rule 10.6 is based upon former Rule 6.12, except that this Rule no longer includes former subparagraph (d) that prohibited the Register from charging a fee for filing the status report. The form of status report required by Rule 10.6 is set forth in the Appendix.

CHAPTER XI. (Reserved)

CHAPTER XII. (Reserved)

CHAPTER XIII. (Reserved)

[RULE 14. GUARDIANSHIP] CHAPTER
XIV. GUARDIANSHIPS OF INCAPACITATED
PERSONS

Rule 14.1. [Local rules] (Reserved).

[The practice and procedure with respect to incapacitated persons' shall be as prescribed by local rules, which shall not be inconsistent with Rules 14.2—14.5.]

Note: See Rule 1.5.

Rule 14.2 Adjudication of [incapacity and appointment of a guardian of the person and/or estate of an incapacitated person] **Incapacity and Appointment of a Guardian of the Person and/or Estate of an Incapacitated Person.**

A petition to adjudicate [incapacity] **an individual as an incapacitated person** shall meet all requirements set forth at 20 Pa.C.S. § 5511. A citation and notice in the form approved by the Supreme Court shall be attached to and served with a petition. The procedure for [determination of] **determining** incapacity and for appointment of a guardian shall meet all requirements set forth at 20 Pa.C.S. §§ 5512 and 5512.1.

[**Committee Comment—2006: The form of citation and notice formerly found in the body of rule 14.5 has been moved to the Appendix.]**

Explanatory Comment: See Rule 14.5(a) for form of citation and notice.

Rule 14.3. Review [hearing] **Hearing.**

A petition for a review hearing shall set forth:

[(1)] (a) the date of the adjudication of incapacity;

[(2)] (b) the name and address of the guardian;

[(3)] (c) if the incapacitated person has been a patient in a mental [hospital] **health facility**, the name of such [institution] **facility**, the date of admission, and the date of discharge;

[(4)] (d) the present address of the incapacitated person, and the name of the person with whom the incapacitated person is living;

[(5)] (e) the names and addresses of the presumptive adult heirs of the incapacitated person; and

[(6)] (f) an averment that:

[(i)] (1) there has been significant change in the **incapacitated** person's capacity;

[(ii)] (2) there has been a change in the need for guardianship services; or

[(iii)] (3) the guardian has failed to perform duties in accordance with the law or act in the best interest of the incapacitated person.

[**Official Note:** See 20 Pa.C.S. § 5512.2.]

Explanatory Comment: For the court's disposition of a petition for a review hearing and evidentiary burden of proof, see 20 Pa.C.S. § 5512.2.

Rule 14.4. Proceedings [relating to real estate] **Relating to Real Estate.**

A petition for the public or private sale, exchange, lease, or mortgage of real estate of an incapacitated person or the grant of an option for the sale, exchange or lease of the same shall conform as far as practicable to the requirements of these [rules] **Rules** for personal representatives, trustees and guardians of minors in a transaction of similar type.

Rule 14.5. [Form of citation and notice] **Forms.**

[The citation and notice to be attached to and served with a petition for adjudication of incapac-

ity and appointment of guardian shall be substantially in the form approved by the Supreme Court.

Committee Comment—2006: The form of citation and notice formerly found in the body of Rule 14.5 has been moved to the Appendix.]

The following forms located in the Appendix shall be used exclusively.

- (a) Important Notice—Citation with Notice;
- (b) Annual Report of Guardian of the Estate;
- (c) Annual Report of Guardian of the Person; and
- (d) Guardian's Inventory.

Explanatory Comment: In accordance with Rule 1.8, these forms must be used exclusively and cannot be replaced or supplanted by a local form.

[RULE 15] CHAPTER XV. ADOPTIONS

* * * * *

[RULE 16] CHAPTER XVI. PROCEEDINGS
PURSUANT TO SECTION 3206 OF THE ABORTION
CONTROL ACT

[**Official**] **Note:** The right of a minor to petition the court for consent under Section 3206(c), 18 Pa.C.S. § 3206(c), shall be carried forth pursuant to the following procedures:

Rule 16.1. Definitions[.]; Scope.

(a) As used in this Rule [16], the following words shall have the following meaning:

[**“act” means**] **“Act”**—the Act of June 11, 1982, P. L. 476, No. 138, as amended, 18 Pa.C.S. [**Section**] § 3201 et. seq., known as the Abortion Control Act[.];

[**“applicant” means**] **“Applicant”**—a pregnant woman: (i) who is less than eighteen years of age and not emancipated or (ii) a person acting on behalf of a pregnant woman who has been adjudged an incapacitated person pursuant to Chapter 55 of [**the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. Section 5501, et seq.**] Title 20 (relating to incapacitated persons);

[**“application” includes**] **“Application”**—a legal paper, including a motion or petition;

[**“court” means**] **“Court”**—the Orphans' Court Division of the Court of Common Pleas, except in proceedings brought: (a) in Philadelphia in which the applicant is a minor in which case the term “court” means the Family Court Division; (b) in Allegheny County where said proceedings shall be heard in the Juvenile Court Section of the Family Court Division;

[**Official**] **Note:** See Rule of Judicial Administration 2157 governing distribution of business within courts of common pleas.

[**“proceeding” means**] **“Proceeding”**—a proceeding pursuant to Section 3206(c) of the Act, 18 Pa.C.S. [**Section**] § 3206(c).

[**Official**] **Note:** Section 3206(c) of the Abortion Control Act relates to proceedings seeking authorization for a physician to perform an abortion.

(b) The procedure set forth in [**Rule**] Chapter 16 shall govern proceedings pursuant to Section 3206(c) of the Act, 18 Pa.C.S. [**Section**] § 3206(c).

[**Official**] **Note:** These rules implement Section 3206 of the Abortion Control Act and work with that section to provide a full procedure. Procedures which are set forth in that section rather than the rules include the following:

1. Participation in the proceeding and representation by an attorney, Section 3206(e). The court shall be responsible for adopting a procedure to assure that the court advises the pregnant woman of her right to counsel and that counsel is appointed upon her request;

2. Conduct of the hearing, including the exclusion of persons, evidence to be heard and notices to be given the applicant, Section 3206(f)(3) and (4) and Section 3206(h); and

3. Specific factual findings and legal conclusions by the court in writing, Section 3206(f)(1).

Section 3206 of the Act provides for an “expedited [**appeal**].” **appeal.** See Rule 3801 *et seq.* of the Rules of Appellate Procedure, which provide a complete procedure governing the appeal.

Pa.R.A.P. 3804 requires that the court reporter, without charge to the applicant, transcribe the notes of testimony and deliver them to the clerk of the court by 5:00 o'clock p.m. of the business day following receipt of the notice of appeal to the Superior Court.

Rule 16.2. Confidentiality.

(a) The proceeding shall be confidential.

[**Official**] **Note:** See [**subdivision**] subparagraph (b) of this rule governing the sealing of the record. See Rule 16.6 for provisions governing docketing. See Section 3206(f)(3) of the Act for the exclusion of persons from the hearing.

(b) The record, including the application, pleadings, submissions, transcripts, exhibits, orders, evidence, findings and conclusions and any other written material to be maintained, shall be sealed.

(c) The identity of the applicant shall not be disclosed in any decision of the proceeding.

Rule 16.3. Precedence of Proceeding.

The proceeding shall be given such precedence over other pending matters as will ensure that the court renders a decision within three business days of the date of the filing of the application.

Rule 16.4. Commencement[.]; Venue[.]; No Filing Fees.

(a) The proceeding shall be commenced by filing an application in the appropriate division of the court of common pleas of the county in which the applicant resides or in which the abortion is sought.

(b) No filing fees or court costs shall be required of the applicant.

Rule 16.5. Application[.]; Contents[.]; Form of Verification[.]; Assistance in Preparation.

(a) The application shall set forth the following:

(1) the initials of the applicant;

(2) the age of the applicant;

(3) the names and addresses of each parent, guardian or, if the petitioner is a minor whose parents are deceased and no guardian has been appointed, any other person standing *in loco parentis* to the applicant;

(4) a statement that the applicant has been fully informed of the risks and consequences of the abortion;

(5) a statement whether the applicant is of sound mind and has sufficient intellectual capacity to consent to the abortion;

(6) a prayer for relief asking the court to enter an order authorizing a physician to perform an abortion upon applicant;

(7) an unsworn verification by the applicant stating that the information therein is true and correct and that the applicant is aware that any false statements made in the application are subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities; and

(8) the signature of the applicant, which may consist of the applicant's initials.

(b) Where necessary to serve the interest of justice, the court shall refer the applicant to the appropriate personnel for assistance in preparing the application.

[Committee Comment—2006: The form of unsworn verification previously found in subdivision (b) has been deleted. This unsworn verification required by subdivision (a)(7) is the standard form of verification made subject to the penalties of Section 4904 of the Crimes Code, 18 Pa.C.S. § 4904.

Forms formerly found in rule 16.11 and 16.12 for applications and separate unsworn verifications by minors have been moved to the Appendix.]

Rule 16.6. Dockets[.]; Document Maintenance.

(a) Each court shall maintain a sealed docket which is not open to public inspection.

(b) The proceeding shall be docketed by case number only.

(c) The name or initials of the applicant shall not be entered on any docket which is subject to public inspection.

(d) Documents pertaining to the proceeding shall be maintained in a closed file which shall be marked "confidential" and identified by the case number only.

Rule 16.7. (Reserved).

Rule 16.8. (Reserved).

Rule 16.9. (Reserved).

Rule 16.10. Form; Generally.

The form of application by a minor and form of separate unsworn verification shall be prepared and filed in substantial conformity with the forms approved by the Supreme Court.

[Explanatory] Note: Additional averments will be required for an application filed on behalf of a person who has been adjudged an incapacitated person pursuant to Chapter 55 of [**the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. Section 5501, et seq.**] Title 20 (relating to incapacitated persons).

[Committee Comment—2006: Forms formerly found in Rules 16.11 and 16.12 for applications and verifications by minors have been moved to the Appendix.]

Rule 16.11. (Reserved).

[Committee Comment—2006: The form formerly found in Rule 16.11 for application by a minor has been moved to the Appendix.]

Rule 16.12. (Reserved).

[Committee Comment—2006: The form formerly found in Rule 16.12 for unsworn verification by a minor has been moved to the Appendix.]

ORPHANS' COURT PROCEDURAL RULES COMMITTEE REPORT

Rescission and Replacement of Pennsylvania Orphans' Court Rules 1.1 through 13.3 and Rule 17, with Amendment of Rules 14.1 through 16.12

Given that the last substantial revision to the Supreme Court Orphans' Court Rules occurred in November 1975, with an effective date of January 1, 1976, then-Chief Justice Ralph J. Cappy of the Supreme Court of Pennsylvania approved a proposal by the Orphans' Court Procedural Rules Committee (the "Committee") to review and elaborate upon the skeletal collection of prior rules governing statewide practice and procedure. Publicly announcing this project on October 17, 2007, Chief Justice Cappy explained that the "intent here is to simplify the current system and standardize governing procedures so everyone has a clearer idea of what is expected and better outcomes are realized for the citizens of Pennsylvania."

The Committee thereafter published a proposal for new Orphans' Court Rules on April 13, 2013 in the *Pennsylvania Bulletin*, 43 Pa.B. 2010, with a comment period that expired on June 13, 2013. The Committee received numerous comments which were thoroughly reviewed and vetted. Where necessary or deemed appropriate the Committee revised the published proposal based upon the comments received. The Committee then submitted a revised draft of these proposed new Orphans' Court Rules to the Pennsylvania Supreme Court (the "Court") with a recommendation for their adoption. The Court adopted the following rules by Order dated December 1, 2015, with an effective date of September 1, 2016.

Introduction

It is the Committee's intent and belief that the recently adopted Supreme Court Orphans' Court Rules (the "O.C. Rules" or "Rules") will standardize procedures throughout the Commonwealth for presenting and having disputes adjudicated in the orphans' court divisions of the courts of common pleas and will promote uniformity in the content of pleadings. These new statewide O.C. Rules are intended to accomplish the following three objectives:

(1) promote a standard statewide practice and reduce variations caused by reliance on local practice;

(2) provide clear procedures to practitioners and judges throughout the state, especially those in counties without dedicated orphans' court divisions; and

(3) harmonize orphans' court proceedings with general civil practice to the extent possible.

The Committee is aware that, with respect to the adjudication and confirmation of accounts, Title 20 (the Probate, Estates and Fiduciaries Code) distinguishes between counties having a separate orphans' court division and those counties having no separate orphans' court division. 20 Pa.C.S. §§ 3511, 3512. The Committee analyzed these statutory provisions to determine whether this distinction required or warranted differing procedures for the filing of Accounts, the need to have accompanying petitions for adjudication/statements of proposed distribution filed with Accounts, and the procedures for providing notice to interested parties. In the end, the Committee recommended that a trust or estate beneficiary in a smaller county is entitled to the same notice,

information and protection as a trust or estate beneficiary in a larger county with a separate orphans' court division. Consequently, these new O.C. Rules do not differentiate between judicial districts with and without a separate orphans' court division; but rather, these new Rules ensure that best procedural practices are mandated and followed throughout the Commonwealth. To the extent that uniform statewide procedures embodied in these O.C. Rules might be viewed as conflicting with the statutory provisions of 20 Pa.C.S. §§ 3511 and 3512, the Rules include a cross-reference to Pa.R.C.P. No. 133, which suspends all statutes addressing procedural aspects to the extent that such statutes are inconsistent with procedural rules.

The Committee also carefully considered which rules of civil procedure to cross-reference in these Rules, which rules of civil procedure to adopt and restate within the text of the Rules, and which rules of civil procedure not to incorporate because of irrelevancy or undue burdens. For example, the rules of civil procedure regarding discovery have not been incorporated herein, but rather the conduct of discovery is left to the local orphans' court, with a proviso defaulting to the rules of civil procedure only if not otherwise provided for by a local rule. In addition, where appropriate, the pertinent rules of civil procedure have been narrowly tailored, such as in Orphans' Court Rule 2.8, limiting the grounds upon which preliminary objections may be raised against the objections filed to an Account.

The new O.C. Rules reflect an attempt to strike a balance between increasing the number and breadth of procedural rules so that all parties throughout the Commonwealth are operating with known procedures while not unduly burdening these same participants with additional requirements. Having a standardized, detailed roadmap to orphans' court proceedings hopefully will enable practitioners to operate more efficiently, which in turn will improve the presentation of matters before the bench. In counties without separate, dedicated orphans' court divisions, these O.C. Rules will address many areas that were not covered in the skeletal collection of prior rules. Having the same established method operate in all sixty judicial districts will assist the appellate courts when a matter is appealed. The appellate courts will be able to more readily determine if there were any procedural defects in the proceeding below, and if so, whether these defects affected substantive rights. In the end, these developments will benefit litigants and the public at large.

Organization

The new rules are divided into sections addressing, *inter alia*, introductory matters and definitions, the filing and audit of Accounts, the procedures for initiating litigation by citation and petition, pre-hearing and post-hearing procedures, and rules for practice before the Registers of Wills. In brief summary,

- Chapter I contains introductory rules which consolidate and expand upon prior O.C. Rule 1 and prior O.C. Rule 2.
- Chapter II contains rules and procedures specific to the filing and auditing of Accounts and the resolution of issues and disputes through the audit or confirmation process. This Chapter encompasses and adds to the procedure previously found in prior O.C. Rule 6, prior O.C. Rule 9, and prior O.C. Rule 13.
- Chapter III sets forth rules and procedures concerning the resolution of issues and disputes through citations

and notice petitions, which modifies and expands upon some of the procedures contained previously in prior O.C. Rule 3 and prior O.C. Rule 5.

- Chapter IV addresses general formatting rules, service upon individuals and entities who are acting in a representative capacity, service upon the Office of the Attorney General, the docketing and service of court orders, and the implementation of electronic filing. This Chapter relocates and amplifies upon procedures previously found in prior O.C. Rule 3 and prior O.C. Rule 5.
- Chapter V sets forth rules addressing specific petitions and for the most part contains rules that merely have been relocated from prior O.C. Rule 12, without substantial revisions.
- Chapter VI is being reserved for future use.
- Chapter VII provides rules relating to pre-hearing and hearing procedures, which includes prior O.C. Rule 3.6 and several new rules borrowed from civil practice.
- Chapter VIII provides new post-hearing procedures which dispense with former O.C. Rules 7.1 and 7.2.
- Chapter IX contains the rules previously found as part of prior O.C. Rule 8 regarding auditors and masters.
- Chapter X sets forth rules relating to practice before the Register of Wills, relocates and amends prior O.C. Rule 5.6 and prior O.C. Rule 6.12, and provides additional new rules.

The next three sequential Chapters (*i.e.*, Chapters XI, XII, and XIII) have been reserved for future use, thereby allowing the guardianship rules, adoption rules and Abortion Control Act rules to remain with their present rule number prefixes of 14, 15, and 16, respectively.

In these O.C. Rules, there are instances where the new rule is substantially identical to its former counterpart and merely has been relocated to a new Chapter based upon the revised structure of these new Rules. (For example, Rules governing Specific Types of Petitions are moved from prior O.C. Rule 12 to Chapter V.) For this reason, following each O.C. Rule is a note indicating whether the rule derives from a prior O.C. Rule, either in total or with modifications, or whether the rule derives from a rule of civil procedure. The Committee has included these notes because it is believed that knowing the origins of a rule will help practitioners and jurists understand the purposes and effect of the rule, thereby aiding in a more proper implementation of the rule. Also, this information is intended to assist local courts and county bar committees in reviewing their local rules to determine the future placement of a current local rule that they wish to retain.

Local Rules

Many local rules promulgated before December 1, 2015 under previously existing O.C. Rules 1 to 13 and 17 will now be obsolete. Consequently, Orphans' Court Rule 1.5, governing the adoption and dissemination of local rules, provides that all existing local rules, except for local rules on guardianships, adoptions, and the Abortion Control Act, will be vacated as of September 1, 2016.

In addition, Orphans' Court Rule 1.5 requires courts to submit any proposed new local rule to the Committee for review and vetting prior to the local rule's promulgation and effective date. The Committee will review and analyze each proposed new local rule only insofar as to determine whether the proposed local rule is inconsistent

with a Supreme Court Orphans' Court Rule. Rule 1.5 is modeled after its counterpart rule of criminal procedure. See Pa.R.Crim.P. 105.

Because under subparagraph (e) of new Rule 1.5, it is a prerequisite for the Committee to review and accept each proposed new local rule in advance of its promulgation, local courts must send all proposed new local rules to the Committee by June 1, 2016 so that the Committee has sufficient time to vet the proposed new local rules and send appropriate notices to the local courts before the sunset date of September 1, 2016. The Supreme Court has set forth these dates in its Order of December 1, 2015 re: Review and Vacatur of Local Orphans' Court Rules.

If proposed local rules are submitted to the Committee by June 1, 2016, the Committee will review the proposed local rules to ensure that the proposal is not inconsistent with any current existing Supreme Court O.C. Rule and, absent unforeseen circumstances, the Committee will issue notice to the local court before September 1, 2016 as to whether the local rule may be adopted and promulgated. After June 1, 2016, local courts should continue to submit proposed new local rules to the Committee for review and vetting as required by subparagraph (e) of new Orphans' Court Rule 1.5. However, with respect to proposed local rules submitted for Committee review after June 1, 2016, the Committee does not guarantee that it will be able to respond to the local court prior to September 1, 2016, when all currently existing local rules in Chapters 1 through 13 and 17 are vacated.

It is the Committee's belief that a review and redrafting of local rules will not prove to be difficult or time consuming for local courts and local county rule committees. First, the scope and breadth of the new Supreme Court O.C. Rules is so extensive and detailed that only a few areas will need to be covered by local rules. One of the purposes of the extensive set of new O.C. Rules is to eliminate the need for and presence of numerous and lengthy local orphans' court rules. Second, each new Supreme Court O.C. Rule has a note indicating the origins of that rule. It is anticipated that local county courts and county rule committees will be able to review the current local rules and determine whether to keep, redraft, or eliminate such local rules. The Committee hopes that the project of promulgating new local orphans' court rules will be one of primarily restructuring and reducing, and not one of redrafting and adding.

Subparagraph (d) of Rule 1.5 requires each local rule to correspond to its Supreme Court O.C. Rule counterpart. This subparagraph does not forbid use of a letter before or after the number of the local rule. Finally, while the Committee appreciates the place and importance of local rules to effective and efficient judicial administration, the Committee nevertheless expresses reservations about allowing a local court to dismiss a pleading or grant or deny relief based upon non-compliance with a local rule. Notwithstanding, subparagraph (h) of Rule 1.5 provides that a party can be sanctioned for repeated failures to comply with a local rule.

Highlighting specific rules and changes in practice

In a change from prior practice, Rule 1.8 and Rule 10.1 mandate exclusive use of Supreme Court-promulgated statewide forms. Because a goal of adopting these extensive and thorough statewide O.C. Rules is to implement best practices across the Commonwealth, the Supreme Court-promulgated forms must be used and filed exclusively. Uniformity and standardized practice across the Commonwealth will occur only when all practitioners are

required to use, and all Registers and Clerks are required to accept, only Supreme Court-promulgated forms.

The Supreme Court-promulgated form that accompanies the filing of an Account as provided in Rule 2.4 is titled "Petition For Adjudication/Statement of Proposed Distribution." This title, albeit verbose, accounts for the differences between counties with and without separate orphans' court divisions: in counties with separate orphans' court divisions, a petition for adjudication is presented when the Account is called for audit, whereas, in counties without separate orphans' court divisions, the Account is filed along with a statement of proposed distribution requesting confirmation and approval of the proposed distribution. By including both nomenclatures in the title of this form, the Committee means to indicate to practitioners and the bench that the form should be used and should accompany an Account filed in all counties regardless of whether the judicial district has a separate orphans' court division.

Chapter II provides a complete and comprehensive set of rules governing Accounts and the disposition of disputes through the Account process. This Chapter establishes standardized, statewide procedures for (i) preparing and formatting Accounts; (ii) filing Accounts and the accompanying petitions for adjudication/statements of proposed distribution; (iii) providing notice to interested parties that an Account and a distribution proposal has been filed with the court; (iv) raising and pursuing objections by interested parties to the Account or distribution proposal; and (v) obtaining court approval confirming or adjudicating the Account and authorizing distribution as proposed or as modified.

Following a practice currently in place in many counties, subparagraph (a) of Rule 2.4 requires the petition for adjudication/statement of proposed distribution to be filed with the Account. The benefits of filing the petition for adjudication/statement of proposed distribution simultaneously with the Account are as follows:

(1) interested parties are able to obtain a copy and review the petition for adjudication/statement of proposed distribution in advance so that they can then determine whether they have objections to the information and proposals in this pleading;

(2) the accountant or his or her counsel is compelled at the time of the Account's filing to review the governing instrument and determine if there are interpretation questions or potential disputes about distribution; and

(3) the court, if it is so inclined, can review the petition or statement in advance of the audit date or the last day for filing objections and notify the accountant or his or her counsel of deficiencies in the pleading or the absence of documents required to be attached.

Next, Rule 2.5 aims to standardized procedures for who is to be notified of an Account's filing, when and how such notice is to be given, and what must be contained or enclosed with the notice. Starting first with the interested parties to be notified of an Account's filing, the following new subparagraphs are worth noting. Subparagraph (b) of Rule 2.5 requires notice of the Account's filing to be sent to both counsel and the interested individual or entity even when such interested party is represented by counsel. Remembering that estates may take years to administer and trusts may continue for generations, it is commonplace for counsel to have represented an interested party in the filing of a prior Account or the resolution of an earlier dispute. Given that the prior Account was adjudicated or the prior dispute resolved, the

attorney-client relationship may have terminated by the time the subject Account is filed. If the individual or entity does not receive notice of the Account's filing, then such individual or entity may remain uninformed and lose rights to review the instant Account and pursue new objections. Second, subparagraph (c) of Rule 2.5 provides that if the proposed distribution is to an estate of which a charity is a beneficiary or to a trust of which a charity is a "qualified beneficiary" as such term is defined in 20 Pa.C.S. § 7703, then notice of the Account's filing also must be sent to the Attorney General. Similarly, if the proposed distribution is to an estate or trust and one of the accountants stating the Account is a fiduciary of the receiving estate or trust, then notice of the Account's filing must be provided to the beneficiaries of the recipient estate or trust.

With respect to when and how notice is to be given, subparagraph (d) of Rule 2.5 requires written notice to be sent 20 days prior to the audit date in counties with separate orphans' court divisions or 20 days prior to the date when objections must be filed in counties without separate orphans' court divisions. If an audit is continued or the date for filing objections is extended, subparagraph (e) requires the mailing of additional notice to all parties who received the initial mailing, not simply those who may have already filed objections.

Lastly, in regards to the contents of the notice, subparagraph (h) of Rule 2.5 requires the position of the accountant to be stated as to (i) any known dispute; (ii) a question regarding a document's interpretation; and (iii) its understanding of the nature of each contested or unpaid claim. While the Committee is aware that some fiduciaries are reluctant to take a stance, preferring instead to be a "stakeholder," it is imperative for the fiduciary as the accountant to expressly state a position. Without a stated position, the beneficiary and/or creditor receiving notice of the Account's filing cannot know whether to pursue objections because such beneficiary and/or creditor is not made aware of what relief is being requested of the court.

O.C. Rule 2.7 regarding objections expands upon prior O.C. Rule 6.10. In crafting this more detailed rule, the Committee reviewed the local rules of many counties and selected those provisions embodying best practices and explaining most clearly and comprehensively how objections should be pleaded and verified, and the time by which objections should be filed with the court.

With the repeal of the equity rules on January 1, 2004, the authority to file and the procedures for resolving preliminary objections to Account objections vanished, resulting in a medley of judicial responses that ranged from refusing to permit preliminary objections to relying upon the rules of civil procedure. O.C. Rule 2.8 rectifies this vacuum and is derived in part from Pa.R.C.P. No. 1028. With that said, Rule 2.8 differs from its civil counterpart by limiting permissible preliminary objections to only two grounds: (i) lack of jurisdiction over the subject matter, and (ii) lack of standing. By limiting preliminary objections to only these two grounds in the Account context, the Committee balanced the need for a procedure by which the court quickly can address and perhaps dismiss objections to an Account with concern from practitioners and the bench not to allow "scorched earth" litigation tactics that increase the costs and delay resolution. Specifically, a court's lack of jurisdiction over the estate or trust or a party's lack of standing to pursue objections is paramount to an orderly and expedient adjudication or confirmation of an Account. On the other

hand, the exclusion of scandalous or impertinent matter is not essential to the orderly disposition of objections, but rather serves only to delay the proceeding and cause substantial fees to be incurred by the *res* of the trust or estate or by the objecting party. Lack of jurisdiction over the person would never be a proper objection because the adjudication or confirmation of an Account is an *in rem* proceeding, not an *in personam* proceeding. Lack of specificity is not an impediment to resolving objections and thus a preliminary objection on these grounds would not aid the court. In most instances, the objecting beneficiary does not have the means to provide more specificity to its objections; the assets and much of the relevant information concerning these assets is in the possession of the fiduciary who prepared the Account.

If a dispute is not brought before the orphans' court through the filing of an Account and the raising of objections, the other method by which to proceed in orphans' court is through the filing of a petition. The O.C. Rules contained in Chapter III are intended to have petition practice in orphans' court resemble as closely as possible petition practice in the other civil divisions. In fact, many of the Rules in Chapter III are derived from a particular rule of civil procedure as indicated by the notes appearing after each Rule in this Chapter.

Chapter V sets forth rules governing specific petitions. In all but one instance, these Rules are derived from rules contained in prior O.C. Rule 12. The one exception is O.C. Rule 5.1 governing declaratory petitions, which is based upon a particular local court rule. In the Committee's opinion, the prevalence of declaratory judgment actions in orphans' court warrants a specific rule governing these petitions.

Chapter VIII abolishes the long-standing tradition of Exception practice in orphans' court. The benefits and reasons for filing Exceptions are now historical. In a prior time, an *en banc* panel of orphans' court judges heard the Exceptions and determined whether the underlying order, decision, or adjudication should be vacated or amended. In today's practice, the jurist issuing the underlying opinion or order frequently is the only jurist considering the Exceptions. The practical effect is that Exceptions are considered and resolved today in much the same way that motions for reconsideration are considered and resolved, *i.e.*, by the judge who was the trier of fact.

For this reason, there is no reason to have different appellate tracks for orphans' court matters and civil matters. Parties, practitioners, and jurists at both the lower court and appellate level benefit if the orphans' court division employs the same procedures as the civil division for purposes of having the trial judge reconsider the underlying decision and for pursuing the appeal from any underlying order or opinion. Thus, in the accompanying new Rules, Rule 8.1 eliminates and abolishes Exceptions practice. Rule 8.2 establishes procedures for filing motions for reconsideration. Because this is a new regime in orphans' court, the last clause of subparagraph (a) of Rule 8.2 attempts to make clear that the filing of a motion for reconsideration does not toll the thirty (30) day period for filing an appeal unless, before the expiration of those thirty (30) days, the lower court issues an order granting reconsideration. Lastly, in keeping with prior Exception practice, subparagraph (c) of Rule 8.2 prohibits motions for reconsideration in involuntary termination proceedings and adoption matters, which is consistent with the provisions of children's fast track appeals found in Pa.R.A.P. 904(f) and 1925(a)(2).

Lastly, the Committee believes the Rules in Chapter X strike the appropriate balance between keeping practice before the Register accessible to *pro se* individuals who cannot or do not wish to retain counsel and having uniform, statewide rules to ensure an orderly administration of quasi-judicial proceedings before the Register. These Rules, particularly Rule 10.3, establish uniform, predictable, and acceptable protocols for hearings conducted before the Register. In response to comments and concerns about the published proposal, the Committee did not recommend that all evidentiary hearings be recorded or transcribed or that the party initiating the hearing bear the costs of such recording and transcribing. Instead, subparagraph (a) of Rule 10.3 requires evidentiary hearings before the Register to be recorded or transcribed only when directed by the Register or requested by an interested party and the cost of this service is to be allocated among the parties as the Register directs. On the other hand, despite criticism, subparagraph (c) of this Rule, as did its counterpart in the published proposal, requires all evidentiary hearings before the Register to be conducted in accordance with the Pennsylvania Rules of Evidence. Justice is delayed and rendered ever more costly if the Registers are not required to adhere to the Pennsylvania Rules of Evidence, because on appeal to the orphans' court, the orphans' court will enforce and abide by the Pennsylvania Rules of Evidence. As a result, hearsay, unauthenticated documents, and unsubstantiated allegations admitted in the Register's hearing no longer will be admissible, which could result in the orphans' court reversing the decision of the Register. In the Committee's opinion, it is better for all interested parties if the inadmissible evidence never is introduced and considered at the initial hearing before the Register.

Before concluding, the Committee wishes to extend both its gratitude and congratulations to all who have served on this Committee since 2007 and those who were specially consulted on this project or reviewed earlier permeations. The Committee is indebted to its present chairperson, John F. Meck, Esq., for steadily guiding this project to completion and to prior chairperson, the Honorable Calvin S. ("Pete") Drayer, Jr., for his vision in beginning this project. The Committee also thanks its prior chairpersons, Mary Jane Barrett, Esq. and Margaret Gallagher Thompson, Esq., who were instrumental in faithfully maneuvering this project forward.

[Pa.B. Doc. No. 15-2208. Filed for public inspection December 18, 2015, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BLAIR COUNTY

Administrative Order; No. 2015 MD 60

Order

And Now, this 30th day of November, 2015 the bench of Blair County determining that the Custody Education Program for Children no longer serves its intended purpose, it is *Ordered, Directed and Decreed* that the following Blair County Custody Rules are hereby rescinded:

1. Rule 1915.1(a)(2) only that portion that indicates "Children First is presented by Altoona Hospital Drug and Alcohol Services."

2. Rule 1915.1(a)(3)

3. Rule 1915.3(b)(2)

4. Rule 1915.3(c)(1) and (2) only that portion that reads "... or fail to insure that any child within that party's physical custody appears for "Sandcastles"..."

5. Rule 1915.21—removal of the Sandcastles Program from the Custody Scheduling order.

This order effective January 1, 2016.

By the Court

JOLENE GRUBB KOPRIVA,
President Judge

[Pa.B. Doc. No. 15-2209. Filed for public inspection December 18, 2015, 9:00 a.m.]

ERIE COUNTY

Imposition of Administrative Fee; AD No. 53 of 2015

Administrative Order

And Now, To-Wit, this 1st day of October, 2015, it is hereby *Ordered* that the Administrative Fee for every person placed into the Accelerated Rehabilitation Disposition (ARD) Program shall be increased from Two Hundred (\$200.00) Dollars to Four Hundred (\$400.00) Dollars effective January 1, 2016. Said fee shall be a condition of placement into the program.

This fee shall be in addition to the cost of prosecution, restitution and other fees and costs that may be imposed as conditions or requirements of placement into the program.

By the Court

SHAD CONNELLY,
President Judge

[Pa.B. Doc. No. 15-2210. Filed for public inspection December 18, 2015, 9:00 a.m.]

ERIE COUNTY

Imposition of Supervision Fee; AD No. 51 of 2015

Administrative Order

And Now, To-Wit, this 1st day of October, 2015, it is hereby *Ordered* that the monthly supervision fee, set by Order of Court dated December 17, 1991 and amended by Order of Court dated September 26, 2002, shall hereby be increased to Forty (\$40.00) Dollars per month, and applicable to any offender in Erie County placed on Probation, Parole, ARD, PWOV or Intermediate Punishment on or after January 1, 2016. Offenders placed on supervision prior to January 1, 2016 will continue to pay the Thirty-five (\$35.00) Dollars per month fee.

By the Court

SHAD CONNELLY,
President Judge

[Pa.B. Doc. No. 15-2211. Filed for public inspection December 18, 2015, 9:00 a.m.]

FAYETTE COUNTY

Rule of Judicial Administration 1901; No. 2407 of 2015GD

Order

And Now, this 24th day of November, 2015, pursuant to Rule 103 of the Pennsylvania Rules of Judicial Administration, it is hereby ordered that Local Rule 1901 is adopted as set forth as follows.

The Prothonotary is directed as follows:

(1) One certified copy of the Local Rule shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies and diskette of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy shall be sent to the Fayette County Law Library.

(4) One certified copy shall be sent to the Editor of the *Fayette Legal Journal*.

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

This Local Rule shall be effective 30 days after the date of publication in the *Pennsylvania Bulletin*.

By the Court

JOHN F. WAGNER, Jr.,
President Judge

Rule 1901. Prompt Disposition of Matters; Termination of Inactive Cases.(a) *Civil Cases*

(1) When no docket activity has occurred in a civil case, except in proceedings of custody, eminent domain, and condemnation, for a period of more than two years, the Prothonotary shall commence proceedings under this rule to terminate the action.

(2) The Prothonotary shall provide notice of the proposed dismissal of each civil case that has been dormant for more than two (2) years to all counsel of record and to any pro se litigants in person or by regular mail at the last address of record and shall set forth a brief identification of the case to be terminated. If such notice cannot be given or has been returned undelivered, notice may be given by publication once in the *Fayette Legal Journal* by stating the caption of each case, the names of the attorneys of record or pro se litigants, and the requirements of filing a statement of intention to proceed.

(3) If no action is taken or no statement of intention to proceed is docketed within sixty (60) days of the notice or of the publication, the Prothonotary shall administratively enter an order as of course dismissing the civil case

with prejudice for failure to prosecute. Any civil case terminated under this rule may be reinstated by the Court upon written petition for good cause shown.

(4) Any filing of a statement of intention to proceed shall be accompanied by such filing fee as may be allowed by law to be charged by the Office of the Prothonotary in accordance with the fee bill of that office.

(b) *Criminal Cases*

(1) At the Call of the Criminal Trial List in March and September each year, the Clerk of Courts shall present to the Court a list of cases where no docket activity has occurred for a period of more than two years.

(2) Notice of the proposed dismissal of each case shall be given by the Clerk of Courts to the prosecutor and the defendant in person or by regular mail at least thirty (30) days before the date on which the list is to be called.

(3) If no good cause for continuing a proceeding is shown at the Call of the Criminal Trial List, an order for dismissal shall be entered forthwith by the Court.

[Pa.B. Doc. No. 15-2212. Filed for public inspection December 18, 2015, 9:00 a.m.]

LEHIGH COUNTY

Clerk of Judicial Records—Register of Wills Division Fee Schedule; Case No. AO-2015-0001

Administrative Order

And Now, this 1st day of December, 2015, pursuant to 42 P. S. § 21022.1, and on motion of the Clerk of Judicial Records,

It Is Ordered that the Fee Schedule of the Office of the Clerk of Judicial Records—Register of Wills Division as set forth in the following Fee Bill is approved and the charges set forth herein shall be the fees for services rendered by the Office of the Clerk of Judicial Records—Register of Wills Division.

It Is Further Ordered that said Fee Schedule is effective January 1, 2016, and shall supersede any and all previously established fee schedules for the transaction of business within the Clerk of Judicial Records—Register of Wills Division.

It Is Further Ordered that the District Court Administrator shall file seven (7) certified copies of this Order with the Administrative Office of Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that a copy hereof shall be published in the *Lehigh Law Journal*; and that one (1) copy shall be filed with the Clerk of Judicial Records of the Court of Common Pleas of Lehigh County.

By the Court

EDWARD D. REIBMAN,
President Judge

**Clerk of Judicial Records of Lehigh County
Register of Wills Division
Effective January 1, 2016**

<i>Letters Testamentary / Administration</i>		
<i>Estimated Value*</i>		
\$ 0.00 to	\$ 10,000.00	\$ 50.00
\$ 10,000.01 to	\$ 50,000.00	\$100.00
\$ 50,000.01 to	\$ 100,000.00	\$150.00
\$ 100,000.01 to	\$ 200,000.00	\$250.00
\$ 200,000.01 to	\$ 300,000.00	\$300.00
\$ 300,000.01 to	\$ 400,000.00	\$350.00
\$ 400,000.01 to	\$ 500,000.00	\$450.00
\$ 500,000.01 to	\$ 600,000.00	\$550.00
\$ 600,000.01 to	\$ 700,000.00	\$650.00
\$ 700,000.01 to	\$ 800,000.00	\$750.00
\$ 800,000.01 to	\$ 900,000.00	\$850.00
\$ 900,000.01 to	\$1,000,000.00	\$950.00
Each additional \$1,000,000.00 or fraction thereof		\$400.00

*At the time of filing the Petition for Letters an estimate of the gross probate value of the Estate is required. Additional probate fees will be charged if the Inheritance Tax Return Assessment value is greater than the original estimate. No Refund is issued if the actual gross value is less than the estimated gross value.

**Automation charge pursuant to 42 P. S. § 21022.1

***E-Filing charge pursuant to 42 P. S. § 21022.1

**** Instruments not specifically listed will be charged at a rate comparable to this schedule for a similar instrument.

Affidavit	\$ 5.00
Ancillary Letters	\$ 50.00
+ auto & e file	\$ 60.00
Appeal	\$ 50.00
Automation Fee**	\$ 5.00
Bond	\$ 10.00
Caveat	
Formal	\$ 50.00
Informal	\$ 25.00
Certification of documents	\$ 10.00
Citation Pet. & issuing 1 resp	\$ 50.00
+ auto & e file	\$ 60.00
Each additional respondent	\$ 5.00
Commission	\$ 50.00
Copies	\$.25
Mail	\$.50
Microfiche	\$ 1.00
E-Filing***	\$ 5.00
Election against a Will	\$ 5.00
Estate Closing Letter	\$ 10.00
Exemplification Filing	\$ 50.00
+ auto & e file	\$ 60.00
Preparing + Copy Fee	\$ 50.00
Federal Return	\$ 25.00
Hearing/Order	\$100.00
Inheritance Tax Return	\$ 20.00
Supplemental	\$ 20.00
File Only Non-Probate	\$ 25.00
Inventory	\$ 10.00
Supplemental	\$ 10.00
Judicial Computer System (set by law)	\$ 35.50
Miscellaneous transactions	****
Postage—Certified Mail	\$ 6.50
Receipt and Release	\$ 25.00
Renunciation	\$ 5.00
Research fee	\$ 20.00
Returned check	\$ 20.00
Short Certificates	\$ 5.00
Subpoena	\$ 10.00
Will Lodged	\$ 40.00

[Pa.B. Doc. No. 15-2213. Filed for public inspection December 18, 2015, 9:00 a.m.]

SUPREME COURT

Review and Vacatur of Local Orphans' Court Rules; No. 683 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 1st day of December, 2015, upon the recommendation of the Orphans' Court Procedural Rules Committee:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that:

1) The continued necessity of existing local orphans' court rules as of September 1, 2016 shall be reviewed by the President Judge or his or her designee in light of the Order of this Court, *see* No. 682 Supreme Court Rules

Docket (December 1, 2015), rescinding and replacing Rules 1.1 through 13.3, and 17, and amending Rules 14.1 through 16.12 of the Pennsylvania Orphans' Court Rules.

2) A local orphans' court rule deemed necessary shall be submitted to the Orphans' Court Procedural Rules Committee no later than June 1, 2016 for review in accordance with Pa.O.C. Rule 1.5.

3) A local orphans' court rule not adopted in accordance with Pa.O.C. Rule 1.5 shall be vacated effective September 1, 2016.

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

[Pa.B. Doc. No. 15-2214. Filed for public inspection December 18, 2015, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 129]

Control of Volatile Organic Compound Emissions from Fiberglass Boat Manufacturing Materials

The Environmental Quality Board (Board) amends Chapter 129 (relating to standards for sources) to read as set forth in Annex A. This final-form rulemaking adds § 129.74 (relating to control of VOC emissions from fiberglass boat manufacturing materials) to adopt reasonably available control technology (RACT) requirements and RACT emission limitations for stationary sources of volatile organic compound (VOC) emissions from fiberglass boat manufacturing materials including open molding resins, gel coats and cleaning materials. This final-form rulemaking also adds terms and definitions to § 129.74 to support the interpretation of the measures.

This final-form rulemaking will be submitted to the United States Environmental Protection Agency (EPA) for approval as a revision to the Commonwealth's State Implementation Plan (SIP) following promulgation of this final-form rulemaking.

This order was adopted by the Board at its meeting of May 20, 2015.

A. Effective Date

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

B. Contact Persons

For further information, contact Kirit Dalal, Chief, Division of Air Resource Management, Bureau of Air Quality, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 772-3436; or Kristen Furlan, Assistant Director, Bureau of Regulatory Counsel, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then select "Environmental Quality Board (EQB)").

C. Statutory Authority

This final-form rulemaking is authorized under section 5(a)(1) of the Air Pollution Control Act (APCA) (35 P. S. § 4005(a)(1)), which grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth. Section 5(a)(8) of the APCA also grants the Board the authority to adopt rules and regulations designed to implement the provisions of the Clean Air Act (CAA) (42 U.S.C.A. §§ 7401—7671q).

D. Background and Summary

The purpose of this final-form rulemaking is to implement control measures to reduce VOC emissions from fiberglass boat manufacturing materials including open

molding resin, gel coat and cleaning materials. VOCs are precursors for ground-level ozone formation. Ground-level ozone, a public health and welfare hazard, is not emitted directly to the atmosphere by fiberglass boat manufacturing materials including open molding resin, gel coat and cleaning materials, but is formed by a photochemical reaction between VOCs and nitrogen oxides (NO_x) in the presence of sunlight. In accordance with sections 172(c)(1), 182(b)(2)(A) and 184(b)(1)(B) of the CAA (42 U.S.C.A. §§ 7502(c)(1), 7511a(b)(2)(A) and 7511c(b)(1)(B)), the final-form rulemaking establishes VOC emission limitations and other requirements consistent with the recommendations of the EPA 2008 Fiberglass Boat Manufacturing Materials Control Techniques Guidelines (CTG) for these sources in this Commonwealth. See Consumer and Commercial Products, Group IV: Control Techniques Guidelines in Lieu of Regulations for Miscellaneous Metal Products Coatings, Plastic Parts Coatings, Auto and Light-Duty Truck Assembly Coatings, Fiberglass Boat Manufacturing Materials, and Miscellaneous Industrial Adhesives, 73 FR 58481, 58483 (October 7, 2008).

The EPA is responsible for establishing National Ambient Air Quality Standards (NAAQS) for six criteria pollutants considered harmful to public health and the environment: ground-level ozone; particulate matter; NO_x; carbon monoxide; sulfur dioxide; and lead. The CAA established two types of NAAQS: primary standards, which are limits set to protect public health; and secondary standards, which are limits set to protect public welfare and the environment, including protection against visibility impairment and from damage to animals, crops, vegetation and buildings. The EPA established primary and secondary ground-level ozone NAAQS to protect public health and welfare.

Ground-level ozone is a highly reactive gas, which at sufficiently high concentrations can produce a wide variety of harmful effects. At elevated concentrations, ground-level ozone can adversely affect human health, animal health, vegetation, materials, economic values, and personal comfort and well-being. It can cause damage to important food crops, forests, livestock and wildlife. Repeated exposure to ozone pollution may cause a variety of adverse health effects for both healthy people and those with existing conditions, including difficulty in breathing, chest pains, coughing, nausea, throat irritation and congestion. It can worsen bronchitis, heart disease, emphysema and asthma, and reduce lung capacity. Asthma is a significant and growing threat to children and adults. High levels of ground-level ozone affect animals in ways similar to humans. High levels of ground-level ozone can also cause damage to buildings and synthetic fibers, including nylon, and reduced visibility on roadways and in natural areas. The implementation of additional measures to address ozone air quality nonattainment in this Commonwealth is necessary to protect the public health and welfare, animal and plant health and welfare, and the environment.

In July 1997, the EPA promulgated primary and secondary ozone standards at a level of 0.08 part per million (ppm) (84 parts per billion (ppb)) averaged over 8 hours. See 62 FR 38856 (July 18, 1997). In 2004, the EPA designated 37 counties in this Commonwealth as 8-hour ozone nonattainment areas for the 1997 8-hour ozone NAAQS. See 69 FR 23858, 23931 (April 30, 2004). Based on the ambient air monitoring data for the 2014 ozone

season as well as the preliminary 2015 ozone season data, all monitored areas of this Commonwealth are attaining the 1997 8-hour ozone NAAQS. Maintenance plans have been submitted to the EPA and approved for the 1997 ozone standard. In accordance with the CAA, the maintenance plans include permanent and enforceable control measures that will provide for the maintenance of the ozone NAAQS for at least 10 years following the EPA's redesignation of the areas to attainment. Eight years after the EPA redesignates an area to attainment, additional maintenance plans approved by the EPA must also provide for the maintenance of the ozone standard for another 10 years following the expiration of the initial 10-year period.

In March 2008, the EPA lowered the ozone standard to 0.075 ppm (75 ppb) averaged over 8 hours to provide even greater protection for children, other at-risk populations and the environment against the array of ozone-induced adverse health and welfare effects. See 73 FR 16436 (March 27, 2008). In April 2012, the EPA designated five areas in this Commonwealth as nonattainment for the 2008 ozone NAAQS. See 77 FR 30088, 30143 (May 21, 2012). These areas include all or a portion of Allegheny, Armstrong, Berks, Beaver, Bucks, Butler, Carbon, Chester, Delaware, Fayette, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, Washington and Westmoreland Counties. With regard to the 2008 ozone standard, the Department's analysis of 2014 ambient air ozone concentrations showed that all ozone samplers in this Commonwealth, except the Harrison sampler in Allegheny County, were monitoring attainment. The 2015 ambient ozone air monitoring data for Allegheny County has been certified and shows that the Harrison sampler is monitoring attainment of the 2008 ozone NAAQS. Review of the preliminary 2015 ozone season data indicates that all other areas of this Commonwealth are monitoring attainment of the 2008 ozone standard as well. As with the 1997 ozone standard, the Department must ensure that the 2008 ozone standard is attained and maintained by implementing permanent and enforceable control measures. At the Department's request, the EPA granted 1-year attainment date extensions for the 2008 ozone NAAQS in the Philadelphia and Pittsburgh-Beaver Valley Areas due to violating monitors in New Jersey and Maryland.

On October 1, 2015, the EPA again lowered the ozone standard, this time to 70 ppb averaged over 8 hours. See 80 FR 65292 (October 26, 2015). Based on preliminary ambient air monitoring data for the 2013-2015 ozone seasons, eight monitors in this Commonwealth have design values that violate the 2015 standard. The samplers are located in Allegheny, Armstrong, Bucks, Delaware, Indiana, Lebanon, Montgomery and Philadelphia Counties. The Commonwealth must submit designation recommendations for the 2015 ozone NAAQS to the EPA by October 2016. The EPA's final designations for attainment and nonattainment areas for the 2015 ozone standards are expected to take effect in December 2017.

Reductions in VOC emissions that are achieved following the adoption and implementation of VOC RACT emission control measures for source categories covered by CTGs, including fiberglass boats manufacturing materials, will allow the Commonwealth to make substantial progress in achieving and maintaining the 1997 and 2008 8-hour ozone NAAQS; these reductions will also be necessary for the attainment and maintenance of the new ozone NAAQS promulgated by the EPA in October 2015.

This final-form rulemaking, which is consistent with the RACT recommendations in the EPA's 2008 Fiberglass

Boat Manufacturing Materials CTG, will reduce VOC emissions from the fiberglass boats manufacturing materials category in ozone nonattainment and maintenance areas in this Commonwealth for those affected sources that do not already comply with the control measures. These final-form VOC emission reduction control measures will assist the Commonwealth in achieving and maintaining the ozone standards Statewide.

There are not Federal statutory or regulatory RACT limits for VOC emissions from fiberglass boat manufacturing materials. In 2001, however, the EPA promulgated 40 CFR Part 63, Subpart VVVV (relating to National emission standards for hazardous air pollutants for boat manufacturing) (2001 NESHAP). The 2001 NESHAP established organic hazardous air pollutant (HAP) emissions limits based on low HAP-content resins and gel coats and low-emitting resin application technology. Many HAPs are also VOCs, but not all VOCs are HAPs. The 2001 NESHAP data, however, indicate that styrene and methyl methacrylate, which are both organic HAP and VOC, account for nearly all the VOC emissions, as well as HAP emissions, from fiberglass boat manufacturing facilities. Therefore, total HAP and VOC emissions from fiberglass boat manufacturing facilities are nearly equal.

When developing the recommendations for the VOC emission reduction RACT measures included in its Fiberglass Boat Manufacturing Materials CTG, the EPA took into account the HAP emission reduction measures of the 2001 NESHAP for the boat manufacturing industry. The requirements of the 2001 NESHAP apply to "major sources" of HAP from boat manufacturing operations. For the purpose of regulating HAPs, a "major source" is considered to be a stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year (tpy) or more of any single listed HAP or 25 tpy or more of any combination of HAPs. See section 112(a)(1) of the CAA (42 U.S.C.A. § 7412(a)(1)). See 66 FR 44218, 44219 (August 22, 2001).

State regulations to control VOC emissions from fiberglass boat manufacturing materials are required under Federal law and will be reviewed and approved by the EPA as an amendment to the Commonwealth's SIP if the provisions meet the RACT requirements of the CAA and its implementing regulations. See 73 FR 58481, 58483. The EPA defines RACT as "the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility." See State Implementation Plans; General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas—Supplement (on Control Techniques Guidelines), 44 FR 53761 (September 17, 1979).

Section 172(c)(1) of the CAA provides that SIPs for nonattainment areas must include "reasonably available control measures," including RACT, for sources of emissions of VOC and NO_x. Section 182(b)(2) of the CAA provides that for moderate ozone nonattainment areas, states must revise their SIPs to include RACT for sources of VOC emissions covered by a CTG document issued by the EPA prior to the area's date of attainment. More importantly, section 184(b)(1)(B) of the CAA requires that states in the Ozone Transport Region (OTR), including the Commonwealth, submit a SIP revision requiring implementation of RACT for all sources of VOC emissions in the state covered by a specific CTG.

Section 183(e) of the CAA (42 U.S.C.A. § 7511b(e)) directs the EPA to list for regulation those categories of products that account for at least 80% of the VOC emissions from consumer and commercial products in ozone nonattainment areas. Section 183(e)(3)(C) of the CAA further provides that the EPA may issue a CTG document in place of a National regulation for a product category when the EPA determines that the CTG will be “substantially as effective as regulations” in reducing emissions of VOC in ozone nonattainment areas. In 1995, the EPA listed fiberglass boat manufacturing materials on its section 183(e) list and, in 2008, the EPA issued a CTG for this product category. See 60 FR 15264, 15267 (March 23, 1995) and 73 FR 58481. See Control Techniques Guidelines for Fiberglass Boat Manufacturing Materials, EPA 453/R-08-004, Office of Air Quality Planning and Standards, EPA, September 2008. The Fiberglass Boat Manufacturing Materials CTG is available on the EPA web site at www.epa.gov/airquality/ozone/pollution/SIPToolkit/ctgs.html.

In the 2008 notice of final determination and availability of final CTGs, the EPA determined that the recommendations of the Fiberglass Boat Manufacturing Materials CTG would be substantially as effective as National regulations in reducing VOC emissions from the fiberglass boat manufacturing materials product category in ozone nonattainment areas. See 73 FR 58481. The CTG provides states with the EPA’s recommendation of what constitutes RACT for the covered category. States can use the Federal recommendations provided in the CTG to inform their own determination as to what constitutes RACT for VOC emissions from the covered category. State air pollution control agencies may implement other technically-sound approaches that are consistent with the CAA requirements and the EPA’s implementing regulations or guidelines. The Department reviewed the RACT recommendations included in the 2008 Fiberglass Boat Manufacturing Materials CTG for their applicability to the ground-level ozone reduction measures necessary for this Commonwealth. The Bureau of Air Quality determined that the measures provided in the Fiberglass Boat Manufacturing Materials CTG are appropriate to be implemented in this Commonwealth as RACT for this category.

At this time, this final-form rulemaking affects no known permitted facility owners and operators in this Commonwealth. The Department’s assessment of how many owners and operators of facilities would be subject to this final-form rulemaking revealed the owner and operator of one facility in this Commonwealth as having a Title V permit issued by the Department that included provisions for the control of HAP emissions from fiberglass boat manufacturing. That facility, VEC Technology, LLC, has since ceased operations. It is possible that the final-form rulemaking may affect owners and operators of fiberglass boat manufacturing facilities that have not yet been identified, as the 2001 NESHAP does not apply to area sources (that is, sources that emit or have the potential to emit, considering controls, less than 10 tpy of any single listed HAP or less than 25 tpy of any combination of HAPs). Owners and operators of lower-HAP-emitting area source fiberglass boat manufacturing facilities are, therefore, not currently required to implement the HAP emission-reduction measures provided in the 2001 NESHAP. These HAP emission-reduction measures are also included in the 2008 Fiberglass Boat Manufacturing Materials CTG as measures for reducing emissions of VOCs from sources that meet the applicabil-

ity threshold recommended by the EPA in the CTG. This final-form rulemaking VOC emission applicability threshold of 15 pounds per day or 2.7 tons per 12-month rolling period of total actual VOC emissions is lower than the major source 2001 NESHAP potential to emit applicability thresholds of 10 tpy of any single listed HAP or 25 tpy of any combination of HAPs. Owners and operators of lower-HAP-emitting area source fiberglass boat manufacturing facilities, would, therefore, not have been issued a permit by the Department incorporating the 2001 NESHAP measures as applicable requirements and would not show up in a search of the permit databases for fiberglass boat manufacturing-permitted facilities. These owners and operators of lower-HAP-emitting area source facilities may, however, have sufficient actual emissions of VOCs to be subject to the requirements of this final-form rulemaking.

The ground-level ozone reduction measures included in this final-form rulemaking may achieve VOC emission reductions locally and may also reduce the transport of VOC emissions and ground-level ozone to downwind states if implemented for potentially unidentified existing sources of VOC emissions from fiberglass boat manufacturing operations including open molding resin and gel coat materials that are not currently controlled in this Commonwealth. Adoption of VOC emission requirements for fiberglass boat manufacturing materials is part of the Commonwealth’s strategy, in concert with other OTR jurisdictions, to further reduce transport of VOC ozone precursors and ground-level ozone throughout the OTR to attain and maintain the 8-hour ozone NAAQS.

The final-form rulemaking is required under the CAA and, in accordance with section 4.2(a) of the APCA (35 P. S. § 4004.2(a)), is reasonably necessary to attain and maintain the health-based and welfare-based 8-hour ozone NAAQS and to satisfy related CAA requirements in this Commonwealth. Once published as a final-form rulemaking in the *Pennsylvania Bulletin*, this final-form rulemaking will be submitted to the EPA as a revision to the Commonwealth’s SIP.

The final-form rulemaking was discussed with the Air Quality Technical Advisory Committee (AQTAC) on November 7, 2014. The AQTAC voted 13-0-1 (yes; no; abstain) to concur with the Department’s recommendation to forward the final-form rulemaking to the Board for consideration. The final-form rulemaking was discussed with the Small Business Compliance Advisory Committee (SBCAC) on January 28, 2015. The SBCAC voted 8-0-0 to concur with the Department’s recommendation to forward the final-form rulemaking to the Board. The final-form rulemaking was discussed with the Citizens Advisory Council’s (CAC) Policy and Regulatory Oversight (PRO) Committee on February 20, 2015. Upon the recommendation of the PRO Committee, on March 17, 2015, the CAC concurred with the Department’s recommendation to forward the final-form rulemaking to the Board. The AQTAC, SBCAC and CAC meetings are advertised and open to the public.

E. Summary of Final-Form Rulemaking and Changes from Proposed to Final-Form Rulemaking

§ 129.74. Control of VOC emissions from fiberglass boat manufacturing materials

Under subsection (a)(1), the final-form rulemaking applies Statewide to the owner and operator of a facility

that manufactures a hull or a deck of a boat or a related part from fiberglass, builds a mold or plug to make a fiberglass boat hull or deck or related part, or makes polyester resin putties for assembling fiberglass boat parts when the total actual VOC emissions from fiberglass boat manufacturing operations identified in Table I are equal to or greater than 15 pounds (6.8 kilograms) per day or 2.7 tons per 12-month rolling period, before consideration of controls. The total actual VOC emissions include the actual VOC emissions from the manufacture of hulls or decks from fiberglass, fiberglass boat parts (including small parts such as hatches, seats and lockers), molds or plugs for fiberglass hulls, decks or boat parts, resin and gel coat mixing operations, resin and gel coat application equipment and related cleaning activities at the facility. As with all RACT regulations, an owner or operator remains subject to the regulation even if the throughput or VOC emissions fall below the applicability threshold.

Subsection (a)(2) specifies that the final-form rule-making does not apply to the owner and operator of a facility that manufactures boat trailers or parts of boats, such as hatches, seats and lockers, but does not manufacture hulls or decks of boats from fiberglass or build molds to make fiberglass boat hulls or decks. Subsection (a) also establishes monomer VOC content limits for open molding resin and gel coat materials.

Subsection (b) establishes 39 definitions to support this final-form rulemaking.

Subsection (c) establishes exceptions for certain operating circumstances: when a resin application is used in a closed molding operation; when a surface coating is applied to a fiberglass boat; and when a surface coating is applied to a fiberglass and metal recreational boat.

Subsection (d) specifies that the requirements of § 129.74 supersede the requirements of a RACT permit issued under §§ 129.91–129.95 (relating to stationary sources of NO_x and VOCs) prior to December 19, 2015, to the owner or operator of a source subject to § 129.74, except to the extent the RACT permit contains more stringent requirements.

Subsection (e) establishes a compliance deadline of December 19, 2015.

Subsection (f) establishes that the owner and operator of a facility subject to this section may not cause or permit the emission into the outdoor atmosphere of monomer VOCs from an open molding resin or gel coat fiberglass boat manufacturing operation, a resin or gel coat mixing operation, or a resin or gel coat application equipment cleaning operation unless one or more of the specified limitations is met. The subsection also provides three options for meeting the emission limits: use of compliant materials as listed in Table I; monomer VOC emissions averaging; or installation of a VOC emissions capture system and add-on air pollution control device.

There are no changes to subsections (a)–(f) from the proposed rulemaking.

Subsection (g) specifies that the owner and operator of a facility subject to this section opting to install a VOC emissions capture system and add-on air pollution control device must obtain a plan approval prior to installation and operation of the VOC emissions capture system and add-on air pollution control device. To improve clarity, final-form subsection (g) specifies that the owner or operator shall submit an application for a plan approval

to the appropriate regional office instead of submitting a plan approval.

Subsection (h) specifies that the owner and operator of a facility subject to this section may use an adjusted monomer VOC emission rate for filled production resins and filled tooling resins in each of the options specified in subsection (f).

Subsection (i) establishes that the monomer VOC content of an open molding resin, gel coat, filled production resin or filled tooling resin material not included in an emissions averaging option in subsection (f)(2) must meet the monomer VOC content requirements of subsection (f)(1) or the add-on air pollution control requirements of subsection (f)(3).

Subsection (j) establishes alternative requirements for control of monomer VOC content for certain resin and gel coat materials.

Subsection (k) establishes work practices for resin and gel coat materials.

Subsection (l) establishes VOC content limits and work practices for cleaning materials.

There are no changes to subsections (h)–(l) from the proposed rulemaking.

Subsection (m) establishes compliance and monitoring requirements. Subsection (m)(2) is added to specify that the owner and operator of a facility subject to this section shall demonstrate compliance of the monomer VOC content of the resin and gel coat material within 90 days of receipt of a written request from the Department in accordance with subsection (n). Proposed subsection (m)(2) is renumbered as final-form subsection (m)(3). Subsection (m)(4) is added to specify that the owner and operator of a facility subject to this section shall conduct testing of a VOC emissions capture system and add-on air pollution control device installed in accordance with subsection (f)(3) one time every 5 years starting from completion of the initial testing specified in the plan approval application required under subsection (g).

Subsection (n) establishes sampling and testing standards.

Subsection (o) establishes recordkeeping requirements.

Subsection (p) establishes reporting requirements.

There are no changes to subsections (n)–(p) from the proposed rulemaking.

F. Summary of Major Comments and Responses

The Board approved publication of the proposed rulemaking at its meeting on May 21, 2014. The proposed rulemaking was published at 44 Pa.B. 4502 (July 19, 2014). Three public hearings were held on August 19, 20 and 21, 2014, in Pittsburgh, Norristown and Harrisburg, PA, respectively. The public comment period closed on September 22, 2014, for a 66-day public comment period. The Board did not receive any comments from the general public on the proposed rulemaking. The Independent Regulatory Review Commission (IRRC) forwarded to the Board a comment it received from the Pennsylvania State Association of Township Supervisors (PSATS). PSATS stated that the proposed rulemaking would benefit PSATS members by controlling and limiting VOC emissions from the air, but further stated it would not take a position on the proposed rulemaking as it did not impact its members. No changes were made to this final-form rulemaking in response to this comment.

IRRC also submitted comments on the proposed rulemaking. IRRC recommended that the Board clarify the requirements in subsection (n) to provide for how often sampling and testing are to be conducted. The Board agreed with the comment. Language clarifying the timing and frequency of testing or sampling was added to final-form subsection (m) to address IRRC's comment. Compliance of the monomer VOC content of the resin and gel coat materials must be demonstrated within 90 days of receipt of the Department's written request. Testing of a VOC emissions capture system and add-on air pollution control device must be conducted one time every 5 years starting from completion of the initial testing specified in the plan approval application.

Comments received on the proposed rulemaking and related issues have been addressed in this final-form rulemaking.

G. Benefits, Costs and Compliance

Benefits

Implementation of the VOC emission control measures in the final-form rulemaking will benefit the health and welfare of the approximately 12.7 million residents and the numerous animals, crops, vegetation and natural areas of this Commonwealth by reducing emissions of VOCs, which are precursors to the formation of ground-level ozone air pollution. Exposure to high concentrations of ground-level ozone is a serious human and animal health and welfare threat, causing respiratory illnesses and decreased lung function, agricultural crop loss, visible foliar injury to sensitive plant species, and damage to forests, ecosystems and infrastructure. Reduced ambient concentrations of ground-level ozone may reduce the incidences of hospital admissions for respiratory ailments including asthma and improve the quality of life for citizens overall. While children, the elderly and those with respiratory problems are most at risk, even healthy individuals may experience increased respiratory ailments and other symptoms when they are exposed to high levels of ambient ground-level ozone while engaged in activities that involve physical exertion.

This final-form rulemaking is designed to adopt standards and requirements consistent with the recommendations in the 2008 Fiberglass Boat Manufacturing Materials CTG to meet the requirements of sections 172(c)(1), 182(b)(2) and 184(b)(1)(B) of the CAA. The final-form rulemaking applies the standards and requirements across this Commonwealth, as required under section 184(b)(1)(B) of the CAA. In accordance with section 4.2 of the APCA, the measures in this final-form rulemaking are reasonably necessary to attain and maintain the health-based and welfare-based 8-hour ozone NAAQS in this Commonwealth.

The Statewide implementation of the final-form rulemaking control measures will assist the Department in reducing VOC emissions from fiberglass boat manufacturing operations locally, and reducing the resultant local formation of ground-level ozone and transport of VOC emissions and ground-level ozone to downwind states and will facilitate implementation and enforcement of the final-form rulemaking in this Commonwealth.

No known permitted facility owners and operators will be affected by this final-form rulemaking. This final-form rulemaking may affect owners and operators of fiberglass boat manufacturing facilities that have not yet been identified, which meet the low VOC emission applicability threshold of at least 15 pounds (6.8 kilograms) per day or 2.7 tons per 12-month rolling period, of actual VOC

emissions, before consideration of controls. If there are owners and operators affected by this final-form rulemaking, they may already be using complying materials, which are readily available to the owners and operators of facilities of all sizes, and no further VOC emission reductions would be achieved.

The final-form rulemaking may create economic opportunities for VOC emission control technology innovators, manufacturers and distributors through an increased demand for new or improved equipment. In addition, the owners and operators of affected facilities may elect to install and operate an emissions monitoring system or equipment necessary for an emissions monitoring method to comply with the final-form rulemaking, thereby creating an economic opportunity for the emissions monitoring industry.

Although this final-form rulemaking is designed primarily to reduce ozone precursor emissions, the reformulation of noncomplying open molding resin, gel coat and cleaning materials or substitution of complying open molding resin, gel coat and cleaning materials to meet the VOC content limits applicable to users may also result in reduction of indoor and outdoor HAP emissions, which are also a serious health threat.

Compliance costs

As there are no known permitted facility owners and operators to which this final-form rulemaking currently applies, there are no anticipated compliance costs associated with this final-form rulemaking for any owners and operators of major facilities. It is possible that this final-form rulemaking may affect owners and operators of fiberglass boat manufacturing facilities that have not yet been identified.

The owner and operator of a facility subject to this final-form rulemaking is expected to incur little, if any, cost to implement the requirements of the final-form rulemaking. The final-form rulemaking provides as one compliance option the use of individually-compliant resin and gel coat materials in subsection (f)(1), and requires the use of compliant cleaning solvents in subsection (l). Open molding resin, gel coat and cleaning materials that are compliant with the HAP content limits in the 2001 NESHAP and with the final-form rulemaking VOC content limits in subsection (a) are readily available to the owners and operators of all sizes of facilities. Further, the industry has experienced a shift to non-atomizing resin application methods that are required to comply with the HAP emission reduction requirements in the 2001 NESHAP and which are included in the final-form rulemaking. This shift has occurred at all sizes of facilities across the United States because of the productivity and economic benefits of using non-atomizing methods over conventional atomizing methods. Therefore, the EPA expects that most, if not all, facility owners and operators that are not subject to the 2001 NESHAP would already be using the materials and methods recommended in the 2008 Fiberglass Boat Manufacturing Materials CTG.

This final-form rulemaking provides flexibility by allowing compliance through averaging the VOC emission rates of open molding resin and gel coat materials in subsection (f)(2) in addition to choice of application technology. A third compliance option, the use of a VOC emissions capture system and add-on air pollution control device, is provided in subsection (f)(3). However, because of the wide availability and lower cost (compared to add-on controls) of compliant VOC content materials and

alternative application methods, compliant materials and methods are generally used to reduce VOC emissions from fiberglass boat manufacturing facilities.

Emission limitations established by this final-form rulemaking do not require the submission of applications for amendments to existing operating permits. These requirements will be incorporated as applicable requirements at the time of permit renewal, if less than 3 years remain in the permit term, as specified under § 127.463(c) (relating to operating permit revisions to incorporate applicable standards). If 3 years or more remain in the permit term, the requirements will be incorporated as applicable requirements in the permit within 18 months of the promulgation of this final-form rulemaking, as required under § 127.463(b). Importantly, § 127.463(e) specifies that “[r]egardless of whether a revision is required under this section, the permittee shall meet the applicable standards or regulations promulgated under the Clean Air Act within the time frame required by standards or regulations.” Consequently, upon promulgation as a final-form rulemaking, the requirements will apply to affected owners and operators irrespective of a modification to the operating permit.

New legal, accounting or consulting procedures are not required.

Compliance assistance plan

The Department plans to educate and assist the public and regulated community in understanding the final-form rulemaking requirements and how to comply with them. This will be accomplished through the Department’s ongoing compliance assistance program. The Department will also work with the Pennsylvania Small Business Development Center’s Environmental Management Assistance Program to aid the owners and operators of facilities less able to handle permitting matters with in-house staff.

Paperwork requirements

The owner and operator of an affected fiberglass boat manufacturing source is required to keep records of information for open molding resin and gel coat materials and cleaning materials, as applicable, sufficient to demonstrate compliance with the requirements of this section. The final-form rulemaking requires monthly records of certain VOC content information or composite vapor pressure, as applicable. Records of calculations performed for each applicable requirement under subsections (f), (h) and (j) are required, as well as records of the sampling and testing performed in accordance with subsection (n). The owner and operator of an affected fiberglass boat manufacturing source shall demonstrate compliance of the monomer VOC content of resin and gel coat material within 90 days of receipt of a written request from the Department. The records required in this final-form rulemaking must be maintained for 2 years unless a longer period is specified by a plan approval or operating permit issued under Chapter 127 (relating to construction, modification, reactivation and operation of sources) and submitted to the Department in an acceptable format upon receipt of a written request.

H. Pollution Prevention

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials,

more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

This final-form rulemaking will help ensure that the citizens and the environment of this Commonwealth experience the benefits of reduced emissions of VOCs and HAPs from fiberglass boat manufacturing open molding resin, gel coat and cleaning materials. Although the final-form rulemaking is designed primarily to address ozone air quality, the reformulation or substitution of low VOC-content open molding resin and gel coat materials, and low VOC-content or low vapor pressure cleaning materials, to meet the VOC content limits applicable to users may also result in reduction of HAP emissions, which are also a serious health threat. The reduced levels of high VOC-content and HAP-content solvents will also benefit water quality through reduced loading on water treatment plants and in reduced quantities of high VOC-content and HAP-content solvents leaching into the ground.

The final-form rulemaking provides as one compliance option that open molding resin and gel coat materials used in fiberglass boat manufacturing processes in this Commonwealth meet specified limits for VOC content, usually through substitution of low VOC-content solvents or water for the high VOC-content solvents, and that they be applied using specified application methods. Further, the final-form rulemaking requires the owner and operator of a source subject to this section to ensure that resin and gel coat containers with a capacity equal to or greater than 55 gallons (208 liters), including those used for onsite mixing of putties and polyputties, have a cover in place at all times with no visible gaps, except when materials are being manually added or removed from a container or when mixing equipment is being placed in or removed from a container.

The final-form rulemaking additionally requires the use of low VOC-content or low vapor pressure cleaning materials, and work practice standards for the storage and handling of cleaning materials. The final-form rulemaking requires the owner and operator of a source subject to this section to ensure that the VOC content of cleaning materials used for routine application equipment cleaning is equal to or less than 5% by weight or has a composite vapor pressure equal to or less than 0.50 mmHg at 68°F and use only non-VOC-containing solvent to remove cured resin or gel coat residue from application equipment.

I. Sunset Review

This final-form rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether it effectively fulfills the goals for which it was intended.

J. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 8, 2014, the Department submitted a copy of the notice of proposed rulemaking, published at 44 Pa.B. 4502, to IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, the Department shall submit to IRRC and the House and Senate Committees copies of comments received during the public comment period, as well as other documents

when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on November 10, 2015, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 12, 2015, and approved the final-form rulemaking.

K. Findings

The Board finds that:

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

(2) At least a 60-day public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 44 Pa.B. 4502.

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

(5) These regulations are reasonably necessary to attain and maintain the ozone NAAQS and to satisfy related CAA requirements.

L. Order

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

(a) The regulations of the Department, 25 Pa. Code Chapter 129, are amended by adding § 129.74 to read as set forth in Annex A.

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

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

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

(e) This final-form rulemaking will be submitted to the EPA as an amendment to the Pennsylvania SIP.

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

JOHN QUIGLEY,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 45 Pa.B. 6862 (November 28, 2015).)

Fiscal Note: Fiscal Note 7-487 remains valid for the final adoption of the subject regulation.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

**CHAPTER 129. STANDARDS FOR SOURCES
SOURCES OF VOCs**

§ 129.74. Control of VOC emissions from fiberglass boat manufacturing materials.

(a) Applicability.

(1) This section applies to the owner and operator of a facility that manufactures a hull or a deck of a boat or a related part from fiberglass, builds a mold or plug to make a fiberglass boat hull or deck or related part, or makes polyester resin putties for assembling fiberglass boat parts, when the total actual VOC emissions from fiberglass boat manufacturing operations identified in Table I are equal to or greater than 15 pounds (6.8 kilograms) per day or 2.7 tons per 12-month rolling period, before consideration of controls. The total actual VOC emissions include the actual VOC emissions from the manufacture of hulls or decks from fiberglass, fiberglass boat parts (including small parts such as hatches, seats and lockers), molds or plugs for fiberglass hulls, decks or boat parts, resin and gel coat mixing operations, resin and gel coat application equipment and related cleaning activities at the facility.

(2) This section does not apply to the owner and operator of a facility that manufactures boat trailers or parts of boats, such as hatches, seats and lockers, but does not manufacture hulls or decks of boats from fiberglass or build molds to make fiberglass boat hulls or decks.

Table I: Compliant Monomer VOC Content Limit for Open Molding Resin and Gel Coat Materials

<i>Open Molding Resin or Gel Coat Material</i>	<i>Application Method</i>	<i>Individual Monomer VOC Content or Weighted Average Monomer VOC Content (weight percent)</i>
Production Resin	Atomized Spray	28
Production Resin	Non-atomized	35
Pigmented Gel Coat	Any Method	33
Clear Gel Coat	Any Method	48
Tooling Resin	Atomized Spray	30
Tooling Resin	Non-atomized	39
Tooling Gel Coat	Any Method	40

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

Application equipment cleaning—The process of flushing or removing resin or gel coat material, or both, from the interior or exterior of equipment that is used to apply resins or gel coats in the manufacture of fiberglass parts.

Assembly adhesives—A chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.

Atomized application method—

(i) A resin application technology in which the resin leaves the application equipment and breaks into droplets or an aerosol as it travels from the application equipment to the surface of the part.

(ii) The term includes resin spray guns and resin chopper spray guns.

Boat—A vessel, other than a seaplane, that can be used for transportation on the water.

Clear gel coat—

(i) A polyester resin material that is clear or translucent so that underlying colors are visible. These materials are used to manufacture parts for sale.

(ii) The term does not include tooling gel coats used to build or repair molds.

Closed molding—

(i) A process in which pressure is used to distribute resin through the reinforcing fabric placed between two mold surfaces to either saturate the fabric or fill the mold cavity. The pressure may be clamping pressure, fluid pressure, atmospheric pressure or vacuum pressure used either alone or in combination. The mold surfaces may be rigid or flexible.

(ii) The term includes compression molding with sheet molding compound, infusion molding, resin injection molding, vacuum assisted resin transfer molding, resin transfer molding and vacuum assisted compression molding.

(iii) The term does not include:

(A) A process in which a closed mold is used only to compact saturated fabric or remove air or excess resin from the fabric, such as in vacuum bagging.

(B) Open molding steps, such as application of a gel coat or skin coat layer by conventional open molding.

Cured resin—A thermosetting plastic material containing styrene or methyl methacrylate or gel coat that has changed irreversibly from a liquid to a solid.

Fiberglass—A material consisting of glass fibers made in the form of cloth, mat or roving.

Fiberglass boat—A vessel in which either the hull or deck, or both, is built from a composite material consisting of a thermosetting resin matrix reinforced with fibers of glass, carbon, aramid or other material.

Filled resin—A thermosetting plastic material to which an inert material has been added to change viscosity, density, shrinkage or other physical properties, particularly for building molds.

Flowcoater—A non-atomizing application method of applying resins and gel coats to an open mold with a fluid nozzle in a fan pattern with no air supplied to the nozzle.

Gel coat—

(i) A clear or pigmented polyester resin material that does not contain reinforcing fibers and becomes the outer or inner surface of a finished boat product or mold.

(ii) The term includes a clear or pigmented polyester resin mixed with metal flakes.

Glass cloth—A fabric made of woven yarns of glass fibers.

Glass mat—A prepared material consisting of short glass fibers that are fixed to each other in a random pattern by a chemical binder or are mechanically stitched to a lightweight fabric.

Glass roving—A bundle of continuous glass fibers that is fed from a spool to a specialized gun that chops the bundle into short fibers, mixes the fibers with catalyzed resin and deposits the mixture on the mold surface in a random pattern.

Mixing—An operation in which resin or gel coat, including the mixing of putties or polyester resin putties, is combined with additives that include fillers, promoters or catalysts.

Mold—

(i) The cavity or surface into or on which gel coat, resin and fibers are placed and from which finished fiberglass parts take their form.

(ii) The term is also known as a tool.

Monomer VOC—A VOC that partially combines with itself or other similar compounds by a cross-linking reaction to become a part of the cured resin.

Monomer VOC content—The weight of the monomer divided by the weight of the polymer.

Non-atomized application method—

(i) A resin application technology in which the resin is not broken into droplets or into an aerosol as the resin travels from the application equipment to the surface of the part.

(ii) The term includes flowcoaters, chopper flowcoaters, pressure-fed resin rollers, resin impregnators and hand application (for example, paint brush or paint roller).

Open molding—

(i) A process in which the reinforcing fibers and resin are placed in the mold and are open to the surrounding air while the reinforcing fibers are saturated with resin.

(ii) The term includes:

(A) An operation in which a vacuum bag or similar cover is used to compress an uncured laminate to remove air bubbles or excess resin or to achieve a bond between a core material and a laminate.

(B) Application of a gel coat or skin coat layer prior to a closed molding process.

(C) A process in which a closed mold is used only to compact saturated fabric or to remove air or excess resin from the fabric (such as in vacuum bagging).

Pigmented gel coat—

(i) An opaque polyester resin material used to manufacture parts for sale.

(ii) The term does not include tooling gel coats used to build or repair molds.

Plug—

(i) A full-size model of the part to be manufactured. The mold is built over the finished model.

(ii) The term is also known as a prototype.

Polyester resin material—An unsaturated thermosetting plastic material, such as an isophthalic, orthophthalic, halogenated, bisphenol A, vinylester or furan resin, a cross-linking agent, a catalyst, a gel coat, an inhibitor, an accelerator, a promoter or other material containing VOC used in polyester resin operations.

Polyester resin operation—A process in which an unsaturated polyester resin material is used to fabricate, rework, repair or touch-up a product for commercial, military or industrial use by mixing, pouring, hand laying-up, impregnating, injecting, forming, winding, spraying or curing.

Polyputty or putty—A polyester or vinylester resin mixed with inert fillers or fibers. The mixture is used to assemble fiberglass parts and to fill gaps between parts. The applied material becomes part of the composite structure. These materials are not considered industrial adhesives.

Production resin—

(i) A thermosetting plastic material used to manufacture parts for sale.

(ii) The term does not include tooling resins used to build or repair molds and assembly adhesives.

Repair—The addition of polyester resin material to a portion of a previously fabricated product to mend damage.

Resin—A thermosetting plastic material containing styrene or methyl methacrylate, with or without pigment, used to encapsulate and bind together reinforcement fibers in the construction of fiberglass parts.

Resin impregnator—A mechanical non-atomizing composite material application method in which fiber reinforcement is saturated with one or more resins in a controlled ratio for each specific composite product.

Roll-out—The process of using rollers, squeegees or similar tools to compact reinforcing materials saturated with resin to remove trapped air or excess resin.

Skin coat—A layer of resin and fibers applied over the gel coat to protect the gel coat from being deformed by the next laminate layer.

Tooling gel coat—A polyester resin material containing styrene or methyl methacrylate, or both, that becomes the interior surface of a mold, supported by resin and fiberglass, or the exterior surface of a plug used to create a mold or is used to repair a mold.

Tooling resin—A thermosetting plastic material, hardened by a catalyst, used to construct or repair a mold or a plug for a mold for the manufacture of a fiberglass boat hull, deck or other part.

Touch-up—The application of material to cover minor imperfections.

Vacuum bagging—

(i) A molding technique in which the reinforcing fabric is saturated with resin, covered with a flexible sheet that is sealed to the edge of the mold and a vacuum is applied under the sheet to compress the laminate, remove excess resin or remove trapped air from the laminate during curing.

(ii) The term does not include a process that meets the definition of “closed molding.”

Vacuum bagging with roll-out—A partially closed molding technology that rolls the resin and fabric before the application of vacuum bagging materials.

Vacuum bagging without roll-out—A partially closed molding technology that applies vacuum bagging materials to the mold immediately after resin application without rolling the resin and fabric.

Vinylester resin—A thermosetting plastic material containing one or more esters of acrylic or methacrylic acids and having double-bond and ester linkage sites only at the ends of the resin molecules.

(c) *Exceptions.* The requirements of this section do not apply to the following circumstances:

(1) A resin application process in a closed molding operation as defined in subsection (b).

(2) A surface coating applied to a fiberglass boat.

(3) A surface coating for a fiberglass and metal recreational boat.

(4) An industrial adhesive used in the assembly of a fiberglass boat. Industrial adhesives used in fiberglass boat assembly are regulated under § 129.77 or Chapter 130, Subchapter D (relating to control of emissions from the use or application of adhesives, sealants, primers and solvents; and adhesives, sealants, primers and solvents).

(d) *Existing RACT permit.* The requirements of this section supersede the requirements of a RACT permit issued to the owner and operator of a source subject to subsection (a) prior to December 19, 2015, under §§ 129.91–129.95 (relating to stationary sources of NO_x and VOCs) to control, reduce or minimize VOCs from a fiberglass boat manufacturing process, except to the extent the RACT permit contains more stringent requirements.

(e) *Compliance deadline.* The owner and operator of a facility subject to this section shall comply with the applicable requirements beginning December 19, 2015.

(f) *Emission limits.* Except as specified in subsection (h) or (j), the owner and operator of a facility subject to this section may not cause or permit the emission into the outdoor atmosphere of monomer VOCs from an open molding resin or gel coat fiberglass boat manufacturing operation, a resin or gel coat mixing operation, or a resin or gel coat application equipment cleaning operation unless one or more of the following limitations is met:

(1) *Compliant materials option.* The individual monomer VOC content limit is achieved through the use of low-monomer VOC content open molding resin and gel coat materials by one or more of the following methods:

(i) Using only low-monomer VOC content resin and gel coat materials within a covered operation listed in Table I.

(A) The monomer VOC content of each resin or gel coat material is equal to or less than the limit specified in Table I.

(B) The monomer VOC content of each resin or gel coat material includes the amount of non-monomer VOC content that exceeds 5% by weight of the resin or gel coat material.

(ii) Averaging the monomer VOC contents for the open molding resin and gel coat materials used within a covered operation listed in Table I on a weight-adjusted basis.

(A) The combined total monomer VOC content of resin or gel coat materials of a certain type must meet the applicable monomer VOC content limit for a specific application method on a 12-month rolling weighted-average basis, calculated using the equation in clause (C).

(B) The monomer VOC content of each resin or gel coat material included in the weighted average specified in

clause (A) includes the amount of non-monomer VOC content that exceeds 5% by weight of the resin or gel coat material.

(C) The weighted-average monomer VOC content on a 12-month rolling-average basis shall be calculated as follows:

$$\text{Weighted Average Monomer VOC Content} = \frac{\sum_{i=1}^n (M_i \text{VOC}_i)}{\sum_{i=1}^n (M_i)}$$

Where:

M_i = Mass of open molding resin or gel coat i used in the past 12 months in an operation, in megagrams.

VOC_i = Monomer VOC content, by weight percent, of open molding resin or gel coat i used in the past 12 months in an operation.

n = Number of different open molding resins or gel coats used in the past 12 months in an operation.

(2) *Emissions averaging option.* The numerical monomer VOC emission rate limit is achieved through averaging emissions among different open molding resin and gel coat operations. The equations in subparagraphs (iii)—(v) shall be used to estimate the monomer VOC emission rates from each operation included in the emissions averaging option based on the material and application method.

(i) The monomer VOC content of each open molding resin or gel coat material included in the emissions averaging option includes the amount of non-monomer VOC content that exceeds 5% by weight of the resin or gel coat material.

(ii) The 12-month rolling emissions average shall be determined at the end of each calendar month.

(iii) The facility-specific monomer VOC mass emission limit on a 12-month rolling-average basis shall be calculated as follows:

$$\text{Monomer VOC Limit} = 46(M_R) + 159(M_{PG}) + 291(M_{CG}) + 54(M_{TR}) + 214(M_{TG})$$

Where:

Monomer VOC Limit = Total allowable monomer VOC that can be emitted from the open molding operations included in the emissions averaging program, in kilograms per 12-month period.

M_R = Mass of production resin used in the past 12 months, excluding exempt VOC materials, in megagrams.

M_{PG} = Mass of pigmented gel coat used in the past 12 months, excluding exempt VOC materials, in megagrams.

M_{CG} = Mass of clear gel coat used in the past 12 months, excluding exempt VOC materials, in megagrams.

M_{TR} = Mass of tooling resin used in the past 12 months, excluding exempt VOC materials, in megagrams.

M_{TG} = Mass of tooling gel coat used in the past 12 months, excluding exempt VOC materials, in megagrams.

Numerical coefficients = The allowable monomer VOC emission rate for that particular material, in units of kg/Mg of material used.

(iv) At the end of the first 12-month rolling-average emissions period and at the end of each subsequent calendar month, the owner or operator of the facility shall demonstrate that the monomer VOC emissions from the operations and materials included in the emissions averaging option do not exceed the emission limit calculated under subparagraph (iii) for the same 12-month period as follows:

$$\text{Monomer VOC emissions} = (PV_R)(M_R) + (PV_{PG})(M_{PG}) + (PV_{CG})(M_{CG}) + (PV_{TR})(M_{TR}) + (PV_{TG})(M_{TG})$$

Where:

Monomer VOC emissions = Monomer VOC emissions calculated using the monomer VOC mission equation for each operation included in the emissions averaging program, in kilograms.

PV_R = Weighted-average monomer VOC emission rate for production resin used in the past 12 months, in kilograms per megagram.

M_R = Mass of production resin used in the past 12 months, in megagrams.

PV_{PG} = Weighted-average monomer VOC emission rate for pigmented gel coat used in the past 12 months, in kilograms per megagram.

M_{PG} = Mass of pigmented gel coat used in the past 12 months, in megagrams.

PV_{CG} = Weighted-average monomer VOC emission rate for clear gel coat used in the past 12 months, in kilograms per megagram.

M_{CG} = Mass of clear gel coat used in the past 12 months, in megagrams.

PV_{TR} = Weighted-average monomer VOC emission rate for tooling resin used in the past 12 months, in kilograms per megagram.

M_{TR} = Mass of tooling resin used in the past 12 months, in megagrams.

PV_{TG} = Weighted-average monomer VOC emission rate for tooling gel coat used in the past 12 months, in kilograms per megagram.

M_{TG} = Mass of tooling gel coat used in the past 12 months, in megagrams.

(v) For purposes of subparagraph (iv), the owner or operator of the facility shall determine the weighted-average monomer VOC emission rate for the previous 12 months for each open molding resin and gel coat operation included in the emissions averaging option as follows:

$$PV_{OP} = \frac{\sum_{i=1}^n (M_i PV_i)}{\sum_{i=1}^n (M_i)}$$

Where:

PV_{OP} = Weighted-average monomer VOC emission rate for each open molding operation (PV_R , PV_{PG} , PV_{CG} , PV_{TR} , PV_{TG}) included in the emissions averaging program, in kilograms of monomer VOC per megagram of material applied.

M_i = Mass of resin or gel coat used within an operation in the past 12 months, in megagrams.

n = Number of different open molding resins and gel coats used within an operation within the past 12 months.

PV_i = The monomer VOC emission rate for resin or gel coat used within an operation in the past 12 months, in kilograms of monomer VOC per megagram of material applied. PV_i shall be calculated using the applicable emission rate formula specified in Table II.

Table II: Monomer VOC Emission Rate Formulas for Open Molding Resin and Gel Coat Materials

<i>Open Molding Resin or Gel Coat Material</i>	<i>Application Method</i>	<i>Emission Rate Formula</i>
Production Resin, Tooling Resin	Atomized	$0.014 \times (\text{Resin VOC}\%)^{2.425}$
Production Resin, Tooling Resin	Atomized, plus vacuum bagging with roll-out	$0.01185 \times (\text{Resin VOC}\%)^{2.425}$
Production Resin, Tooling Resin	Atomized, plus vacuum bagging without roll-out	$0.00945 \times (\text{Resin VOC}\%)^{2.425}$
Production Resin, Tooling Resin	Non-atomized	$0.014 \times (\text{Resin VOC}\%)^{2.275}$
Production Resin, Tooling Resin	Non-atomized, plus vacuum bagging with roll-out	$0.0110 \times (\text{Resin VOC}\%)^{2.275}$
Production Resin, Tooling Resin	Non-atomized, plus vacuum bagging without roll-out	$0.0076 \times (\text{Resin VOC}\%)^{2.275}$
Pigmented Gel Coat	All methods	$0.445 \times (\text{Resin VOC}\%)^{1.675}$
Clear Gel Coat	All methods	$0.445 \times (\text{Resin VOC}\%)^{1.675}$
Tooling Gel Coat	All methods	$0.445 \times (\text{Resin VOC}\%)^{1.675}$

(3) *VOC emissions capture system and add-on air pollution control device option.* A numerical monomer VOC emission rate, determined for a facility based on the mix of application methods and materials used at the facility, is achieved through the use of a VOC emissions capture system and add-on air pollution control device.

(i) The equation in paragraph (2)(iii) must be used to determine the emission limit to be achieved by the add-on air pollution control device, but modified as specified in this subparagraph. The mass of each open molding monomer VOC-containing material used during the control device performance test must be used in the equation in paragraph (2)(iii), instead of the mass of each material

used over the past 12 months, to determine the emission limit, in kilograms of monomer VOC, that is applicable during the control device test.

(ii) The measured emissions at the outlet of the control device, in kilograms of monomer VOC, must be less than the emission limit calculated as specified in subparagraph (i).

(iii) The relevant control device and emission capture system operating parameters must be monitored and recorded during the test.

(iv) The values of the parameters recorded in subparagraph (iii) must be used to establish the operating limits for those parameters.

(v) The operating parameters must be maintained within the established operating limits.

(g) *VOC emissions capture system and add-on air pollution control device requirements.* The owner or operator of a facility subject to this section may elect to comply with the applicable emission limitations of this section through the installation of a VOC emissions capture system and add-on air pollution control device in accordance with subsection (f)(3). The owner or operator shall submit an application for a plan approval to the appropriate regional office. The application for a plan approval must be approved, in writing, by the Department prior to installation and operation of the emissions capture system and add-on air pollution control device. The application for a plan approval must include the following information:

(1) A description, including location, of each affected source or operation to be controlled with the emissions capture system and add-on air pollution control device.

(2) A description of the proposed emissions capture system and add-on air pollution control device to be installed.

(3) A description of the proposed compliance monitoring equipment to be installed.

(4) A description of the parameters to be monitored to demonstrate continuing compliance.

(5) A description of the records to be kept that will document the continuing compliance.

(6) A schedule containing proposed interim dates for completing each phase of the required work to install and test the emissions capture system and add-on air pollution control device described in paragraph (2) and the compliance monitoring equipment described in paragraph (3).

(7) A proposed interim emission limitation that will be imposed on the affected source or operation until compliance is achieved with the applicable emission limitation.

(8) A proposed final compliance date that is as soon as possible but not later than 1 year after the start of installation of the approved emissions capture system and add-on air pollution control device and the compliance monitoring equipment.

(h) *Emission limits for filled production resins and filled tooling resins.* The owner or operator may use an open molding filled production resin or filled tooling resin in each of the emission limit options specified in subsection (f).

(1) If fillers are added to the resin material, the adjusted monomer VOC emission rate of the filled material must be calculated on an as-applied basis as follows:

$$PV_F = PV_U \times \frac{(100 - \% \text{ Filler})}{100}$$

Where:

PV_F = The as-applied monomer VOC emission rate for the filled production resin or tooling resin, in kilograms per megagram of filled material.

PV_U = The monomer VOC emission rate for the neat (unfilled) resin, before filler is added, calculated using the applicable emission rate formula in Table II.

% Filler = The weight-percent of filler in the as applied resin system.

(2) The value of PV_F of a compliant material used in subsection (f)(1), calculated as specified in paragraph (1), for a filled resin used as a:

(i) Production resin shall not exceed 46 kilograms of monomer VOC per megagram of filled resin applied.

(ii) Tooling resin shall not exceed 54 kilograms of monomer VOC per megagram of filled resin applied.

(3) The value of PV_F , calculated as specified in paragraph (1), must be used in place of the value of PV_i for a filled resin included in the emissions averaging option equation in subsection (f)(2)(v).

(4) The monomer VOC content of each as applied filled resin includes the amount of non-monomer VOC content that exceeds 5% by weight of the unfilled resin material.

(i) *Monomer VOC control requirement for an open molding resin, gel coat, filled production resin or filled tooling resin not included in an emissions averaging option.* The monomer VOC content of an open molding resin, gel coat, filled production resin or filled tooling resin material not included in an emissions averaging option in subsection (f)(2) shall meet the monomer VOC content requirements of subsection (f)(1) or the add-on air pollution control requirements of subsection (f)(3).

(j) *Alternative requirements for control of monomer VOC content for certain resin and gel coat materials.* The monomer VOC content limits in Table I do not apply to a tooling or production material used for the following purposes:

(1) A production resin, including a skin coat resin, that must meet a specification for use in a military vessel or must be approved by the United States Coast Guard for use in the construction of a lifeboat, rescue boat or life-saving appliance approved under 46 CFR Chapter 1, Subchapter Q (relating to equipment, construction, and materials: specifications and approval) or the construction of a small passenger vessel regulated under 46 CFR Chapter 1, Subchapter T (relating to small passenger vessels (under 100 gross tons)). A production resin that meets one or more of these criteria shall be applied with non-atomizing resin application equipment.

(2) A production or tooling resin or a pigmented, clear or tooling gel coat used for repair and touch up of a part or a mold, if the weight used of resin and gel coat materials that meet one or more of these criteria does not exceed 1% by weight of the total resin and gel coat material used at a facility on a 12-month rolling-average basis.

(3) Pure 100% vinyl ester resin used for a skin coat, if the pure 100% vinyl ester resin used for the skin coat is applied with non-atomizing resin application equipment, and the weight used of resin materials meeting this criterion does not exceed 5% by weight of the total resin used at a facility on a 12-month rolling-average basis.

(k) *Work practices for resin and gel coat materials.* The owner or operator of a facility subject to this section shall ensure that resin and gel coat containers with a capacity equal to or greater than 55 gallons (208 liters), including those used for onsite mixing of putties and polyputties, have a cover in place at all times with no visible gaps, except when materials are being manually added or removed from a container or when mixing equipment is being placed in or removed from a container.

(l) *VOC content limits and work practices for cleaning materials.* The owner or operator of a facility subject to this section shall comply with the following VOC content limits and work practices for VOC-containing cleaning materials:

(1) Ensure that the VOC content of cleaning solvents used for routine application equipment cleaning is equal

to or less than 5% by weight or has a composite vapor pressure equal to or less than 0.50 mmHg at 68°F.

(2) Use only non-VOC-containing solvent to remove cured resin or gel coat from application equipment.

(m) *Compliance and monitoring requirements.* The owner or operator of a facility subject to this section shall:

(1) Use the test methods and procedures in subsection (n) to determine the monomer VOC content of resin and gel coat material.

(2) Demonstrate compliance of the monomer VOC content of the resin and gel coat material within 90 days of receipt of a written request from the Department in accordance with subsection (n).

(3) Equip add-on air pollution control devices with the applicable monitoring equipment. The monitoring equipment shall be installed, calibrated, operated and maintained according to manufacturer's specifications at all times that the add-on air pollution control device is in use.

(4) Conduct testing of a VOC emissions capture system and add-on air pollution control device installed in accordance with subsection (f)(3) one time every 5 years starting from completion of the initial testing specified in the plan approval application required in subsection (g).

(n) *Sampling and testing.* The owner or operator of a facility subject to this section shall perform sampling and testing as follows:

(1) Use one or more of the following methods to determine the monomer VOC content of a resin or gel coat.

(i) SCAQMD Method 312-91, *Determination of Percent Monomer in Polyester Resins.*

(ii) Manufacturer's formulation data.

(iii) Other test methods or data demonstrated to provide results that are acceptable for purposes of determining compliance with this section if prior approval is obtained in writing from the Department and the United States Environmental Protection Agency.

(2) Use the test methods and procedures specified in Chapter 139 (relating to sampling and testing) for sampling and testing of add-on air pollution control devices.

(o) *Recordkeeping requirements.* The owner or operator of a facility subject to this section shall maintain monthly records sufficient to demonstrate compliance with this section. The records must include the following information:

(1) The name and identification number of each resin and gel coat.

(2) The total quantity of atomized molding production resin, non-atomized production resin, pigmented gel coat, clear gel coat, atomized tooling resin, non-atomized tooling resin and tooling gel coat used per month.

(3) The monomer VOC content for each resin and gel coat.

(4) The non-monomer VOC content for each resin and gel coat.

(5) The calculations performed for each applicable requirement under subsections (f), (h) and (j).

(6) The name and identification number only for each resin used in accordance with subsection (j)(1). The records specified in paragraphs (1)—(5) do not apply to resins used in accordance with subsection (j)(1).

(7) The name, identification number and VOC content or composite vapor pressure for each cleaning solvent used for routine application equipment cleaning.

(8) The information required by the plan approval issued under subsection (g), as applicable.

(9) The results of sampling and testing performed in accordance with subsection (n).

(p) *Reporting requirements.* The records shall be maintained for 2 years unless a longer period is required by an order issued by the Department or a plan approval or operating permit issued under Chapter 127 (relating to construction, modification, reactivation and operation of sources). The records shall be submitted to the Department in an acceptable format upon receipt of a written request.

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BOARD OF COAL MINE SAFETY
[25 PA. CODE CH. 208]
Standards for Surface Facilities

The Board of Coal Mine Safety (Board) amends Chapter 208 (relating to underground coal mine safety) to read as set forth in Annex A. This final-form rulemaking implements existing Federal regulations, thereby making them independently enforceable by the Commonwealth.

Sections 106 and 106.1 of the Bituminous Coal Mine Safety Act (BCMSA) (52 P. S. §§ 690-106 and 690-106.1) authorize the adoption of regulations for its implementation including additional safety standards. The BCMSA further authorizes the Board to promulgate necessary or appropriate regulations to implement the requirements of the BCMSA and to protect the health, safety and welfare of miners and other individuals in and about mines.

This final-form rulemaking is given under Board order at its meeting of June 23, 2015.

A. Effective Date

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

B. Contact Persons

For further information, contact Colvin Carson, Acting Director, Bureau of Mine Safety, 131 Broadview Road, New Stanton, PA 15672, (724) 404-3154, cocarson@pa.gov; or Joseph Iole, Assistant Counsel, Bureau of Regulatory Counsel, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-9376, jirole@pa.gov.

C. Statutory Authority

This final-form rulemaking is authorized under sections 106 and 106.1 of the BCMSA, which grant the Board the authority to adopt regulations to implement the BCMSA including additional safety standards. The Board is further authorized to promulgate regulations that are

necessary or appropriate to protect the health, safety and welfare of miners and other individuals in and about mines.

D. *Background and Purpose*

On July 7, 2008, the General Assembly enacted the BCMSA, which was the first significant update of the Commonwealth's underground bituminous coal mine safety laws since 1961. See section 103(a) of the BCMSA (52 P. S. § 690-103(a)). The BCMSA provides broad authority to promulgate regulations that are necessary or appropriate to implement the BCMSA and to protect the health, safety and welfare of miners and other individuals in and about mines. See section 106.1(a) of the BCMSA. Final regulations consistent with Federal standards may also be promulgated under section 106.1(c) of the BCMSA. Under section 106 of the BCMSA, the Board consists of three members representing mine workers, three members representing underground bituminous coal mine operators and the Secretary of the Department of Environmental Protection (Department) who serves as the Board's chairperson.

This final-form rulemaking implements existing Federal regulations that broadly relate to the surface work areas of underground coal mines and govern surface installations, thermal dryers, safeguards for mechanical equipment, electrical equipment, trailing cables, grounding, surface high-voltage distribution, low-voltage and medium-voltage alternating currents, ground control, fire protection, maps, personnel hoisting, wire ropes, trolley wires and trolley feeder wires, and slope and shaft sinking. As a result, the existing Federal regulations will become independently enforceable in this Commonwealth.

At the outset, this final-form rulemaking implements the Federal regulations regarding qualified or certified persons. The Federal regulations require certain types of work and certain tests—electrical work and tests for methane, for example—to be conducted by qualified or certified persons. Requiring persons to be qualified or certified ensures that the examinations and tests they conduct and the duties they carry out will be done in a professional manner, thus enhancing the safety of persons in and around mine sites.

Another component of this final-form rulemaking implements the Federal regulations governing surface installations. These rules ensure that underground bituminous coal mine structures, enclosures and other facilities located on the surface are maintained in good repair to prevent accidents and injuries. Accordingly, the rules mandate proper illumination, safe storage of materials, and suitable slings and hitches for hoisting materials, among other requirements.

Additionally, this final-form rulemaking implements the Federal mine safety regulations for thermal dryers. Thermal dryers are an integral part of coal processing and are used to dry coal at high temperatures. The Federal regulations governing thermal dryers are intended to ensure that thermal dryers are properly used and located on the site and mandate certain safeguards to minimize the risks associated with the use of thermal dryers.

This final-form rulemaking also implements the Federal regulations mandating safeguards for mechanical equipment. These Federal regulations ensure that various machines and other types of mechanical equipment are maintained, located, operated and handled in a safe and proper manner. Similarly, this final-form rulemaking adopts the Federal requirements regarding electrical equipment at the surface operations of underground

bituminous coal mines. These requirements ensure that electrical equipment is adequately maintained, insulated and used.

Another component of the Federal regulations implemented by this final-form rulemaking regards trailing cables. Generally, trailing cables are the cords that connect portable or mobile equipment and devices to power sources. Ensuring that trailing cables on mine sites are properly handled, spliced and protected enhances safety at a mine site.

This final-form rulemaking also implements the Federal regulations regarding the grounding of electricity-conducting materials. Included in these Federal regulations are requirements for grounding wires, equipment receiving power from underground alternating power current systems and enclosures of electric equipment.

In addition, this final-form rulemaking implements the Federal regulations governing surface high-voltage distribution. These Federal regulations promote safety at a mine site by ensuring high-voltage power supplies and transmission are properly maintained, connected, grounded and tested. This final-form rulemaking likewise implements the Federal requirements relative to low-voltage and medium-voltage alternating current at the surface areas of underground bituminous coal mine sites which ensure the proper usage, maintenance, grounding, connecting and testing of low-voltage and medium-voltage currents.

The Federal ground control mine safety regulations are also implemented by this final-form rulemaking. These Federal requirements require operators to establish certain plans and procedures and take certain precautions when conducting activities relative to stripping, box cuts, highwalls and drilling.

This final-form rulemaking adopts Federal regulations relative to fire protection at the surface operations of underground bituminous coal mine sites. These requirements ensure that proper plans, warning signs and firefighting equipment are maintained on the mine site. They also ensure that flammable materials and fire-prone units like battery-charging stations are properly maintained.

The Federal requirements relative to personnel hoisting and wire ropes are also included in this final-form rulemaking. These requirements are intended to ensure that workers and cargo at mine sites may be safely elevated or lowered by structurally sound hoisting equipment. The wire-rope components of this equipment shall be examined and measured and must meet minimum strength requirements.

There are loading and haulage requirements in the Federal regulations that are adopted by this final-form rulemaking. These Federal regulations ensure that loading and haulage equipment will be properly installed, inspected, maintained and operated.

In addition, this final-form rulemaking adopts some miscellaneous safety provisions including requirements for workers to have access to adequate means of communication and first aid equipment, and wear protective clothing. This final-form rulemaking adopts the Federal regulations governing mine maps.

This final-form rulemaking adopts Federal requirements regulating trolley wires and trolley feeder wires. These requirements ensure that trolley wires and trolley feeder wires are maintained in a way to reduce the risk of overcurrent.

This final-form rulemaking implements Federal mine safety regulations relative to slope and shaft sinking. These Federal regulations ensure that the operations associated with slopes and shafts are conducted in a safe manner.

Also included in this final-form rulemaking are definitions for “barricaded,” “berm,” “certified or registered,” “flash point,” “qualified person,” “roll protection,” “safety can” and “trailing cable.” These definitions improve the clarity of the regulations and facilitate compliance with its requirements.

Adopting these regulations ensures that surface operations at underground bituminous coal mine sites are safely conducted and maintained. Although underground bituminous coal mine operators are already required to comply with these Federal regulations, implementing them in Chapter 208 provides the Department with the independent authority to enforce the Federal requirements. This results in improved efficiency and enhanced autonomy for the Commonwealth.

E. Summary of Comments and Responses to the Proposed Rulemaking

The Board did not receive comments from the public regarding the proposed underground coal mine safety regulations during the public comment period. The Board received two comments from the Independent Regulatory Review Commission (IRRC).

IRRC recommended that the Board clarify its intent to require that training programs be approved by the Mine Safety and Health Administration (MSHA) in addition to the existing Federal provision. This comment applies similarly to §§ 208.391 and 208.406 (relating to slopes and shafts; approval of plans; and explosives and blasting; general).

The Board deleted the proposed exception to § 208.108 (relating to training programs) and instead incorporated in full the Federal provision in 30 CFR 77.107 (relating to training programs) to clarify that this final-form regulation is consistent with the Federal provision. This final-form rulemaking will require operators to seek approval of training programs from the Secretary of Labor “or his delegate.” Regarding § 208.391, operators currently are required to submit plans regarding slope and shaft safety for the Department’s approval; the Department accepts for approval plans submitted to MSHA under 30 CFR 77.1900 (relating to slopes and shafts; approval of plans). This final-form rulemaking clarifies that although § 208.391 incorporates the Federal provision, the Department retains independent approval authority over these plans.

Regarding § 208.406, operators currently are required to comply with Chapters 210 and 211 (relating to blasters’ licenses; and storage, handling and use of explosives). This final-form rulemaking clarifies that although § 208.406 incorporates the Federal provision, operators shall still comply with the applicable Pennsylvania regulations regarding explosives and blasting.

IRRC additionally commented that § 208.364 (relating to transportation of persons; overcrowding) incorporated by reference 30 CFR 77.1604 (relating to transportation of persons; overcrowding) with an “exception of the following modification . . .” and that the Board provided for a subsection (a), printed in its entirety, making it unclear as to what has been modified from the language in 30 CFR 77.1604(a). IRRC had concerns that this was not an exception since the regulated community shall comply with existing 30 CFR 77.1604. IRRC noted that if the

Board intends to modify 30 CFR 77.1604, this should be clearly stated as an additional requirement. IRRC further noted that the Board’s modification changed the description of the work area, and asked the Board to explain the need for modifying 30 CFR 77.1604(a).

The Board deleted the proposed exception to § 208.364, and instead incorporates in full the Federal provision in 30 CFR 77.1604 to clarify that this final-form regulation is consistent with the Federal provision.

F. Summary of the Final-Form Rulemaking Including Changes from Proposed to Final-Form

§ 208.1. Definitions

This final-form rulemaking adds definitions of “barricaded,” “berm,” “certified or registered,” “flash point,” “qualified person,” “roll protection,” “safety can” and “trailing cable” to § 208.1 (relating to definitions).

Qualified and certified persons

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing qualified and certified persons.

Section 208.101 (relating to certified person) incorporates by reference 30 CFR 77.100 (relating to certified person). Certified persons are authorized to conduct certain tests and examinations at the surface areas of underground bituminous coal mining sites.

Section 208.102 (relating to tests for methane and for oxygen deficiency; qualified person) incorporates by reference 30 CFR 77.101 (relating to tests for methane and for oxygen deficiency; qualified person). This provision requires tests for methane and oxygen deficiency to be made by qualified persons.

Section 208.103 (relating to tests for methane; oxygen deficiency; qualified person, additional requirement) incorporates by reference 30 CFR 77.102 (relating to tests for methane; oxygen deficiency; qualified person, additional requirement). This provision requires the qualified person conducting methane and oxygen deficiency tests to possess a current card issued by MSHA indicating that the person is in fact qualified to conduct this testing.

Section 208.104 (relating to electrical work; qualified person) incorporates by reference 30 CFR 77.103 (relating to electrical work; qualified person). This provision describes qualification procedures to become a qualified person to perform electrical work.

Section 208.105 (relating to repair of energized surface high-voltage lines; qualified person) incorporates by reference 30 CFR 77.104 (relating to repair of energized surface high-voltage lines; qualified person). This provision describes the qualification requirements for persons to repair energized surface high-voltage lines.

Section 208.106 (relating to qualified hoistman; slope or shaft sinking operation; qualifications) incorporates by reference 30 CFR 77.105 (relating to qualified hoistman; slope or shaft sinking operation; qualifications). This provision describes when a hoistman is qualified to operate a hoist at a slope or shaft operation.

Section 208.107 (relating to records of certified and qualified persons) incorporates by reference 30 CFR 77.106 (relating to records of certified and qualified persons). This provision requires an operator to maintain records of certified and qualified persons.

Section 208.108 incorporates by reference 30 CFR 77.107. This provision requires operators to provide a program of training and retraining certified and qualified

persons. The Board deleted “the exception that MSHA will approve the training program” from this final-form regulation in response to IRRC’s comment suggesting the Board clarify that the regulation is consistent with the Federal provision and not an additional requirement.

Surface installations

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing surface installations.

Section 208.111 (relating to surface installations; general) incorporates by reference 30 CFR 77.200 (relating to surface installations; general). This provision requires all mine structures, enclosures or other facilities to be maintained in good repair to prevent accidents and injuries.

Section 208.112 (relating to methane content in surface installations) incorporates by reference 30 CFR 77.201 (relating to methane content in surface installations). This provision mandates that the methane content in the air of any structure, enclosure or other facility be less than 1% of the volume of air.

Section 208.113 (relating to tests for methane; qualified person; use of approved device) incorporates by reference 30 CFR 77.201-1 (relating to tests for methane; qualified person; use of approved device). This provision requires tests for methane in structures, enclosures or other facilities be conducted by a qualified person with an approved device at least once during each operating shift and immediately prior to any repair work when a welding torch or open flame is used or a spark may be produced.

Section 208.114 (relating to methane accumulations; change in ventilation) incorporates by reference 30 CFR 77.201-2 (relating to methane accumulations; change in ventilation). This provision provides for a change in the ventilation of any structure, enclosure or other facility when the air in a structure, enclosure or other facility contains more than 1% methane.

Section 208.115 (relating to dust accumulations in surface installations) incorporates by reference 30 CFR 77.202 (relating to dust accumulations in surface installations). This provision prohibits the dangerous accumulation of coal dust in the air of, in or on the surfaces of structures, enclosures or other facilities.

Section 208.116 (relating to use of material or equipment overhead; safeguards) incorporates by reference 30 CFR 77.203 (relating to use of material or equipment overhead; safeguards). This provision mandates the adequate protection of persons working or passing below areas where overhead work is being done or repairs are being made.

Section 208.117 (relating to openings in surface installations; safeguards) incorporates by reference 30 CFR 77.204 (relating to openings in surface installations; safeguards). This provision provides that openings in surface installations through which people or material may fall must be protected by railings, barriers or similar protective coverings or devices.

Section 208.118 (relating to travelways at surface installations) incorporates by reference 30 CFR 77.205 (relating to travelways at surface installations). This provision requires travelways to be maintained in a condition as to minimize the risk of slips, falls and other accidents.

Section 208.119 (relating to ladders; construction; installation and maintenance) incorporates by reference 30 CFR 77.206 (relating to ladders; construction; installation

and maintenance). This provision provides for the safe use and maintenance of ladders.

Section 208.120 (relating to illumination) incorporates by reference 30 CFR 77.207 (relating to illumination). This provision requires safe illumination of surface structures, paths, walkways, stairways, switch panels, loading and dumping sites, and working areas.

Section 208.121 (relating to storage of materials) incorporates by reference 30 CFR 77.208 (relating to storage of materials). This provision requires materials to be stored in a way to minimize unsafe conditions.

Section 208.122 (relating to surge and storage piles) incorporates by reference 30 CFR 77.209 (relating to surge and storage piles). This provision prohibits a person from walking or standing immediately above a reclamation area or another area at or near a surge or storage pile where the reclamation operation may expose the person to a hazard.

Section 208.123 (relating to hoisting of materials) incorporates by reference 30 CFR 77.210 (relating to hoisting of materials). This provision mandates that hitches and slings used for hoisting be suitable for handling the type of materials being hoisted and requires workers to stay clear of hoisted loads.

Section 208.124 (relating to draw-off tunnels; stockpiling and reclaiming operations; general) incorporates by reference 30 CFR 77.211 (relating to draw-off tunnels; stockpiling and reclaiming operations; general). This provision requires tunnels located below stockpiles, surge piles and coal storage silos to be ventilated so that concentrations of methane do not exceed 1%. The provision also requires the concentration of methane to be less than 1% before electric equipment is energized, operated or repaired.

Section 208.125 (relating to continuous methane monitoring device; installation and operation; automatic deenergization of electric equipment) incorporates by reference 30 CFR 77.211-1 (relating to continuous methane monitoring device; installation and operation; automatic deenergization of electric equipment). This provision provides that continuous methane monitoring devices must be set to de-energize electric equipment automatically when a monitor is not operating properly and give a warning signal to alert of a certain concentration of methane not above 1%.

Section 208.126 (relating to draw-off tunnel ventilation fans; installation) incorporates by reference 30 CFR 77.212 (relating to draw-off tunnel ventilation fans; installation). This provision dictates installation requirements for draw-off tunnel ventilation fans.

Section 208.127 (relating to draw-off tunnel escapeways) incorporates by reference 30 CFR 77.213 (relating to draw-off tunnel escapeways). This provision provides that an escapeway shall be installed at the closed end of the tunnel to a safe location on the surface.

Thermal dryers

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing thermal dryers.

Section 208.131 (relating to thermal dryers; general) incorporates by reference 30 CFR 77.300 (relating to thermal dryers; general). This provision provides that the operation and maintenance of thermal dryers shall comply with 30 CFR 77.301—77.306.

Section 208.132 (relating to dryer heating units; operation) incorporates by reference 30 CFR 77.301 (relating to dryer heating units; operation). This provision dictates the operation of dryer heating units used to dry coal at high temperatures.

Section 208.133 (relating to bypass stacks) incorporates by reference 30 CFR 77.302 (relating to bypass stacks). This provision requires thermal dryer systems to include a bypass stack, relief stack or individual discharge stack provided with automatic venting to permit gases from the dryer to bypass the heating chamber and vent to the outside atmosphere.

Section 208.134 (relating to hot gas inlet chamber dropout doors) incorporates by reference 30 CFR 77.303 (relating to hot gas inlet chamber dropout doors). This provision requires thermal dryer systems with hot gas inlet chambers to be equipped with dropout doors at the bottom of the inlet chamber to permit coal, fly ash or other heated material to fall from the chamber.

Section 208.135 (relating to explosion release vents) incorporates by reference 30 CFR 77.304 (relating to explosion release vents). This provision provides that drying chambers, dry-dust collectors and ductwork between collectors and discharge stacks must be protected by explosion release vents which open directly to the outside atmosphere.

Section 208.136 (relating to access to drying chambers, hot gas inlet chambers and duct-work; installation and maintenance) incorporates by reference 30 CFR 77.305 (relating to access to drying chambers, hot gas inlet chambers and ductwork; installation and maintenance). This provision requires drying chambers, hot gas inlet chambers and all ductwork in which coal dust may accumulate to be equipped with tight sealing access doors.

Section 208.137 (relating to fire protection) incorporates by reference 30 CFR 77.306 (relating to fire protection). This provision allows an authorized representative of the regulator to require certain fire protection measures like water sprays and fog nozzles.

Section 208.138 (relating to thermal dryers; location and installation; general) incorporates by reference 30 CFR 77.307 (relating to thermal dryers; location and installation; general). This provision provides setback requirements for thermal dryers from mine openings and installation requirements regarding enclosing thermal dryers.

Section 208.139 (relating to structures housing other facilities; use of partitions) incorporates by reference 30 CFR 77.308 (relating to structures housing other facilities; use of partitions). This provision requires that thermal dryers installed in structures also housing tipples, cleaning plants or other operating facility be separated from other working areas by a substantial partition.

Section 208.140 (relating to visual check of system equipment) incorporates by reference 30 CFR 77.309 (relating to visual check of system equipment). This provision requires frequent visual checks of thermal dryer system control stations.

Section 208.141 (relating to control stations; location) incorporates by reference 30 CFR 77.309-1 (relating to control stations; location). This provision requires thermal dryer control stations to be located so as to give the operator of the control system the widest field of visibility of the system and equipment.

Section 208.142 (relating to control panels) incorporates by reference 30 CFR 77.310 (relating to control panels). This provision requires control panels to be located in areas free of moisture and requires control panels to be accompanied by diagrams and directions for use.

Section 208.143 (relating to alarm devices) incorporates by reference 30 CFR 77.311 (relating to alarm devices). This provision mandates that thermal dryer systems be equipped with audible and visible alarm devices.

Section 208.144 (relating to fail safe monitoring systems) incorporates by reference 30 CFR 77.312 (relating to fail safe monitoring systems). This provision provides that fail safe monitoring systems and controls must accompany thermal dryer systems to ensure the dryer system is safely shut down in the event of a failure of any component of the dryer system.

Section 208.145 (relating to wet-coal feed bins; low-level indicators) incorporates by reference 30 CFR 77.313 (relating to wet-coal feedbins; low-level indicators). This provision provides that the wet-coal bins feeding the thermal drying systems must be equipped with audible and visual low-coal-level indicators.

Section 208.146 (relating to automatic temperature control instruments) incorporates by reference 30 CFR 77.314 (relating to automatic temperature control instruments). This provision dictates the type, use and inspection requirements for automatic temperature control instruments associated with thermal dryer systems.

Section 208.147 (relating to thermal dryers; examination and inspection) incorporates by reference 30 CFR 77.315 (relating to thermal dryers; examination and inspection). This provision mandates the examination of thermal dryer systems for fires and coal-dust accumulations.

Safeguards for mechanical equipment

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing safeguards for mechanical equipment.

Section 208.151 (relating to mechanical equipment guards) incorporates by reference 30 CFR 77.400 (relating to mechanical equipment guards). This provision requires parts of mechanical equipment to be guarded to prevent accidents and injuries to workers.

Section 208.152 (relating to stationary grinding machines; protective devices) incorporates by reference 30 CFR 77.401 (relating to stationary grinding machines; protective devices). This provision requires stationary grinding machines to be equipped with parts and certain protective devices to protect workers.

Section 208.153 (relating to hand-held power tools; safety devices) incorporates by reference 30 CFR 77.402 (relating to hand-held power tools; safety devices). This provision mandates that hand-held power tools must be equipped with controls requiring constant hand or finger pressure to operate and must be equipped with friction or equivalent safety devices.

Section 208.154 (relating to mobile equipment; falling object protective structures) incorporates by reference 30 CFR 77.403 (relating to mobile equipment; falling object protective structures (FOPS)). This provision requires falling object protective structures to be installed to certain types of equipment at the surface work areas of underground mine sites.

Section 208.155 (relating to mobile equipment; rollover protective structures) relates to rollover protective

structures (ROPS) for mobile equipment and provides that all rubber-tired or crawler-mounted self-propelled scrapers front-end loaders, dozers, cranes, loaders and tractors, with or without attachments, at the surface work areas of underground coal mines shall be provided with ROPS in accordance with the certification requirements approved by MSHA.

Section 208.156 (relating to seat belts) incorporates by reference 30 CFR 77.403-1(g) (relating to mobile equipment; rollover protective structures (ROPS)). This provision requires the use of seat belts by operators of mobile equipment that are required to be equipped with ROPS.

Section 208.157 (relating to machinery and equipment; operation and maintenance) incorporates by reference 30 CFR 77.404 (relating to machinery and equipment; operation and maintenance). This provision dictates operation and maintenance requirements for machinery and equipment.

Section 208.158 (relating to performing work from a raised position; safeguards) incorporates by reference 30 CFR 77.405 (relating to performing work from a raised position; safeguards). This provision provides that workers may not work on or from a piece of mobile equipment in a raised position unless it has been securely blocked in place. Moreover, work may not be performed under machinery or equipment that is raised until it is securely blocked in place.

Section 208.159 (relating to drive belts) incorporates by reference 30 CFR 77.406 (relating to drive belts). This provision dictates the use of drive belts for machines.

Section 208.160 (relating to power-driven pulleys) incorporates by reference 30 CFR 77.407 (relating to power-driven pulleys). This provision mandates that belts, chains and ropes may not be guided onto a power-driven moving pulley or similar system with the hands and pulleys of conveyors may not be manually cleaned while the conveyor is in motion.

Section 208.161 (relating to welding operations) incorporates by reference 30 CFR 77.408 (relating to welding operations). This provision requires welding operations to be shielded and the area well ventilated.

Section 208.162 (relating to shovels, draglines and tractors) incorporates by reference 30 CFR 77.409 (relating to shovels, draglines, and tractors). This provision dictates the use of shovels, draglines and tractors and requires shovels and draglines to be equipped with handrails.

Section 208.163 (relating to mobile equipment; automatic warning devices) incorporates by reference 30 CFR 77.410 (relating to mobile equipment; automatic warning devices). This provision provides that mobile equipment such as forklifts and front-end loaders must be equipped with warning devices and dictates the types of warning those devices emit.

Section 208.164 (relating to compressed air and boilers; general) incorporates by reference 30 CFR 77.411 (relating to compressed air and boilers; general). This provision requires boilers and pressure vessels to be constructed, installed and maintained in accordance with the standards and specifications of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

Section 208.165 (relating to compressed air systems) incorporates by reference 30 CFR 77.412 (relating to compressed air systems). This provision specifies the operation and maintenance requirements for compressed air systems.

Section 208.166 (relating to boilers) incorporates by reference 30 CFR 77.413 (relating to boilers). This provision provides the operation and maintenance requirements for boilers.

Electrical equipment—general

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing electrical equipment.

Section 208.171 (relating to electric power circuits and electric equipment; de-energization) incorporates by reference 30 CFR 77.500 (relating to electric power circuits and electric equipment; deenergization). This provision requires power circuits and electric equipment to be de-energized before work is done on circuits and equipment.

Section 208.172 (relating to electric distribution circuits and equipment; repair) incorporates by reference 30 CFR 77.501 (relating to electric distribution circuits and equipment; repair). This provision provides that repair of electric distribution circuits and equipment shall be conducted by a qualified person.

Section 208.173 (relating to qualified person) incorporates by reference 30 CFR 77.501-1 (relating to qualified person). This provision provides that a qualified person for the purposes of § 208.131 is one that meets the requirements of § 208.83 (relating to power centers).

Section 208.174 (relating to electric equipment; examination, testing and maintenance) incorporates by reference 30 CFR 77.502 (relating to electric equipment; examination, testing, and maintenance). This provision requires electric equipment to be frequently examined and tested and properly maintained.

Section 208.175 (relating to qualified person) incorporates by reference 30 CFR 77.502-1 (relating to qualified person). This provision provides that a qualified person for the purposes of § 208.133 is one that meets the requirements of § 208.83.

Section 208.176 (relating to electric equipment; frequency of examination and testing) incorporates by reference 30 CFR 77.502-2 (relating to electric equipment; frequency of examination and testing). This provision requires at least monthly testing of electric equipment.

Section 208.177 (relating to electric conductors; capacity and insulation) incorporates by reference 30 CFR 77.503 (relating to electric conductors; capacity and insulation). This provision mandates size and current carrying capacity requirements for electric conductors.

Section 208.178 (relating to electric conductors) incorporates by reference 30 CFR 77.503-1 (relating to electric conductors). This provision requires electric conductors to meet size and minimum current carrying capacity requirements provided for in the National Electric Code. There is a similar minimum standard for trailing cables in this provision as well.

Section 208.179 (relating to electrical connections or splices; suitability) incorporates by reference 30 CFR 77.504 (relating to electrical connections or splices; suitability). This provision specifies that electrical connections or splices must be mechanically and electrically efficient.

Section 208.180 (relating to cable fittings; suitability) incorporates by reference 30 CFR 77.505 (relating to cable fittings; suitability). This provision dictates that cables must enter metal frames of motors, splice boxes and electric compartments only through proper fittings.

Section 208.181 (relating to electric equipment and circuits; overload and short-circuit protection) incorporates by reference 30 CFR 77.506 (relating to electric equipment and circuits; overload and short-circuit protection). This provision mandates that automatic circuit-breaking devices or fuses of the correct type and capacity shall be installed to protect electric equipment and circuits from overload and short-circuit.

Section 208.182 (relating to electric equipment and circuits; overload and short-circuit protection; minimum requirements) incorporates by reference 30 CFR 77.506-1 (relating to electric equipment and circuits; overload and short circuit protection; minimum requirements). This provision requires devices providing overload or short-circuit protection to conform to the minimum requirements for protection of electric circuits and equipment in the National Electric Code.

Section 208.183 (relating to electric equipment; switches) incorporates by reference 30 CFR 77.507 (relating to electric equipment; switches). This provision requires all electric equipment to be provided with switches or other controls that are safely designed.

Section 208.184 (relating to lightning arresters; ungrounded and exposed power conductors and telephone wires) incorporates by reference 30 CFR 77.508 (relating to lightning arresters, ungrounded and exposed power conductors and telephone wires). This provision requires all underground, exposed power conductors and telephone wires to be equipped with suitable lightning arresters.

Section 208.185 (relating to lightning arresters; wires entering buildings) incorporates by reference 30 CFR 77.508-1 (relating to lightning arresters; wires entering buildings). This provision provides that lightning arresters shall be provided at the point where telephone wires enter a building.

Section 208.186 (relating to transformers; installation and guarding) incorporates by reference 30 CFR 77.509 (relating to transformers; installation and guarding). This provision dictates the installation and guarding requirements for transformers.

Section 208.187 (relating to resistors; location and guarding) incorporates by reference 30 CFR 77.510 (relating to resistors; location and guarding). This provision requires resistors, heaters and rheostats to be located to minimize fires and hazards.

Section 208.188 (relating to danger signs at electrical installations) incorporates by reference 30 CFR 77.511 (relating to danger signs at electrical installations). This provision specifies that suitable danger signs shall be posted at all major electrical installations.

Section 208.189 (relating to inspection and cover plates) incorporates by reference 30 CFR 77.512 (relating to inspection and cover plates). This provision dictates that inspection and cover plates on electrical equipment shall be kept in place at all times except during repair.

Section 208.190 (relating to insulating mats at power switches) incorporates by reference 30 CFR 77.513 (relating to insulating mats at power switches). This provision requires nonconductive material to be kept in place at all switchboards and power-control switches.

Section 208.191 (relating to switchboards; passageways and clearance) incorporates by reference 30 CFR 77.514 (relating to switchboards; passageways and clearance). This provision requires switchboards to be installed to provide passageways permitting access to the back of the

switchboard from both ends for inspection, adjustment or repair. Openings are to be guarded.

Section 208.192 (relating to bare signal or control wires; voltage) incorporates by reference 30 CFR 77.515 (relating to bare signal or control wires; voltage). This provision requires the voltage on bare signal or control wires accessible to personal contact to not exceed 40 volts.

Section 208.193 (relating to electric wiring and equipment; installation and maintenance) incorporates by reference 30 CFR 77.516 (relating to electric wiring and equipment; installation and maintenance). This provision requires all wiring and electric equipment to meet the requirements of the National Electric Code in effect at the time of installation.

Trailing cables

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing trailing cables.

Section 208.201 (relating to trailing cables; short-circuit protection; disconnecting devices) incorporates by reference 30 CFR 77.600 (relating to trailing cables; short-circuit protection; disconnecting devices). This provision requires short-circuit protection for trailing cables to be provided by automatic circuit breakers. Moreover, disconnecting devices used to disconnect power from trailing cables shall be plainly marked.

Section 208.202 (relating to trailing cables or portable cables; temporary splices) incorporates by reference 30 CFR 77.601 (relating to trailing cables or portable cables; temporary splices). This provision specifies how temporary splices in trailing or portable cables are to be made.

Section 208.203 (relating to permanent splicing of trailing cables) incorporates by reference 30 CFR 77.602 (relating to permanent splicing of trailing cables). This provision provides specifications for when permanent splices in trailing cables are made.

Section 208.204 (relating to clamping of trailing cables to equipment) incorporates by reference 30 CFR 77.603 (relating to clamping of trailing cables to equipment). This provision requires trailing cables to be clamped to machines in a manner that protects the cables from damage.

Section 208.205 (relating to protection of trailing cables) incorporates by reference 30 CFR 77.604 (relating to protection of trailing cables). This provision requires trailing cables to be adequately protected.

Section 208.206 (relating to breaking trailing cable and power cable connections) incorporates by reference 30 CFR 77.605 (relating to breaking trailing cable and power cable connections). This provision mandates that trailing and power cable connections may not be made or broken under load.

Section 208.207 (relating to energized trailing cables; handling) incorporates by reference 30 CFR 77.606 (relating to energized trailing cables; handling). This provision requires persons handling energized trailing cables to wear protective gloves.

Section 208.208 (relating to rubber gloves; minimum requirements) incorporates by reference 30 CFR 77.606-1 (relating to rubber gloves; minimum requirements). This provision provides the minimum requirements for the use of rubber gloves when handling energized trailing cables.

Grounding

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing grounding.

Section 208.211 (relating to grounding metallic sheaths, armors and conduits enclosing power conductors) incorporates by reference 30 CFR 77.700 (relating to grounding metallic sheaths, armors, and conduits enclosing power conductors). This provision requires the metallic sheaths, armors and conduits enclosing power conductors to be electrically continuous throughout and to be grounded by approved methods.

Section 208.212 (relating to approved methods of grounding) incorporates by reference 30 CFR 77.700-1 (relating to approved methods of grounding). This provision dictates the approved methods of grounding.

Section 208.213 (relating to grounding metallic frames, casings and other enclosures of electric equipment) incorporates by reference 30 CFR 77.701 (relating to grounding metallic frames, casings, and other enclosures of electric equipment). This provision provides that metallic frames, casings and other enclosures of electric equipment that may become live must be grounded.

Section 208.214 (relating to approved methods of grounding of equipment receiving power from ungrounded alternating current power systems) incorporates by reference 30 CFR 77.701-1 (relating to approved methods of grounding of equipment receiving power from ungrounded alternating current power systems). This provision specifies the approved methods of grounding equipment receiving power from underground alternating current systems.

Section 208.215 (relating to approved methods of grounding metallic frames, casings and other enclosures of electric equipment receiving power from a direct-current power system) incorporates by reference 30 CFR 77.701-2 (relating to approved methods of grounding metallic frames, casings, and other enclosures of electric equipment receiving power from a direct-current power system). This provision specifies the approved methods of grounding metallic frames, casings and other enclosures of electric equipment receiving power from a direct-current power system.

Section 208.216 (relating to grounding wires; capacity) incorporates by reference 30 CFR 77.701-3 (relating to grounding wires; capacity). This provision specifies the approval requirements when grounding wires are used to ground metallic sheaths, armors, conduits, frames, casings and other metallic enclosures.

Section 208.217 (relating to use of grounding connectors) incorporates by reference 30 CFR 77.701-4 (relating to use of grounding connectors). This provision requires clamps to be used or installed when attaching grounding wires to grounded power conductors.

Section 208.218 (relating to protection other than grounding) incorporates by reference 30 CFR 77.702 (relating to protection other than grounding). This provision permits the use of protective methods other than grounding when these methods are approved and no less effective than grounding.

Section 208.219 (relating to grounding frames of stationary high-voltage equipment receiving power from ungrounded delta systems) incorporates by reference 30 CFR 77.703 (relating to grounding frames of stationary high-voltage equipment receiving power from ungrounded delta systems). This provision requires the frames of

stationary high-voltage equipment receiving power from ungrounded delta systems to be grounded.

Section 208.220 (relating to approved methods of grounding) incorporates by reference 30 CFR 77.703-1 (relating to approved methods of grounding). This provision specifies which methods of grounding will be approved with respect to the grounding of frames of high-voltage equipment.

Section 208.221 (relating to work on high-voltage lines; de-energizing and grounding) incorporates by reference 30 CFR 77.704 (relating to work on high-voltage lines; deenergizing and grounding). This provision requires high-voltage lines to be de-energized and grounded prior to work being started on them.

Section 208.222 (relating to work on high-voltage lines) incorporates by reference 30 CFR 77.704-1 (relating to work on high-voltage lines). This provision specifies requirements for working on high-voltage lines.

Section 208.223 (relating to repairs to energized high-voltage lines) incorporates by reference 30 CFR 77.704-2 (relating to repairs to energized high-voltage lines). This provision identifies the specifications for when and how high-voltage lines may be repaired.

Section 208.224 (relating to work on energized high-voltage surface lines; reporting) incorporates by reference 30 CFR 77.704-3 (relating to work on energized high-voltage surface lines; reporting). This provision requires records of repairs to high-voltage lines to be maintained.

Section 208.225 (relating to simultaneous repairs) incorporates by reference 30 CFR 77.704-4 (relating to simultaneous repairs). This provision requires workers to work simultaneously when working on high-voltage lines within reach of each other.

Section 208.226 (relating to installation of protective equipment) incorporates by reference 30 CFR 77.704-5 (relating to installation of protective equipment). This provision requires protective equipment to be installed prior to beginning work on high-voltage lines.

Section 208.227 (relating to protective clothing; use and inspection) incorporates by reference 30 CFR 77.704-6 (relating to protective clothing; use and inspection). This provision requires workers to wear protective clothing when performing work on high-voltage lines.

Section 208.228 (relating to protective equipment; inspection) incorporates by reference 30 CFR 77.704-7 (relating to protective equipment; inspection). This provision requires the visual inspection of protective equipment and clothing.

Section 208.229 (relating to protective equipment; testing and storage) incorporates by reference 30 CFR 77.704-8 (relating to protective equipment; testing and storage). This provision requires protective equipment to be tested and stored properly and in compliance with certain standards.

Section 208.230 (relating to operating disconnecting or cutout switches) incorporates by reference 30 CFR 77.704-9 (relating to operating disconnecting or cutout switches). This provision mandates that disconnecting or cutout switches on high-voltage lines shall only be operated with insulated sticks, fuse tongs or pullers which are adequately insulated.

Section 208.231 (relating to tying into energized high-voltage surface circuits) incorporates by reference 30 CFR 77.704-10 (relating to tying into energized high-voltage surface circuits). This provision requires workers tying

into high-voltage surface circuits to wear protective clothing and employ protective equipment.

Section 208.232 (relating to use of grounded messenger wires; ungrounded systems) incorporates by reference 30 CFR 77.704-11 (relating to use of grounded messenger wires; ungrounded systems). This provision permits the use of grounded messenger wires to suspend cables of systems to serve as a grounding medium.

Section 208.233 (relating to guy wires; grounding) incorporates by reference 30 CFR 77.705 (relating to guy wires; grounding). This provision requires guy wires from poles supporting high-voltage transmission lines to be securely connected.

Surface high-voltage distribution

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing surface high-voltage distribution.

Section 208.241 (relating to high-voltage circuits; circuit breakers) incorporates by reference 30 CFR 77.800 (relating to high-voltage circuits; circuit breakers). This provision provides that high-voltage circuits providing power to portable or mobile equipment must be protected by suitable circuit breakers.

Section 208.242 (relating to testing, examination and maintenance of circuit breakers; procedures) incorporates by reference 30 CFR 77.800-1 (relating to testing, examination, and maintenance of circuit breakers; procedures). This provision provides the testing and examination procedures for circuit breakers.

Section 208.243 (relating to testing, examination and maintenance of circuit breakers; record) incorporates by reference 30 CFR 77.800-2 (relating to testing, examination, and maintenance of circuit breakers; record). This provision requires written records to be kept for tests of circuit breakers.

Section 208.244 (relating to grounding resistors) incorporates by reference 30 CFR 77.801 (relating to grounding resistors). This provision requires grounding resistors, when required, to be of the proper ohmic value to limit the voltage drop in the grounding circuit external to the resistor to no more than 100 volts under fault conditions.

Section 208.245 (relating to grounding resistors; continuous current rating) incorporates by reference 30 CFR 77.801-1 (relating to grounding resistors; continuous current rating). This provision requires the current rating of grounding resistors to meet the extended time rating in American Institute of Electrical Engineering Standard No. 32.

Section 208.246 (relating to protection of high-voltage circuits; neutral grounding resistors; disconnecting devices) incorporates by reference 30 CFR 77.802 (relating to protection of high-voltage circuits; neutral grounding resistors; disconnecting devices). This provision requires high-voltage circuits supplying portable or mobile equipment to contain either a direct or derived neutral which must be grounded through a suitable resistor.

Section 208.247 (relating to fail safe ground check circuits on high-voltage resistance grounded systems) incorporates by reference 30 CFR 77.803 (relating to fail safe ground check circuits on high-voltage resistance grounded systems). This provision requires high-voltage, resistance grounded systems to include a fail safe ground check circuit or other no less effective device.

Section 208.248 (relating to fail safe ground check circuits; maximum voltage) incorporates by reference 30 CFR 77.803-1 (relating to fail safe ground check circuits; maximum voltage). This provision specifies that the maximum voltage used for ground check circuits under 30 CFR 77.803 may not exceed 96 volts.

Section 208.249 (relating to ground check systems not employing pilot check wires; approval by the Secretary of the United States Department of Labor) incorporates by reference 30 CFR 77.803-2 (relating to ground check systems not employing pilot check wires; approval by the Secretary). This provision permits approval of ground check systems not employing pilot check wires when it is determined that the system includes a fail safe design.

Section 208.250 (relating to high-voltage trailing cables; minimum design requirements) incorporates by reference 30 CFR 77.804 (relating to high-voltage trailing cables; minimum design requirements). This provision provides the minimum design requirements for high-voltage trailing cables.

Section 208.251 (relating to cable couplers and connection boxes; minimum design requirements) incorporates by reference 30 CFR 77.805 (relating to cable couplers and connection boxes; minimum design requirements). This provision provides the minimum design requirements for cable couplers and connection boxes.

Section 208.252 (relating to connection of single-phase loads) incorporates by reference 30 CFR 77.806 (relating to connection of single-phase loads). This provision requires single-phase loads to be connected phase-to-phase in resistance grounded systems.

Section 208.253 (relating to installation of high-voltage transmission cables) incorporates by reference 30 CFR 77.807 (relating to installation of high-voltage transmission cables). This provision mandates that high-voltage transmission cables shall be installed or placed to afford protection against damage.

Section 208.254 (relating to high-voltage powerlines; clearances above ground) incorporates by reference 30 CFR 77.807-1 (relating to high-voltage powerlines; clearances above ground). This provision requires high-voltage powerlines located above driveways, haulageways and railroad tracks to be installed to provide the minimum vertical clearance specified in the National Electric Safety Code. A powerline may not be installed less than 15 feet above ground.

Section 208.255 (relating to booms and masts; minimum distance from high-voltage lines) incorporates by reference 30 CFR 77.807-2 (relating to booms and masts; minimum distance from high-voltage lines). This provision specifies that booms and masts of equipment operated on the surface may not be operated within 10 feet of an overhead energized powerline.

Section 208.256 (relating to movement of equipment; minimum distance from high-voltage lines) incorporates by reference 30 CFR 77.807-3 (relating to movement of equipment; minimum distance from high-voltage lines). This provision specifies the minimum distance requirements from high-voltage powerlines for moving equipment.

Section 208.257 (relating to disconnecting devices) incorporates by reference 30 CFR 77.808 (relating to disconnecting devices). This provision requires disconnecting devices to be installed at the beginning of each branch line in a high-voltage circuit.

Section 208.258 (relating to identification of circuit breakers and disconnecting switches) incorporates by reference 30 CFR 77.809 (relating to identification of circuit breakers and disconnecting switches). This provision requires circuit breakers and disconnection switches to be labelled to show the units they control.

Section 208.259 (relating to high-voltage equipment; grounding) incorporates by reference 30 CFR 77.810 (relating to high-voltage equipment; grounding). This provision requires frames, supporting structures and enclosures of stationary, portable or mobile high-voltage equipment to be grounded.

Section 208.260 (relating to movement of portable substations and transformers) incorporates by reference 30 CFR 77.811 (relating to movement of portable substations and transformers). This provision requires portable substations and transformers to be de-energized before moving.

Low-voltage and medium-voltage alternating current

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing low-voltage and medium-voltage alternating current.

Section 208.271 (relating to low-voltage and medium-voltage circuits serving portable or mobile three-phase alternating current equipment; circuit breakers) incorporates by reference 30 CFR 77.900 (relating to low- and medium-voltage circuits serving portable or mobile three-phase alternating current equipment; circuit breakers).

Section 208.272 (relating to testing, examination and maintenance of circuit breakers; procedures) incorporates by reference 30 CFR 77.900-1 (relating to testing, examination, and maintenance of circuit breakers; procedures).

Section 208.273 (relating to testing, examination and maintenance of circuit breakers; record) incorporates by reference 30 CFR 77.900-2 (relating to testing, examination, and maintenance of circuit breakers; record).

Section 208.274 (relating to protection of low-voltage and medium-voltage three-phase circuits) incorporates by reference 30 CFR 77.901 (relating to protection of low- and medium-voltage three-phase circuits).

Section 208.275 (relating to grounding resistor; continuous current rating) incorporates by reference 30 CFR 77.901-1 (relating to grounding resistor; continuous current rating).

Section 208.276 (relating to low-voltage and medium-voltage ground check monitor circuits) incorporates by reference 30 CFR 77.902 (relating to low- and medium-voltage ground check monitor circuits).

Section 208.277 (relating to fail safe ground check circuits; maximum voltage) incorporates by reference 30 CFR 77.902-1 (relating to fail safe ground check circuits; maximum voltage).

Section 208.278 (relating to approved ground check systems not employing pilot check wires) incorporates by reference 30 CFR 77.902-2 (relating to approved ground check systems not employing pilot check wires).

Section 208.279 (relating to attachment of ground conductors and ground check wires to equipment frames; use of separate connections) incorporates by reference 30 CFR 77.902-3 (relating to attachment of ground conductors and ground check wires to equipment frames; use of separate connections).

Section 208.280 (relating to disconnecting devices) incorporates by reference 30 CFR 77.903 (relating to disconnecting devices).

Section 208.281 (relating to identification of circuit breakers) incorporates by reference 30 CFR 77.904 (relating to identification of circuit breakers).

Section 208.282 (relating to connection of single-phase loads) incorporates by reference 30 CFR 77.905 (relating to connection of single-phase loads).

Section 208.283 (relating to trailing cables supplying power to low-voltage mobile equipment; ground wires and ground check wires) incorporates by reference 30 CFR 77.906 (relating to trailing cables supplying power to low-voltage mobile equipment; ground wires and ground check wires).

Ground control

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing ground control.

Section 208.291 (relating to highwalls, pits and spoil banks; plans) incorporates by reference 30 CFR 77.1000 (relating to highwalls, pits and spoil banks; plans).

Section 208.292 (relating to filing of plan) incorporates by reference 30 CFR 77.1000-1 (relating to filing of plan).

Section 208.293 (relating to stripping; loose material) incorporates by reference 30 CFR 77.1001 (relating to stripping; loose material).

Section 208.294 (relating to box cuts; spoil material placement) incorporates by reference 30 CFR 77.1002 (relating to box cuts; spoil material placement).

Section 208.295 (relating to benches) incorporates by reference 30 CFR 77.1003 (relating to benches).

Section 208.296 (relating to ground control; inspections and maintenance; general) incorporates by reference 30 CFR 77.1004 (relating to ground control; inspection and maintenance; general).

Section 208.297 (relating to scaling highwalls; general) incorporates by reference 30 CFR 77.1005 (relating to scaling highwalls; general).

Section 208.298 (relating to highwalls; men working) incorporates by reference 30 CFR 77.1006 (relating to highwalls; men working).

Section 208.299 (relating to drilling; general) incorporates by reference 30 CFR 77.1007 (relating to drilling; general).

Section 208.300 (relating to relocation of drills; safeguards) incorporates by reference 30 CFR 77.1008 (relating to relocation of drills; safeguards).

Section 208.301 (relating to drill; operation) incorporates by reference 30 CFR 77.1009 (relating to drill; operation).

Section 208.302 (relating to collaring holes) incorporates by reference 30 CFR 77.1010 (relating to collaring holes).

Section 208.303 (relating to drill holes; guarding) incorporates by reference 30 CFR 77.1011 (relating to drill holes; guarding).

Section 208.304 (relating to jackhammers; operation; safeguards) incorporates by reference 30 CFR 77.1012 (relating to jackhammers; operation; safeguards).

Section 208.305 (relating to air drills; safeguards) incorporates by reference 30 CFR 77.1013 (relating to air drills; safeguards).

Fire protection

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing fire protection.

Section 208.311 (relating to fire protection; training and organization) incorporates by reference 30 CFR 77.1100 (relating to fire protection; training and organization).

Section 208.312 (relating to escape and evacuation; plan) incorporates by reference 30 CFR 77.1101 (relating to escape and evacuation; plan).

Section 208.313 (relating to warning signs; smoking and open flame) incorporates by reference 30 CFR 77.1102 (relating to warning signs; smoking and open flame).

Section 208.314 (relating to flammable liquids; storage) incorporates by reference 30 CFR 77.1103 (relating to flammable liquids; storage).

Section 208.315 (relating to accumulations of combustible materials) incorporates by reference 30 CFR 77.1104 (relating to accumulations of combustible materials).

Section 208.316 (relating to internal combustion engines; fueling) incorporates by reference 30 CFR 77.1105 (relating to internal combustion engines; fueling).

Section 208.317 (relating to battery-charging stations; ventilation) incorporates by reference 30 CFR 77.1106 (relating to battery-charging stations; ventilation).

Section 208.318 (relating to belt conveyors) incorporates by reference 30 CFR 77.1107 (relating to belt conveyors).

Section 208.319 (relating to firefighting equipment; requirements; general) incorporates by reference 30 CFR 77.1108 (relating to firefighting equipment; requirements; general).

Section 208.320 (relating to type and capacity of firefighting equipment) incorporates by reference 30 CFR 77.1108-1 (relating to type and capacity of firefighting equipment).

Section 208.321 (relating to quantity and location of firefighting equipment) incorporates by reference 30 CFR 77.1109 (relating to quantity and location of firefighting equipment).

Section 208.322 (relating to examination and maintenance of firefighting equipment) incorporates by reference 30 CFR 77.1110 (relating to examination and maintenance of firefighting equipment).

Section 208.323 (relating to welding, cutting and soldering; use of fire extinguisher) incorporates by reference 30 CFR 77.1111 (relating to welding, cutting, soldering; use of fire extinguisher).

Section 208.324 (relating to welding, cutting or soldering with arc or flame; safeguards) incorporates by reference 30 CFR 77.1112 (relating to welding, cutting, soldering with arc or flame; safeguards).

Maps

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing maps.

Section 208.331 (relating to mine map) incorporates by reference 30 CFR 77.1200 (relating to mine map). This provision specifies the requirements for mine maps.

Section 208.332 (relating to certification of mine maps) incorporates by reference 30 CFR 77.1201 (relating to certification of mine maps). This provision identifies certification requirements for mine maps.

Section 208.333 (relating to availability of mine map) incorporates by reference 30 CFR 77.1202 (relating to availability of mine map). This provision requires mine maps to be available for inspection.

Personnel hoisting

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing personnel hoisting.

Section 208.341 (relating to personnel hoists and elevators) incorporates by reference 30 CFR 77.1400 (relating to personnel hoists and elevators).

Section 208.342 (relating to automatic controls and brakes) incorporates by reference 30 CFR 77.1401 (relating to automatic controls and brakes).

Section 208.343 (relating to rated capacity) incorporates by reference 30 CFR 77.1402 (relating to rated capacity).

Section 208.344 (relating to maximum load; posting) relates to posting a load maximum for elevators and hoists and incorporates by reference 30 CFR 77.1402-1 (relating to maximum load; posting).

Section 208.345 (relating to daily examination of hoisting equipment) incorporates by reference 30 CFR 77.1403 (relating to daily examination of hoisting equipment).

Section 208.346 (relating to certifications and records of daily examinations) incorporates by reference 30 CFR 77.1404 (relating to certifications and records of daily examinations).

Section 208.347 (relating to operation of hoisting equipment after repairs) incorporates by reference 30 CFR 77.1405 (relating to operation of hoisting equipment after repairs).

Wire ropes

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing wire ropes.

Section 208.351 (relating to wire ropes; scope) incorporates by reference 30 CFR 77.1430 (relating to wire ropes; scope).

Section 208.352 (relating to minimum rope strength) incorporates by reference 30 CFR 77.1431 (relating to minimum rope strength).

Section 208.353 (relating to initial measurement) incorporates by reference 30 CFR 77.1432 (relating to initial measurement).

Section 208.354 (relating to examinations) incorporates by reference 30 CFR 77.1433 (relating to examinations).

Section 208.355 (relating to retirement criteria) incorporates by reference 30 CFR 77.1434 (relating to retirement criteria).

Section 208.356 (relating to load end attachments) incorporates by reference 30 CFR 77.1435 (relating to load end attachments).

Section 208.357 (relating to drum end attachment) incorporates by reference 30 CFR 77.1436 (relating to drum end attachment).

Section 208.358 (relating to end attachment retermination) incorporates by reference 30 CFR 77.1437 (relating to end attachment retermination).

Section 208.359 (relating to end attachment replacement) incorporates by reference 30 CFR 77.1438 (relating to end attachment replacement).

Loading and haulage

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing loading and haulage.

Section 208.361 (relating to loading and haulage; general) incorporates by reference 30 CFR 77.1600 (relating to loading and haulage; general).

Section 208.362 (relating to transportation of persons; restrictions) incorporates by reference 30 CFR 77.1601 (relating to transportation of persons; restrictions).

Section 208.363 (relating to trains and locomotives; authorized persons) incorporates by reference 30 CFR 77.1603 (relating to trains and locomotives; authorized persons).

Section 208.364 incorporates by reference 30 CFR 77.1604. In response to IRRC's comment, the Board deleted the modification to the prohibition of overcrowding man-trip vehicles or other conveyances, which applied the prohibition to "surface work areas of underground bituminous coal mines" to clarify that this final-form regulation is consistent with the Federal provision.

Section 208.365 (relating to loading and haulage equipment; installations) incorporates by reference 30 CFR 77.1605 (relating to loading and haulage equipment; installations).

Section 208.366 (relating to loading and haulage equipment; inspection and maintenance) incorporates by reference 30 CFR 77.1606 (relating to loading and haulage equipment; inspection and maintenance).

Section 208.367 (relating to loading and haulage equipment; operation) incorporates by reference 30 CFR 77.1607 (relating to loading and haulage equipment; operation).

Section 208.368 (relating to dumping facilities) incorporates by reference 30 CFR 77.1608 (relating to dumping facilities).

Miscellaneous

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing miscellaneous provisions from the Federal regulations.

Section 208.371 (relating to communications in work areas) incorporates by reference 30 CFR 77.1700 (relating to communications in work areas).

Section 208.372 (relating to first aid equipment; location; minimum requirements) incorporates by reference 30 CFR 77.1707 (relating to first aid equipment; location; minimum requirements).

Section 208.373 (relating to protective clothing; requirements) incorporates by reference 30 CFR 77.1710 (relating to protective clothing; requirements).

Section 208.374 (relating to distinctively colored hard hats or hard caps; identification for newly employed, inexperienced miners) incorporates by reference 30 CFR 77.1710-1 (relating to distinctively colored hard hats or

hard caps; identification for newly employed, inexperienced miners).

Section 208.375 (relating to smoking prohibition) incorporates by reference 30 CFR 77.1711 (relating to smoking prohibition).

Trolley wires and trolley feeder wires

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing trolley wires and trolley feeder wires.

Section 208.381 (relating to cutout switches) incorporates by reference 30 CFR 77.1800 (relating to cutout switches).

Section 208.382 (relating to overcurrent protection) incorporates by reference 30 CFR 77.1801 (relating to overcurrent protection).

Section 208.383 (relating to devices for overcurrent protection) incorporates by reference 30 CFR 77.1801-1 (relating to devices for overcurrent protection).

Section 208.384 (relating to insulation of trolley wires, trolley feeder wires and bare signal wires; guarding of trolley wires and trolley feeder wires) incorporates by reference 30 CFR 77.1802 (relating to insulation of trolley wires, trolley feeder wires and bare signal wires; guarding of trolley wires and trolley feeder wires).

Slope and shaft sinking

The following additions to Chapter 208 incorporate by reference the Federal mine safety regulations governing slope and shaft sinking.

Section 208.391 incorporates by reference 30 CFR 77.1900 and clarifies that the Department, in addition to MSHA, will continue to approve plans regarding slope and shaft sinking and construction. In response to IRRC's comment, the Board changed "modification" to "addition" to clarify that this final-form regulation does not modify the language of any specific provision of the *Code of Federal Regulations*, and is not an additional requirement. The Department currently accepts for approval plans submitted to MSHA under 30 CFR 77.1900. This final-form regulation clarifies that although § 208.391 incorporates the Federal provision, the Department retains independent approval authority over these plans.

Section 208.392 (relating to compliance with approved slope and shaft sinking plans) incorporates by reference 30 CFR 77.1900-1 (relating to compliance with approved slope and shaft sinking plans).

Section 208.393 (relating to preshift and onshift inspections; reports) incorporates by reference 30 CFR 77.1901 (relating to preshift and onshift inspections; reports).

Section 208.394 (relating to methane and oxygen deficiency tests; approved devices) incorporates by reference 30 CFR 77.1901-1 (relating to methane and oxygen deficiency tests; approved devices).

Section 208.395 (relating to drilling and mucking operations) incorporates by reference 30 CFR 77.1902 (relating to drilling and mucking operations).

Section 208.396 (relating to permissible diesel-powered equipment) incorporates by reference 30 CFR 77.1902-1 (relating to permissible diesel-powered equipment).

Section 208.397 (relating to hoists and hoisting; minimum requirements) incorporates by reference 30 CFR 77.1903 (relating to hoists and hoisting; minimum requirements).

Section 208.398 (relating to communications between slope and shaft bottoms and hoist operators) incorporates by reference 30 CFR 77.1904 (relating to communications between slope and shaft bottoms and hoist operators).

Section 208.399 (relating to hoist safeguards; general) incorporates by reference 30 CFR 77.1905 (relating to hoist safeguards; general).

Section 208.400 (relating to hoists; daily inspection) incorporates by reference 30 CFR 77.1906 (relating to hoists; daily inspection).

Section 208.401 (relating to hoist construction; general) incorporates by reference 30 CFR 77.1907 (relating to hoist construction; general).

Section 208.402 (relating to hoist installations; use) incorporates by reference 30 CFR 77.1908 (relating to hoist installations; use).

Section 208.403 (relating to hoist operation; qualified hoistman) incorporates by reference 30 CFR 77.1908-1 (relating to hoist operation; qualified hoistman).

Section 208.404 (relating to explosives and blasting; use of permissible explosives and shot-firing units) incorporates by reference 30 CFR 77.1909 (relating to explosives and blasting; use of permissible explosives and shot-firing units).

Section 208.405 (relating to use of nonpermissible explosives and nonpermissible shot-firing units; approval by Health and Safety District Manager) incorporates by reference 30 CFR 77.1909-1 (relating to use of nonpermissible explosives and nonpermissible shot-firing units; approval by Health and Safety District Manager).

Section 208.406 incorporates by reference 30 CFR 77.1910 (relating to explosives and blasting; general) with a modification that operators comply with relevant provisions of Chapters 210 and 211. IRRC commented that the proposed “modification” within § 208.406 implies that the modification was an additional requirement from those in the Federal provision. The Board declines to change the language of this final-form regulation. Although § 208.406 incorporates the Federal provision, this final-form regulation clarifies that operators must still comply with the applicable Pennsylvania regulations regarding explosives and blasting.

Section 208.407 (relating to ventilation of slopes and shafts) incorporates by reference 30 CFR 77.1911 (relating to ventilation of slopes and shafts).

Section 208.408 (relating to ladders and stairways) incorporates by reference 30 CFR 77.1912 (relating to ladders and stairways).

Section 208.409 (relating to fire-resistant wood) incorporates by reference 30 CFR 77.1913 (relating to fire-resistant wood).

Section 208.410 (relating to electrical equipment) incorporates by reference 30 CFR 77.1914 (relating to electrical equipment).

Section 208.411 (relating to storage and handling of combustible materials) incorporates by reference 30 CFR 77.1915 (relating to storage and handling of combustible materials).

Section 208.412 (relating to welding, cutting and soldering; fire protection) incorporates by reference 30 CFR 77.1916 (relating to welding, cutting, and soldering; fire protection).

G. Benefits, Costs and Compliance

Benefits

This final-form rulemaking implements existing Federal regulations thereby making them independently enforceable in this Commonwealth. This promotes interaction between the regulated community and the Commonwealth. Furthermore, the definitions in § 208.1 improve the clarity of the regulatory scheme.

Compliance costs

This final-form rulemaking does not add compliance costs since it implements existing Federal regulations with which mining operators in this Commonwealth already comply.

Paperwork requirements

This final-form rulemaking does not generate additional paperwork because mining operators must comply with the existing Federal regulations that are implemented by this final-form rulemaking.

H. Pollution Prevention

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

I. Sunset Review

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

J. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 17, 2014, the Department submitted a copy of the notice of proposed rulemaking, published at 44 Pa.B. 5191 (August 2, 2014), to IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on November 10, 2015, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 12, 2015, and approved this final-form rulemaking.

K. Findings

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968

(P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law.

(3) These regulations do not enlarge the purpose of the proposed rulemaking published at 44 Pa.B. 5191.

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

L. Order

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

(a) The regulations of the Department, 25 Pa. Code Chapter 208, are amended by amending § 208.1 and by adding §§ 208.101—208.108, 208.111—208.127, 208.131—208.147, 208.151—208.166, 208.171—208.193, 208.201—208.208, 208.211—208.233, 208.241—208.260, 208.271—208.283, 208.291—208.305, 208.311—208.324, 208.331—208.333, 208.341—208.347, 208.351—208.359, 208.361—208.368, 208.371—208.375, 208.381—208.384 and 208.391—208.412 to read as set forth in Annex A.

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

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

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

(e) This order shall take effect immediately.

JOHN QUIGLEY,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 45 Pa.B. 6862 (November 28, 2015).)

Fiscal Note: Fiscal Note 7-488 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE IV. OCCUPATIONAL HEALTH AND SAFETY

CHAPTER 208. UNDERGROUND COAL MINE SAFETY

GENERAL PROVISIONS

§ 208.1. Definitions.

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

AED—*Automated external defibrillator*—A portable device that uses electric shock to restore a stable heart rhythm to an individual in cardiac arrest.

Act—The Bituminous Coal Mine Safety Act (52 P. S. §§ 690-101—690-708).

Approval or approved—The term as defined in section 104 of the act (52 P. S. § 690-104).

Barricaded—To obstruct passage of persons, vehicles or flying materials.

Berm—A pile or mound of material capable of restraining a vehicle.

Certified or registered—A person certified or registered by the state in which the coal mine is located to perform duties prescribed by 30 CFR Part 77 (relating to mandatory safety standards, surface coal mines and surface work areas of underground coal mines), except that, in a state where a program of certification or registration is not provided or when the program does not meet at least minimum Federal standards established by the Secretary of the United States Department of Labor, the certification or registration shall be by the Secretary of the United States Department of Labor.

Flash point—The minimum temperature at which sufficient vapor is released by a liquid or solid to form a flammable vapor-air mixture at atmospheric pressure.

MSHA—The term as defined in section 104 of the act.

Miner—The term as defined in section 104 of the act.

NIOSH—The term as defined in section 104 of the act.

Operator—The term as defined in section 104 of the act.

Overpressure—The pressure over the background atmospheric pressure that could result from an explosion, which includes the impact of the pressure wave on an object.

psi—Pounds per square inch.

Qualified person—The term means either of the following as determined by the context of the regulation:

(i) An individual deemed qualified by the Secretary of the United States Department of Labor and designated by the operator to make tests and examinations required under 30 CFR Part 77.

(ii) An individual deemed, in accordance with the minimum requirements to be established by the Secretary of the United States Department of Labor, qualified by training, education and experience to perform electrical work, to maintain electrical equipment, and to conduct examinations and make tests of all electrical equipment.

Representative of the miners—The term as defined in section 104 of the act.

Roll protection—A framework, safety canopy or similar protection for the operator when equipment overturns.

SCSR—*Self-contained self-rescue device*—A type of closed-circuit, self-contained breathing apparatus approved by MSHA and NIOSH under 42 CFR Part 84 (relating to approval of respiratory protective devices) for escape only from underground mines.

Safety can—An approved container, of not over 5 gallons capacity, having a spring-closing lid and spout cover.

Trailing cable—The cable connecting portable and mobile equipment to a power source. A cable is not considered a trailing cable if it connects to equipment which is installed in a stationary location and is permanently wired.

Underground bituminous coal mine or mine—The term as defined in section 104 of the act.

QUALIFIED AND CERTIFIED PERSONS

§ 208.101. Certified person.

The provisions of 30 CFR 77.100 (relating to certified person) are incorporated by reference.

§ 208.102. Tests for methane and for oxygen deficiency; qualified person.

The provisions of 30 CFR 77.101 (relating to tests for methane and for oxygen deficiency; qualified person) are incorporated by reference.

§ 208.103. Tests for methane; oxygen deficiency; qualified person, additional requirement.

The provisions of 30 CFR 77.102 (relating to tests for methane; oxygen deficiency; qualified person, additional requirement) are incorporated by reference.

§ 208.104. Electrical work; qualified person.

The provisions of 30 CFR 77.103 (relating to electrical work; qualified person) are incorporated by reference.

§ 208.105. Repair of energized surface high-voltage lines; qualified person.

The provisions of 30 CFR 77.104 (relating to repair of energized surface high-voltage lines; qualified person) are incorporated by reference.

§ 208.106. Qualified hoistman; slope or shaft sinking operation; qualifications.

The provisions of 30 CFR 77.105 (relating to qualified hoistman; slope or shaft sinking operation; qualifications) are incorporated by reference.

§ 208.107. Records of certified and qualified persons.

The provisions of 30 CFR 77.106 (relating to records of certified and qualified persons) are incorporated by reference.

§ 208.108. Training programs.

The provisions of 30 CFR 77.107 (relating to training programs) are incorporated by reference.

SURFACE INSTALLATIONS

§ 208.111. Surface installations; general.

The provisions of 30 CFR 77.200 (relating to surface installations; general) are incorporated by reference.

§ 208.112. Methane content in surface installations.

The provisions of 30 CFR 77.201 (relating to methane content in surface installations) are incorporated by reference.

§ 208.113. Tests for methane; qualified person; use of approved device.

The provisions of 30 CFR 77.201-1 (relating to tests for methane; qualified person; use of approved device) are incorporated by reference.

§ 208.114. Methane accumulations; change in ventilation.

The provisions of 30 CFR 77.201-2 (relating to methane accumulations; change in ventilation) are incorporated by reference.

§ 208.115. Dust accumulations in surface installations.

The provisions of 30 CFR 77.202 (relating to dust accumulations in surface installations) are incorporated by reference.

§ 208.116. Use of material or equipment overhead; safeguards.

The provisions of 30 CFR 77.203 (relating to use of material or equipment overhead; safeguards) are incorporated by reference.

§ 208.117. Openings in surface installations; safeguards.

The provisions of 30 CFR 77.204 (relating to openings in surface installations; safeguards) are incorporated by reference.

§ 208.118. Travelways at surface installations.

The provisions of 30 CFR 77.205 (relating to travelways at surface installations) are incorporated by reference.

§ 208.119. Ladders; construction; installation and maintenance.

The provisions of 30 CFR 77.206 (relating to ladders; construction; installation and maintenance) are incorporated by reference.

§ 208.120. Illumination.

The provisions of 30 CFR 77.207 (relating to illumination) are incorporated by reference.

§ 208.121. Storage of materials.

The provisions of 30 CFR 77.208 (relating to storage of materials) are incorporated by reference.

§ 208.122. Surge and storage piles.

The provisions of 30 CFR 77.209 (relating to surge and storage piles) are incorporated by reference.

§ 208.123. Hoisting of materials.

The provisions of 30 CFR 77.210 (relating to hoisting of materials) are incorporated by reference.

§ 208.124. Draw-off tunnels; stockpiling and reclaiming operations; general.

The provisions of 30 CFR 77.211 (relating to draw-off tunnels; stockpiling and reclaiming operations; general) are incorporated by reference.

§ 208.125. Continuous methane monitoring device; installation and operation; automatic deenergization of electric equipment.

The provisions of 30 CFR 77.211-1 (relating to continuous methane monitoring device; installation and operation; automatic deenergization of electric equipment) are incorporated by reference.

§ 208.126. Draw-off tunnel ventilation fans; installation.

The provisions of 30 CFR 77.212 (relating to draw-off tunnel ventilation fans; installation) are incorporated by reference.

§ 208.127. Draw-off tunnel escapeways.

The provisions of 30 CFR 77.213 (relating to draw-off tunnel escapeways) are incorporated by reference.

THERMAL DRYERS

§ 208.131. Thermal dryers; general.

The provisions of 30 CFR 77.300 (relating to thermal dryers; general) are incorporated by reference.

§ 208.132. Dryer heating units; operation.

The provisions of 30 CFR 77.301 (relating to dryer heating units; operation) are incorporated by reference.

§ 208.133. Bypass stacks.

The provisions of 30 CFR 77.302 (relating to bypass stacks) are incorporated by reference.

§ 208.134. Hot gas inlet chamber dropout doors.

The provisions of 30 CFR 77.303 (relating to hot gas inlet chamber dropout doors) are incorporated by reference.

§ 208.135. Explosion release vents.

The provisions of 30 CFR 77.304 (relating to explosion release vents) are incorporated by reference.

§ 208.136. Access to drying chambers, hot gas inlet chambers and duct-work; installation and maintenance.

The provisions of 30 CFR 77.305 (relating to access to drying chambers, hot gas inlet chambers and ductwork; installation and maintenance) are incorporated by reference.

§ 208.137. Fire protection.

The provisions of 30 CFR 77.306 (relating to fire protection) are incorporated by reference.

§ 208.138. Thermal dryers; location and installation; general.

The provisions of 30 CFR 77.307 (relating to thermal dryers; location and installation; general) are incorporated by reference.

§ 208.139. Structures housing other facilities; use of partitions.

The provisions of 30 CFR 77.308 (relating to structures housing other facilities; use of partitions) are incorporated by reference.

§ 208.140. Visual check of system equipment.

The provisions of 30 CFR 77.309 (relating to visual check of system equipment) are incorporated by reference.

§ 208.141. Control stations; location.

The provisions of 30 CFR 77.309-1 (relating to control stations; location) are incorporated by reference.

§ 208.142. Control panels.

The provisions of 30 CFR 77.310 (relating to control panels) are incorporated by reference.

§ 208.143. Alarm devices.

The provisions of 30 CFR 77.311 (relating to alarm devices) are incorporated by reference.

§ 208.144. Fail safe monitoring systems.

The provisions of 30 CFR 77.312 (relating to fail safe monitoring systems) are incorporated by reference.

§ 208.145. Wet-coal feed bins; low-level indicators.

The provisions of 30 CFR 77.313 (relating to wet-coal feedbins; low-level indicators) are incorporated by reference.

§ 208.146. Automatic temperature control instruments.

The provisions of 30 CFR 77.314 (relating to automatic temperature control instruments) are incorporated by reference.

§ 208.147. Thermal dryers; examination and inspection.

The provisions of 30 CFR 77.315 (relating to thermal dryers; examination and inspection) are incorporated by reference.

SAFEGUARDS FOR MECHANICAL EQUIPMENT

§ 208.151. Mechanical equipment guards.

The provisions of 30 CFR 77.400 (relating to mechanical equipment guards) are incorporated by reference.

§ 208.152. Stationary grinding machines; protective devices.

The provisions of 30 CFR 77.401 (relating to stationary grinding machines; protective devices) are incorporated by reference.

§ 208.153. Hand-held power tools; safety devices.

The provisions of 30 CFR 77.402 (relating to hand-held power tools; safety devices) are incorporated by reference.

§ 208.154. Mobile equipment; falling object protective structures.

The provisions of 30 CFR 77.403 (relating to mobile equipment; falling object protective structures (FOPS)) are incorporated by reference.

§ 208.155. Mobile equipment; rollover protective structures.

All rubber-tired or crawler-mounted self-propelled scrapers front-end loaders, dozers, cranes, loaders and tractors, with or without attachments, at the surface work areas of underground coal mines shall be provided with rollover protective structures, in accordance with the certification requirements approved by MSHA.

§ 208.156. Seat belts.

The provisions of 30 CFR 77.403-1(g) (relating to mobile equipment; rollover protective structures (ROPS)) are incorporated by reference.

§ 208.157. Machinery and equipment; operation and maintenance.

The provisions of 30 CFR 77.404 (relating to machinery and equipment; operation and maintenance) are incorporated by reference.

§ 208.158. Performing work from a raised position; safeguards.

The provisions of 30 CFR 77.405 (relating to performing work from a raised position; safeguards) are incorporated by reference.

§ 208.159. Drive belts.

The provisions of 30 CFR 77.406 (relating to drive belts) are incorporated by reference.

§ 208.160. Power-driven pulleys.

The provisions of 30 CFR 77.407 (relating to power-driven pulleys) are incorporated by reference.

§ 208.161. Welding operations.

The provisions of 30 CFR 77.408 (relating to welding operations) are incorporated by reference.

§ 208.162. Shovels, draglines and tractors.

The provisions of 30 CFR 77.409 (relating to shovels, draglines, and tractors) are incorporated by reference.

§ 208.163. Mobile equipment; automatic warning devices.

The provisions of 30 CFR 77.410 (relating to mobile equipment; automatic warning devices) are incorporated by reference.

§ 208.164. Compressed air and boilers; general.

The provisions of 30 CFR 77.411 (relating to compressed air and boilers; general) are incorporated by reference.

§ 208.165. Compressed air systems.

The provisions of 30 CFR 77.412 (relating to compressed air systems) are incorporated by reference.

§ 208.166. Boilers.

The provisions of 30 CFR 77.413 (relating to boilers) are incorporated by reference.

ELECTRICAL EQUIPMENT—GENERAL

§ 208.171. Electric power circuits and electric equipment; de-energization.

The provisions of 30 CFR 77.500 (relating to electric power circuits and electric equipment; deenergization) are incorporated by reference.

§ 208.172. Electric distribution circuits and equipment; repair.

The provisions of 30 CFR 77.501 (relating to electric distribution circuits and equipment; repair) are incorporated by reference.

§ 208.173. Qualified person.

The provisions of 30 CFR 77.501-1 (relating to qualified person) are incorporated by reference.

§ 208.174. Electric equipment; examination, testing and maintenance.

The provisions of 30 CFR 77.502 (relating to electric equipment; examination, testing, and maintenance) are incorporated by reference.

§ 208.175. Qualified person.

The provisions of 30 CFR 77.502-1 (relating to qualified person) are incorporated by reference.

§ 208.176. Electric equipment; frequency of examination and testing.

The provisions of 30 CFR 77.502-2 (relating to electric equipment; frequency of examination and testing) are incorporated by reference.

§ 208.177. Electric conductors; capacity and insulation.

The provisions of 30 CFR 77.503 (relating to electric conductors; capacity and insulation) are incorporated by reference.

§ 208.178. Electric conductors.

The provisions of 30 CFR 77.503-1 (relating to electric conductors) are incorporated by reference.

§ 208.179. Electrical connections or splices; suitability.

The provisions of 30 CFR 77.504 (relating to electrical connections or splices; suitability) are incorporated by reference.

§ 208.180. Cable fittings; suitability.

The provisions of 30 CFR 77.505 (relating to cable fittings; suitability) are incorporated by reference.

§ 208.181. Electric equipment and circuits; overload and short-circuit protection.

The provisions of 30 CFR 77.506 (relating to electric equipment and circuits; overload and short-circuit protection) are incorporated by reference.

§ 208.182. Electric equipment and circuits; overload and short-circuit protection; minimum requirements.

The provisions of 30 CFR 77.506-1 (relating to electric equipment and circuits; overload and short circuit protection; minimum requirements) are incorporated by reference.

§ 208.183. Electric equipment; switches.

The provisions of 30 CFR 77.507 (relating to electric equipment; switches) are incorporated by reference.

§ 208.184. Lightning arresters; ungrounded and exposed power conductors and telephone wires.

The provisions of 30 CFR 77.508 (relating to lightning arresters, ungrounded and exposed power conductors and telephone wires) are incorporated by reference.

§ 208.185. Lightning arresters; wires entering buildings.

The provisions of 30 CFR 77.508-1 (relating to lightning arresters; wires entering buildings) are incorporated by reference.

§ 208.186. Transformers; installation and guarding.

The provisions of 30 CFR 77.509 (relating to transformers; installation and guarding) are incorporated by reference.

§ 208.187. Resistors; location and guarding.

The provisions of 30 CFR 77.510 (relating to resistors; location and guarding) are incorporated by reference.

§ 208.188. Danger signs at electrical installations.

The provisions of 30 CFR 77.511 (relating to danger signs at electrical installations) are incorporated by reference.

§ 208.189. Inspection and cover plates.

The provisions of 30 CFR 77.512 (relating to inspection and cover plates) are incorporated by reference.

§ 208.190. Insulating mats at power switches.

The provisions of 30 CFR 77.513 (relating to insulating mats at power switches) are incorporated by reference.

§ 208.191. Switchboards; passageways and clearance.

The provisions of 30 CFR 77.514 (relating to switchboards; passageways and clearance) are incorporated by reference.

§ 208.192. Bare signal or control wires; voltage.

The provisions of 30 CFR 77.515 (relating to bare signal or control wires; voltage) are incorporated by reference.

§ 208.193. Electric wiring and equipment; installation and maintenance.

The provisions of 30 CFR 77.516 (relating to electric wiring and equipment; installation and maintenance) are incorporated by reference.

TRAILING CABLES

§ 208.201. Trailing cables; short-circuit protection; disconnecting devices.

The provisions of 30 CFR 77.600 (relating to trailing cables; short-circuit protection; disconnecting devices) are incorporated by reference.

§ 208.202. Trailing cables or portable cables; temporary splices.

The provisions of 30 CFR 77.601 (relating to trailing cables or portable cables; temporary splices) are incorporated by reference.

§ 208.203. Permanent splicing of trailing cables.

The provisions of 30 CFR 77.602 (relating to permanent splicing of trailing cables) are incorporated by reference.

§ 208.204. Clamping of trailing cables to equipment.

The provisions of 30 CFR 77.603 (relating to clamping of trailing cables to equipment) are incorporated by reference.

§ 208.205. Protection of trailing cables.

The provisions of 30 CFR 77.604 (relating to protection of trailing cables) are incorporated by reference.

§ 208.206. Breaking trailing cable and power cable connections.

The provisions of 30 CFR 77.605 (relating to breaking trailing cable and power cable connections) are incorporated by reference.

§ 208.207. Energized trailing cables; handling.

The provisions of 30 CFR 77.606 (relating to energized trailing cables; handling) are incorporated by reference.

§ 208.208. Rubber gloves; minimum requirements.

The provisions of 30 CFR 77.606-1 (relating to rubber gloves; minimum requirements) are incorporated by reference.

GROUNDING

§ 208.211. Grounding metallic sheaths, armors and conduits enclosing power conductors.

The provisions of 30 CFR 77.700 (relating to grounding metallic sheaths, armors, and conduits enclosing power conductors) are incorporated by reference.

§ 208.212. Approved methods of grounding.

The provisions of 30 CFR 77.700-1 (relating to approved methods of grounding) are incorporated by reference.

§ 208.213. Grounding metallic frames, casings and other enclosures of electric equipment.

The provisions of 30 CFR 77.701 (relating to grounding metallic frames, casings, and other enclosures of electric equipment) are incorporated by reference.

§ 208.214. Approved methods of grounding of equipment receiving power from ungrounded alternating current power systems.

The provisions of 30 CFR 77.701-1 (relating to approved methods of grounding of equipment receiving power from ungrounded alternating current power systems) are incorporated by reference.

§ 208.215. Approved methods of grounding metallic frames, casings and other enclosures of electric equipment receiving power from a direct-current power system.

The provisions of 30 CFR 77.701-2 (relating to approved methods of grounding metallic frames, casings, and other enclosures of electric equipment receiving power from a direct-current power system) are incorporated by reference.

§ 208.216. Grounding wires; capacity.

The provisions of 30 CFR 77.701-3 (relating to grounding wires; capacity) are incorporated by reference.

§ 208.217. Use of grounding connectors.

The provisions of 30 CFR 77.701-4 (relating to use of grounding connectors) are incorporated by reference.

§ 208.218. Protection other than grounding.

The provisions of 30 CFR 77.702 (relating to protection other than grounding) are incorporated by reference.

§ 208.219. Grounding frames of stationary high-voltage equipment receiving power from ungrounded delta systems.

The provisions of 30 CFR 77.703 (relating to grounding frames of stationary high-voltage equipment receiving power from ungrounded delta systems) are incorporated by reference.

§ 208.220. Approved methods of grounding.

The provisions of 30 CFR 77.703-1 (relating to approved methods of grounding) are incorporated by reference.

§ 208.221. Work on high-voltage lines; de-energizing and grounding.

The provisions of 30 CFR 77.704 (relating to work on high-voltage lines; deenergizing and grounding) are incorporated by reference.

§ 208.222. Work on high-voltage lines.

The provisions of 30 CFR 77.704-1 (relating to work on high-voltage lines) are incorporated by reference.

§ 208.223. Repairs to energized high-voltage lines.

The provisions of 30 CFR 77.704-2 (relating to repairs to energized high-voltage lines) are incorporated by reference.

§ 208.224. Work on energized high-voltage surface lines; reporting.

The provisions of 30 CFR 77.704-3 (relating to work on energized high-voltage surface lines; reporting) are incorporated by reference.

§ 208.225. Simultaneous repairs.

The provisions of 30 CFR 77.704-4 (relating to simultaneous repairs) are incorporated by reference.

§ 208.226. Installation of protective equipment.

The provisions of 30 CFR 77.704-5 (relating to installation of protective equipment) are incorporated by reference.

§ 208.227. Protective clothing; use and inspection.

The provisions of 30 CFR 77.704-6 (relating to protective clothing; use and inspection) are incorporated by reference.

§ 208.228. Protective equipment; inspection.

The provisions of 30 CFR 77.704-7 (relating to protective equipment; inspection) are incorporated by reference.

§ 208.229. Protective equipment; testing and storage.

The provisions of 30 CFR 77.704-8 (relating to protective equipment; testing and storage) are incorporated by reference.

§ 208.230. Operating disconnecting or cutout switches.

The provisions of 30 CFR 77.704-9 (relating to operating disconnecting or cutout switches) are incorporated by reference.

§ 208.231. Tying into energized high-voltage surface circuits.

The provisions of 30 CFR 77.704-10 (relating to tying into energized high-voltage surface circuits) are incorporated by reference.

§ 208.232. Use of grounded messenger wires; ungrounded systems.

The provisions of 30 CFR 77.704-11 (relating to use of grounded messenger wires; ungrounded systems) are incorporated by reference.

§ 208.233. Guy wires; grounding.

The provisions of 30 CFR 77.705 (relating to guy wires; grounding) are incorporated by reference.

SURFACE HIGH-VOLTAGE DISTRIBUTION

§ 208.241. High-voltage circuits; circuit breakers.

The provisions of 30 CFR 77.800 (relating to high-voltage circuits; circuit breakers) are incorporated by reference.

§ 208.242. Testing, examination and maintenance of circuit breakers; procedures.

The provisions of 30 CFR 77.800-1 (relating to testing, examination, and maintenance of circuit breakers; procedures) are incorporated by reference.

§ 208.243. Testing, examination and maintenance of circuit breakers; record.

The provisions of 30 CFR 77.800-2 (relating to testing, examination, and maintenance of circuit breakers; record) are incorporated by reference.

§ 208.244. Grounding resistors.

The provisions of 30 CFR 77.801 (relating to grounding resistors) are incorporated by reference.

§ 208.245. Grounding resistors; continuous current rating.

The provisions of 30 CFR 77.801-1 (relating to grounding resistors; continuous current rating) are incorporated by reference.

§ 208.246. Protection of high-voltage circuits; neutral grounding resistors; disconnecting devices.

The provisions of 30 CFR 77.802 (relating to protection of high-voltage circuits; neutral grounding resistors; disconnecting devices) are incorporated by reference.

§ 208.247. Fail safe ground check circuits on high-voltage resistance grounded systems.

The provisions of 30 CFR 77.803 (relating to fail safe ground check circuits on high-voltage resistance grounded systems) are incorporated by reference.

§ 208.248. Fail safe ground check circuits; maximum voltage.

The provisions of 30 CFR 77.803-1 (relating to fail safe ground check circuits; maximum voltage) are incorporated by reference.

§ 208.249. Ground check systems not employing pilot check wires; approval by the Secretary of the United States Department of Labor.

The provisions of 30 CFR 77.803-2 (relating to ground check systems not employing pilot check wires; approval by the Secretary) are incorporated by reference.

§ 208.250. High-voltage trailing cables; minimum design requirements.

The provisions of 30 CFR 77.804 (relating to high-voltage trailing cables; minimum design requirements) are incorporated by reference.

§ 208.251. Cable couplers and connection boxes; minimum design requirements.

The provisions of 30 CFR 77.805 (relating to cable couplers and connection boxes; minimum design requirements) are incorporated by reference.

§ 208.252. Connection of single-phase loads.

The provisions of 30 CFR 77.806 (relating to connection of single-phase loads) are incorporated by reference.

§ 208.253. Installation of high-voltage transmission cables.

The provisions of 30 CFR 77.807 (relating to installation of high-voltage transmission cables) are incorporated by reference.

§ 208.254. High-voltage powerlines; clearances above ground.

The provisions of 30 CFR 77.807-1 (relating to high-voltage powerlines; clearances above ground) are incorporated by reference.

§ 208.255. Booms and masts; minimum distance from high-voltage lines.

The provisions of 30 CFR 77.807-2 (relating to booms and masts; minimum distance from high-voltage lines) are incorporated by reference.

§ 208.256. Movement of equipment; minimum distance from high-voltage lines.

The provisions of 30 CFR 77.807-3 (relating to movement of equipment; minimum distance from high-voltage lines) are incorporated by reference.

§ 208.257. Disconnecting devices.

The provisions of 30 CFR 77.808 (relating to disconnecting devices) are incorporated by reference.

§ 208.258. Identification of circuit breakers and disconnecting switches.

The provisions of 30 CFR 77.809 (relating to identification of circuit breakers and disconnecting switches) are incorporated by reference.

§ 208.259. High-voltage equipment; grounding.

The provisions of 30 CFR 77.810 (relating to high-voltage equipment; grounding) are incorporated by reference.

§ 208.260. Movement of portable substations and transformers.

The provisions of 30 CFR 77.811 (relating to movement of portable substations and transformers) are incorporated by reference.

**LOW-VOLTAGE AND MEDIUM-VOLTAGE
ALTERNATING CURRENT**

§ 208.271. Low-voltage and medium-voltage circuits serving portable or mobile three-phase alternating current equipment; circuit breakers.

The provisions of 30 CFR 77.900 (relating to low- and medium-voltage circuits serving portable or mobile three-phase alternating current equipment; circuit breakers) are incorporated by reference.

§ 208.272. Testing, examination and maintenance of circuit breakers; procedures.

The provisions of 30 CFR 77.900-1 (relating to testing, examination, and maintenance of circuit breakers; procedures) are incorporated by reference.

§ 208.273. Testing, examination and maintenance of circuit breakers; record.

The provisions of 30 CFR 77.900-2 (relating to testing, examination, and maintenance of circuit breakers; record) are incorporated by reference.

§ 208.274. Protection of low-voltage and medium-voltage three-phase circuits.

The provisions of 30 CFR 77.901 (relating to protection of low- and medium-voltage three-phase circuits) are incorporated by reference.

§ 208.275. Grounding resistor; continuous current rating.

The provisions of 30 CFR 77.901-1 (relating to grounding resistor; continuous current rating) are incorporated by reference.

§ 208.276. Low-voltage and medium-voltage ground check monitor circuits.

The provisions of 30 CFR 77.902 (relating to low- and medium-voltage ground check monitor circuits) are incorporated by reference.

§ 208.277. Fail safe ground check circuits; maximum voltage.

The provisions of 30 CFR 77.902-1 (relating to fail safe ground check circuits; maximum voltage) are incorporated by reference.

§ 208.278. Approved ground check systems not employing pilot check wires.

The provisions of 30 CFR 77.902-2 (relating to approved ground check systems not employing pilot check wires) are incorporated by reference.

§ 208.279. Attachment of ground conductors and ground check wires to equipment frames; use of separate connections.

The provisions of 30 CFR 77.902-3 (relating to attachment of ground conductors and ground check wires to equipment frames; use of separate connections) are incorporated by reference.

§ 208.280. Disconnecting devices.

The provisions of 30 CFR 77.903 (relating to disconnecting devices) are incorporated by reference.

§ 208.281. Identification of circuit breakers.

The provisions of 30 CFR 77.904 (relating to identification of circuit breakers) are incorporated by reference.

§ 208.282. Connection of single-phase loads.

The provisions of 30 CFR 77.905 (relating to connection of single-phase loads) are incorporated by reference.

§ 208.283. Trailing cables supplying power to low-voltage mobile equipment; ground wires and ground check wires.

The provisions of 30 CFR 77.906 (relating to trailing cables supplying power to low-voltage mobile equipment; ground wires and ground check wires) are incorporated by reference.

GROUND CONTROL

§ 208.291. Highwalls, pits and spoil banks; plans.

The provisions of 30 CFR 77.1000 (relating to highwalls, pits and spoil banks; plans) are incorporated by reference.

§ 208.292. Filing of plan.

The provisions of 30 CFR 77.1000-1 (relating to filing of plan) are incorporated by reference.

§ 208.293. Stripping; loose material.

The provisions of 30 CFR 77.1001 (relating to stripping; loose material) are incorporated by reference.

§ 208.294. Box cuts; spoil material placement.

The provisions of 30 CFR 77.1002 (relating to box cuts; spoil material placement) are incorporated by reference.

§ 208.295. Benches.

The provisions of 30 CFR 77.1003 (relating to benches) are incorporated by reference.

§ 208.296. Ground control; inspections and maintenance; general.

The provisions of 30 CFR 77.1004 (relating to ground control; inspection and maintenance; general) are incorporated by reference.

§ 208.297. Scaling highwalls; general.

The provisions of 30 CFR 77.1005 (relating to scaling highwalls; general) are incorporated by reference.

§ 208.298. Highwalls; men working.

The provisions of 30 CFR 77.1006 (relating to highwalls; men working) are incorporated by reference.

§ 208.299. Drilling; general.

The provisions of 30 CFR 77.1007 (relating to drilling; general) are incorporated by reference.

§ 208.300. Relocation of drills; safeguards.

The provisions of 30 CFR 77.1008 (relating to relocation of drills; safeguards) are incorporated by reference.

§ 208.301. Drill; operation.

The provisions of 30 CFR 77.1009 (relating to drill; operation) are incorporated by reference.

§ 208.302. Collaring holes.

The provisions of 30 CFR 77.1010 (relating to collaring holes) are incorporated by reference.

§ 208.303. Drill holes; guarding.

The provisions of 30 CFR 77.1011 (relating to drill holes; guarding) are incorporated by reference.

§ 208.304. Jackhammers; operation; safeguards.

The provisions of 30 CFR 77.1012 (relating to jackhammers; operation; safeguards) are incorporated by reference.

§ 208.305. Air drills; safeguards.

The provisions of 30 CFR 77.1013 (relating to air drills; safeguards) are incorporated by reference.

FIRE PROTECTION

§ 208.311. Fire protection; training and organization.

The provisions of 30 CFR 77.1100 (relating to fire protection; training and organization) are incorporated by reference.

§ 208.312. Escape and evacuation; plan.

The provisions of 30 CFR 77.1101 (relating to escape and evacuation; plan) are incorporated by reference.

§ 208.313. Warning signs; smoking and open flame.

The provisions of 30 CFR 77.1102 (relating to warning signs; smoking and open flame) are incorporated by reference.

§ 208.314. Flammable liquids; storage.

The provisions of 30 CFR 77.1103 (relating to flammable liquids; storage) are incorporated by reference.

§ 208.315. Accumulations of combustible materials.

The provisions of 30 CFR 77.1104 (relating to accumulations of combustible materials) are incorporated by reference.

§ 208.316. Internal combustion engines; fueling.

The provisions of 30 CFR 77.1105 (relating to internal combustion engines; fueling) are incorporated by reference.

§ 208.317. Battery-charging stations; ventilation.

The provisions of 30 CFR 77.1106 (relating to battery-charging stations; ventilation) are incorporated by reference.

§ 208.318. Belt conveyors.

The provisions of 30 CFR 77.1107 (relating to belt conveyors) are incorporated by reference.

§ 208.319. Firefighting equipment; requirements; general.

The provisions of 30 CFR 77.1108 (relating to firefighting equipment; requirements; general) are incorporated by reference.

§ 208.320. Type and capacity of firefighting equipment.

The provisions of 30 CFR 77.1108-1 (relating to type and capacity of firefighting equipment) are incorporated by reference.

§ 208.321. Quantity and location of firefighting equipment.

The provisions of 30 CFR 77.1109 (relating to quantity and location of firefighting equipment) are incorporated by reference.

§ 208.322. Examination and maintenance of firefighting equipment.

The provisions of 30 CFR 77.1110 (relating to examination and maintenance of firefighting equipment) are incorporated by reference.

§ 208.323. Welding, cutting and soldering; use of fire extinguisher.

The provisions of 30 CFR 77.1111 (relating to welding, cutting, soldering; use of fire extinguisher) are incorporated by reference.

§ 208.324. Welding, cutting or soldering with arc or flame; safeguards.

The provisions of 30 CFR 77.1112 (relating to welding, cutting, soldering with arc or flame; safeguards) are incorporated by reference.

MAPS

§ 208.331. Mine map.

The provisions of 30 CFR 77.1200 (relating to mine map) are incorporated by reference.

§ 208.332. Certification of mine maps.

The provisions of 30 CFR 77.1201 (relating to certification of mine maps) are incorporated by reference.

§ 208.333. Availability of mine map.

The provisions of 30 CFR 77.1202 (relating to availability of mine map) are incorporated by reference.

PERSONNEL HOISTING

§ 208.341. Personnel hoists and elevators.

The provisions of 30 CFR 77.1400 (relating to personnel hoists and elevators) are incorporated by reference.

§ 208.342. Automatic controls and brakes.

The provisions of 30 CFR 77.1401 (relating to automatic controls and brakes) are incorporated by reference.

§ 208.343. Rated capacity.

The provisions of 30 CFR 77.1402 (relating to rated capacity) are incorporated by reference.

§ 208.344. Maximum load; posting.

The provisions of 30 CFR 77.1402-1 (relating to maximum load; posting) are incorporated by reference.

§ 208.345. Daily examination of hoisting equipment.

The provisions of 30 CFR 77.1403 (relating to daily examination of hoisting equipment) are incorporated by reference.

§ 208.346. Certifications and records of daily examinations.

The provisions of 30 CFR 77.1404 (relating to certifications and records of daily examinations) are incorporated by reference.

§ 208.347. Operation of hoisting equipment after repairs.

The provisions of 30 CFR 77.1405 (relating to operation of hoisting equipment after repairs) are incorporated by reference.

WIRE ROPES

§ 208.351. Wire ropes; scope.

The provisions of 30 CFR 77.1430 (relating to wire ropes; scope) are incorporated by reference.

§ 208.352. Minimum rope strength.

The provisions of 30 CFR 77.1431 (relating to minimum rope strength) are incorporated by reference.

§ 208.353. Initial measurement.

The provisions of 30 CFR 77.1432 (relating to initial measurement) are incorporated by reference.

§ 208.354. Examinations.

The provisions of 30 CFR 77.1433 (relating to examinations) are incorporated by reference.

§ 208.355. Retirement criteria.

The provisions of 30 CFR 77.1434 (relating to retirement criteria) are incorporated by reference.

§ 208.356. Load end attachments.

The provisions of 30 CFR 77.1435 (relating to load end attachments) are incorporated by reference.

§ 208.357. Drum end attachment.

The provisions of 30 CFR 77.1436 (relating to drum end attachment) are incorporated by reference.

§ 208.358. End attachment retermination.

The provisions of 30 CFR 77.1437 (relating to end attachment retermination) are incorporated by reference.

§ 208.359. End attachment replacement.

The provisions of 30 CFR 77.1438 (relating to end attachment replacement) are incorporated by reference.

LOADING AND HAULAGE

§ 208.361. Loading and haulage; general.

The provisions of 30 CFR 77.1600 (relating to loading and haulage; general) are incorporated by reference.

§ 208.362. Transportation of persons; restrictions.

The provisions of 30 CFR 77.1601 (relating to transportation of persons; restrictions) are incorporated by reference.

§ 208.363. Trains and locomotives; authorized persons.

The provisions of 30 CFR 77.1603 (relating to trains and locomotives; authorized persons) are incorporated by reference.

§ 208.364. Transportation of persons; overcrowding.

The provisions of 30 CFR 77.1604 (relating to transportation of persons; overcrowding) are incorporated by reference.

§ 208.365. Loading and haulage equipment; installations.

The provisions of 30 CFR 77.1605 (relating to loading and haulage equipment; installations) are incorporated by reference.

§ 208.366. Loading and haulage equipment; inspection and maintenance.

The provisions of 30 CFR 77.1606 (relating to loading and haulage equipment; inspection and maintenance) are incorporated by reference.

§ 208.367. Loading and haulage equipment; operation.

The provisions of 30 CFR 77.1607 (relating to loading and haulage equipment; operation) are incorporated by reference.

§ 208.368. Dumping facilities.

The provisions of 30 CFR 77.1608 (relating to dumping facilities) are incorporated by reference.

MISCELLANEOUS

§ 208.371. Communications in work areas.

The provisions of 30 CFR 77.1700 (relating to communications in work areas) are incorporated by reference.

§ 208.372. First aid equipment; location; minimum requirements.

The provisions of 30 CFR 77.1707 (relating to first aid equipment; location; minimum requirements) are incorporated by reference.

§ 208.373. Protective clothing; requirements.

The provisions of 30 CFR 77.1710 (relating to protective clothing; requirements) are incorporated by reference.

§ 208.374. Distinctively colored hard hats or hard caps; identification for newly employed, inexperienced miners.

The provisions of 30 CFR 77.1710-1 (relating to distinctively colored hard hats or hard caps; identification for newly employed, inexperienced miners) are incorporated by reference.

§ 208.375. Smoking prohibition.

The provisions of 30 CFR 77.1711 (relating to smoking prohibition) are incorporated by reference.

TROLLEY WIRES AND TROLLEY FEEDER WIRES

§ 208.381. Cutout switches.

The provisions of 30 CFR 77.1800 (relating to cutout switches) are incorporated by reference.

§ 208.382. Overcurrent protection.

The provisions of 30 CFR 77.1801 (relating to overcurrent protection) are incorporated by reference.

§ 208.383. Devices for overcurrent protection.

The provisions of 30 CFR 77.1801-1 (relating to devices for overcurrent protection) are incorporated by reference.

§ 208.384. Insulation of trolley wires, trolley feeder wires and bare signal wires; guarding of trolley wires and trolley feeder wires.

The provisions of 30 CFR 77.1802 (relating to insulation of trolley wires, trolley feeder wires and bare signal wires; guarding of trolley wires and trolley feeder wires) are incorporated by reference.

SLOPE AND SHAFT SINKING

§ 208.391. Slopes and shafts; approval of plans.

The provisions of 30 CFR 77.1900 (relating to slopes and shafts; approval of plans) are incorporated by reference, with the following addition:

The Department will approve plans relating to slope and shaft sinking and construction.

§ 208.392. Compliance with approved slope and shaft sinking plans.

The provisions of 30 CFR 77.1900-1 (relating to compliance with approved slope and shaft sinking plans) are incorporated by reference.

§ 208.393. Preshift and onshift inspections; reports.

The provisions of 30 CFR 77.1901 (relating to preshift and onshift inspections; reports) are incorporated by reference.

§ 208.394. Methane and oxygen deficiency tests; approved devices.

The provisions of 30 CFR 77.1901-1 (relating to methane and oxygen deficiency tests; approved devices) are incorporated by reference.

§ 208.395. Drilling and mucking operations.

The provisions of 30 CFR 77.1902 (relating to drilling and mucking operations) are incorporated by reference.

§ 208.396. Permissible diesel-powered equipment.

The provisions of 30 CFR 77.1902-1 (relating to permissible diesel-powered equipment) are incorporated by reference.

§ 208.397. Hoists and hoisting; minimum requirements.

The provisions of 30 CFR 77.1903 (relating to hoists and hoisting; minimum requirements) are incorporated by reference.

§ 208.398. Communications between slope and shaft bottoms and hoist operators.

The provisions of 30 CFR 77.1904 (relating to communications between slope and shaft bottoms and hoist operators) are incorporated by reference.

§ 208.399. Hoist safeguards; general.

The provisions of 30 CFR 77.1905 (relating to hoist safeguards; general) are incorporated by reference.

§ 208.400. Hoists; daily inspection.

The provisions of 30 CFR 77.1906 (relating to hoists; daily inspection) are incorporated by reference.

§ 208.401. Hoist construction; general.

The provisions of 30 CFR 77.1907 (relating to hoist construction; general) are incorporated by reference.

§ 208.402. Hoist installations; use.

The provisions of 30 CFR 77.1908 (relating to hoist installations; use) are incorporated by reference.

§ 208.403. Hoist operation; qualified hoistman.

The provisions of 30 CFR 77.1908-1 (relating to hoist operation; qualified hoistman) are incorporated by reference.

§ 208.404. Explosives and blasting; use of permissible explosives and shot-firing units.

The provisions of 30 CFR 77.1909 (relating to explosives and blasting; use of permissible explosives and shot-firing units) are incorporated by reference.

§ 208.405. Use of nonpermissible explosives and nonpermissible shot-firing units; approval by Health and Safety District Manager.

The provisions of 30 CFR 77.1909-1 (relating to use of nonpermissible explosives and nonpermissible shot-firing units; approval by Health and Safety District Manager) are incorporated by reference.

§ 208.406. Explosives and blasting; general.

The provisions of 30 CFR 77.1910 (relating to explosives and blasting; general) are incorporated by reference, with the exception of the following modification:

- (b) All explosive materials, detonators and any other related blasting material employed in the development of any slope or shaft shall be stored, transported, carried, charged and fired in accordance with Chapters 210 and 211 (relating to blasters' licenses; and storage, handling and use of explosives). Except as provided in paragraph (c) of this section, all shots shall be fired from the surface.

§ 208.407. Ventilation of slopes and shafts.

The provisions of 30 CFR 77.1911 (relating to ventilation of slopes and shafts) are incorporated by reference.

§ 208.408. Ladders and stairways.

The provisions of 30 CFR 77.1912 (relating to ladders and stairways) are incorporated by reference.

§ 208.409. Fire-resistant wood.

The provisions of 30 CFR 77.1913 (relating to fire-resistant wood) are incorporated by reference.

§ 208.410. Electrical equipment.

The provisions of 30 CFR 77.1914 (relating to electrical equipment) are incorporated by reference.

§ 208.411. Storage and handling of combustible materials.

The provisions of 30 CFR 77.1915 (relating to storage and handling of combustible materials) are incorporated by reference.

§ 208.412. Welding, cutting and soldering; fire protection.

The provisions of 30 CFR 77.1916 (relating to welding, cutting, and soldering; fire protection) are incorporated by reference.

[Pa.B. Doc. No. 15-2216. Filed for public inspection December 18, 2015, 9:00 a.m.]

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 54]

[L-2014-2421001]

Automatic Adjustment Clauses Related to Electric Default Service

The Pennsylvania Public Utility Commission (Commission), on June 11, 2015, adopted a final rulemaking order establishing a symmetrical rate of interest which will be applicable to both over and under collections resulting from the reconciliation of utilities' actual costs and revenue collected through automatic adjustment clauses regarding electric default service.

Executive Summary

On May 22, 2014, the Pennsylvania Public Utility Commission (Commission) issued an Advance Notice of Proposed Rulemaking Order (ANOPR Order) proposing to establish a symmetrical rate of interest which will be applicable to both over and under collections resulting from the reconciliation of utilities' actual costs and revenue collected through automatic adjustment clauses regarding electric default service. On October 2, 2014, the Commission issued a Proposed Rulemaking Order setting forth similar proposals. The Commission received comments in response to the May 22, 2014 ANOPR Order and the October 2, 2014 Proposed Rulemaking Order from the Office of Consumer Advocate, the Office of Small Business Advocate, the Independent Regulatory Review Commission, the Energy Association of Pennsylvania, PPL Electric Utilities Corporation, PECO Energy Company, and the Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company.

The Commission proposed to establish a symmetrical rate of interest applicable to over and under collections resulting from reconciliation of automatic adjustment clause costs and revenues related to electric default service to better ensure that utilities' current prices reflect current costs as accurately as is feasible. Based upon our review and consideration of the comments filed in response to our May 22, 2014 ANOPR Order and the October 2, 2014 Proposed Rulemaking Order, the Commission proposes to adopt the final regulations as set forth in Annex A of the Final Rulemaking Order.

Public Meeting held
June 11, 2015

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

Automatic Adjustment Clauses Related to Electric Default Service; Doc. No. L-2014-2421001

Final Rulemaking Order

By the Commission:

On October 2, 2014, the Pennsylvania Public Utility Commission (Commission) issued a Proposed Rulemaking Order proposing to establish a symmetrical rate of interest which will be applicable to both over and under collections resulting from the reconciliation of default service providers' (DSPs) actual costs and revenue collected through automatic adjustment clauses regarding electric default service. In order to fully recover the cost of providing service, DSPs, which currently are electric distribution companies (EDCs), are permitted to utilize automatic adjustment clauses to increase or decrease rates to reflect changes in certain costs. The Commission has determined that traditional methods of reconciliation accounting could, however, cause a great deal of volatility in default service rates associated with the recovery of revenue and cost imbalances created by the use of these automatic adjustment clauses.

In order to alleviate these concerns, the Commission proposed to establish a uniform policy regarding whether interest is recoverable when reconciling costs through automatic adjustment clauses and the rate of interest that is paid or collected. Based upon our review and consideration of the comments filed by the Office of Consumer Advocate (OCA), the Independent Regulatory Review Commission (IRRC), and Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company (collectively, the First Energy Companies), we shall adopt the final regulations as set forth in Annex A to this Order.

Background

On May 22, 2014, the Commission issued an Advance Notice of Proposed Rulemaking Order (ANOPR Order) proposing to establish a symmetrical rate of interest which will be applicable to both over and under collections resulting from the reconciliation DSPs actual costs and revenue collected through automatic adjustment clauses regarding electric default service. Based upon our review and consideration of the comments filed in response to the May 22, 2014 ANOPR Order by the OCA, the Office of Small Business Advocate, the Energy Association of Pennsylvania, PPL Electric Utilities Corporation, PECO Energy Company, and the FirstEnergy Companies, the Commission proposed the regulations set forth in the October 2, 2014 Proposed Rulemaking Order.¹

¹ The comments filed in response to the ANOPR Order were considered, reviewed and discussed by the Commission in the October 2, 2014 Proposed Rulemaking Order.

In the October 2, 2014 Proposed Rulemaking Order, the Commission proposed to establish a symmetrical rate of interest which will be applicable to over and under collections resulting from the reconciliation of DSPs' costs and revenues resulting from automatic adjustment clauses related to electric default service. The proposed applicable rate of interest on over and under collections would be interest at the prime rate for commercial borrowing in effect on the last day of the month the over or under collection occurred, as reported in the *Wall Street Journal* (or other publically available source identified by the Commission). For example, the interest rate applied to over or under collections in the month of March would be the prime rate that was in effect on March 31 as reported in the *Wall Street Journal*.

This proposed rate of interest would be computed monthly from the month the over collection or under collection occurs to the effective month that the over collection is refunded to customers or the under collection is collected from customers. Additionally, this rate of interest would apply universally to all over and under collections reconciled through automatic adjustment clauses related to electric default service filed with the Commission pursuant to 52 Pa. Code § 54.187(b) (relating to default service rate design and the recovery of reasonable costs), including:

- Price-to-Compare (PTC)
- Hourly Pricing Default Service Rider (HPDSR)
- Transmission Service Charge (TSC)
- Generation Supply Charges 1 & 2 (GSC-1 & GSC-2)
- Generation Supply Adjustment 1, 2, 3, 4 (GSA 1, 2, 3, 4)
- Generation Supply Service Rate (GSSR)
- Default Service (DS)
- Default Service Supply (DSS)
- Generation Supply Rate (GSR)

Discussion

In response to our proposed regulations set forth in the October 2, 2014 Proposed Rulemaking Order and Annex A thereto, the Commission received comments from the OCA, First Energy Companies and IRRC. In their comments, both the OCA and the First Energy Companies generally support the Commission's proposal to establish a symmetrical rate of interest which will be applicable to over and under collections resulting from the reconciliation of electric default service rates. Specifically, the OCA commented that a "symmetric market-based approach to the application of interest might make some EDCs [DSPs] more amenable to reconciliation periods which will better serve customers and make price comparisons easier." OCA Comments at 5. Similarly, the First Energy Companies comment that "[e]stablishing symmetrical interest rates for over and under collections is equitable to both customers and EDCs [DSPs] because it provides for identical treatment." First Energy Comments at 2.

Although the First Energy Companies support the Commission's proposed application of a symmetrical rate of interest to default service reconciliations, they have a concern with the use of the prime rate for commercial borrowing as the applicable symmetrical rate of interest due to its "historical volatility."² First Energy Comments

² The OCA supports either the use of the prime rate of interest, as the Commission proposes to use, or a rate reflective of residential interest for residential customers as the rate of interest which will be applicable to over and under collections resulting from the reconciliation of electric default service rates. OCA Comments at 6.

at 2. The First Energy Companies comment that customers could be exposed to significant swings in interest rates if the prime rate of interest is symmetrically applied to default service reconciliations without providing for an “escape hatch.”³ *Id.* at 3. Accordingly, the First Energy Companies suggest that the Commission use a symmetrical interest rate at the legal rate of interest. *Id.*

As explained in the October 2, 2014 Proposed Rulemaking Order, the Commission believes that using the prime interest rate is the most appropriate rate of interest to apply to default service reconciliations as it is the rate which is most commensurate with market rates. Additionally, the prime interest rate is publicly known, available, and transparent. Further, the prime interest rate reflects the terms and risks inherent in the utility reconciliation process.

Although the Commission believes that using the prime rate of interest is most appropriate here, the Commission will slightly modify our proposed regulations to alleviate the concerns raised by the First Energy Companies (and echoed by IRRC). Specifically, we will revise our proposed regulations to provide that the applicable rate of interest on over and under collections will be interest at the prime rate for commercial borrowing, which rate shall not exceed the legal rate of interest. The Commission believes that this modification will protect customers from significant swings in interest rates and will provide the “escape hatch” the First Energy Companies have requested in the event the prime rate of interest becomes volatile in the future.

Additionally, in the October 2, 2014 Proposed Rulemaking Order, the Commission proposed to use the prime rate of interest “as reported in the *Wall Street Journal* or other publically available source identified by the Commission.” In their comments, IRRC recommends deleting the phrase “or other publically available source identified by the Commission” to avoid confusion in the future. IRRC Comments at 1. Specifically, IRRC mentions that including the phrase “or other publically available source identified by the Commission” creates ambiguity as to: (1) what other rate source the Commission would contemplate in the future, (2) how notice of a different rate source would be provided, and (3) what opportunity there would be for comment prior to a change in rate source. *Id.* Additionally, IRRC notes that such proposed phrase technically permits a utility to choose between the *Wall Street Journal* rate “or” a new rate identified by the Commission in the future. *Id.*

The Commission agrees that the phrase “or other publically available source identified by the Commission” creates ambiguity in the proposed regulations and should be deleted. The Commission also agrees with IRRC that should the *Wall Street Journal* no longer be the most appropriate market index for purposes of determining the prime rate of interest in the future, the Commission can use its general powers to rescind or modify regulations pursuant to 66 Pa.C.S. §§ 501(a) and (b) in order to determine a more appropriate rate source. As such, the Commission will revise Section 54.190(c) of the proposed regulations to state as follows:

(c) *Interest collectible on over collections and under collections.* When revenues exceed costs, the over collections shall be refunded to customers with interest. When costs exceed revenues, the under collections shall be collected from customers with interest.

³ In their comments, IRRC echoes the First Energy Companies’ recommendation of providing for an “escape hatch” so that customers are not exposed to significant swings in interest rates. IRRC Comments at 2.

Interest on over collections and under collections shall be computed at the prime rate of interest for commercial banking, not to exceed the legal rate of interest, in effect on the last day of the month the over or under collection occurs, as reported in the *Wall Street Journal*.

In their comments, the First Energy Companies request that the Commission allow them to maintain their current interest charge calculation process until the new process can be “adequately transitioned, reviewed and audited.”⁴ First Energy Comments at 3. As set forth in the October 2, 2014 Proposed Rulemaking Order, all electric DSPs, other than the First Energy Companies, are using the interest calculation proposed by the Commission for purposes of their automatic adjustment clauses related to electric default service. Additionally, as stated in our Proposed Rulemaking Order, the Commission will only require DSPs to implement the proposed interest rate methodology commencing with the first 66 Pa.C.S. § 1307(e) reconciliation period after the effective date of any regulations adopted pursuant to this rulemaking process.

To illustrate, if the effective date of the regulations adopted by this rulemaking is December 31, 2015,⁵ the First Energy Companies will not be required to transition their current interest charge calculation until the 66 Pa.C.S. § 1307(e) reconciliation period beginning June 1, 2016. At a minimum, the First Energy Companies will have six months to transition their current interest charge calculation process prior to their first 66 Pa.C.S. § 1307(e) reconciliation period following the effective date of any regulations adopted by this rulemaking. The Commission, however, estimates that such transition will merely involve changing the interest charge calculation method on the First Energy Companies’ accounting spreadsheets, which will require minimal time (less than one month) to complete. As such, the First Energy Companies will have a reasonable amount of time to transition their current interest calculation practices to conform to those proposed by the Commission herein.

Although all electric DSPs, other than the First Energy Companies, are using the interest calculation proposed by the Commission, the Commission recognizes that the interest rate structure proposed herein does not currently comply with the Commission’s regulations, 52 Pa. Code §§ 1.1—111.14, and/or DSPs’ current tariffs regarding electric default service. Therefore, commencing with the first 66 Pa.C.S. § 1307(e) reconciliation period after the effective date of any regulations adopted pursuant to this rulemaking process, all electric DSPs must revise their tariffs and tariff riders to implement the proposed interest rate methodology set forth in Annex A of this Final Rulemaking Order.

In addition to the proposed interest rate structure set forth herein, the Commission reminds DSPs to consider filing an interim rate adjustment and/or cost reconciliation when the DSP anticipates substantial over or under collections. In fact, the Commission recognizes that such interim rate adjustments and cost reconciliations are in the public interest as they provide DSPs with a mechanism to reduce significant imbalances in over and under collections. For example, Section 69.1809(c) of the Commission’s regulations regarding default service provide in relevant part that:

⁴ In their comments, IRRC echoes the comments of the First Energy Companies in this regard and asks that the Commission explain how the implementation timeline for the regulations set forth in this rulemaking are reasonable. IRRC Comments at 2.

⁵ As set forth on the Regulatory Analysis Form, the effective date of any final form regulations adopted by this rulemaking is estimated to be during or before the fourth quarter of 2015.

It may be in the public interest to reconcile default service costs more frequently than at each PTC [price-to-compare] adjustment interval. The DSP [default service provider] should propose interim reconciliation prior to the next subsequent PTC adjustment interval when current monthly revenues have diverged from current monthly costs, plus any cumulative over/under recoveries, by greater than 4% since the last rate adjustment. . . . Interim reconciliation proposals should result in a PTC adjustment that will resolve cumulative under or over recoveries by the time of the next PTC adjustment interval.

52 Pa. Code § 69.1809(c).

Although the Commission cannot completely eradicate all imbalances in the amount of costs that are over and under collected, the proposed symmetrical interest rate structure set forth herein is designed to deter DSPs from inaccurately forecasting costs and sales to improperly increase interest earnings. This symmetrical application of interest to over and under collections uses the prime rate of interest which is not only commensurate with market rates, but is also publicly known, available and transparent. Overall, application of the symmetrical rate of interest, at prime rate, to over and under collections reflects the terms and risks inherent in the utility reconciliation process.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 27, 2015, the Commission submitted a copy of the notice of proposed rulemaking, published at 45 Pa.B. 1258 (March 14, 2015), 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, the Commission shall submit to IRRC and the House and Senate Committees copies of 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 November 10, 2015, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 12, 2015, and approved the final-form rulemaking.

Conclusion

Establishing a symmetrical rate of interest applicable to over and under collections resulting from reconciliation of automatic adjustment clause costs and revenues is designed to better ensure that DSPs' current prices reflect current costs as accurately as is feasible. The Commission, therefore, formally adopts the final regulations as set forth in Annex A to this Final Rulemaking Order.

Accordingly, pursuant to its authority under sections 501, 1301, 1307 and 2804 of the Public Utility Code (66 Pa.C.S. §§ 501, 1301, 1307 and 2804) and 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 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 as final the regulations as set forth in Annex A; *Therefore,*

It Is Ordered That:

1. The regulations of the Commission, 52 Pa. Code Chapter 54, are amended by adding § 54.190 and by amending § 54.187 to read as set forth in Annex A.

2. The Secretary shall submit this order and Annex A to the Office of Attorney General for approval as to legality.

3. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

4. 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.

5. The Secretary shall duly certify this order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

6. These regulations shall become effective upon publication in the *Pennsylvania Bulletin*.

7. All electric default service providers must revise their tariffs and tariff riders regarding electric default service to implement the proposed interest rate methodology set forth in Annex A of this Order commencing with the first 66 Pa.C.S. § 1307(e) reconciliation period after the effective date of any regulations adopted pursuant to this rulemaking process.

8. This order and Annex A be posted on the Commission's web site.

9. A copy of this order and Annex A shall be served on the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate, and all parties who commented in response to the October 2, 2014 Proposed Rulemaking Order.

10. The contact person for legal matters for this final rulemaking is Krystle J. Sacavage, Assistant Counsel, Law Bureau, (717) 787-5262. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau, (717) 772-4597.

ROSEMARY CHIAVETTA,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 45 Pa.B. 6862 (November 28, 2015).)

Fiscal Note: Fiscal Note 57-307 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 54. ELECTRICITY GENERATION CUSTOMER CHOICE

Subchapter G. DEFAULT SERVICE

§ 54.187. Default service rate design and the recovery of reasonable costs.

(a) The Commission may modify contracts or disallow costs when after a hearing the party seeking recovery of the costs of a procurement plan is found to be at fault for either of the following:

(1) Not complying with the Commission-approved procurement plan.

(2) The commission of fraud, collusion or market manipulation with regard to these contracts.

(b) The costs incurred for providing default service shall be recovered on a full and current basis through a reconcilable automatic adjustment clause under 66 Pa.C.S. § 1307 (relating to sliding scale of rates; adjustments), all reasonable costs incurred under 66 Pa.C.S. § 2807(e)(3.9) (relating to duties of electric distribution companies) and a Commission-approved competitive procurement plan. The use of an automatic adjustment clause shall be subject to audit and annual review, consistent with 66 Pa.C.S. § 1307(d) and (e).

(c) Except for rates available consistent with § 54.190 (relating to universal interest applicable to over collections and under collections resulting from reconciliation of automatic adjustment clauses costs and revenues related to electric default service), a default service customer shall be offered a single rate option, which shall be identified as the PTC and displayed as a separate line item on a customer's monthly bill.

(d) The rates charged for default service may not decline with the increase in kilowatt hours of electricity used by a default service customer in a billing period.

(e) The PTC shall be designed to recover all default service costs, including generation, transmission and other default service cost elements, incurred in serving the average member of a customer class. An EDC's default service costs may not be recovered through the distribution rate. Costs currently recovered through the distribution rate, which are reallocated to the default service rate, may not be recovered through the distribution rate. The distribution rate shall be reduced to reflect costs reallocated to the default service rate.

(f) A DSP shall use an automatic energy adjustment clause, consistent with 66 Pa.C.S. § 1307 and Chapter 75 (relating to alternative energy portfolio standards), to recover all reasonable costs incurred through compliance with the Alternative Energy Portfolio Standards Act (73 P. S. §§ 1648.1—1648.8). The use of an automatic adjustment clause shall be subject to audit and annual review, consistent with 66 Pa.C.S. § 1307(d) and (e), regarding fuel cost adjustment audits and automatic adjustment reports and proceedings.

(g) The default service rate schedule must include rates that correspond to demand side response and demand side management programs, as defined in section 2 of the Alternative Energy Portfolio Standards Act (73 P. S. § 1648.2), when the Commission mandates these rates pursuant to its authority under 66 Pa.C.S. Chapter 1 (relating to general provisions).

(h) Default service rates may not be adjusted more frequently than on a quarterly basis for all customer classes with a maximum registered peak load up to 25 kW, to ensure the recovery of costs reasonably incurred in acquiring electricity at the least cost to customers over time. DSPs may propose alternative divisions of customers by maximum registered peak load to preserve existing customer classes.

(i) Default service rates shall be adjusted on a quarterly basis, or more frequently, for all customer classes with a maximum registered peak load of 25 kW to 500 kW, to ensure the recovery of costs reasonably incurred in acquiring electricity at the least cost to customers over time. DSPs may propose alternative divi-

sions of customers by maximum registered peak load to preserve existing customer classes.

(j) Default service rates shall be adjusted on a monthly basis, or more frequently, for all customer classes with a registered peak load of equal to or greater than 500 kW to ensure the recovery of costs reasonably incurred in acquiring electricity at the least cost to customers over time. DSPs may propose alternative divisions of customers by registered peak load to preserve existing customer classes.

(k) When a supplier fails to deliver electric generation supply to a DSP, the DSP shall be responsible for acquiring replacement electric generation supply consistent with its Commission-approved contingency plan. When necessary to procure electric generation supply before the implementation of a contingency plan, a DSP shall acquire supply at the least cost to customers over time and fully recover all reasonable costs associated with this activity that are not otherwise recovered through its contract terms with the default supplier. The DSP shall follow acquisition strategies that reflect the incurrence of reasonable costs, consistent with 66 Pa.C.S. § 2807, when selecting from the various options available in these energy markets.

§ 54.190. Universal interest applicable to over collections and under collections resulting from reconciliation of automatic adjustment clauses costs and revenues related to electric default service.

(a) *General rule.* This section applies to automatic adjustment clauses related to electric default service filed with the Commission by a DSP under § 54.187(b) (relating to default service rate design and the recovery of reasonable costs).

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

Costs—The total amount of expenses, or class of expenses incurred, which is the basis of the automatic adjustment clause.

Over collection—The amount equal to revenues received under an automatic adjustment clause which exceeds the amount of costs incurred.

Revenue—The total proceeds received under the automatic adjustment clause.

Under collection—The amount equal to costs incurred under an automatic adjustment clause which exceeds the amount of revenues received.

(c) *Interest collectible on over collections and under collections.* When revenues exceed costs, the over collections shall be refunded to customers with interest. When costs exceed revenues, the under collections shall be collected from customers with interest. Interest on over collections and under collections shall be computed at the prime rate of interest for commercial banking, not to exceed the legal rate of interest, in effect on the last day of the month the over collection or under collection occurs, as reported in the *Wall Street Journal*. Interest shall be computed monthly from the month the over collection or under collection occurs to the effective month that the over collection is refunded or the under collection is collected.

[Pa.B. Doc. No. 15-2217. Filed for public inspection December 18, 2015, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL HEARING BOARD

[25 PA. CODE CH. 1021]

Practice and Procedure

The Environmental Hearing Board (Board) proposes to amend Chapter 1021 (relating to practice and procedure) to read as set forth in Annex A.

The objectives of the proposed rulemaking are to: provide the regulated community, the Department of Environmental Protection (Department) and other potential litigants with more specific guidance on how to represent their interests before the Board; improve the rules of practice and procedure before the Board; and institute additional and modified rules of practice and procedure before the Board to require electronic filing and service in nearly all matters before the Board.

This proposed rulemaking was adopted by the Board at its meeting on July 8, 2015.

A. *Effective Date*

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

B. *Contact Persons*

For further information, contact John Dixon, Assistant Counsel, Environmental Hearing Board, 400 Market Street, Second Floor, Harrisburg, PA 17101, (717) 787-7115, johdixon@pa.gov.

C. *Statutory Authority*

The Board has the authority under section 5 of the Environmental Hearing Board Act (act) (35 P.S. § 7515) to adopt regulations pertaining to practice and procedure before the Board.

D. *Background and Purpose*

The proposed amendments improve practice and procedure before the Board. The proposed amendments are based on the recommendations of the Environmental Hearing Board Rules Committee (Rules Committee), a nine-member advisory committee created by section 5 of the act to make recommendations to the Board on its rules of practice and procedure. The Board may promulgate proposed regulations based in whole or in part on the recommendations of the Rules Committee.

The Board has established an electronic filing system allowing parties appearing before the Board to file nearly any document in a proceeding on an electronic docket. This system is now the primary docketing system for the Board. Some of the proposed amendments clarify rules pertaining to electronic filing and service by the Board.

The Board currently does not have a rule that sets forth the format and time period for filing a request for certification of interlocutory orders for appeal under 42 Pa.C.S. § 702(b) (relating to interlocutory orders). The proposed amendments for interlocutory orders will create consistency with 210 Pa. Code (relating to Rules of Appellate Procedure). The proposed amendment will provide a clear set of guidelines for practitioners filing a request for certification of interlocutory orders for appeal.

The Board also does not have a rule on computation of time for purposes of determining the deadline for filing a

document or responding to a motion. Proposed § 1021.13 (relating to computation of time) fills that gap.

Other proposed amendments contain substantive or stylistic revisions to make the Board rules clearer and more concise.

E. *Summary of Proposed Amendments*

This summary provides a description of: the existing rules of practice and procedure when relevant to proposed amendments; the Board's proposed revisions; and how, if any, the proposed amendments differs from the Rules Committee's recommendations.

When the recommendations of the Rules Committee were not in proper style and format, they have been modified to conform to those requirements. Similarly, when recommendations did not contain proper cross-references to 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), cross-references have been added.

The proposed rulemaking can be divided into three categories: adoption of new rules; substantive amendments to existing rules; and correction of typographical errors.

§ 1021.13. *Computation of time*

Proposed § 1021.13 explains that when a filing deadline falls on a Saturday, Sunday or legal holiday, the filing is not due until the next business day. This proposed rule corresponds with 1 Pa. Code § 31.12 (relating to computation of time).

§ 1021.21. *Representation*

The proposed amendment to § 1021.21 (relating to representation) corrects an omission and recognizes that an appeal can be instituted by the filing of a notice of appeal or complaint depending on the statute at issue. A proposed comment notifies out-of-State counsel that they are not subject to the Interest on Lawyers Trust Account fee when counsel appears pro hac vice in a Board proceeding.

§ 1021.32. *Filing*

The proposed amendment to § 1021.32 (relating to filing) clarifies rules pertaining to electronic filing registration to conform to the registration form that is provided on the Board's electronic filing site. With the adoption of electronic filing, requirements in the rules mandating that electronically filed documents must indicate in the caption that it was in fact electronically filed were removed from the rules. A caption is no longer necessary considering the adoption of electronic filing.

§ 1021.33. *Service by the Board*

The proposed amendment to § 1021.33 (relating to service by the Board) does not include a substantive change. The text is proposed to be reworded to make it clearer and more concise.

§ 1021.34. *Service by a party*

With the adoption of mandatory electronic filing and electronic service, the proposed amendment to § 1021.34 (relating to service by a party) explains that the Board will only serve copies of orders by mail to parties who have been excused from electronic filing. All other parties will be served electronically.

§ 1021.39. *Docket*

The proposed amendment to § 1021.39 (relating to docket) clarifies the Board's electronic filing rules. The proposed amendment clarifies when the date and time of the filing will appear by the electronic filing provider. The Board's electronic docket does not contain the time of filing, yet the transmission notice that is received by all electronic filers does in fact contain the date and time of filing. It was recommended that the requirement that the docket will register the time of the filings be deleted. It was also recommended that because the transmission notice that is received by electronic filers does contain the date and time of filing, the language should be amended to make clear that the electronic filing provider will transmit a notice to registered users that includes the date and time of filing.

§ 1021.51. *Commencement, form and content*

The proposed amendment to § 1021.51(d) (relating to commencement, form and content) explains what the appellant shall attach to a notice of appeal. The reasoning behind this amendment is to provide clarification of what is being appealed.

The proposed amendment to § 1021.51(f) clarifies that the rule applies to notices of appeal. Because a party to a case might not have a fax machine or fax number readily available, the proposed amendment allows other methods of service for appeals.

§ 1021.52. *Timeliness of appeal*

The proposed amendment to § 1021.52(b) (relating to timeliness of appeal) corrects a typographical error.

§ 1021.103. *Subpoenas, notices to attend and notices to produce*

"Notices to attend and notices to produce" is proposed to be added to the heading of § 1021.103 (relating to subpoenas, notices to attend and notices to produce) to indicate that these notices are subject to the rules to this section. It was recommended that this section not only include subpoenas but also notices to attend and notices to produce because the rules in 231 Pa. Code (relating to Rules of Civil Procedure) cited in this section address not only subpoenas but also notices to attend and notices to produce.

§ 1021.141. *Termination of proceedings*

The proposed amendment to § 1021.141 (relating to termination of proceedings) makes a stylistic change to explain that any appeal from a consent adjudication shall be with the Commonwealth Court. A proposed amendment to the comment clarifies that the Board makes the determination of a dismissal with or without prejudice on a case-by-case basis.

§ 1021.151. *Reconsideration of interlocutory orders*

§ 1021.152. *Reconsideration of final orders*

The proposed amendments to §§ 1021.151 and 1021.152 (relating to reconsideration of interlocutory orders; and reconsideration of final orders) changes "motion" to "petition" to clarify that the rule deals with petitions for reconsideration.

§ 1021.153. *Amendment of interlocutory orders*

Proposed § 1021.153 (relating to amendment of interlocutory orders) explains the procedure for filing an application for interlocutory appeal.

§ 1021.201. *Composition of the certified record on appeal to Commonwealth Court*

The proposed amendment to § 1021.201 (relating to composition of the certified record on appeal to Commonwealth Court) corresponds to the appellate rules on filing petitions for review with the Commonwealth Court. The amendment eliminates the 20-day time frame for filing a petition for review with the Commonwealth Court because 210 Pa. Code provides a 40-day time frame.

The Board concurred with the previously stated recommendations.

F. *Benefits, Costs, Compliance and Paperwork*

Benefits

Since mandatory electronic filing for most parties before the Board has been implemented, there has been a measurable benefit to the Commonwealth, the public and parties appearing before the Board. The Board has experienced a reduction in the administrative burden posed by service by mail, paper recordkeeping, and consumption of paper and other supplies. Several proposed amendments revise and clarify existing electronic filing rules. The proposed amendments clarify electronic filing rules regarding filing, service, registration, docketing and appeals. With these amendments in place, parties appearing before the Board will have a better understanding of how to navigate through the Board's electronic filing system and enjoy greater access to docket materials.

The Board currently does not have a rule for amendment of interlocutory orders. A rule that sets forth the format and time period for filing a request for certification of interlocutory orders for appeal under 42 Pa.C.S. § 702(b) will create consistency with 210 Pa. Code. Proposed § 1021.153 will give practitioners a clear set of guidelines when filing a request for certification of interlocutory orders for appeal.

Other proposed amendments add clarity to the initial appeal process before the Board, termination of proceedings and timeliness of appeals. Proposed § 1021.13 will help the Board and practitioners determine the deadlines for filing a document or responding to a motion, particularly when a deadline falls on a Saturday, Sunday or legal holiday.

Costs

The proposed amendments regarding electronic filing will have a favorable economic impact on the Commonwealth and private parties in that it will greatly reduce the amount of paper used by the Board, other Commonwealth agencies appearing before the Board and the private bar filing documents with the Board. The remaining proposed amendments will either have no measurable fiscal impact on the Commonwealth, political subdivisions or the private sector or may have a favorable economic impact in that they may eliminate potential litigation over existing uncertainties in Board procedures, authority and requirements.

Compliance

The proposed rulemaking will have a minimal impact on compliance costs for parties participating in matters before the Board. Under most circumstances the ability to conduct nearly all aspects of appeal procedure electronically through the Board's electronic filing system will result in a reduction of the administrative burden for parties who will no longer have to provide the Board with paper records or conduct service by mail. Parties who face

an undue burden by the proposed rulemaking will be able to seek relief from the Board from the electronic filing requirements.

Paperwork

The proposed rulemaking may require only minor changes to the Board's standard orders.

H. Sunset Review

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

I. Public Meeting on Proposed Rules

In accordance with 65 Pa.C.S. § 704 (relating to open meetings), a quorum of the members of the Board voted to adopt the proposed rules at a public meeting on July 8, 2015, in Hearing Room 2, Second Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

J. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on December 9, 2015, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

K. Public Comment

The Board invites interested persons to submit written comments, suggestions or objections regarding the proposed rulemaking to John R. Dixon, Assistant Counsel, Environmental Hearing Board, 2nd Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, johdixon@pa.gov within 30 days of the date of publication in the *Pennsylvania Bulletin*.

THOMAS W. RENWAND,
Chairperson and Chief Judge

Fiscal Note: 106-12. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART IX. ENVIRONMENTAL HEARING BOARD
CHAPTER 1021. PRACTICE AND PROCEDURE
TIME**

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

§ 1021.13. Computation of time.

(a) Except as otherwise provided by law, in computing a period of time prescribed or allowed by the rules of the Board or another provision of law, time shall be computed to exclude the first day of the action, event or filing. Time

shall be computed to include the last day unless it falls on a Saturday, Sunday or legal holiday in which event the day will be omitted from the computation and the period shall run until the end of the next business day. Intervening Saturdays, Sundays and legal holidays shall be included in the computation.

(b) Subsection (a) supersedes 1 Pa. Code § 31.12 (relating to computation of time).

REPRESENTATION BEFORE BOARD

§ 1021.21. Representation.

(a) Parties, except individuals appearing on their own behalf, shall be represented by an attorney **in good standing** at all stages of the proceedings subsequent to the filing of the notice of appeal **or complaint**.

(b) Corporations shall be represented by an attorney of record admitted to practice before the Supreme Court of Pennsylvania. Corporations may also be represented by an attorney in good standing and admitted to practice before the highest court of another state on a motion pro hac vice filed by the Pennsylvania attorney of record.

[(c) Groups of individuals acting in concert, whether formally or informally, shall be represented by an attorney admitted to practice law before the Supreme Court of Pennsylvania or by an attorney in good standing admitted to practice before the highest court of another state who has made a motion to appear specially in the case and agrees therein to abide by the Rules of the Board and the Rules of Professional Conduct.

(d)] (c) Individuals may appear in person on their own behalf; however, they are encouraged to appear through counsel and may be required to appear through counsel [under subsection (c)] if the Board determines [they are acting in concert with or as a representative of a group of individuals] that they are not merely appearing on their own behalf.

[(e)] (d) Subsections (a)—[(d)] (c) supersede 1 Pa. Code §§ 31.21—31.23 (relating to appearance in person; appearance by attorney; and other representation prohibited at hearings).

Comment: Payment of the Interest on Lawyers Trust Account fee under 204 Pa. Code § 81.505(a) (relating to fees) is not required as a condition to pro hac vice admission in a proceeding before the Board.

DOCUMENTARY FILINGS

FILING AND SERVICE OF DOCUMENTS

§ 1021.32. Filing.

* * * * *

(c) *Electronic filing.*

* * * * *

(3) Electronic filing can be performed only by registered users. Individuals who are not registered users can become registered users by submitting a registration statement to the Board and receiving **[a password authorizing electronic filing and service] authorization for electronic filing and service from the electronic filing provider. [The registration statement must be on a form prepared by the Board and include the user's name and mailing address, e-mail address, attorney identification number (if the reg-**

istered user is an attorney), a request for authorization to participate in electronic filing and electronic service, and consent to accept electronic service of documents permitted to be electronically filed.] The registration statement consists of an electronic form prepared by the Board and accessed on its electronic filing web site. The prospective registered user must provide a name, mailing address, e-mail address, telephone number and attorney identification number (if the registered user is an attorney).

* * * * *

[(11) Each document filed electronically must indicate in the caption that it has been electronically filed.

(12) (11) Documents may be electronically filed in WordPerfect format, Microsoft Word format, PDF format or other formats as the Board may permit. The electronic filing provider automatically converts uploaded documents not already in PDF format to PDF format. A document may exceed page limitation rules if the additional pages result solely from the electronic conversion by the electronic filing provider.

[(13) (12) To the extent practicable, electronically filed documents must be formatted in accordance with subsection (e)(4).

[(14) (13) An electronic filing completed before midnight Eastern Time will be considered to be filed on that date. Upon completion of the filing, the electronic filing provider will issue a transaction receipt that includes the date and time the document was received. The transaction receipt serves as proof of filing. [Filers may be required to file amended versions of documents to meet the necessary filing requirements.]

[(15) (14) Except in the case of notices of appeal, which are governed by § 1021.53a (relating to nunc pro tunc appeals), if electronic filing or service does not occur or is made untimely because of a technical issue, the party affected may seek appropriate relief from the Board.

[(16) (15) A registered user shall submit as exhibits or attachments only excerpts of the referenced documents that are directly germane to the matter under consideration by the Board. Excerpted information must be clearly and prominently identified as such. A registered user who files excerpts of documents as exhibits or attachments under this paragraph does so without prejudice to his right to timely file additional excerpts or the complete document and shall, upon request, provide responding parties with the complete document. A responding party may timely file the complete document or additional excerpts that it believes are directly germane.

* * * * *

§ 1021.33. Service by the Board.

(a) [Orders, notices and other documents entered or issued by the Board will be served upon the person designated in the notice of appearance or, if no notice of appearance has been entered, upon the person upon whom the notice of appeal or complaint was served.] The Board will serve the orders, notices and other documents it issues upon counsel designated on the docket. For any parties

not represented by counsel, the Board will serve the person who filed the complaint or notice of appeal, or the person upon whom the notice of appeal or complaint was served.

(b) The Board will serve documents it enters or issues upon registered users participating in the proceeding through the electronic filing provider, subject to the provisions in this chapter. The Board will serve persons [other than registered users] who have been excused from electronic filing under § 1021.32(c)(1) (relating to filing) by mail or in person.

* * * * *

§ 1021.34. Service by a party.

* * * * *

(d) Documents filed electronically shall be served by hand, mail, other personal delivery or facsimile upon parties [not represented by registered users or, for parties representing themselves, upon parties who are not registered users] who have been excused from electronic filing under § 1021.32(c)(1) (relating to filing).

* * * * *

§ 1021.39. Docket.

* * * * *

(b) The docket will register the date of all filings [as well as the time of the filing if the filing is made electronically]. When a document is filed electronically, the electronic filing provider will transmit a notice of the electronic filing to all registered users in the proceeding, which includes the date and time of the filing.

* * * * *

FORMAL PROCEEDINGS

APPEALS

§ 1021.51. Commencement, form and content.

* * * * *

(c) The notice of appeal must set forth the name, mailing address, e-mail address and telephone number of the appellant. [If the appellant is represented by an attorney, the notice of appeal shall be signed by at least one attorney of record in the attorney's individual name.] The notice of appeal shall be signed by at least one attorney of record in the attorney's individual name or, if a party is not represented by an attorney, shall be signed by the party.

(d) If the appellant has received written notification of an action of the Department, [a copy of the action must be attached to the notice of appeal] the appellant shall attach a copy of that notification and any documents received with the notification to the notice of appeal. If the documents include a permit, the appellant only needs to attach the first page of the permit.

(e) The notice of appeal must set forth in separate numbered paragraphs the specific objections to the action of the Department. The objections may be factual or legal.

(f) An original notice of appeal shall be filed electronically, conventionally or by facsimile.

* * * * *

(3) *Facsimile filing.*

* * * * *

(iii) For original notices of appeal more than ten pages long, the facsimile filed must consist of the certificate of service and the first five pages and last five pages of [each document] the notice of appeal except exhibits. Except for copies of checks and bonds required to secure payment of a penalty, exhibits shall be omitted from the filing transmitted to the Board's facsimile line.

(iv) On the same day an original notice of appeal is transmitted to the Board's facsimile line, the original, including exhibits, shall be deposited in the mail, addressed to the Board's headquarters at the address provided in paragraph (2)(i).

(v) The notice of appeal must be formatted in accordance with paragraph (2)(v). Failure to comply with this requirement will not result in rejection or dismissal of the notice of appeal. The Board may request that the appellant file an amended version of the notice of appeal in proper form.

(vi) The appellant shall, concurrent with or prior to the facsimile filing of a notice of appeal, serve a copy by facsimile on the individuals and entities listed in paragraph (2)(vi). **If a party's fax number is not available or operational, the notice of appeal shall be served to that party by overnight delivery.**

* * * * *

§ 1021.52. **Timeliness of appeal.**

* * * * *

(b) The appellant shall, within 20 days of the mailing of a request from the Board, file missing information required by § 1021.51(c), (d) and [(i)] (k) (relating to commencement, form and content) or suffer dismissal of the appeal.

* * * * *

PREHEARING PROCEDURES AND PREHEARING CONFERENCES

§ 1021.101. **Prehearing procedure.**

* * * * *

(c) [After the Board resolves all dispositive motions, it will establish a hearing date for the remaining issues.] The Board will establish a hearing date for the issues in the appeal. The Board may also direct that the parties meet prior to the hearing to stipulate to uncontested facts, the qualifications of experts and the admissibility of exhibits.

(d) The parties shall file their prehearing memoranda at least 20 days before the scheduled hearing date. **The Board may issue an order scheduling specific dates on which each party is to file its prehearing memorandum, deadlines for filing motions in limine and a prehearing conference.**

(e) Subsection (d) supersedes 1 Pa. Code § 35.121 (relating to initiation of hearings).

§ 1021.103. **Subpoenas, notices to attend and notices to produce.**

(a) Except as otherwise provided in this chapter or by order of the Board, requests for subpoenas [and], subpoenas, **notices to attend and notices to produce** shall be governed by Pa.R.C.P. 234.1—234.4, 234.6—234.9 and 4009.21—4009.27. When the term "court" is used in

Pa.R.C.P. "Board" is to be understood; when the terms "Prothonotary" or "clerk of court" are used in Pa.R.C.P. "Secretary to the Board" is to be understood.

* * * * *

TERMINATION OF PROCEEDINGS

§ 1021.141. **Termination of proceedings.**

* * * * *

(c) When a proceeding is sought to be terminated by the parties pursuant to a consent adjudication, all parties shall submit the proposed consent adjudication to the Board for approval. No proposed consent adjudication will be approved by the Board unless it contains the agreement of all parties to the action. The Board may refuse to approve a proposed consent adjudication if any of its provisions are contrary to law or constitute, in the discretion of the Board, overreaching or bad faith by any party. Prior to approval, the Board will publish the major substantive provisions of the consent adjudication in the manner indicated in subsection (b)(3). In addition, the notice shall provide a comment period of at least 30 days for comments to be provided by the public. When comments are received from the public the parties to the consent adjudication shall respond to the comments. The Board may schedule a hearing prior to taking action on the consent adjudication. Any appeal from a consent adjudication shall [lie to] **be with** the Commonwealth Court, and shall, when taken by an aggrieved person not a party to the action, be taken within 30 days of the date of the Board's action.

Comment: The prior rule at § 1021.120(b) authorizing dismissal with and without prejudice was deleted because the Board thought it more appropriate to determine this matter [**by case law**] **on a case-by-case basis** rather than by rule.

RECONSIDERATION

§ 1021.151. **Reconsideration of interlocutory orders.**

(a) A petition for reconsideration of an interlocutory order or ruling shall be filed within 10 days of the order or ruling. The petition must demonstrate that extraordinary circumstances justify consideration of the matter by the Board. A party may file a memorandum of law at the time the [**motion**] **petition** or response is filed.

* * * * *

§ 1021.152. **Reconsideration of final orders.**

(a) A petition for reconsideration of a final order shall be filed within 10 days of the date of the final order. A party may file a memorandum of law at the time the [**motion**] **petition** or response is filed. Reconsideration is within the discretion of the Board and will be granted only for compelling and persuasive reasons. These reasons may include the following:

* * * * *

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

§ 1021.153. **Amendment of interlocutory orders.**

(a) Requests to amend an interlocutory order to certify one or more issues for appeal in accordance with 42 Pa.C.S. § 702(b) (relating to interlocutory orders) shall be filed within 10 days of service of the order and shall take the form of a motion under § 1021.91 (relating to general).

(b) Motions filed under subsection (a) must be accompanied by a memorandum of law setting forth the reasons why the order involves a controlling question of law as to which there is a substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the matter.

(c) Responses to motions filed under this section shall be filed within 10 days of service of the motion and shall be consistent with § 1021.91.

(d) Unless the Board acts on the motion within 30 days of it being filed, the motion shall be deemed denied.

(e) The filing of a motion under this section or the amendment of an interlocutory order containing the requested finding will not stay a proceeding unless otherwise ordered by the Board or by Commonwealth Court.

(f) Subsections (a)—(e) supersede 1 Pa. Code § 35.225 (relating to interlocutory orders).

APPELLATE MATTERS

§ 1021.201. Composition of the certified record on appeal to Commonwealth Court.

(a) Unless the parties file a stipulation with the Board [**providing otherwise, within 20 days of the filing of the petition for review**] or the **Commonwealth Court requires otherwise**, the Board shall certify the record in accordance with [**Pa.R.A.P. 1951 (relating to record below in proceedings on petition for review) and**] the **applicable Rules of Appellate Procedure**. **The** record shall consist of:

* * * * *

[Pa.B. Doc. No. 15-2218. Filed for public inspection December 18, 2015, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Fish and Boat Commission

The Executive Board approved a reorganization of the Fish and Boat Commission effective November 25, 2015.

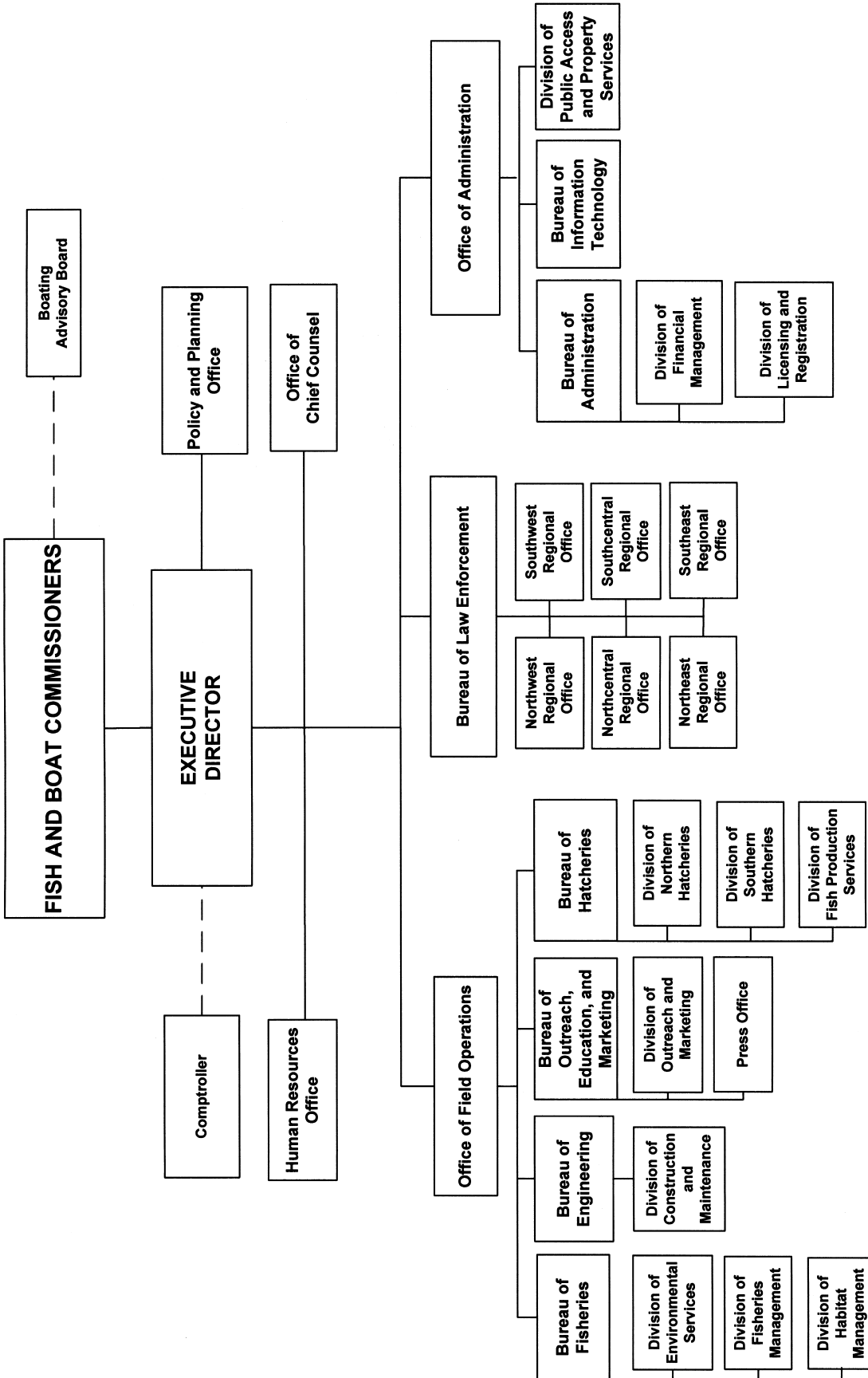
The organization chart at 45 Pa.B. 7173 (December 19, 2015) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 15-2219. Filed for public inspection December 18, 2015, 9:00 a.m.]

OR-15-019
November 25, 2015

FISH AND BOAT COMMISSION



Title 101—GENERAL ASSEMBLY

LEGISLATIVE REFERENCE BUREAU

[101 PA. CODE CH. 31]

Right-to-Know Law; Amendments

The Legislative Reference Bureau (Bureau) amends § 31.23(d) (relating to parties) to read as set forth at 45 Pa.B. 5959 (October 3, 2015). The purpose of this statement of policy is to provide discretion on holding hearings on appeals and to increase efficiency.

Public Comment

The proposed statement of policy included a public comment period that ended November 7, 2015.

One comment was received from Anne Henry, Senior Vice President and Chief Government Affairs Officer, LeadingAge PA. The commentator requested that the proposed amendment not be adopted because it “appears to give significant subjective discretion to the appeals officer potentially at the expense of the objective criteria afforded by the appeal hearing process.”

The Bureau attempted to schedule a public hearing. However, the commentator did not reply to telephone messages. The Bureau issued a written response to the commentator stating that: section 1101(b)(3) of the Right-to-Know Law (65 P.S. § 67.1101(b)(3)) provides the appeals officer discretion, as a hearing is permitted, not required; the amendment to § 31.23(d) maintains the good cause determination, which subsumes the issues raised by deemed denials, willful misconduct and frivolous requests; and the amendment merely improves the efficient handling of appeals by maintaining a single, unifying standard to determine whether to exercise the statutory discretion.

Effective Date

This statement of policy is effective December 19, 2015.

VINCENT C. DeLIBERATO, Jr.,
Director

(Editor’s Note: Title 101 of the Pennsylvania Code is amended by amending the statement of policy in § 31.23 to read as set forth at 45 Pa.B. 5959.)

[Pa.B. Doc. No. 15-2220. Filed for public inspection December 18, 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 December 8, 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

Interim Incorporations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
12-4-2015	Interim Atlantic Community Bankers Bank Camp Hill Cumberland County The purpose of Interim Atlantic Community Bankers Bank, Camp Hill, is to merge with Atlantic Community Bankers Bank, Camp Hill, to facilitate the proposed reorganization of Atlantic Community Bankers Bank into a bank holding company structure whereby Atlantic Community Bankers Bank will become the wholly-owned subsidiary of Atlantic Community Bancshares, Inc., a new holding company in formation.	Effective

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
12-2-2015	BB&T Corporation Winston-Salem Forsyth County, NC Application for approval to acquire 100% of National Penn Bancshares, Inc., Allentown, and thereby indirectly acquire 100% of National Penn Bank, Allentown.	Approved
12-4-2015	ESSA Bancorp, Inc. Stroudsburg Monroe County Application for approval to acquire 100% of Eagle National Bancorp, Inc., Upper Darby, and thereby indirectly acquire 100% of Eagle National Bank, Upper Darby.	Effective
12-7-2015	F.N.B. Corporation Pittsburgh Allegheny County Application for approval to acquire 100% of Metro Bancorp, Inc., Harrisburg, and thereby indirectly acquire 100% of Metro Bank, Lemoyne.	Approved

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
12-4-2015	ESSA Bank & Trust Stroudsburg Monroe County Merger of Eagle National Bank, Upper Darby, with and into ESSA Bank & Trust, Stroudsburg. As a result of the merger, the following branch offices of Eagle National Bank became branch offices of ESSA Bank & Trust: 8045 West Chester Pike Upper Darby Delaware County	Effective
	354 West Lancaster Avenue Haverford Montgomery County	

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
	48 West Marshall Road Lansdowne Delaware County	410 West Lancaster Avenue Devon Chester County	
	1304 Wilmington Pike West Chester Chester County		
12-4-2015	Atlantic Community Bankers Bank Camp Hill Cumberland County		Filed
	Application for approval to merge Interim Atlantic Community Bankers Bank, Camp Hill, with and into Atlantic Community Bankers Bank, Camp Hill.		
	The merger will facilitate the proposed reorganization of Atlantic Community Bankers Bank, Camp Hill, into a bank holding company structure whereby Atlantic Community Bankers Bank will become the wholly-owned subsidiary of Atlantic Community Bancshares, Inc., Camp Hill, a new holding company in formation.		
12-8-2015	Covenant Bank Doylestown Bucks County		Filed
	Application for approval to merge Covenant Interim Bank, Doylestown, with and into Covenant Bank, Doylestown.		
	The merger will facilitate the proposed reorganization of Covenant Bank, Doylestown, into a bank holding company structure whereby Covenant Bank will become the wholly-owned subsidiary of Covenant Financial, Inc., Doylestown, a new holding company in formation.		

Branch Applications**De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-3-2015	Kish Bank State College Centre County	114 South Allen Street State College Centre County	Approved
12-7-2015	Covenant Bank Doylestown Bucks County	60 North Main Street Doylestown Bucks County	Approved
12-7-2015	Embassy Bank for the Lehigh Valley Bethlehem Northampton County	10 North Main Street Nazareth Northampton County	Opened
12-4-2015	CNB Bank Clearfield Clearfield County	2473 Old Route 220 North Duncansville Blair County	Filed
12-8-2015	Univest Bank and Trust Company Souderton Montgomery County	1980 South Easton Road Doylestown Bucks County (Limited Service Facility)	Filed

CREDIT UNIONS

No activity.

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. 15-2221. Filed for public inspection December 18, 2015, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of January 2016

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 January, 2016, 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 2.66 to which was added 2.50 percentage points for a total of 5.16 that by law is rounded off to the nearest quarter at 5 1/4%.

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 15-2222. Filed for public inspection December 18, 2015, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

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

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

Courses administered by the Department, Housing Standards Division:

Manufactured Housing Program and Basic Installer Training

Manufactured Housing Installer Update Training

Courses administered by the Pennsylvania Construction Codes Academy:

IRC 103—How to Inspect Manufactured and Modular Housing

BCO 101—Building Code Official Course and Exam-Day 3

BCO 111—The ABC's of Permitting Manufactured and Industrialized Structures

BCO 116—Relocated Manufactured Housing, Habitability and Installation

BCO 117—Proper Handling of Factory Built Houses and Buildings

BCO 121—Accurate Documentation for Manufactured Home Permitting and Inspecting

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

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

DENNIS M. DAVIN,
Secretary

[Pa.B. Doc. No. 15-2223. Filed for public inspection December 18, 2015, 9:00 a.m.]

Manufactured Housing Installation Program; Approved Training Curriculum for Installers

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

The following courses are administered by the Department, Housing Standards Division:

Manufactured Housing Program and Basic Installer Training

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

Manufactured Housing Installer Update Training

Manufactured Housing Program and Basic Installer Training

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

DENNIS M. DAVIN,
Secretary

[Pa.B. Doc. No. 15-2224. Filed for public inspection December 18, 2015, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Proposed Exchange of Property and Boundary Compromise Agreement

The Department of Conservation and Natural Resources (Department), acting through the Bureau of Forestry, and the Granville Hunting Club are proposing to negotiate an exchange of property interests in Mifflin County and Juniata County.

A warrant vacancy had been known to exist for many years between two tracts of State Forest Land on the south side of Blue Mountain in Juniata County. When

surveyors from the Bureau of Land Records looked into the situation further they found that the vacancy extended over the mountain into Mifflin County. The situation is complex, but the Granville Hunting Club thought they had clear title to part of the vacancy and also to lands claimed by the Commonwealth since 1930. Furthermore, their lands have been encroached upon by many other owners on the other side, thus shifting it from where it should be. The deed overlap with the Commonwealth occurs on the ridgetop of Blue Mountain. The proposed compromise agreement would resolve the deed overlap in favor of the Commonwealth; the existing boundary would be honored. Most of the vacancy, near Minehart Run, would go to the Granville Hunting Club (110.44 acres). The Commonwealth would acquire a portion of the vacancy in Licking Creek, on the south side of Blue Mountain and also on the north slope of the front mountain, near Granville (+117.86 acres total to the Commonwealth). The Licking Creek vacancy is key because it joins two parts of the Tuscarora State Forest and includes most of the Vincent Tram road in that area.

As is the policy of the Department, the public is notified of this exchange and boundary compromise agreement. A 30-day period for public inquiry or comment, or both, will be in effect beginning December 26, 2015, and ending January 24, 2016. Oral or written comments or questions concerning this proposed exchange may be addressed to Ryan Szuch, Planning Section, Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105-8552, (717) 787-2980, rszuch@pa.gov. Oral or written comments will become part of the official document used in the final decision process. Written documents are also available regarding the proposed land exchange by request.

If, in the duration of the 30-day comment period, a significant amount of public concern develops, the Secretary of the Department may schedule a public informational meeting.

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 15-2225. Filed for public inspection December 18, 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

Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0228761 (Sewage)	Bakercrest Home For The Elderly 76 Bakercrest Lane Millerton, PA 16936	Tioga County Rutland Township	UNT to Bear Creek (4-A)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0033871 (Sewage)	Northview Estates MHP STP Indiana, PA 15701	Indiana County White Township	Unnamed Tributary of McKee Run (17-E)	Y

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

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

PA0244775, Industrial Waste, SIC Code 4941, **PA American Water Co.**, 800 Hershey Park Drive, Hershey, PA 17033-2400. Facility Name: Norristown WTP. This proposed facility is located in Norristown Borough, **Montgomery County**.

Description of Proposed Activity: The application is for an NPDES permit for the periodic discharge of supernatant from wastewater clarifiers located at Norristown Water Treatment Plant (WTP) during high flow conditions.

The receiving stream(s), Schuylkill River, is located in State Water Plan watershed—and is classified for WWF, MF, 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 1.93 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.2
Total Suspended Solids	483	966	XXX	30	60	75
Total Aluminum	64	129	XXX	4.0	8.0	10
Total Iron	32	64	XXX	2.0	4.0	5.0
Total Manganese	16	32	XXX	1.0	2.0	2.5
Bromoform	XXX	XXX	XXX	Report	XXX	XXX
Chlorodibromomethane	XXX	XXX	XXX	Report	XXX	XXX
Dichlorobromomethane	XXX	XXX	XXX	Report	XXX	XXX
Chloroform	XXX	XXX	XXX	Report	XXX	XXX

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

- Change of Ownership
- Proper sludge Disposal
- WQM Permit Conditions
- BAT/BCT Requirements
- Chlorine Minimization

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

PA0244805, Industrial Waste, SIC Code 9999, **Parker Hannifin Corp**, 6035 Parkland Boulevard, Mayfield Heights, OH 44124. Facility Name: Former Precision Rebuilding Facility. This proposed facility is located in Lansdale Borough, **Montgomery County**.

Description of Proposed Activity: The application is for a new NPDES application for an NPDES Permit to discharge 14,400-gpd of treated groundwater from an air stripping remediation system serving the Former Precision Rebuilding Facility located at 422 West 6th Street, Lansdale Borough, to an unnamed tributary to West Branch Neshaminy Creek.

The receiving stream(s), Unnamed Tributary to West Branch Neshaminy Creek, is located in State Water Plan watershed 2-F 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 001 are based on a design flow of 0.0144 MGD.

Parameters	Mass (lb/day)		Instant. Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	XXX		Average Monthly	XXX	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
cis-1,2-Dichloroethylene	XXX	XXX	XXX	Report	XXX	Report
Tetrachloroethylene	XXX	XXX	XXX	Report	XXX	Report
Trichloroethylene	XXX	XXX	XXX	0.005	XXX	0.013
Vinyl Chloride	XXX	XXX	XXX	Report	XXX	Report

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

- Obtain Necessary Property Rights
- Proper Sludge Disposal
- Small Stream Discharge
- Requirement to Use EDMR System
- Chemical Additives

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

PA0244821, SIC Code 8811, **Teti Michael**, 542 South Tower Road, Sellersville, PA 18960. Facility Name: Teti Properties SFTF. This proposed facility is located in West Rockhill Township, **Bucks County**.

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

The receiving stream(s), Ridge Valley Creek, is located in State Water Plan watershed 3-E and is classified for High Quality Waters—Trout Stocking and Mi, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass (lb/day)		Instant. Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	XXX		Average Monthly	XXX	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
BOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

- Right of Entry
- Transfer of Permit
- Property Rights

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

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

PA0065498, Stormwater, SIC Code 4213, **FedEx Freight, Inc.**, 2200 Forward Drive, DC:2219, Harrison, AR 72601. Facility Name: FedEx Freight, Inc.—Pocono Summit. This existing facility is located in Tobyhanna Township, **Monroe County**.

Description of Activity: The application is for a new NPDES permit for an existing discharge of treated stormwater.

The receiving stream, a tributary to Tunkhannock Creek, is located in State Water Plan watershed 02A and is classified for High Quality—Cold Water and Migratory 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 n/a MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

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

- 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 570-826-5472.

The EPA Waiver is in effect.

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

PA0039748, Sewage, SIC Code 4952, **US ACOE 7 Points Recreation Area**, 6145 Seven Points Road, Hesston, PA 16647. Facility Name: Lake Raystown 7 Points Recreation Area. This existing facility is located in Penn Township, **Huntingdon 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), Raystown Branch Juniata River, is located in State Water Plan watershed 11-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.15 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Total Annual	Minimum	Average Monthly		Instant. Maximum
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	31	XXX	XXX	25	XXX	50
Total Suspended Solids	37	XXX	XXX	30	XXX	60
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Total Phosphorus	2.5	XXX	XXX	Geo Mean 2.0	XXX	4.0
Sulfate	XXX	XXX	XXX	Report	XXX	XXX
Chloride	XXX	XXX	XXX	Report	XXX	XXX
Bromide	XXX	XXX	XXX	Report	XXX	XXX

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
Kjeldahl—N	Report	Report		Report	
Nitrate-Nitrite as N	Report	Report		Report	
Ammonia-Nitrogen	Report	Report		Report	

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Total Nitrogen	Report	Report		Report	
Total Phosphorous	Report	Report		Report	

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

The EPA Waiver is in effect.

PA0053708, SIC Code 5812, **Hawk Mountain Bed & Breakfast**, 223 Stony Run Valley Road, Kempton, PA 19529-8747. Facility Name: Hawk Mountain Bed & Breakfast. This existing facility is located in Albany Township, **Berks County**.

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

The receiving stream(s), Unnamed Tributary to Stony Run, is located in State Water Plan watershed 3-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The stream has an existing use designation of High Quality. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.002 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Total Annual</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	6.0	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	XXX	0.5	1.6
CBOD ₅	XXX	XXX	XXX	XXX	25	50
Total Suspended Solids	Report	XXX	XXX	XXX	30	60
Total Suspended Solids (lbs)	Report	XXX	182.6	XXX	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	XXX	200 Geo Mean	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	XXX	2,000 Geo Mean	10,000
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	20	40

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

- None

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 (because the stream segment is subject to a Total Maximum Daily Load).

PA0010782, SIC Code 4911, **NRG Rema LLC**, 121 Champion Way, Suite 300, Canonsburg, PA 15317-5817. Facility Name: NRG Titus Generating Station. This existing facility is located in Cumru Township, **Berks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial wastewater and stormwater after facility changes.

The receiving stream(s), Schuylkill River, is located in State Water Plan watershed 3-C 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 004 are based on a design flow of 1.3 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>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
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Total Dissolved Solids	XXX	XXX	XXX	3,500	7,000	8,750
Oil and Grease	XXX	XXX	XXX	15	20	30
Sulfate	XXX	XXX	XXX	XXX	Report	XXX
Chloride	XXX	XXX	XXX	XXX	Report	XXX
Bromide	XXX	XXX	XXX	XXX	Report	XXX

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
PCBs (Dry Weather) (pg/L)	XXX	XXX	XXX	XXX	Report	XXX
PCBs (Wet Weather) (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 104 are based on a design flow of 0.1 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)						
Internal Monitoring Point pH (S.U.)	Report	Report	XXX	XXX	XXX	XXX
Internal Monitoring Point Total Suspended Solids	XXX	XXX	6.0	XXX	XXX	9.0
Internal Monitoring Point Oil and Grease	XXX	XXX	XXX	30	100	XXX
Internal Monitoring Point	XXX	XXX	XXX	15	20	30

Proposed monitoring requirements for stormwater-only outfalls 001, 005—013 are as follows:

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total 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

Outfalls 002 and 003 are no longer in use.

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

- Requirements to notify DEP and obtain approval for chemical additives before their use.
- Keep an updated Preparedness, Prevention, and Contingency (PPC) Plan.
- Annually inspect all stormwater-only outfalls.
- Allows monitoring at representative outfalls 008, 009, and 013 instead of at all stormwater-only outfalls.

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.

PA0232688, Storm Water, SIC Code 3541, **Brilex HMC**, PO Box 749, Youngstown, OH 44501. Facility Name: Brilex HMC. This proposed facility is located in Bellefonte Borough, **Centre County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of Storm Water.

The receiving stream(s), Spring Creek, is located in State Water Plan watershed 9-C and is classified for High Quality—Cold Water and Migratory 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 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

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

- 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 570-327-3693.

The EPA Waiver is in effect.

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

PA0264075, Sewage, SIC Code 4952, 8800, **Harry Snyder**, 6686 Pleasant Drive, Warren, PA 16365. Facility Name: Harry Snyder SRSTP. This proposed facility is located in Pleasant Township, **Warren 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 Hedgehog Run, located in State Water Plan watershed 16-F and classified for High Quality Waters—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 0.0004 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily 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
BOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 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. 4615411, Sewage, **Limerick Township**, 646 West Ridge Pike, Limerick, PA 19468.

This proposed facility is located in Limerick Township, **Montgomery County**.

Description of Action/Activity: Installation of a third pumping unit and construction of a second drywell/wetwell to existing pump station #6.

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

WQM Permit No. 2212403, Amendment No. 1, Capital Region Water, Sewerage, 212 Locust Street, Suite 500, Harrisburg, PA 17101-7107.

This proposed facility is located in Swatara Township, **Dauphin County**.

Description of Proposed Action/Activity: Seeking permit approval for installation of two new 80-MGD automatic self-cleaning mechanical bar screen units, associated screening washer/compactor units and storage equipment inside a new headworks screening building. The existing inflow piping will also be modified.

WQM Permit No. 0615202, Sewerage, **Muhlenberg Township Authority**, 2840 Kutztown Road, Reading, PA 19605-2655.

This proposed facility is located in Muhlenberg Township, **Berks County**.

Description of Proposed Action/Activity: Seeking permit approval for the replacement of the sewage grinder at the South Temple pumping station with a new grinder.

WQM Permit No. 0605409, Amendment #2, Sewerage, **Borough of Kutztown**, 45 Railroad Street, Kutztown, PA 19530.

This proposed facility is located in Maxatawny Township, **Berks County**.

Description of Proposed Action/Activity: Seeking permit approval for the organic load rerating of the existing permitted monthly average organic loading of the wastewater treatment facility (increase). No physical alterations or construction activities are proposed to the facility as a part of this permit application.

WQM Permit No. 3499401, Amendment #2, Sewerage, **Twin Boroughs Sanitary Authority**, 17 River Drive, PO Box 118, Mifflin, PA 17058.

This proposed facility is located in Fermanagh & Walker Townships and Mifflintown Borough, **Juniata County**.

Description of Proposed Action/Activity: Seeking permit approval for the replacement of approximately 3,000 ft of existing sewer starting from the corner of PA-3005 and PA-3002 and going west along PA-3005W River Road then up to South Front Street and Schweyer Run. No changes will be made to the alignment of the sewer.

WQM Permit No. 0615406, Sewerage, **Estate of Mafalde Talacci**, 7 Mallard Drive, Tabernacle, NJ 08088.

This proposed facility is located in Douglass Township, **Berks County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a small flow sewage treatment system to serve a single family residence at 99 Rattlesnake Road, Boyertown, PA 19512.

WQM Permit No. 6715410, CAFO, **Star Rock Farms, LLC**, 175 Chestnut Grove Road, Conestoga, PA 17516.

This proposed facility is located in Chanceford Township, **York County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a circular concrete manure storage tank for Star Rock Farms, LLC—Brogue.

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

WQM Permit No. 4315405, Sewage, **Mercer Borough Mercer County**, 145 North Pitt Street, Mercer, PA 16137.

This proposed facility is located in Mercer Borough, **Mercer County**.

Description of Proposed Action/Activity: Sewage Treatment Plant Expansion Project.

WQM Permit No. 6115201, Industrial Waste, **Titusville Oil & Gas Assoc Inc.**, 16899 Jerusalem Corners Road, Pleasantville, PA 16341.

This proposed facility is located in Allegheny Township, **Venango County**.

Description of Proposed Action/Activity: Treatment facility for production water from conventional oil and gas operations.

WQM Permit No. 2515419, Sewage, **Greene Township Erie County**, 9333 Tate Road, Erie, PA 16509.

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

Description of Proposed Action/Activity: Construction of sewage collection and conveyance system.

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>
PAI012315010	Sunoco Partners Marketing and Terminals L.P. 4041 Market Street Aston, PA 19014	Delaware	Marcus Hook Borough	Delaware River WWF-MF
PAI012315009	The Pennsylvania State University 139J Physical Plant Building University Park, PA 16802	Delaware	Middletown Township	Unnamed Tributary to Rocky Run 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>
PAI030715003	Gerald E Smith 2787 Cove Mountain Road Martinsburg, PA 16662	Blair	North Woodbury Township	Clover Creek (Designated Use of Water HQ-CWF; Existing Use of Water HQ-CWF)
PAI033615011	Wesley Nolt 989 Goshen Mill Road Peach Bottom, PA 17563	Lancaster	East Drumore Township	UNT to Conowingo Creek (Designated Use of Water HQ-CWF; Existing Use of Water not mapped)
PAI030615002	Jeremy Manwiller 2070 North Church Street Robesonia, PA 19551	Berks	Heidelberg Township	POI-A EV Wetlands/UNT Spring Creek (Designated Use of Water EV/CWF; Existing Use of Water EV/CWF) POI-B Spring Creek (Designated Use of Water CWF; Existing Use of Water CWF)

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

Permit No.	Applicant & Address	County	Municipality	Stream Name
PAI053215001	PennDOT District 10-0 2550 Oakland Avenue P. O. Box 429 Indiana, PA 15701	Indiana County	Brush Valley Township	Little Brush Creek (CWF)
PAI056315010	Scott Payne 160 Lake Drive Wexford, PA 15090	Washington County	Peters Township	Little Chartiers Creek (WWF)
PAI056515004	North Huntingdon Twp. Municipal Authority 11265 Center Highway North Huntingdon, PA 15642	Westmoreland County	North Huntingdon Township	Long Run (HQ-TSF)

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

PAG-12 CAFOs

CAFO Notices of Intent Received

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

PAG123514, CAFO, Tom Chiou, Timber Ridge Farm, 312 Hammonton Place, Silver Spring, MD 20904.

This proposed facility is located in Belfast Township, **Fulton County**.

Description of Size and Scope of Proposed Operation/Activity: Existing operation 1,179.86 AEU/Swine.

The receiving stream, UNT of Tonoloway Creek, is in watershed 13-B, and classified for: WWF.

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

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>
Tuscarora Swine Lawrence Mummau 15879 Mummau Lane Shirleysburg, PA 17260	Huntingdon	205.9	715.6 AEU's	Swine Beef	Not Applicable	Renewal

**PUBLIC WATER SUPPLY (PWS)
PERMITS**

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 6715514 , Public Water Supply.	
Applicant	Pennsylvania American Water
Municipality	Fairview Township
County	York
Responsible Official	David R. Kauffman 800 West Hershey Park Drive Hershey, PA 17033
Type of Facility	Public Water Supply

Consulting Engineer	Scott L. Armbrust, P.E. Pennsylvania American Water 852 Wesley Drive Mechanicsburg, PA 17055
Application Received:	11/18/2015
Description of Action	Instalation of booster pump station to replace the existing Evergreen booster pump station. The new booster pump station will include three (3) new pumps and will provide an increase in reliability of service to the Reeser's Summit and Redland gradients that are part of the PAWC West Shore water system.

Permit No. 0115513 , Public Water Supply.	
Applicant	Shiple Family Limited Partnership
Municipality	Mt. Joy Township
County	Adams
Responsible Official	Richard Beamesderfer, CFO 415 Norway Street York, PA 17403
Type of Facility	Public Water Supply
Consulting Engineer	James P. Cinelli, P.E. Liberty Environmental, Inc. 50 North Street Reading, PA 19601
Application Received:	11/20/2015
Description of Action	Rearrangement of the order of treatment and rebedding of the existing GAC treatment units.

Permit No. 2215510 MA, Minor Amendment , Public Water Supply.	
Applicant	Millersburg Area Authority
Municipality	Upper Paxton Township
County	Dauphin
Responsible Official	Nick McCarron, Manager 101 West Street Millersburg, PA 17601
Type of Facility	Public Water Supply
Consulting Engineer	D. Jeffrey Golding, P.E. Gannett Fleming, Inc. PO Box 67100 Harrisburg, PA 17106-7100
Application Received:	12/1/2015
Description of Action	Repainting of the Cloverly Acres Standpipe.

Permit No. 2115517 MA, Minor Amendment, Public Water Supply.

Applicant	North Middleton Authority
Municipality	North Middleton Township
County	Cumberland
Responsible Official	E Lee. Koch, Authority Manager 240 Clearwater Drive Carlisle, PA 17013
Type of Facility	Public Water Supply
Consulting Engineer	Peter Lusardi, P.E. GHD, Inc. 1240 N. Mountain Rd. Harrisburg, PA 17112
Application Received:	12/7/2015
Description of Action	Filter media replacement at the North Middleton Authority water treatment plant.

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 remedia-

tion 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:

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

Brian & Janette Parsons Residence, 14369 Dickey Road, Mercersburg, PA 17236, Peters Township, **Franklin County**. Triad Engineering, Inc., 1075D Sherman Avenue, Hagerstown, Maryland, 21740, on behalf of Brian & Janette Parsons, 14369 Dickey Road, Mercersburg, PA 17236, submitted a Notice of Intent to Remediate sites soil and groundwater contaminated with No. 2 fuel oil. The site will be remediated to the Residential Statewide Health Standard and remain residential. The Notice of Intent to Remediate was published in the *Public Opinion* on November 10, 2015.

HCSC Laundry Vehicle Accident, 20 Leo Lane, York, PA 17406, Manchester Township, **York County**. Environmental Products & Services of Vermont, Inc., 159 Bobali Drive, Harrisburg, PA 17104, on behalf of HCSC Laundry, 3001 Cowan Avenue, Baltimore, MD, 21223 and FR Leo Lane Property Holding LP, 2601 Market Place, Suite 450, Harrisburg, PA 17110, submitted a Notice of Intent to Remediate site soils contaminated with diesel fuel. The site will be remediated to the Residential Statewide Health Standard and remain commercial. The Notice of Intent to Remediate was published in the *York Dispatch / York Daily Record* on November 11, 2015.

Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960. Charline Bass

1675 The Fairway, 1675 The Fairway, Abington Township, **Montgomery County**. Michael Kennedy, Kennedy Automotive Group, Inc., 620 Bustleton Pike, Feasterville, PA 19053 on behalf of John Filoon, REPSG, Inc., 6901 Kingsessing Avenue, Second Floor, Philadelphia, PA 19142, Mark Kuczynski, REPSG, Inc., 6901 Kingsessing Avenue, Second Floor, Philadelphia, PA 19142 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with leaded and unleaded gasoline parameters. The site, which is largely covered by asphalt paving, is currently used as a parking lot in a non-residential fashion. The Notice of Intent to Remediate was published in *The Philadelphia Daily News* on October 7, 2015. PF806106.

27th and Girard Property, 2620 Girard Avenue, City of Philadelphia, **Philadelphia County**. Bill Schmidt, PE, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, Paul Martino, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of

Dan Bleznak, 27th and Girard, LLP, 1105 Industrial Highway, Southampton, PA 18966 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of metals and chlorinated compounds. The proposed future use will be development of residential housing. The Notice of Intent to Remediate was published in *The Philadelphia Metro* on April 21, 2015. PF619558.

Wawa Red Roof Carriage House, 260 West Baltimore Pike, Chester Heights Borough, **Delaware County**. Geoff Kristof, P.G., JK Environmental Services, LLC, P. O. Box 509, Lafayette Hill, PA 19444, Kenneth Kim, JK Environmental, Service, LLC, P. O. Box 509, Lafayette Hill, PA 19444, Brian Lettini, P.G., JK Environmental Services, LLC, P. O. Box 509, Lafayette Hill, PA 19444 on behalf of Joe Standen, P.G., Wawa, Inc., 260 West Baltimore Pike, Media, PA 19063 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with unidentified petroleum product. The proposed future use of the property will be non-residential as an office building. The Notice of Intent to Remediate was published in *The Delaware County Daily Times* on November 9, 2015. PF805859.

Mast II Charter School, 6901 New State Road, City of Philadelphia, **Philadelphia County**. Joanne Van Rensselaer, ENVIROSEARCH, P. O. Box 940, Springhouse, PA 19477, Ken DAurizio, 6501 NSR, LLC, 765 Birch Avenue, Bensalem, PA 19020 on behalf of John Parson or Mr. Charles Calvernese, 6501 NSR, LLC 765 Birch Avenue, Bensalem, PA 19020, John F. Swoyer, III, Issac Newtown Foundation, 1800 East Byberry Road, Philadelphia, PA 19116, John F. Swoyer, III, Mast Charter School, 1800 East Byberry Road, Philadelphia, PA 19116 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of lead, arsenic and benzo a pyrene. The proposed future use of the site is a school; therefore, the use site will remain the same, residential. The Notice of Intent to Remediate was published in *The Northeast Times* on October 21, 2015. PF805549.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101–4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.

Southcentral Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

General Permit No. WMGM030-SC001. Lower Paxton Township Compost Facility, 6600 Block of Conway Road, Harrisburg, PA 17109 in Lower Paxton Township, **Dauphin County**. This Determination of Applicability under Municipal Waste General Permit No. WMGM030 is for the processing of yard waste and beneficial use of the compost produced. This application was determined to be administratively complete on December 7, 2015.

Persons interested in reviewing the general permit may contact John Oren, Permitting Section Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application received, under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to operate a Solid Waste Processing or Disposal Area or Site.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Telephone 412-442-4000.

Permit ID No. 101677: Dalton's Service Company, LLC, 1230 Mercer Road, Elwood City, PA 16117. An application for a permit renewal for a municipal waste processing facility at 911 8th Street, in the City of Beaver Falls, Beaver County, was received in the Regional Office on November 20, 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.

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

Contact: Mark R. Gorog, P.E., Environmental Engineer Manager—Telephone: 412-442-4150

03-00981: Columbia Midstream Group LLC (300 Woodcliff Drive, Canonsburg, PA 15317) for natural gas transmission in Gilpin Township, **Armstrong County**. This is a plan approval application for installation of two new 1500-k W diesel fired generators at the station.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

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

42-095C: Georgia-Pacific Corrugated, LLC (1 Owens Way, Bradford, PA 16701) for the installation of a cyclone to control particulate emissions from existing operations at their facility in Bradford Township, **McKean County**.

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

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

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

23-0120: Agilyx Corporation (401 Penn Avenue, Marcus Hook, PA 19601) for the installation of a new plastic-to-oil manufacturing facility located in Marcus Hook Borough, **Delaware County**. The proposed facility will not have the potential to exceed the Philadelphia Consolidated Metropolitan Statistical Area minor source

thresholds for criteria pollutants including Nitrogen Oxide (NO_x), Volatile Organic Compound (VOC), and Particulate Matter (PM); therefore the plant is currently classified as a Natural Minor Facility and an area source for Hazardous Air Pollutants (HAP). Additionally, the proposed site is not located in an Environmental Justice area. There are no other plan approvals or operating permits issued to this facility. The installation will not trigger New Source Review or Prevention of Severe Deterioration for any criteria pollutant, including Greenhouse Gases. The requirements of 40 CFR Part 60 Subpart JJJJ—New Source Performance Standards for Spark Ignition Internal Combustion Engines apply to the engine onsite. The plan approval will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702

36-03137B: New Enterprise Stone & Lime Co., Inc. (PO Box 550, Blue Ball, PA 17506-0550) for the modification of the existing tertiary plant which entails relocation of the operation to a lower level of the quarry while reusing the existing tertiary crusher, one new screen, one existing screen, two (2) new conveyors, eleven (11) “like-for-like” conveyors, one (1) new bin, one (1) washed sand screw, one (1) new 40,000 cfm baghouse and wet suppression system to control the particulate emissions. The modified tertiary source will be located in Earl Township, **Lancaster County**. The permittee expects the facility potential emissions to decrease as a result of the modification. Actual emissions of particulate matter (PM) and PM₁₀ are expected to be 5.94 and 2.36 tons per year, respectively. The facility is a State Only facility. DEP’s review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12, and 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. 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.

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

Contact: Edward Orris, P.E., Environmental Engineer Manager—Telephone: 412-442-4161

PA-11-00433B: In accordance with 25 Pa. Code §§ 127.44—127.46, the Department of Environmental Protection (DEP) is providing notice that it intends to issue an Air Quality Plan Approval to GapVax, Inc. (575 Central Avenue, Johnstown, PA 15902) to authorize the increase of painting capacity from 90 vehicles per year to 250 vehicles per year at their existing GapVax facility located in the City of Johnstown, **Cambria County**.

Air contamination sources proposed for this project will include three (3) Col-Met paint spray booths and one (1) boiler rated at 3.0 MMBtus/hr. Each booth is equipped with four (4) individual HVLP paint guns manufactured by DeVilbiss.

The potential to emit from the project is limited to 44.0 tons VOC, 9.6 tons combined HAP, 1.1 ton CO, 0.01 ton SO_x, 1.3 ton NO_x, and 0.6 ton PM₁₀ on annual basis. The facility is synthetic minor and this project will not increase the emission currently authorized by the operating permit (OP-11-00433). The proposed sources are subject to the best available technology (BAT) and 25 Pa. Code Chapters 121—145. The proposed Plan Approval includes a limitation on potential emissions and is subject to monitoring, record keeping, reporting, and work practice requirements.

Previously installed equipment includes one (1) paint booth manufactured by Custom Paint Booth Corporation controlled by a glass fiber filter system manufactured by Vilodon and rated at 40,000 ACFM at 60°F to 140°F. There is also one (1) previously installed shot blast booth which is controlled by a cartridge type dust collector that exhausts inside the building.

A person may oppose the proposed plan approval by filing a written protest with the Department through Jesse Parihar, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222, jparihar@pa.gov, fax 412.442.4194. Written comments may also be submitted via the same methods. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-11-00433B), and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

GapVax's Plan Approval application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Plan Approval for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the GapVax Plan Approval Application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Plan Approval for this project, a person may contact Phil Bouse at pbouse@pa.gov or 412.442.4000.

All comments must be received prior to the close of business 30 days after the date of this publication.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

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

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

46-00038: Exelon Generation Company/Limerick Generation Station (Evergreen and Sanatoga Roads, Sanatoga, PA 19464), located in Limerick Township, **Montgomery County**. This action is a renewal of the Title V Operating Permit. The facility is primarily used for electric power generation and operates three boilers and thirteen emergency generators, which mainly produce nitrogen oxide, sulfur oxide, and particulate matter emis-

sions. The facility also operates two cooling towers and an emergency spray pond, which mainly produce particulate matter emissions. As a result of potential emissions of nitrogen oxide emissions (NO_x), the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal contains new regulations that apply to the boilers and emergency generators at this facility.

The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702

06-05050: Sunoco Pipeline LP (525 Fritztown Road, Sinking Spring, PA 19608) to issue a Title V Operating Permit for the petroleum pumping and storage facility located in Spring Township, **Berks County**. The actual emissions from the facility in 2014 year are estimated at 0.01 tpy of CO, 0.03 tpy of NO_x, 0.05 tpy of SO_x, 43.80 tpy of VOC and 1.60 tpy of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63 Subpart R—National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations), 40 CFR Part 60 Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984, 40 CFR Part 60 Subpart K—Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978 and 40 CFR Part 63 Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines and 25 Pa. Code § 129.63 Degreasing Operations.

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

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

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

46-00069: Highway Materials, Inc. Plymouth Meeting Quarry (5100 Joshua Road, Plymouth Meeting, PA 19462), for renewal of a State Only Operating Permit (natural minor) located in Whitmarsh Township, **Montgomery County**. Highway Materials operates an aggregate processing plant at the Plymouth Meeting Quarry using various crushers, screeners, and conveyors. The primary pollutant of concern is particulate matter emissions. The facility employs both baghouses and a water spray dust suppression system to minimize visible and fugitive dust emissions. There have been no new sources or modifications to any of the existing sources at this facility since the permit was last issued in 2013. The

permit will include monitoring, record keeping and reporting requirements designed to address all applicable air quality requirements.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702

28-03045: Dominion Transmission, Inc. (445 W Main St, Clarksburg, WV 26301) to issue a State Only Operating Permit for the Chambersburg natural gas compressor station located in Hamilton Township, **Franklin County**. The primary emissions from the facility are NO_x; the actual facility NO_x emission is less than 10 tpy. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping, and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from NSPS Subpart GG—Standard of Performance for Stationary Gas Turbines, and 40 CFR 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

05-05026: Steckman Ridge, L.P. (PO Box 1642, Houston, TX 77251) to issue a State Only Operating Permit for the Steckman Ridge natural gas compressor station located in Monroe Township, **Bedford County**. The primary emissions from the facility are NO_x, CO, and VOC. The actual 2014 emissions are estimated as: VOC 17 tons, NO_x 7.7 tons, CO 6.9 tons, and total HAPs 4.3 tons. 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.

06-05122: Roeberg Enterprises (1700 Fairview Street, Reading, PA 19606) to issue a State Only Operating Permit for the dry cleaning facility located in Reading City, **Berks County**. The actual emissions from the facility in 2014 are estimated at 5.9 tons of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60 Subpart JJJ—Standards of Performance for Petroleum Dry Cleaners.

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

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

55-00014: Bingaman & Son Lumber, Inc. (1195 Creek Mountain Road, Kreamer, PA 17833) to issue a renewal State only operating permit for their Kreamer Lumber Mill located in Middlecreek Township, **Snyder County**. The facility is currently operating under State Only operating permit 55-00014. The significant emissions sources at the Kreamer Lumber Mill are the woodworking operations as well as two wood-fired boilers at the facility. The facility has potential emissions of 85.4 tons per year of carbon monoxide, 68.9 tons per year of nitrogen oxides, 5.2 tons per year of sulfur oxides, 61.1 tons per year of particulate matter, 13.1 tons per year of volatile organic compounds, 3.5 tons per year of total Hazardous Air Pollutants, and 41,648 tons per year of carbon dioxide equivalents (greenhouse gases). The emis-

sion 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 60 and 63. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

17-00057: Alliance Petroleum Corporation (1997 Old Weston Road, Buckhannon, WV 26201) to issue a renewal state only operating permit for their Tate Compressor Station located in Greenwood Township, **Clearfield County**. The facility is currently operating under State Only Operating Permit 17-00057. The significant emissions sources at the Tate Compressor Station are a 115 hp natural gas fired reciprocating internal combustion compressor engine and a glycol dehydration system. The facility has potential emissions of 3.88 tons per year of carbon monoxide, 2.78 tons per year of nitrogen oxides, 0.01 ton per year of sulfur oxides, 0.01 ton per year of particulate matter less than 10 microns in diameter, 2.59 tons per year of volatile organic compounds, 0.01 ton per year of total Hazardous Air Pollutants. 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 60 and 63. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

17-00058: Alliance Petroleum Corporation (1997 Old Weston Road, Buckhannon, WV 26201) to issue a renewal state only operating permit for their Passmore Compressor Station located in Bell Township, **Clearfield County**. The facility is currently operating under State Only Operating Permit 17-00058. The significant emissions sources at the Passmore Compressor Station are a 180 hp natural gas fired reciprocating internal combustion compressor engine and a glycol dehydration system. The facility has potential emissions of 2.67 tons per year of carbon monoxide, 7.14 tons per year of nitrogen oxides, 0.01 ton per year of sulfur oxides, 0.01 ton per year of particulate matter less than 10 microns in diameter, 3.04 tons per year of volatile organic compounds, 0.01 ton per year of total Hazardous Air Pollutants. 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 60 and 63. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208

West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

PLAN APPROVALS

Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. These actions may include the administrative amendments of an associated operating permit.

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

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

Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. These actions may include the administrative amendments of an associated operating permit.

46-0036K: DIV-AR Property, L.P. (2750 Morris Rd., Worcester, PA 19446) to increase the combined permitted hours for four (4) existing diesel fuel-fired electric generating engines at their facility in Worcester Township, **Montgomery County**. In addition, the engines will be modified with oxidation catalysts to reduce the emissions of CO and VOC. As a result of potential emissions of NO_x and VOC, the facility is not a Title V facility. The Plan Approval will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507

45-00031B: Ardent Mills, LLC (Ardent Milling—Mt Pocono) (Route 940 Harvest Lane, P. O. Box 147, Mt. Pocono, PA 18344, PA 18610) for their facility located in Tobyhanna Twp, **Monroe County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Ardent Mills, LLC (Ardent Milling—Mt. Pocono) (Route 940 Harvest Lane, P. O. Box 147, Mt. Pocono, PA 18344, PA 18610) for their facility located in Tobyhanna Twp, Pocono Township, Mt. Pocono Borough, Monroe County. This Plan Approval No. 45-00031B will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 45-00031B is for the installation and operation of an Ultra-fine System consisting of (3) grinding mills each controlled by a fabric collector. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 45-00031B and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

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

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

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the

issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

Coal Applications Received

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

Permit No. 11990101 and NPDES No. PA0235041, Twin Brook Coal Inc., P. O. Box 225, Clymer, PA 15728, permit renewal for reclamation only of a bituminous surface and auger mine in Barr Township, **Cambria County** affecting 80 acres. Receiving streams: unnamed tributaries to/and Hoppel Run and West Branch Susquehanna River classified for the following uses: cold and warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: September 14, 2015.

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

14080103 and NPDES PA0256994. RES Coal LLC (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Permit renewal for continued operation and restoration of a bituminous surface and auger mine located in Rush Township, **Centre County** affecting 150.8 acres. Receiving stream(s): Moshannon Creek and Mountain Branch classified for the following use(s): CWF and TSF. There are no potable water supply intakes within 10 miles downstream. Application received: November 24, 2015.

New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500

03090101 and NPDES Permit No. PAPA0251577. RES Coal, LLC (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Renewal application for continued mining to an existing bituminous surface mine, located in Madison Township, **Armstrong County**, affecting 117.4 acres. Receiving streams: unnamed tributaries to Redbank Creek and Redbank Creek, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: November 25, 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. PA0606511 (Mining Permit No. 56743138), Cooney Brothers Coal Company, P. O. Box 246 Cresson, PA 16630, renewal of an NPDES permit for continued reclamation and water treatment in Adams and Ogle Townships, **Cambria** and **Somerset Counties**, affecting 739.51 acres. Receiving streams: unnamed tributaries to/and Babcock Creek, classified for the following use: cold water fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: August 4, 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 listed below discharge to Babcock Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (Treatment Pond T-1)	N

The proposed effluent limits for the above listed outfall 001 is as follows:

<i>Outfalls: (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)		Monitor Only	
pH (S.U.): Must be between 6.0 and 10.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The outfall listed below discharges to unnamed tributary #1 to Babcock Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
002 (Treatment Pond T-2)	N

The proposed effluent limits for the above listed outfall 002 are as follows:

<i>Outfalls: (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	2.7	5.4	6.7
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	1.1	2.2	2.7
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)		Monitor Only	
pH (S.U.): Must be between 6.0 and 10.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The outfall listed below discharges to unnamed tributary #2 to Babcock Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
022 (Sedimentation Pond 19A)	N

The proposed effluent limits for the above listed outfall 022 are as follows:

<i>Outfalls: (All Weather Conditions) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	1.1	2.2	2.7
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

NPDES No. PA0248878 (Mining Permit No. 4072SM2), Penn Coal Land, Inc., P. O. Box 68 Boswell, PA 15531, revision of an NPDES permit for treatment of a postmining discharge in Elk Lick Township, **Somerset County**, affecting 117.5 acres. Receiving stream: unnamed tributary to Meadow Run, classified for the following use: cold water fishes. This receiving stream is included in the Casselman River TMDL. Application received: October 15, 2015.

The outfall listed below discharges to an unnamed tributary of Meadow Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
002	N

The proposed interim effluent limits for the above listed outfall will be effective until April 14, 2016:

<i>Outfall: 002 (All Weather Conditions) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 10 standard units at all times			
Alkalinity must exceed acidity at all times			

The proposed final effluent limits for the above listed outfall will be effective after April 14, 2016:

<i>Outfall: 002 (All Weather Conditions) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.75	1.2	1.2
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 10.0 standard units at all times			
Alkalinity must exceed acidity at all times			

New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500

NPDES No. PA0117650 (Mining permit no. 30793024), Beazer East, Inc., c/o Three Rivers Management, Inc., Manor Oak One, Suite 200, 1910 Cochran Road, Pittsburgh, PA 15220, renewal NPDES permit for a bituminous surface mine in Morgan Township, **Greene County**, affecting 327.7 acres (reclaimed). Receiving stream: UNTs to South Fork Ten Mile Creek and to S. Fork Ten Mile Creek, classified for the following use: WWF. Application received: July 31, 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 (passive treatment only).

The treated wastewater outfall(s) listed below discharge to: UNTs to S. Fork Ten Mile Creek or S. Fork Ten Mile Creek

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
003	N	Passive
TP1	N	Passive
AT	N	Passive
MT-1	N	Passive
Pond4/SeepS10	Y (moved from original location)	Passive

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

NPDES No. PA061237 (Mining permit no. 03793072), Consol Mining Company, LLC, CNX Center, 1000 Consol Energy Drive, Canonsburg, PA 15317 renewal NPDES permit for a bituminous surface mine in Young and Kiskiminetas Townships, **Indiana** and **Armstrong Counties**, affecting 302 acres (reclaimed—active treatment of water only). Receiving streams: UNT to Big Run and Big Run, classified for the following use: WWF. Application received: April 6, 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 treated wastewater outfall(s) listed below discharge to: UNT to Big Run and Big Run

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
012 (TP-L)	N	Treatment
013 (MS-57)	N	Treatment

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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.

E15-866. East Goshen Municipal Authority, 1580 Paoli Pike, West Chester, PA 19380, East Goshen Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain a sanitary sewer pumping station in the 100-year floodplain of the Chester Creek. This permit application includes the application for two General Permits, GP051515327, and GP081515309 associated with this proposed work. The site is located near the intersection of Reservoir Road and East Strasburg Road (West Chester, PA USGS map Lat. 39.9726; Long. -75.5482).

E46-1130. Upper Dublin Township, 801 Lock Alsh Avenue, Upper Dublin, PA 19034-1651, Upper Dublin Township, **Montgomery County**, ACOE Philadelphia District.

To remove, construct and maintain two concrete box bridges across Pine run (TSF, MF) having an approximate waterway opening of 48-feet wide by 7.8-feet high for bridge #1 and 48-feet wide by 9.5-feet high for bridge #2 measuring both approximately 50-feet in length associated with the Virginia Drive over Pine Run Bridges Replacements.

The site is located about 3,000-feet and 4,000-feet southwest of the intersection of Rout 152 and Susquehanna Road (Ambler, PA USGS Quadrangle Latitude: 40.136407; Longitude: -75.184068).

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E40-775. Doug and Kim Barbacci, 2395 Lakeside Drive, Harveys Lake, PA 18618, in Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a 628 sq. ft. dock and covered boat slip addition to an existing 1,336 sq. ft. lakehouse in Harveys Lake (HQ-CWF). The project is located at Pole 217 along Lakeside Drive in Harveys Lake Borough, Luzerne County (Harveys Lake, PA Quadrangle, Latitude: 41°21'54"; Longitude: -76°3'1").

E40-776. Harveys Lake Rowing Club, ATTN: Scott Meuser, President, 44 Overbrook Road, Shavertown, PA 18708, in Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a 667 sq. ft. floating dock and 245 sq. ft. cantilevered dock as additions to an existing 618 sq. ft. dock in Harveys Lake (HQ-CWF). The project is located at Pole 217 along Lakeside Drive in

Harveys Lake Borough, Luzerne County (Harveys Lake, PA Quadrangle, Latitude: 41°22'24.3"; Longitude: -76°2'46.1").

E13-183. Jim Thorpe Borough, 101 East 10th Street, Jim Thorpe, PA 18229, in Jim Thorpe Borough, **Carbon County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain an 830 ft² concrete headworks building within the floodplain of the Lehigh River (TSF, MF) for the purpose of expanding an existing municipal wastewater treatment plant. The project is located approximately 0.5 mile south of the intersection of Route 209 and Route 903 (Lehighon, PA Quadrangle, Latitude: 40°51'35"; Longitude: -75°44'15").

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.

E05-381: Pennsylvania Turnpike Commission, PO Box 67676, Harrisburg, Pennsylvania, 17106-7676, West Providence and Snake Spring Townships, **Bedford County**, ACOE Baltimore District.

The applicant proposes to:

1. Extend and maintain an existing 36" Reinforced Concrete Pipe (RCP) extended by 59.2 feet with 36" culverts on the upstream and downstream sides in an Unnamed Tributary (UNT) to the Raystown Branch of the Juniata River (WWF), and to place and maintain 698 net cubic yards of fill in the floodway of a UNT to the Raystown Branch of the Juniata River (WWF), and to construct and maintain two R5 riprap outfall channels and two R4 riprap outfall channels in and to a UNT to the Raystown Branch of the Juniata River (WWF), all at milepost 150.2 (Latitude: 40° 0' 40.78"; Longitude: -78° 26' 57.91");

2. Construct and maintain 42-inch diameter outfall with Gabion Baskets impacting 58-feet of the Raystown Branch of the Juniata River (WWF) and impacting the floodplain of the Raystown Branch of the Juniata River at milepost 150.64 (Latitude: 40° 0' 37.05"; Longitude: -78° 26' 21.52");

3. Extend and maintain an existing crossing with dual concrete arch open bottom spans measuring 102-feet and 6-inches long by 52-feet wide by 20-feet 11-inches high with concrete arch extensions on both arch spans on the upstream side measuring 29-feet and 1-inch long by 52-feet wide by 20-feet 11-inches high and on the downstream side measuring 29-feet and 6-inches long by 52-feet wide by 20-feet 11-inches high in, along, and across Cove Creek (EV) with associated rip rap scour protection, and to place and maintain 6,515 net cubic yards of fill in the floodplain and floodway of Cove Creek (EV), and to construct and maintain a 24-inch outfall with gabion basket channel in and to Cove Creek (EV) and its associated floodway and floodplain, and to construct and maintain a 30-inch outfall with gabion basket channel in and to Cove Creek (EV) and its associated floodway and floodplain; all located at milepost 151.7 (Latitude: 40° 0' 11.49"; Longitude: -78° 25' 22.67");

4. Relocate and maintain all of an Unnamed Tributary to Cove Creek (EV), measuring 184-feet in length, and to place and maintain 3,107 net cubic yards of fill in the floodway of a UNT to Cove Creek (EV), and to construct and maintain a R4 riprap outfall channel to the UNT to Cove Creek (EV), and to fill and maintain 0.02 acre of Exceptional Value (EV) Palustrine Emergent (PEM), and

to temporarily impact 0.01 acre of EV PEM wetland, all located at milepost 151.7 (Latitude: 40° 0' 10.44"; Longitude: -78° 25' 26.08");

5. Extend and maintain an existing 24" Reinforced Concrete Pipe (RCP) extended by 24.5 feet on the upstream and downstream sides with 30-inch culvert in an Unnamed Tributary (UNT) to the Raystown Branch of the Juniata River (WWF), and to place and maintain 816 net cubic yards of fill in the floodway of the UNT to the Raystown Branch of the Juniata River, and to construct and maintain two outfall channels to the UNT to the Raystown Branch of the Juniata River (WWF), and to permanently fill and maintain 0.05 acre of PEM wetland, and to temporarily impact 0.02 acre of PEM wetland, all at milepost 152.1 (Latitude: 40° 0' 4.33"; Longitude: -78° 21' 51.08");

6. To place and maintain fill in 0.09 acre of Palustrine Emergent (PEM) wetland at milepost 152.1 (Latitude: 40° 0' 15.96"; Longitude: -78° 25' 1.96");

7. To extend and maintain an existing 42.0 inch RCP culvert with a 54.0 inch culvert extension on the upstream side of the Turnpike and with a 48.0 inch culvert on the downstream side of the Turnpike and replace and maintain dual 42-inch culverts under Ashcom Road all impacting 122.8 feet of an Unnamed Tributary to the Raystown Branch of the Juniata River (WWF), and to construct and maintain a channel change consisting of 185 feet of stream channel using 18 inch gabion baskets in and along the Unnamed Tributary to the Raystown Branch of the Juniata River, and to perform cuts in and place and maintain fill resulting in a net cut of 1,772 cubic yards in the floodway of the UNT to the Raystown Branch of the Juniata River (WWF), and to construct and maintain an outfall channel to the UNT to Raystown Branch of the Juniata River (WWF), and to construct and maintain a 18 inch outfall and gabions to the UNT to the Raystown Branch of the Juniata River (WWF), all at milepost 152.2 (Latitude: 40° 0' 15.81"; Longitude: -78° 24' 53.93");

8. Extend and maintain an existing 146 foot long 4.5 feet diameter RCP culvert underneath the Turnpike with a 25 feet long 5.0-foot diameter extension on the upstream side and a 32 feet long 5.0 feet diameter RCP culvert on the downstream in an Unnamed Tributary to the Raystown Branch of the Juniata River (WWF), and to replace and maintain an existing 4.0 feet diameter CPP culvert underneath Ashcom Road with a 66.0 feet long 5.0 feet diameter CPP in a UNT to the Raystown Branch of the Juniata River (WWF) and connecting to the downstream side of the Turnpike Culvert Extension with an inlet box, and to construct and maintain a channel change consisting of a 26 linear foot stepped gabion stream channel with a 12 linear feet riprap basin in a UNT to the Raystown Branch of the Juniata River (WWF) connecting to the downstream side of the Ashcom Road culvert replacement, and construct and maintain two R\$ rock outfall channels to and in a UNT to the Raystown Branch of the Juniata River (WWF), and to place and maintain 2,733 net cubic yards of fill in the floodway of a UNT to the Raystown Branch of the Juniata River (WWF), all located at milepost 152.3 (Latitude: 40° 0' 15.93"; Longitude: -78° 24' 53.93");

9. Extend and maintain an existing 48" CMP culvert extended by 44.0 feet with 48" culverts on the upstream and downstream sides in an Unnamed Tributary (UNT) to the Raystown Branch of the Juniata River (WWF), and to place and maintain 4,621 net cubic yards of fill in the floodway of a UNT to the Raystown Branch of the

Juniata River (WWF), and to construct and maintain two R4 rock outfall channels to a UNT to the Raystown Branch of the Juniata River (WWF), all at milepost 152.6 (Latitude: 40° 0' 31.7"; Longitude: -78° 24' 37.74");

10. Extend and maintain an existing 48" CMP culvert extended by 41.5 feet with 48" culverts on the upstream and downstream sides in an Unnamed Tributary (UNT) to the Raystown Branch of the Juniata River (WWF), and to place and maintain 4,516 net cubic yards of fill in the floodway of a UNT to the Raystown Branch of the Juniata River (WWF), and to construct and maintain a R4 rock outfall channel to a UNT to the Raystown Branch of the Juniata River (WWF), and to construct and maintain an 18 inch outfall pipe with 18 inch gabion outfall channel to a UNT to the Raystown Branch of the Juniata River (WWF), and to construct and maintain a channel change creating a gabion stream channel in an Unnamed Tributary to the Raystown Branch of the Juniata River (WWF, MF), all at milepost 152.6 (Latitude: 40° 0' 34.51"; Longitude: -78° 24' 36.24");

11. Construct and maintain a 48 inch diameter culvert extension and outlet relocation of an existing 36 inch CMP culvert and a channel change consisting of an 18 inch gabion lined stream channel and construction of a 54 inch culvert all in along and across and impacting 125.5 linear feet of an Unnamed Tributary to the Raystown Branch of the Juniata River (WWF), construct and maintain an outfall channel to a UNT to Raystown Branch of the Juniata River (WWF), construct and maintain an 18 inch outfall pipe to a UNT to the Raystown Branch of the Juniata River (WWF), and place and maintain 1,560 net cubic yards of fill in the floodway of a UNT to the Raystown Branch of the Juniata River (WWF), all at milepost 153.2 (Latitude: 40° 0' 44.12"; Longitude: -78° 24' 6.69");

12. Construct and maintain an R5 riprap outfall channel in and to the Raystown Branch of the Juniata River (WWF) and in the Floodplain and Floodway of the Raystown Branch of the Juniata River at milepost 153.27 (Latitude: 40° 0' 48.81"; Longitude: -78° 23' 56.15");

13. Construct and maintain an R5 riprap outfall channel in and to the Raystown Branch of the Juniata River (WWF) and in the Floodplain and Floodway of the Raystown Branch of the Juniata River at milepost 153.36 (Latitude: 40° 0' 40.52"; Longitude: -78° 23' 45.33");

14. Construct and maintain an 18 inch gabion outfall channel in and to the Raystown Branch of the Juniata River (WWF) and in the Floodplain and Floodway of the Raystown Branch of the Juniata River at milepost 153.54 (Latitude: 40° 0' 42.13"; Longitude: -78° 23' 44.99");

15. Construct and maintain an 18 inch gabion outfall channel in and to the Raystown Branch of the Juniata River (WWF) and in the Floodplain and Floodway of the Raystown Branch of the Juniata River at milepost 153.59 (Latitude: 40° 0' 40.82"; Longitude: -78° 23' 42.11");

16. Construct and maintain an 18 inch gabion outfall channel in and to the Raystown Branch of the Juniata River (WWF) and in the Floodplain and Floodway of the Raystown Branch of the Juniata River at milepost 153.62 (Latitude: 40° 0' 40.3"; Longitude: -78° 23' 40.55");

17. Construct and maintain an 18 inch gabion outfall channel in and to the Raystown Branch of the Juniata River (WWF) and in the Floodplain and Floodway of the Raystown Branch of the Juniata River at milepost 153.7 (Latitude: 40° 0' 39.35"; Longitude: -78° 23' 32.45");

18. Construct and maintain an 18 inch gabion outfall channel in and to the Raystown Branch of the Juniata River (WWF) and in the Floodplain and Floodway of the Raystown Branch of the Juniata River at milepost 153.75 (Latitude: 40° 0' 39.08"; Longitude: -78° 23' 29.91");

19. Construct and maintain an 18 inch gabion outfall channel and a 30 inch diameter culvert outfall in the Floodplain of the Raystown Branch of the Juniata River at milepost 153.88 (Latitude: 40° 0' 35.72"; Longitude: -78° 23' 16.96");

20. Construct and maintain a Stormwater management basin in and permanently impacting 0.13 acre of PEM wetland at milepost 153.9 (Latitude: 40° 0' 33.7"; Longitude: -78° 23' 19.08");

21. Extend and maintain an existing concrete arch culvert measuring 22 feet wide by 18 feet 4.25 inches high by 224 feet long by extending the upstream side by 22 feet with a cast-in-place concrete arch culvert with the same interior dimensions and extending the downstream side by 22 feet with a cast-in-place concrete arch culvert with the same interior dimensions with both extensions containing cast in place wing walls in a Black Valley Creek (WWF), and to construct and maintain three 18 inch gabion outfall channels to and in Black Valley Creek (WWF), and to construct and maintain a 36 inch diameter outfall pipe in and to Black Valley Creek (WWF), and to place and maintain 4,561 net cubic yards of fill in the floodplain of Black Valley Creek, all at milepost 154.3 (Latitude: 40° 0' 17.82"; Longitude: -78° 22' 59.14");

22. Construct a sediment basin and place and maintain 341 net cubic yards of fill in the floodplain of Black Valley Creek (WWF), and place and maintain 1.4 net cubic yards of fill in the floodplain of the Raystown Branch of the Juniata River (WWF), all at milepost 154.2 (Latitude: 40° 0' 22.07"; Longitude: -78° 22' 56.7");

23. Construct and maintain a 50.7 inch diameter slip line culvert inside an existing 60 inch diameter by 256 feet long CMP culvert and extend the upstream side by 46 feet with a 5.5 feet diameter culvert with a headwall and extending the downstream side by 52 feet with a 5.5 feet diameter culvert with an endwall and scour protection in and along an Unnamed Tributary to the Raystown Branch of the Juniata River (WWF), and to construct and maintain two R4 rock outfall channels to a UNT to the Raystown Branch of the Juniata River (WWF), and to construct and maintain two R5 riprap outfall channels to a UNT to the Raystown Branch of the Juniata River (WWF), and to place and maintain 13,010 net cubic yards of fill in the floodway on a UNT to the Raystown Branch of the Juniata River (WWF), all at milepost 154.6 (Latitude: 40° 0' 9.95"; Longitude: -78° 22' 38.67");

24. Place and maintain fill for a local roadway in the floodway of a UNT to the Raystown Branch of the Juniata River (WWF), all at milepost 154.6 (Latitude: 40° 0' 9.95"; Longitude: -78° 22' 38.67");

25. Construct and maintain a 3.8 feet diameter slip lining culvert inside an existing 4.5 feet diameter CMP culvert in a UNT to the Raystown Branch of the Juniata River (WWF), and to construct and maintain a 60 feet long by 5.0 feet diameter culvert extension with headwall to the upstream side of the slipline culvert in a UNT to the Raystown Branch of the Juniata River (WWF), and to construct and maintain a 230 feet long by 5.0 feet diameter culvert extension to the downstream side of the slipline culvert with associated endwall and associated riprap outlet protection and two associated drop manhole

structures in a UNT to the Raystown Branch of the Juniata River (WWF), and to relocate and maintain a total of 417 linear feet upstream and downstream of the culvert extensions of a UNT to the Raystown Branch of the Juniata River (WWF) to be 288 feet long, and to construct and maintain one R4 riprap outfall channel in and to a UNT to the Raystown Branch of the Juniata River (WWF), and to construct and maintain one R6 riprap outfall channel in and to a UNT to the Raystown Branch of the Juniata River (WWF), and to construct and maintain one outfall channel consisting of 18 inch gabions in and to a UNT to the Raystown Branch of the Juniata River (WWF), and to place and maintain 10,445 net cubic yards of fill in and along the floodplain of a UNT to the Raystown Branch of the Juniata River (WWF), and to construct and maintain roadway fill and culvert extensions and outfall channels and stream relocations which permanently impact 0.35 acre of Palustrine Forested (PFO) wetland and temporarily impact 0.25 acre of PFO wetland, and all at milepost 155.0 (Latitude: 40° 0' 7.71"; Longitude: -78° 22' 16.8");

26. Construct and maintain a 4.22 feet diameter slip lining culver inside an existing 60 inch diameter CMP culvert in a UNT to the Clear Creek(WWF), and to construct and maintain a 54 feet long by 6.0 feet diameter culvert extension with headwall to the upstream side of the slipline culvert in a UNT to Clear Creek (WWF), and to construct and maintain a 74 feet long by 6.0 feet diameter culvert extension to the downstream side of the slipline culvert with associated endwall and associated riprap outlet protection and associated drop manhole structure in a UNT to Clear Creek (WWF), and to construct and maintain four outfall channels consisting of 18 inch gabions in and to a UNT to Clear Creek (WWF), and to place and maintain 16,469 net cubic yards of fill in and along the floodplain of a UNT to Clear Creek (WWF), and to construct and maintain roadway fill and culvert extensions and outfall channels which permanently impact 0.11 acre of PEM wetland, and all at milepost 155.4 (Latitude: 40° 0' 4.33"; Longitude: -78° 21' 51.08");

The project purpose is to improve transportation safety and roadway standards. The project is located between mile markers 149.5 and 155.5 along the Pennsylvania Turnpike in Snake Spring and West Providence Townships, Bedford County. The applicant is proposing a total of 1,909 feet of impact to streams and 0.73 and 0.27 acre of permanent and temporary impacts to wetlands respectively. The applicant is proposing compensation for the proposed 1,909 feet of stream impacts and 0.73 acre of wetland impacts offsite through creation of 0.38 acre of PEM wetland and the creation of 0.35 acre of PFO wetland and convert 0.34 acre of PEM wetland to PFO and stream enhancement of 650 linear feet and protection all located in Bedford Township, Bedford County (Latitude: 40° 2' 13.49"; Longitude: -78° 28' 25.4")

E31-233: PA Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648 in Cromwell Township, **Huntingdon County**, U.S. Army Corps of Engineers Baltimore District.

To remove existing structures and to install and maintain a 144-linear foot 43-foot 4.5-inch wide bridge over Aughwick Creek (TSF, MF) directly impacting 144 linear feet of stream channel with permanent impacts to 0.092 acre of wetlands (PSS), 0.006 acre of wetlands (PFO), and 0.025 acre of wetlands (PEM) and temporarily impacting 0.007 acre of wetlands (PFO) and 0.02 acre of wetlands

(PEM) all for the purpose of transportation safety and roadway improvements. The project is located along SR 0994 Section 10B in Cromwell Township, Huntingdon County (W40°12'45.09" N 77°55'30.50"). The permittee is required to provide a minimum of 0.12 acre of replacement wetlands. The permittee proposes to mitigate the permanent wetland impacts through the use of the Whitsel Advance Wetland Compensation Site located within the Aughwick Creek Sub-Basin (N 40°16' 23" and W 77°49' 34").

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

E63-678, PennDOT District 12-0, 825 North Gallatin Avenue, Uniontown, PA 15401, South Strabane Township, **Washington County**, ACOE Pittsburgh District.

The applicant is proposing to:

1. Remove an existing 262' long, SR 70, 30" culvert enclosure and construct and maintain a replacement 280' long, 36" enclosure conveying an unnamed tributary to Little Chartiers Creek (HQ-WWF) with a drainage area less than 100 acres; place and maintain fill in 263' of this same tributary. Flow in this tributary will be maintained via an underdrain pipe.

2. Remove an existing 314' long, SR 70, 42" culvert enclosure and construct and maintain a replacement 336' long, 42" enclosure conveying a second unnamed tributary to Little Chartiers Creek (HQ-WWF) with a drainage area less than 100 acres. Remove an existing 45' long, SR 1014 (Lakeview Drive) 18" pipe and construct and maintain a replacement 58' long, 30" culvert conveying this same tributary. In addition, place and maintain fill in 266' of this same tributary and construct and maintain a replacement 236' of relocated channel.

3. Remove an existing 50' long bridge conveying a third unnamed tributary to Little Chartiers Creek with a drainage area of 1.65 square mile and restore the stream banks in the location of the bridge as onsite stream mitigation.

4. In addition, place and maintain scour protection in 78' of unnamed tributaries to Little Chartiers Creek (HQ-WWF) with drainage areas less than 100 acres; permanently impact 0.14 acre of PEM and 0.03 acre of PFO wetlands; construct and maintain roadway associated stormwater outfalls; and temporarily impact 112' of stream for the purpose of constructing these encroachments. Wetland mitigation will take place offsite at State Game Lands 302 in Richhill Township, Greene County (Wind Ridge Quadrangle; North 11.9 inches and West 3.5 inches; Latitude 39° 57' 8.4", Longitude -80° 29' 8.1"). Stream mitigation will take plan onsite and offsite in Chartiers Township, Washington County (Canonsburg Quadrangle; North 4.5 inches and West 16.25 inches; Latitude 40° 16' 33.4" and Longitude -80° 14' 44.7")

These encroachments are associated with the SR 70 improvement project extending from the SR 136 (Beau Street) Interchange to the SR 70/79 South Junction Interchange in South Strabane Township, Washington County (Washington East Quadrangle; Beginning North 10 inches and West 13.75 inches, Latitude 40° 11' 2.1" and Longitude -80° 13' 37.7"; and extending to North 7.75 inches and West 7.75 inches, Latitude 40° 9' 44" and Longitude -80° 11' 37.8").

District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E4129-102: Range Resources—Appalachia, LLC, 80 Health Drive, Lock Haven, PA 17745, Cogan House Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A 35-foot long, 18-inch diameter culvert with associated fill and two 12-inch water lines above the culvert impacting 53 linear feet of an unnamed tributary to Larrys Creek (EV) (White Pine, PA Quadrangle 41°22' 31"N 77°11'29"W).

The project will result in a total of 53 linear feet of stream impacts for the purpose of installing a permanent access roadway to a natural gas well site and water pipelines for Marcellus well development.

E5829-103: Brooklyn Township, Cabot Oil and Gas Corporation; 2000 Park Lane, Suite 300, Pittsburgh, PA 15275-1121; Brooklyn Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 12 inch diameter temporary above grade waterline and temporary timber mat crossing impacting 8,200 square feet (0.19 acre) of a PEM wetland (Montrose—East, PA Quadrangle; Latitude: 41° 47' 18", Longitude: -75° 48' 30"),

2) a 12 inch diameter temporary above grade waterline and temporary timber mat crossing impacting 6 lineal feet of an unnamed tributary to Hop Bottom Creek (CWF-MF) (Montrose—East, PA Quadrangle; Latitude: 41° 47' 23", Longitude: -75° 48' 49"),

3) a 12 inch diameter temporary above grade waterline and temporary timber mat crossing impacting 1,750 square feet (0.04 acre) of a PEM wetland (Montrose—East, PA Quadrangle; Latitude: 41° 47' 23", Longitude: -75° 48' 49"),

4) a 12 inch diameter temporary above grade waterline and temporary timber mat crossing impacting 500 square feet (0.01 acre) of a PEM wetland (Montrose—East, PA Quadrangle; Latitude: 41° 47' 22", Longitude: -75° 48' 59").

The project consists of constructing approximately 4,994 lineal feet of temporary above grade 12" water pipeline located in Brooklyn Township, Susquehanna County. The project will result in 6 lineal feet of temporary stream impacts and 10,450 square feet (0.24 acre) of temporary wetland impacts for the purpose of conveying water for Marcellus Shale natural gas development utilizing previously cleared natural gas pipeline right-of-way.

DAM SAFETY

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

D48-139A. Minsi Lake Dam, Pennsylvania Fish and Boat Commission, 450 Robinson Lane, Bellefonte, PA 16826. To modify, operate, and maintain Minsi Lake Dam across the East Fork of Martins Creek (CWF), impacting 0.00 acre of wetlands (PEM) and 230 feet of stream channel, for the purpose of rehabilitating the dam and increasing spillway capacity to meet current DEP regulations. (Stroudsburg, PA Quadrangle Latitude: 40°54'42", Longitude: -75°10'11") in Upper Mount Bethel Township, **Northampton County**.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel

Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania 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

Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0013552 (IW)	Hercules Cement Stockertown Plant Quarry 501 Hercules Drive Stockertown, PA 18083	Northampton County Stockertown Borough	Bushkill Creek, Shoeneck Creek and Unnamed Tributary to Bushkill Creek (1-F)	Y
PA0060950 (Sewage)	Lackawanna Trail High School 28 Tunnel Hill Road PO Box 85 Factoryville, PA 18419	Wyoming County Clinton Township	Unnamed Tributary to South Branch Tunkhannock Creek (4-F)	Y

Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0100161 (IW)	Triangle Suspension Systems— Dubois Spring Plant Maloney Road Dubois, PA 15801	Clearfield County Sandy Township	Pentz Run (17-C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0102717 (Sewage)	Sandy Hill Estates MHP Sandy Hill Road Middlesex, PA 16059	Butler County Middlesex Township	Glade Run (20-C)	Y
PA0093157 (Sewage)	Moraine Camplands 281 Staff Road Slippery Rock, PA 16057-5327	Butler County Brady Township	Unnamed Tributary to Big Run (20-C)	Y
PA0263761 (Sewage)	Edwin Gorgacz SRSTP 6618 Pleasant Drive Warren, PA 16365	Warren County Pleasant Township	Hedgehog Run (16-F)	Y

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. PA0030431, Sewage, Renewal, **Fox Valley Community Services, Inc.**, P. O. Box 462, Chester Heights, PA 19017-462.

This proposed facility is located in Concord Township, **Delaware County**.

Description of Action/Activity: Approval for renewal of NPDES permit to discharge from a facility known as Fox Valley STP to West Branch Chester Creek in Watershed(s) 3-G.

NPDES Permit No. PA0050423, Sewage, Renewal, **Sisters Servants of the Immaculate Heart of Mary**, 1140 King Road, Immaculata, PA 19345-0200.

This proposed facility is located in East Whiteland Township, **Chester County**.

Description of Action/Activity: Approval for renewal of NPDES permit to discharge from facility known as Villa Maria STP to unnamed Tributary of Ridley Creek in Watershed(s) 3-G.

NPDES Permit No. PA0053546, Sewage, Renewal, **Frank T. Dzedzy**, 412 Lincoln Road, Phoenixville, PA 19460-2112.

This proposed facility is located in East Pikeland Township, **Chester County**.

Description of Action/Activity: Approval for renewal of NPDES permit Dzedzy SRSTP to Pickering Creek in Watershed(s) 3-D.

NPDES Permit No. PA0036412, Sewage, Renewal, **Tel Hai Retirement Community**, 1200 Tel Hai Circle, P. O. Box 190, Honey Brook, PA 19344-0190.

This proposed facility is located in Honey Brook, **Chester County**.

Description of Action/Activity: Approval for renewal of NPDES permit to discharge from facility known as Tel Hai Retirement Community STP to Two Log Run in Watershed(s) 3-H.

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

NPDES Permit No. PA0273155, SIC Code 8800, **Mark Zaffino**, 471 Thompson Hill Road, Russell, PA 16345.

This proposed facility is located in Farmington Township, **Warren County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated sewage.

NPDES Permit No. PA0264091, SIC Code 8800, **Gregory & Mary Ann Hulbert**, 103 Hillside Drive, Harmony, PA 16037.

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

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated sewage.

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. WQG010050, Sewage, **Samuel J & Rina Atlee**, 702 Spring Line Drive, West Chester, PA 19382.

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

Description of Action/Activity: Installation of a small flow wastewater treatment facility for a single residence.

WQM Permit No. WQG02151508, Sewage, **West Bradford Township**, 1385 Campus Drive, Downingtown, PA 19335.

This proposed facility is located in West Bradford Township, **Chester County**.

Description of Action/Activity: Construction and operation of a low pressure sewer system.

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

WQM Permit No. 0290209 A-1, Industrial Waste, SIC Code 4111, **Allegheny County Port Authority**, 345 6th Avenue, Floor 3, Pittsburgh, PA 15222-2527.

This existing facility is located in Ross Township, **Allegheny County**.

Description of Proposed Action/Activity: Installation of one, Stormwater 360 VORTECHS 5000 solids separator.

WQM Permit No. 0293201 A-2, Industrial Waste, SIC Code 4111, **Allegheny County Port Authority**, 345 Sixth Avenue, Pittsburgh, PA 15222-2527.

This existing facility is located in West Mifflin Borough, **Allegheny County**.

Description of Proposed Action/Activity: Installation of one, Stormwater 360 VORTECHS Model 7000 solids separator.

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

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.

WQM Permit No. 1015404, Sewage, **Gregory & Mary Ann Hulbert**, 103 Hillside Drive, Harmony, PA 16037.

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

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

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>
PAI012315006	Tinicum Township 629 North Governor Printz Boulevard Essington, PA 19029-1732	Delaware	Tinicum Township	Delaware Estuary 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>
PAI024009004R(1)	Mericle 112 Armstrong Road, LLC 100 Baltimore Drive Wilkes-Barre, PA 18702	Luzerne County	Pittston Township	Mill Creek (CWF, MF) Collins Creek (CWF, MF) UNT to Mill Creek (CWF, MF) EV Wetlands
PAI024509015R	Richard Iadevaio 5348 Spruce Lane East Stroudsburg, PA 18302	Monroe	Middle Smithfield Township	UNT to Bushkill Creek (HQ-CWF, MF) Bushkill Creek (HQ-CWF, MF)
PAI024515007	Brodhead Creek Regional Authority 410 Mill Creek Road East Stroudsburg, PA 18301	Monroe	Hamilton Township, Stroud Township	UNT to Pocono Creek (HQ-CWF, MF)

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.

<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>
Upper Providence Township Montgomery County	PAG02004615051	Ivan Hess Jr. & R. Erich Hess 651 Keller Creamery Road Telford, PA 18969	Unnamed Tributary to Mingo Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

NOTICES

7205

<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>
Hatfield Township Montgomery County	PAG02004615075	Kelcor Holdings 2420 Bethlehem Pike Hatfield, PA 19440	West Branch Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Darby Township Delaware County	PAG02002315028	Nolen Development Group, LLC 70 East Lancaster Avenue Frazer, PA 19355	Cobbs Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Swarthmore Borough Nether Providence Township Delaware County	PAG02002314029-1	Southeastern Pennsylvania Transportation Authority 1234 Market Street, 12 Floor Philadelphia, PA 19107	Crum Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia County of Philadelphia	PAG0201511525	Wexford Development, LLC 3535 Market Street Philadelphia, PA 19104	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hatfield Borough Montgomery County	PAG02004615032	Clemens Development, LLC 2700 Clements Road, P. O. Box 902 Hatfield, PA 19440	Unnamed Tributary to Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAG02004615050	Volpe Family Partnership, LP 565 Hollow Road Phoenixville, PA 19460	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Merion Township Montgomery County	PAG02004615088	Maybrook Estate Manager, LLC 1420 Spring Hill Road, Suite 420 McLean, VA 22102	East Branch Indian Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Taylor Borough Lackawanna County	PAG02003515010	Jim Gaughan NEPA Partnership, LLC 114 South Main St. Taylor, PA 18517	Keyser Creek (CWF, MF) UNT to Lackawanna River (CWF, MF)	Lackawanna County Conservation District 570-392-3086
Taylor Borough Lackawanna County	PAG02003515017	Taylor 1, LLC 216 Thoreau Drive Moosic, PA 18507	Keyser Creek (CWF, MF)	Lackawanna County Conservation District 570-392-3086
Pittston Township Luzerne County	PAG02004015021	Mahalaxmi Realty, LLC Naymesh Patel 6307 New Berwick Highway Bloomsburg, PA 17815	UNT to Susquehanna River (CWF, MF) UNT to Mill Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
Salem Township Luzerne County	PAG02004015023	Susquehanna Nuclear, LLC Marc A. Jackson 835 Hamilton St. Suite 150, PL 6 Allentown, PA 18101	Susquehanna River (WWF, MF)	Luzerne Conservation District 570-674-7991
Plains Township Luzerne County	PAG02004015036	JJS Family Partnership, LP Joseph Coccia c/o Coccia Ford 577 East Main Street Wilkes-Barre, PA 18702	UNT to Mill Creek (CWF, MF)	Luzerne Conservation District 570-674-7991

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
City of Easton Northampton County	PAG02004815011	City of Easton 123 South 3rd St. Easton, PA 18042	Lehigh River (WWF, MF)	Northampton County Conservation District 610-746-1971
<i>Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.</i>				
<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
City of Reading Berks County	PAG02000615051 Issued	James McGee, PennDOT, District 5-0 1002 Hamilton Boulevard Allentown, PA 18101	Schuylkill River/ WWF, MF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657
Upper Allen Township Cumberland County	PAG02002115036 Issued	Mountaineer Properties, LLC PO Box 921 Camp Hill, PA 17001-9219	Cedar Run/CWF, MF	Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717-240-5359
Carlisle Borough Cumberland County	PAG02002115037 Issued	Giant Foods, LLC 1149 Harrisburg Pike Carlisle, PA 17013-0249	Alexander Spring Run/CWF, MF	Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717-240-5359
Clay Township Lancaster County	PAG02003615062(1) Issued	Blue Lake Builders 2000 W. Route 897 Denver, PA 17517	Middle Creek/ WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext. 121
East Lampeter Township Lancaster County	PAG02003615105 Issued	Daniel King 419 Mount Sidney Road Lancaster, PA 17602	Mill Creek/ WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext. 121
East Earl Township Lancaster County	PAG02003615117 Issued	Elvin Sensenig 1003 Sensenig Road Ephrata, PA 17522	UNT To Conestoga River/WWF, MF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext. 121
Earl Township Lancaster County	PAG02003614091(1) Issued	P.C. Chadaga 110 Inverness Drive Blue Bell, PA 19422	UNT To Conestoga River/CWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext. 121

NOTICES

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Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Chippewa Township Beaver County	PAG02000415010	Bradys Run Evangelical Free Church, 239 Braun Road, Beaver Falls, PA 15010	Bradys Run (TSF); North Branch Bradys Run (TSF)	Beaver County Conservation District, 156 Cowpath Road, Aliquippa, PA 15001 (724) 378-1701
Ohioville Borough Beaver County	PAG02000415011	PennDOT District 11, 45 Thoms Run Road, Bridgeville, PA 15017	Upper Dry Run (WWF)	Beaver County Conservation District, 156 Cowpath Road, Aliquippa, PA 15001 (724) 378-1701
Cecil Township Washington County	PAG02006315034	TowerCo 5000 Valleystone Drive Cary, NC 27519	Millers Run (WWF)	Washington County Conservation District, Suite 105, 2800 North Main Street, Washington, PA 15301 (724) 705-7098
Hanover Township Washington County	PAG02006315045	The Buncher Company 1300 Penn Avenue, Suite 300 Pittsburgh, PA 15222	UNT to Harmon Creek (WWF)	Washington County Conservation District, Suite 105, 2800 North Main Street, Washington, PA 15301 (724) 705-7098
Cherryhill Township, Indiana County	PAG02093215010	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Dixon Run (WWF)	Attention: Patrick M. Webb PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800
Jackson Township, Cambria County	PAG02091115011	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	South Branch Blacklick Creek (CWF)	Attention: Patrick M. Webb PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

General Permit Type—PAG-03

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Port Vue Borough Allegheny County	PAR606107	ELG Metals Inc. 369 River Road McKeesport, PA 15132	Unnamed Tributary to Youghiogheny River and Unnamed Stream/WWF	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>
Shaler Township Allegheny County	PAR216124	Kelman Bottles LLC 1101 William Flynn Highway Glenshaw, PA 15116-2637	Pine Creek— 8-A/TSF	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Canonsburg Borough Washington County	PAG036142	Clean Harbors 107 Miller Avenue Montgomery, PA 17752	Unnamed Tributary to Chartiers Creek—20-F	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Blairsville Borough Indiana County	PAR206158	Specialty Bar Products Co. 200 Martha Street PO Box 127 Blairsville, PA 15717	Conemaugh River—18-D	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Pittsburgh City Allegheny County	PAG036141	Ok Grocery Co. 755 Beechnut Drive Pittsburgh, PA 15205-1803	Chartiers Creek— 20-F/WWF	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Latrobe Borough Westmoreland County	PAR126113	CBC Latrobe Acquisition LLC 100 33rd Street Latrobe, PA 15650	Loyalhanna Creek 18—C WWF	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Wilmerding Borough Allegheny County	PAR706131	Allegheny Petroleum Products Co. 999 Airbrake Avenue Wilmerding, PA 15148	Turtle Creek—19-A WWF	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Neville Township Allegheny County	PAG036117	Neville Aggregates Co. Inc. 3501 Neville Road Pittsburgh, PA 15225	Ohio River—20-G WWF	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

General Permit Type—PAG-12

NPDES Permit No. PAG122209, CAFO, **Mattern Dennis S**, 197 Mattern Hill Road, Dornsife, PA 17941.

This existing facility is located in Upper Mahantango Township, **Schuylkill County**.

Description of size and scope of existing operation/activity: This is a poultry-layer and beef operation. The layer operation is in Schuylkill County and the beef and cropland is in Northumberland County. There are 99,750 layers in a high-rise barn. The beef are on pasture during the spring, summer, fall and during the winter they are housed in a barn.

The receiving stream, UNT to Mahantango Creek, is in the Mahantango watershed and is classified for: Cold Water Fishes and Migratory Fishes.

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

**STATE CONSERVATION COMMISSION
NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES
PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**NUTRIENT MANAGEMENT PLAN
PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
King Farms, 51B Parkside Inn Rd Bernville, PA 19506	Berks	736.3	2,914	Layers	No	Approved
Gorrell Dairy LLC c/o Glenn Gorrell 392 Wood Road Milan, PA 18831	Bradford	2210	1,524.86	Dairy	N/A	Approval

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

Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401

Operations Permit #1515526 issued to: **Scotts Company, Inc.** 311 Reedville Road, Oxford, PA 19363, [(PWSID)] Lower Oxford Township, **Chester County** on November 23, 2015 for the operation of previously existing Scotts Water System, including Well Bladder Tank, UV light, and piping and recently construction nitrate removal equipment facilities approved under construction permit #1515526.

Permit No. 1515543, Public Water Supply
 Applicant **Aqua Pennsylvania, Inc.**
 Township West Whiteland
 County **Chester**
 Responsible Official Curt R. Steffy
 Vice President of Production
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010
 Type of Facility PWS
 Consulting Engineer Margo M. Weigner, P.E.
 GHD
 1240 North Mountain Road
 Harrisburg, PA 17112
 Application Received November 6, 2015
 Date
 Description of Action Installation of ammonia feed
 equipment at the Highland Glen
 Well Station.

Permit No. 1515545, Public Water Supply
 Applicant **Aqua Pennsylvania, Inc.**
 Township East Goshen
 County **Chester**
 Responsible Official Curt R. Steffy
 Vice President of Production
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010
 Type of Facility PWS
 Consulting Engineer Margo M. Weigner, P.E.
 GHD
 1240 North Mountain Road
 Harrisburg, PA 17112
 Application Received November 6, 2015
 Date
 Description of Action Installation of ammonia feed
 equipment at the Grand Oak
 Well Station.

Permit No. 1515550, Public Water Supply
 Applicant **GSP Management Company**
 Township West Brandywine
 County **Chester**
 Responsible Official Frank T. Perano
 P. O. Box 677
 Morgantown, PA 19543
 Type of Facility PWS
 Consulting Engineer James A. Cieri, P.E., LLC
 914 North Mountain Road
 Harrisburg, PA 17112
 Application Received December 1, 2015
 Date
 Description of Action Installation of piping to modify
 the existing 4-log certification
 and the replace the existing
 booster pump with an above
 ground facility.

Permit No. WA-15-1003, Public Water Supply
 Applicant **Atglen Borough**
 Township West Brandywine
 County **Chester**
 Responsible Official Bryan Umble
 Public Works Manager
 P. O. Box 250
 Atglen, PA 19310
 Type of Facility PWS
 Consulting Engineer Mark L. Homan, LLC
 Becker Engineering, LLC
 115 Millersville Road
 Lancaster, PA 17603
 Application Received November 5, 2015
 Date
 Description of Action Subsidiary water allocation to
 supply water from Pennsylvania
 American Water Company—
 Coatesville District to Atglen
 Borough.

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

Permit. 2520201, Public Water Supply.
 Applicant **Laurel Lane Development Association**
 P. O. Box 2
 Greentown, PA 18426
 [Township or Borough] Palmyra Township,
Pike County
 Responsible Official Mr. Mark Cykosky,
 Laurel Lane Development
 Association
 P. O. Box 2
 Greentown, PA 18426
 Type of Facility PWS
 Consulting Engineer Justin G. Hoffman, PE
 Kiley Associates, LLC
 536 Purdytown Turnpike
 Lakeville, PA 18438
 Operation Permit 11/24/2015
 Issued

Permit No. 3480046, Operations Permit Public Water Supply.
 Applicant **Bethlehem Authority**
 10 East Church St.
 Bethlehem, PA 18018-6005
 [Borough or Township] City of Bethlehem
 County **Northampton**
 Type of Facility PWS
 Consulting Engineer James C. Hendricks, P.E.
 RETTWE Associates, Inc.
 515 W. Hamilton St., Suite 508
 Allentown, PA 18101
 Permit to Operate 11/16/2015
 Issued

Permit No. 5415506, Public Water Supply.
 Applicant **UMH Properties, Inc.**
 150 Clay Street, Suite 450
 Morgantown, WV 26501
 Municipality Wayne Township
 County **Schuylkill**
 Type of Facility PWS
 Consulting Engineer Alfred Ty Leinneweber, P.E.
 Lehigh Engineering, LLC
 P. O. Box 1200
 200 Mahantongo Street
 Pottsville, PA 17901
 Permit to Construct Issued December 3, 2015

Permit No. 2640022, Operation Permit, Public Water Supply.
 Applicant **Aqua Pennsylvania, Inc.**
 (Gouldsboro Water System)
 1775 North Main Street
 Honesdale, PA 18431
 Municipality Lehigh Township
 County **Wayne**
 Type of Facility PWS
 Consulting Engineer Christopher E. Hannum, P.E.
 Entech Engineering, Inc.
 4 South Fourth Street
 P. O. Box 32
 Reading, PA 19603
 Permit to Operate Issued December 3, 2015

Permit No. 3540012, Operations Permit Public Water Supply.
 Applicant **Tamaqua Area Water Authority**
 320 East Broad St.
 Tamaqua, PA 18252
 [Borough or Township] Tamaqua Borough
 County **Schuylkill**
 Type of Facility PWS
 Consulting Engineer Timothy J. Glessner, PE
 Gannett Flaming, Inc.
 P. O. Box 67100
 Harrisburg, PA 17106-7100
 Permit to Operate Issued 11/05/2015

Permit No. 6415505, Public Water Supply.
 Applicant **Aqua Pennsylvania, Inc.**
 1775 North Main St.
 Honesdale, PA 18431
 [Borough or Township] Waymart Borough
 County **Wayne**
 Type of Facility PWS
 Consulting Engineer Steven Riley, PE
 Entech Engineering, Inc.
 4 S. 4th St.
 Reading, PA 19603
 Permit to Construct Issued November 5, 2015

Permit No. 3540070, Operations Permit Public Water Supply.
 Applicant **Aqua Pennsylvania, Inc.**
 1 Aqua Way
 White Haven, PA 18661
 [Borough or Township] Hazle Township
 County **Luzerne**
 Type of Facility PWS
 Consulting Engineer William A. LaDieu, PE
 GHD
 326 E. 2nd St.
 Bloomsburg PA 17815
 Permit to Operate Issued 11/06/2015

Permit No. 4515506MA, Public Water Supply.
 Applicant **Pennsylvania American Water Company**
 800 W. Hersheypark Dr.
 Hershey, PA 17033
 [Borough or Township] Hamilton Township
 County **Monroe**
 Type of Facility PWS
 Consulting Engineer David Lentowski, PE
 Pennsylvania American Water Company
 800 W. Hersheypark Dr.
 Hershey, PA 17033
 Permit to Construct Issued November 10, 2015

Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 0115511, Public Water Supply.
 Applicant **Biglerville Borough Authority**
 Municipality Butler Township
 County **Adams**
 Responsible Official Neil Ecker, Borough President
 33 Musselman Avenue
 Biglerville, PA 17307
 Type of Facility Installation of corrosion control through the injection of sodium hydroxide at Well No. 5.
 Consulting Engineer Craig J. Zack, P.E.
 KPI Technology
 143 Carlisle Street
 Gettysburg, PA 17325
 Permit to Construct Issued 12/1/2015

Permit No. 0115510, Public Water Supply.
 Applicant **M&G Realty, Inc.**
 Municipality Tyrone Township
 County **Adams**
 Responsible Official Tim Rutter, President
 2100 North George Street
 York, PA 17404

Type of Facility Installation of a new transient non-community water system including a well source, softening, sodium hypochlorite disinfection, storage tanks, activated carbon filtration and reverse osmosis and booster pump.

Consulting Engineer Charles A. Kehew II, P.E.
James R. Holley & Associates, Inc.
18 South George Street
York, PA 17401

Permit to Construct Issued 12/3/2015

Operation Permit No. 6715502 MA issued to: **The York Water Company** (PWS ID No. 7670100), Spring Garden Township, **York County** on 12/1/2015 for facilities approved under Construction Permit No. 6715502 MA.

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

Permit No. 1814501—Partial Operation—Public Water Supply.

Applicant **Suburban Lock Haven Water Authority**

Township/Borough Mill Hall Borough/Bald Eagle Township

County **Clinton County**

Responsible Official Mr. Jack Peters
Suburban Lock Haven Water Authority
7893 Nittany Valley Drive
Mill Hall, PA 17751

Type of Facility Public Water Supply

Consulting Engineer David Swisher, P.E.
HRG, Inc.
474 Windmere Drive, Suite 100
State College, PA 16801

Permit Issued December 3, 2015

Description of Action Partial operation authorizing operation of only the sections of distribution and transmission lines in Bald Eagle Township and Mill Hall Borough that were recently replaced. Prior to operation of the upgraded Irwin Street Booster Pump Station and the new 54,000 gallon finished water storage tank, please submit a 2nd Certificate of Construction Completion Form, including bacteriological and hydrostatic testing results. You may not operate the upgraded pump station or new tank prior to issuance of a final operation permit

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

Operation Permit issued to **Erie City Water Authority d/b/a Erie Water Works**, PWSID No. 6250028,

City of Erie, **Erie County**. Permit Number 2515504 issued December 1, 2015 for the operation of the Kinney Pump Station, Davis Pump Station, and the chlorine booster system at the Cherry Street South Booster Pump Station, as they currently exist. This permit is issued in response to the permit application submitted to cover the existing public water system due to violations noted during an inspection conducted by Department personnel.

Permit No. 3313503, Public Water Supply

Applicant **Summerville Borough Municipal Authority**

Township or Borough Summerville Borough

County **Jefferson**

Type of Facility Public Water Supply

Consulting Engineer Daniel B. Slagle, P.E.
Nichols & Slagle Engineering, Inc.
333 Rouser Road
Building 4, Suite 600
Moon Township, PA 15108

Permit to Construct Issued December 2, 2015

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

Plan Location:

Borough or Township	Borough or Township Address	County
South Woodbury Township	125 North Road New Enterprise, PA 16664	Bedford

Plan Description: Approval of a revision to the official plan of South Woodbury Township, Bedford County. The project is known as Claudia Paul SFTF. The plan provides for the installation of a small flow treatment facility with discharge to an unnamed tributary to Beaver Creek, to replace a failing on-lot sewage disposal system for a single family dwelling. The proposed development is located along Guyer Corner Road. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-05931-204-3s and the APS Id is 873935. Any permits must be obtained in the name of the property owner.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to

document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the 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

Wolf Furniture Enterprise, 2613 General Potter Highway, Potter Township, **Centre County**. Northridge Group, Inc., P. O. Box 231, Northumberland, PA 17857, on behalf of Wolf Furniture Enterprise, 1620 N. Tuckahoe Street, Bellwood, PA 16617 has submitted a Final Report concerning remediation of site soils contaminated with BTEX and other Diesel Fuel Parameters. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

Former BP Terminal 4567—Eastern Parcel, Old US Route 220, Duncansville, PA 16635, Blair Township, **Blair County**. Antea Group, 780 East Market Street, Suite 120, West Chester, PA 19382, on behalf of Atlantic Richfield Company, A BP Products North America Inc. Affiliated Company, 501 West Lake Park Boulevard, WL1-28, 160B, Houston, TX 77079 and Pennsylvania Terminals Corporation, 900 South Eisenhower Boulevard, Middletown, PA 17057, submitted a Final Report concerning site soils and groundwater contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Site Specific Standard.

Former BP Terminal 4567—Western Parcel, Old US Route 220, Duncansville, PA, 16635, Blair Township, **Blair County**. Antea Group, 780 East Market Street, Suite 120, West Chester, PA 19382, on behalf of Atlantic Richfield Company, A BP Products North America Inc.

Affiliated Company, 501 West Lake Park Boulevard, WL1-28, 160B, Houston, TX 77079 and Kevin Kneezle, 236 Pioneer Drive, Duncansville, PA 16635, submitted a Final Report concerning site soils and groundwater contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Site Specific Standard.

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

All American Hose (217 Titusville Road), 217 Titusville Road, Borough of Union City, **Erie County**. AECOM Technical Services, 12420 Milestone Center Drive, Suite 150 Germantown, MD 20876, on behalf of Parker-Hannifin Corporation, 6035 Parkland Boulevard, Cleveland, OH 44124, submitted a Remedial Investigation/Risk Assessment/Final Report concerning the remediation of site soil contaminated with Acetone, Benzene, Ethylbenzene, Isopropylbenzene, 2-Butanone, Toluene, Total Xylenes, Anthracene, Benzo[a]anthracene, Benzo[b]fluoranthene, Benzo[k]fluoranthene, Benzo[a]pyrene, Chrysene, Fluoranthene, Phenanthrene, Pyrene, Arsenic, Barium, Cadmium, Chromium, Lead, Mercury, Selenium, Silver and site groundwater contaminated with Arsenic, Barium, Cadmium, Chromium, Lead, and Selenium. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

South Side Works, Parcels E1b & E1g (Former LTV South Side Works), 2915 Sidney Street, City of Pittsburgh, **Allegheny County**. Civil & Environmental Consultants, 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Hot Metal Associates, L.P., One Oxford Centre, Suite 4500, Pittsburgh, PA 15219 & 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), cyanide, PCB's 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 November 3, 2015 in the *Pittsburgh Post-Gazette*.

Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960.

Phoenix French Creek Manor, North Main Street, Phoenixville Borough, **Chester County**. Jim Mullan Hocage Consulting, Inc., 987 Haddon Avenue, Collingswood, NJ 08108 on behalf of Eric Moore, Phoenix French Creek Manor, LLC, 2 Ponds Edge Drive, Chadds Ford, PA 19317 has submitted a Remedial Investigation Report, Risk Assessment and Cleanup Plan concerning remediation of site soil and groundwater contaminated with metals and others organics. The report is intended to document remediation of the site to meet the Site Specific Standards. PF804650.

East Central Incinerator Site, 601 North Columbus Boulevard, City of Philadelphia, **Philadelphia County**. William F. Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, Paul Martino, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Joe Forkin, Delaware River Waterfront Corporation, 121 North Columbus Boulevard,

Philadelphia, PA 19106 has submitted a Final Report concerning remediation of site soil contaminated with benzo(a)pyrene, metals, and pcbs. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF 760986.

Budget/Avis Rent a car, 6501 Essington Avenue/6439 Passyunk Avenue, City of Philadelphia, **Philadelphia County**. Bernie Boldt, MCK Real Estate Corporation, 152 East 22nd Street, Suite B, Indianapolis, Indiana 46202 on behalf of Tripp Fischer, P. G., Brownfield Science & Technology, 3157 Limestone Road, Cochranville, PA 190330 has submitted a Remedial Investigation and Cleanup Plan concerning remediation of site soil and groundwater contaminated with vocs, svocs and metals. The report is intended to document remediation of the site to meet the Site Specific Standard. PF785096.

901 West Girard Avenue, 901 West Girard Avenue, City of Philadelphia, **Philadelphia County**. Angelo Waters, PE, Urban Engineers, Inc., 530 Walnut Street, Philadelphia, PA 19106 on behalf of Richard L. Soloff, 9th Street Marketplace Associates, LLC, One Presidential Boulevard, Sue 202 Bala Cynwyd, PA 19004 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with naphthalene, benzo and betx. The report is intended to document remediation of the site to meet the Site Specific Standard. PF689175.

27th & Girard Property, 2620 Girard Avenue, City of Philadelphia, **Philadelphia County**. Bill Schmidt, PE, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, Paul Martino, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Dan Bleznak, 27th and Girard, LLP, 1105 Industrial Highway, Southampton, PA 18966 has submitted a Remedial Investigation and Cleanup Plan concerning remediation of site soil and groundwater contaminated with metals and chlorinated compounds. The report is intended to document remediation of the site to meet the Site Specific Standard. PF619558.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE

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

Sandra & Jeremy Cook, 389 Beth Ellen Drive, Buffalo Township, **Union County**. Northridge Group, Inc., P. O. Box 231, Northumberland, PA 17857, on behalf of Sandra & Jeremy Cook, 389 Beth Ellen Drive, Lewisburg, PA 17837 submitted a Final Report concerning the remediation of site soil contaminated with #2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on November 30, 2015.

Esther Furnace Tack Shop, 229 Montour Blvd., Montour Township, **Columbia County**. Black Rock Environmental, LLC, P. O. Box 288, Nazareth, PA 18064, on behalf of Esther Furnace Tack Shop, 229 Montour Blvd., Bloomsburg, PA 17815 submitted Final Report concerning the remediation of site soils contaminated with unleaded gasoline. The Site-Specific Standard Combined Risk Assessment, Remedial Investigation Report and Final Report was approved by the Department on November 30, 2015.

Wolf Furniture Enterprise, 2613 General Potter Highway, Potter Township, **Centre County**. Northridge Group, Inc., P. O. Box 231, Northumberland, PA 17857, on behalf of Wolf Furniture Enterprise, 1620 N. Tuckahoe Street, Bellwood, PA 16617 has submitted a Final Report concerning the remediation of site soils contaminated with BTEX and other Diesel Fuel Parameters. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on November 18, 2015.

Northeast Region: Eric Supey, Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

Hemlock Farms Community Center, 1007 Hemlock Farms Road, Blooming Grove Township, **Pike County**. Geo Solutions, 68 Dry Road, Blairstown, NJ 07825, on behalf of Hemlock Farms Community, Blooming Grove Township, Pike County, PA, submitted a Final Report concerning the remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard for soils, and was approved by the Department on November 30, 2015.

Ace Robbins, Inc., Sunshine Road, Tunkhannock Township, **Wyoming County**. James P. Sposito Associates, 11 Archbald Street, Carbondale, PA 18407, on behalf of Datom Products, Inc., 113 Monahan Avenue, Dunmore, PA 18512, submitted a Final Report concerning the remediation of site soils contaminated with gasoline and diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard for soils, and was approved by the Department on December 1, 2015.

Pocono Manor Inn, Southwest of Manor Drive, Tobyhanna Township, **Monroe County**. EcolSciences, Inc., 75 Fleetwood Drive, Suite 250, Rockaway, NJ 07866, on behalf of Pocono Manor Investors, LP, 2 Oak Lane, P. O. Box 38, Pocono Manor, PA 18349, submitted a Final Report concerning the remediation of site soils contaminated with Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Dibenz(a,h)anthracene, Indeno (1,2,3-cd)pyrene, Arsenic, and Lead. The Final Report demonstrated attainment of the Statewide Health Standard for soils, and was approved by the Department on November 30, 2015.

Bethlehem Village Shoppes Property, 3650 Nazareth Pike, Bethlehem Township, **Northampton County**. Pennsylvania Tectonics Inc., 723 N Main St., Archbald, PA 18403-1813, submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Naphthalene, and Cumene. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on November 25, 2015.

Jackson Street Park Project, 912 Jackson Street, City of Allentown, **Lehigh County**. Langan Engineering and Environmental Services, One West Broad Street, Suite 200, Bethlehem, PA 18018, on behalf of City of Allentown, 3000 Parkway Boulevard, Allentown, PA 18104, submitted a Final Report concerning the remediation of site soils contaminated with benzo(a)pyrene and arsenic. The Final Report demonstrated attainment of the Statewide Health Standard for soils, and was approved by the Department on December 8, 2015.

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

NFG Midstream Clermont West Compressor Station, 12753 Shawmut Grade Road, Jones Township, **Elk County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of NFG Midstream Clermont, LLC, P. O. Box 2081, 1100 State Street, Erie, PA 16512, submitted a Final Report concerning the remediation of site soil contaminated with natural gas production fluids. The Report was disapproved by the Department on December 4, 2015.

J. J. Hamilton No. 20, Hamilton Markton Road, Perry Township, **Jefferson County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066, on behalf of XTO Energy, Inc., 395 Airport Road, Indiana, PA 15701, submitted a Remedial Investigation/Final Report concerning the remediation of site soil contaminated with Aluminum, Barium, Boron, Iron, Lithium, Manganese, Selenium, Vanadium, Zinc, and Chloride. The Remedial Investigation/Final Report demonstrated attainment of a combination of the Site-Specific and Statewide Health Standards and was approved by the Department on December 4, 2015.

Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Former First Student Bus Garage (First Student 20516) 235 Chartiers Ave., City of Pittsburgh, **Allegheny County**. American Geosciences Inc., 3925 Reed Blvd., Suite 400 Murrysville, PA 15668 on behalf of Christine J. Roman, 1245 Anderson Road, Pittsburgh, PA 15209 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with unleaded/leaded gasoline and diesel fuel related volatile organic compounds. The Final Report demonstrated attainment of the non-residential Statewide Health and non-residential Site-Specific standard(s) for 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene; benzene, ethylbenzene, MTBE, naphthalene and lead for soil and 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, benzene, MTBE and naphthalene for groundwater and was approved by the Department on December 2, 2015.

Guardian Industries Corp., 1000 Glasshouse Road, Jefferson Hills Borough, **Allegheny County**. ARCADIS U.S. Inc., 6041 Wallace Road Extension, Suite 300, Wexford, PA 15090 on behalf of Guardian Industries Corp., 2300 Harmon Road, Auburn Hills, Michigan 48326 submitted a Final Report concerning the remediation of site soils and groundwater contaminated with aluminum, arsenic, cobalt, iron, manganese, selenium, lead, 1,2-dichloroethane, benzene, and 2-methylnaphthalene and separate phase liquid hydrocarbons. The Final report demonstrated attainment of the non-residential Site-Specific standard and was approved by the Department on December 2, 2015.

Former Top's Diner Property, 410 Central Avenue, Johnstown City, **Cambria County**. P. Joseph Lehman, Inc., Olde Farm Office Centre, P. O. Box 419, Hollidaysburg, PA 16648 on behalf of Sheetz, Inc., 5700 6th Avenue, Altoona, PA 16601 submitted a Risk Assessment Report (RA) concerning the remediation of 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, and benzene in soil and 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, benzene, toluene, ethylbenzene, naphthalene, and dissolved lead in groundwater. The RA was approved by the Department on December 3, 2015.

Former Heppenstall Facility, 4700 Hatfield Street, City of Pittsburgh, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Regional Industrial Development Corporation of Southwestern Pennsylvania Growth Fund, 210 Sixth Avenue, Suite 3620, Pittsburgh, PA 15222 submitted a Final Report concerning the remediation of site soils and groundwater contaminated with volatile and semi-volatile organic compounds (VOCs & SVOCs) and metals. The Final Report demonstrated attainment of a residential site specific standard for soil and groundwater and was approved by the Department on December 3, 2015.

Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960.

The Estate of Austin Quinlan, 1066 Almshouse Road, Northampton Township, **Bucks County**. Richard D. Trimpi, PG, Trimpi Associates Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Clark Miller State Farm Insurance, PA Fire Claims, P. O. Box 106110, Atlanta, GA 30348-6110 on behalf of The Estate of Austin Quinlan, 1104 Almshouse Road, Ivyland, PA 18974 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 24, 2015. PF793929.

Barakat Property, 1056—1058 Middletown Road, Edgmont Township, **Delaware County**. Terence A. O'Reilly, TriState Environmental Services Inc., 368 Dunksferry Road, Bensalem, PA 19020, Michael A. Downs, PE, Toll PA XI, L.P., 516 North Newtown State Road, Newtown Square, PA 19073 on behalf of Joseph Barakat/Linda Letier/Fred Barakat, P. O. Box 200, Chadds Ford, PA 19317 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 12, 2015. PF781316.

George Woodward Company, 6500 Wisshaickon Avenue, City of Philadelphia, **Philadelphia County**. Andy Meadows, J&J Environmental, Inc., P. O. Box 370, Blue Bell, PA 19422-0370 on behalf of Barbara Baumbach, George Woodward Company, 8031 Germantown Avenue, Philadelphia, PA 19118 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 20, 2015. PF805632.

Moliettiere Residence, 3 South Esther Drive, Richland Township, **Bucks County**. Frank Lynch, Envirolink, Inc., 165 Daleville Road, Cochranville, PA 19330, Katy DiPasquale, Liberty Mutual, 100 Liberty Way, Dover, NH 03820 on behalf of Mrs. Pauline and Mr. Dave Moliettiere, 3 South Esther Drive, Quakertown, PA 18951 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 24, 2015. PF805861.

Ursinus College, 601 East Main Street, Collegetown Borough, **Montgomery County**. Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, Gilbert Marshall, Marshall GeoScience, Inc., 170 East First Avenue, Collegetown, PA 19426 on behalf of Andrew Feick, Ursinus College, 601 Main Street, Collegetown, PA 19426 has submitted a Cleanup Plan concerning the remediation of site soil and groundwater contaminated with petroleum hydrocarbons. The Cleanup Plan was approved by the Department on November 16, 2015. PF 648108.

Colonial Heritage MHP Evergreen, 288 Evergreen Drive, New Britain Township, **Bucks County**. Alan R. Hirschfeld, PG, L&A Environmental Specialists, Inc., 219, Lauren Road, Schwenksville, PA 19473 on behalf of James Perano, GSP Management, P. O. Box 677, Morgantown, PA 19543 has submitted a Cleanup Plan and Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with diesel and no. 2 heating oil compounds. The Cleanup Plan was approved by the Department on November 24, 2015. PF777387.

tion of site soil and groundwater contaminated with diesel and no. 2 heating oil compounds. The Cleanup Plan was approved by the Department on November 24, 2015. PF777387.

University of Pennsylvania, 4258—4266 Chestnut Street, City of Philadelphia, **Philadelphia County**. Bill Schmidt, PE, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, Mike Konezewski, University City Associates, by Jones Lang LaSalle Americans, Inc., 220 40th Street, Suite 201C, Philadelphia, PA 19406, Paul Martin, PG Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19406 on behalf of Kyle Rosato, University of Philadelphia, 3160 Chestnut, Suite 400, Philadelphia, PA 19104-6287 has submitted a Cleanup Plan and Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with heating oil short list. The Cleanup Plan and Remedial Investigation were disapproved by the Department on November 4, 2015. PF619463.

Ardmore MGP-Greenfield Avenue, 44 Greenfield Avenue, Lower Merion, Township, **Montgomery County**. Brett DiFelice, Stantec Consulting Services, Inc., 400 Davis Drive, Suite 400, Plymouth Meeting, PA 19462, Bruce Middleman, Stantec Consulting Services, Inc., 400 Davis Drive Suite 400, Plymouth Meeting, PA 19462, Peter Farrand, PECO Energy, 2301 Market Street, S7-2, Philadelphia, PA 19003 on behalf of Phillip Hughes Fox Park Corporation, 10 Greenfield Avenue, Suite 201, Ardmore, PA 19003 has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with inorganics. The Remedial Investigation Report was disapproved by the Department on November 5, 2015. PF665878.

3509 Spring Street, 3509—3513 Spring Garden, City of Philadelphia, **Philadelphia County**. Bill Schmidt, PE, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, Paul Martino, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, on behalf of Jonathan Chase, 3509 Spring Garden, LP, 3201 Arch Street, #420, Philadelphia, PA 19104 has submitted a Cleanup Plan and Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with heating oil short list. The Cleanup Plan and Remedial Investigation were disapproved by the Department November 20, 2015. PF785063.

Deagler Residence, 907 Germantown Pike, Plymouth Meeting, **Montgomery County**. Richard D. Trimpi, PG, Trimpi Associates Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Ty Gawlik, State Farm Insurance, PA Fire Claims, P. O. Box 106110, Atlanta, GA 30348-6110 on behalf of Drew Degaler, 907 Germantown Pike Plymouth Meeting, PA 19462 has submitted a Final Report concerning the remediation of site Soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 2, 2015. PF785618.

Grocery Store Development Site, 2270—2300 East Butler Street, City of Philadelphia, **Philadelphia County**. Jeffery T. Bauer, Whitestone Associates, Inc., 1600 Manor Drive, Suite 220, Chalfont, PA 18914, Taylor Bevenour, E.I.T., Whitestone Associates, Inc., 1600 Manor Drive, Suite 220, Chalfont, PA 18914 on behalf of Michael McGrath, LidI US, LLC/TLBT, LLC One Commerce Square, 2005 Market Street, Suite 1010, Philadelphia, PA 19103 has submitted a Cleanup Plan and Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with no. 6 and no. 2

fuel oil. The Cleanup Plan and Remedial Investigation Report were disapproved by the Department on November 23, 2015. PF766481.

Kehoe Construction, 750 West Washington Street, Norristown Borough, **Montgomery County**. Mark McCulloch, Shannon & Wilson Inc., 2110 Luann Lane, Suite 101, Madison, WI 53713, John Carpenter, U. S. Chrome Corporation, 175 Garfield Avenue, Stratford, Connecticut 06615 on behalf of Robert Reath, U. S. Chrome Corporation, 175 Garfield Avenue, Stratford, Connecticut 06615 has submitted a Remedial Investigation and Final Report concerning the remediation of site soil and groundwater contaminated with hexavalent chromium and total chromium. The Remedial Investigation and Final Report were disapproved by the Department on November 2, 2015. PF78441.

1200 Washington Avenue, 1200—1206 Washington Avenue, City of Philadelphia, **Philadelphia County**. William Schmidt, PE, Pennoni Associates, Inc., 3001 Market Street, Suite 200, Philadelphia, PA 19104, Paul Martino, Pennoni Associates, Inc., 3001 Market Street, Suite 200, Philadelphia, PA 19104 on behalf of Sam Carlo, VP, GPL Washington Properties, L.P., 1300 Virginia Drive Suite 215, Fort Washington, PA 19034 has submitted a Remedial Investigation and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with Vocs, metals chlorinates. The Remedial Investigation and Cleanup Plan were approved by the Department on November 6, 2015. PF802538.

Marshall Auto Sales, 239 South Easton Road, Cheltenham Township, **Montgomery County**. Mark Irani, P.G., Land Recycling Solutions, LLC, 3101 Mount Carmel Avenue, Suite 3, Glenside, PA 19038 on behalf of George Weinert, 1854 Sheralee Court, Port Orange, FL 32128 has submitted a Remedial Investigation and Final Report concerning the remediation of site soil and groundwater contaminated with leaded gasoline and unleaded gasoline. The Remedial Investigation and Final Report were disapproved by the Department on November 23, 2015.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170

Hazardous Waste Transporter License Reissued

Enviroserve, J.V. Limited Partnership, 4600 Brookpark Road, Cleveland, OH 44134. License No. PA-AH 0456. Effective Dec 07, 2015.

J and D Trucking, Inc., 3526 NW Boulevard, Vineland, NJ 08360. License No. PA-AH 0652. Effective Dec 03, 2015.

Renewal Applications Received

Enviroserve, J.V. Limited Partnership, 4600 Brookpark Road, Cleveland, OH 44134. License No. PA-AH 0456. Effective Dec 07, 2015.

Waste Management of PA, Inc., 625 Cherrington Parkway, Coraopolis, PA 15108. License No. PA-AH 0813. Effective Dec 07, 2015.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

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

GP9-46-0083: David Erb, Contractors Inc. (2930 Felton Road, Norristown, PA 19401) On December 1, 2015 for a 2 Diesel-Fired Internal combustion Engines in Upper Providence Township, **Montgomery County**.

GP3-46-0127: David Erb, Contractors Inc. (2930 Felton Road, Norristown, PA 19401) On December 1, 2015 for a portable nonmetallic mineral processing plant (90 TPH)-Source ID 101 (One Extec Model C-12 Crusher with 5 Conveyors, One Extec E-7 Screen) in Upper Providence Township, **Montgomery County**.

GP14-09-0141 Donald R. Kreider, V.M.D. (1501 2nd Street Pike, Southampton, PA 18966) On December 1, 2015 for an animal crematory in Upper Southampton Township, **Bucks County**.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531

GP1-54-001B: PA Department of Corrections/SCI Mahanoy (301 Morea Road, Frackville, PA 17932) on October 23, 2015 to operate three (3) natural gas/No.2 oil fired boiler in Frackville Borough, **Schuylkill County**.

GP1-35-010: Dempsey Uniform and Linen Supply (1200 Mid Valley Drive, Jessup, PA 18434) on August 14, 2015 to operate one (1) natural gas fired boiler in Jessup Borough, **Lackawanna County**.

GP3-52-002: E.R. Linde Construction Corporation (9 Collan Park, Honesdale, PA 18431) on September 29, 2015 to construct and operate a portable crushing operation with water sprays at their Lackawaxen Quarry in Lackawaxen Township, **Pike County**.

GP11-52-002: E.R. Linde Construction Corporation (9 Collan Park, Honesdale, PA 18431) on September 23, 2015 to install and operate one (1) nonroad engines at Lackawaxen Quarry in Lackawaxen Township, **Pike County**.

GP3-58-042: L&D Stoneworks, Inc. (2774 Stone Street, Montrose, PA 18801) on September 8, 2015 to construct and operate a Portable Crushing Operation with water sprays at their Middletown Quarry in Middletown Township, **Susquehanna County**.

GP9-58-042: L&D Stoneworks, Inc. (2774 Stone Street, Montrose, PA 18801) on September 8, 2015 to install and operate five (5) Diesel I/C engines their Middletown Quarry in Middletown Township, **Susquehanna County**.

GP5-58-021A: Appalachia Midstream Services, LLC (P. O. Box 54382, Oklahoma City, OK 73154) on December 1, 2015 the general operating permit GP5 issued for the operation of natural gas compressor station & dehydration plant at the facility located in Auburn Township, **Susquehanna County**.

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

Contact: Edward Orris, P.E., Environmental Engineer Manager—Telephone: 412-442-4161

GP5-32-00399C: Laurel Mountain Midstream Operating, LLC (Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275) on December 7, 2015, to allow the continued operation of one lean burn natural gas-fired compressor engine rated at 1,005 bhp and controlled by an oxidation catalyst, one tri ethylene glycol dehydrator (including reboiler) rated for 5 mmscf/day of natural gas, and one produced water tank at the Clyde Compressor Station located in West Wheatfield Township, **Indiana County**.

GP13-11-00051A: Quaker Sales Corporation (P. O. Box 880, Johnstown, PA 15907-0880) on December 07, 2015, to allow continued operation of their previously authorized Johnstown batch hot mix plant, rated at 300 tph, equipped with packaged low NO_x multi-fuel burners, rated at 100.0 MMBtus/hr, and controlled by a cyclone dust collector, rated at 70,000 ACFM at 275°F and followed by a fabric dust collector rated at 50,480 SCFM in West Taylor Township, **Cambria County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6940

GP5-43-376B: Hilcorp Energy Company Lackawannock—Larmon Central Facility (PA 318 Mercer, PA 16137) on December 1, 2015, for the authority to construct and/or operate three (3) natural gas fired compressor engines (Caterpillar G3516B), produced water storage tank, and pipeline pigging operations (BAQ-GPA/GP5) located at their facility in Lackawannock Township, **Mercer County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

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

09-0234: WCR, Inc.—Northeast Region (4080 Blanche Road, Bensalem, PA 19020) On December 2, 2015 for the spray coating operations at an existing facility located in Bensalem Township, **Bucks County**. The primary pollutant of concern is volatile organic compound (VOC) emissions from the coatings used in the spray booth. WCR, Inc. is categorized as a synthetic minor facility. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

23-0003AA: Monroe Energy-Trainer Refinery, (4101 Post Road, Trainer, PA 19061) On December 2, 2015 for the decommission of Sour Gas Flare and rerouting the gas headers to the Main Flare and the Sulfur Recovery Plant at the refinery facility located in Trainer Borough, **Delaware County**. Monroe is a major facility and operates under Title V operating permit No. 23-00003. The

project is subject to Federal NSPS regulations. The project does not produce significant emission increases and non-attainment NSR and PSD regulations are not triggered by this project. The plan approval contains monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507

39-00011C: Lafarge North America, Inc. (5160 Main Street, Whitehall, PA 18052) on August 17, 2015 for addition of natural gas as a fuel for No. 1 raw mill at their Whitehall Plant in Whitehall Township, **Lehigh County**.

39-00011D: Lafarge North America, Inc. (5160 Main Street, Whitehall, PA 18052) on October 26, 2015 to modify the plastic derived fuel (PDF) limitations for use in Kiln No. 2 and 3 at their Whitehall Plant in Whitehall Township, **Lehigh County**.

5-00053A: Metkote Laminated Products, Inc (1151 Union Street, Taylor, PA 18517) on October 30, 2015 for the installation of one (1) regenerative thermal oxidizer (RTO) for control of VOC's from the laminating production line at their facility in Taylor Borough, **Lackawanna County**.

54-00001A: Guilford Mills Inc. (1 Penn Dye Street, Pine Grove, PA 17963) on November 10, 2015 for the installation and operation of one (1) tenter frame at their facility in Pine Grove Borough, **Schuylkill County**.

48-00104B: Kranos Corp d.b.a. Schutt Reconditioning (610 Industrial Drive South Litchfield, IL 62056) on November 3, 2015 for the operation of an existing buffing process and one (1) cyclone dust collector at their facility in Palmer Township, **Northampton County**.

45-00035A: Joseph J. Pula Funeral Home Inc. d.b.a. Pocono Crematory (35 Sterling Rd Rt 196, Mount Pocono, PA 18344) on November 20, 2015 is for the installation and operation of one (1) human remains incinerator for their facility in Mount Pocono Borough, **Monroe County**.

45-00026A: Hanson Aggregates PA LLC (7660 Imperial Way, Allentown, PA 18195) on December 1, 2015 for the replacement of the current particulate matter control devices with one (1) new baghouse and knock out box at their facility in Hamilton Township, **Monroe County**.

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

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

14-00003G: Pennsylvania State University (101P Physical Plant Bldg, University Park, PA 16802) issued Plan Approval on November 30, 2015, for the construction of two Doosan model HP1600WCU air compressors powered by 580 brake-horsepower diesel-fired Cummins QSX15 reciprocating internal combustion engines at the University Park Campus East and West Campus Steam Plants located in College Township and State College Borough, **Centre County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

46-0284: John Middletown Co. (475 N Road, Limerick, PA 19468-1510) November 30, 2015 for replacement of ten (10) new cigar makers and new packaging equipment and the installation of a central baghouse in Limerick township, **Montgomery County**.

09-0189B: Eureka Co. (P. O. Box 1249, Chalfont, PA 18914-0249) On December 7, 2015, for the mining and crushed and broken stone in Warrington Township, **Bucks County**.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702

36-05161A: CounterTek, Inc. (1215 Ridge Avenue, Ephrata, PA 17522-9782) on December 3, 2015, for authorization to operate a cultured marble, laminate and solid surface countertop manufacturing operation which includes a gel coat spray booth, resin pouring area, laminate shop operation and 0.14 MMBtu wood boiler. The facility is located in East Cocalico 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

08-00010I: Global Tungsten & Powders Corp. (1 Hawes Street, Towanda, PA 18848) on December 2, 2015, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from December 25, 2015 to June 22, 2016, at their facility located in Towanda Borough, **Bradford County**. The plan approval has been extended.

18-00031A: Mountain Gathering, LLC (810 Houston Street, Fort Worth, Texas 76102-6298) to extend the authorization an additional 180 days from December 3, 2015 to June 1, 2016, in order to continue the compliance evaluation and permit operation pending issuance of an operating permit for the sources. The extension authorization allows continued operation of the three 1,775 bhp Caterpillar natural gas-fired compressor engines at the Dry Run Compressor Station located in Chapman Township, **Clinton County**. The plan approval has been extended.

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

Contact: Edward Orris, P.E., Environmental Engineer Manage—Telephone: 412-442-4161

04-00738A: Aliquippa Metal Recovery, LLC (100 Bet Tech Drive, Aliquippa, PA 15001) Extension effective December 6, 2015, to extend the period of temporary operation until May 28, 2016, for Aliquippa Metal Recov-

ery's slag processing and metals recovery facility located in Hopewell Township, **Beaver County**.

32-00428A: Creps United Publications, LLP (1163 Water Street, Indiana, PA 15701) Extension effective December 13, 2015, to extend the period of temporary operation until May 28, 2016, for Creps United Publications, LLP's new commercial printing facility located in White Township, **Indiana County**.

63-00968A: MarkWest Liberty Midstream and Resources, LLC (1515 Arapahoe Street Tower 1, Suite 1600, Denver, CO 80202-2137) Extension effective December 24, 2015, to extend the period of temporary operation of eight new rich burn natural gas-fired compressor engines rated at 1,980 bhp each and controlled by three-way catalysts authorized under PA-63-00968A until May 28, 2016, at the Smith Compressor Station located in Smith Township, **Washington County**.

65-00101C: MAX Environmental Technologies, Inc. (1815 Washington Road, Pittsburgh, PA 15241) Extension effective December 15, 2015, to extend the period of temporary operation of the electric arc furnace dust treatment system and dust collector authorized under plan approval PA-65-00101C until May 28, 2016, at the Yukon Facility located in South Huntingdon Township, **Westmoreland County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6328

20-037A: U.S. Bronze Foundry & Machine, Inc. (18649 Brake Shoe Road, Meadville, PA 16335) on December 3, 2015, effective December 31, 2015, will issue a plan approval extension for the construction of four new electric induction furnaces as part of Source 116 & 117 and the installation of a new baghouse (C116A) to control emissions from Source 116 & 117 and the removal of the old baghouse (C116). This permit is also for Orrville Bronze to install sources that will have their own controls and 4 furnaces that will exhaust into C116A & C117A. This is a State Only facility and is located in Woodcock Township, **Crawford County**.

Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

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

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

23-00045: Sunoco Partners Marketing & Terminals, L.P. Twin Oaks. (4041 Market Street, Aston, PA 19014) On December 2, 2015 located in Upper Chichester Township, **Delaware County**. This action is for the renewal of a Title V Operating Permit. The facility is primarily involved in Petroleum bulk stations and terminals. Sunoco operates gasoline loading racks, fuel oil loading racks and storage tanks. The permit contains all applicable requirements including monitoring, recordkeeping and reporting.

23-00089: FPL Energy Marcus Hook, L.P. (100 Green Street, Marcus Hook, PA 19061) On December 2, 2015, for renewal of a Title V Operating Permit in Marcus Hook Borough, **Delaware County**. There have been no source changes at the facility since the operating permit was issued in 2009. Sources at the facility include

three (3) combined cycle natural-gas fired combustion turbines with duct burners, one (1) cooling tower with twelve (12) cells, and a parts washing unit. FPL Energy Marcus Hook is a major facility for NO_x, VOC, CO, and PM. The renewal of the permit does not authorize any increase in air emissions of any regulated pollutants above previously approved levels. The permit includes monitoring, recordkeeping, and reporting requirements designed to address all applicable air quality requirements.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702

05-05022: Bedford Reinforced Plastics, Inc. (264 Reynoldsdale Road, Bedford, PA 15522-7401) on November 24, 2015, for the fiberglass reinforced plastics composite products pultrusion manufacturing facility located in East St. Clair Township, **Bedford County**. The Title V permit was renewed.

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

Contact: M. Gorog & B. Hatch, Environmental Engineer Manager—Telephone: 412-442-4150/5226

32-00129: Dominion Transmission Inc. (5000 Dominion Boulevard, Glen Allen, VA 23060) for renewal of Title V permit for natural gas distribution in North Mahoning Township, **Indiana County**. Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

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

09-00163: The H&K Group, Inc. (901 Minsi Trail, Blooming Glen, PA 18911), On November 12, 2015 for renewal of a State Only Operating Permit (natural minor) located in Hilltown Township, **Bucks County**. The H&K Group operates an aggregate processing plant at the Blooming Glen quarry using various crushers, screeners, and conveyors. The primary pollutant of concern is particulate matter emissions (PM/PM₁₀/PM_{2.5}). The facility employs a water spray dust suppression system to minimize fugitive dust emissions. The renewal application indicates that no new sources or changes have occurred since the permit was last issued in 2010. The permit will include monitoring, record keeping and reporting requirements designed to address all applicable air quality requirements.

46-00044: Glasgow, Inc. (Church & Flint Hill Roads, King of Prussia, PA 19406) On December 7, 2015, located in Upper Merion Township, **Montgomery County**, for a renewal of/administrative amendment to State Only (Synthetic Minor) Operating Permit No. 46-00044 for its McCoy Quarry & Asphalt Plant facility. The facility's air emissions sources consist of a batch hot mix asphalt (HMA) plant, a primary stone crushing plant, and a secondary stone crushing plant. The administrative amendment incorporates the requirements of Plan Approval No. 46-0044B for the secondary stone crushing plant. The batch HMA plant is subject to a HMA production restriction of 576,000 tons per year, and the facility is subject to site-level nitrogen oxide (NO_x) and

volatile organic compound (VOC) emission restrictions of less than 25 tons/yr each. Other than the replacement of two secondary stone crushers approved under Plan Approval No. 46-0044B, no changes have occurred at the facility since the SOOP was last amended in February 2010.

The batch HMA plant is subject to the provisions of 40 C.F.R. Part 60, Subpart I, and the primary stone crushing plant and two replacement secondary stone crushers of the secondary stone crushing plant are subject to the provisions of 40 C.F.R. Part 60, Subpart OOO. The renewal SOOP will continue to include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the 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

40-00126: Hazleton Hiller, LLC. (414 Stockton Mountain Road, Hazleton, PA 18201-0435) issued on 12/8/15, for the operation of an anthracite mining facility in Hazle Township, **Luzerne County**. The sources consist of one (1) thermal dryer, one (1) set of belt conveyors, one (1) crusher, one (1) set of bucket elevators, one (1) screen, one (1) auger conveyor, and four (4) silos. The emissions are controlled by a baghouse and fugitive dust collector. The proposed operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702

36-05162: Quality Custom Cabinetry, Inc. (125 Peters Road, New Holland, PA 17557-9205) on December 2, 2015, for the custom wood kitchen cabinet and countertop manufacturing facility located in Earl Township, **Lancaster County**. The State-only 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

17-00028: Greenwood Processing & Loading Complex, LLC: (1340 Hoyt Road, Curwensville, PA 16833), issued State only operating permit on November 18, 2015, for their coal preparation facility located in Greenwood Township, **Clearfield County**. The facility's main sources include a coal processing operation, site haul roads and stockpiles. The State Only operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

41-00059: Bimbo Bakeries USA, Inc. (3375 Lycoming Creek Road, Williamsport, PA 17701) on December 2, 2015, issued State Only (Synthetic Minor) operating permit for operation of their Williamsport Plant facility located in Old Lycoming Township, **Lycoming County**. The State Only (Synthetic Minor) operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

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

Contact: Tom Joseph, Permitting Chief—Telephone: 412-442-5226

65-00661: Derry Construction Co., Inc./Delmont Asphalt Plant (527 Route 217, Latrobe, PA 15650) on December 8, 2015, the Department issued a State Only Operating Permit renewal for the operation of a hot mix batch asphalt facility located in Salem Township, **Delmont County**.

04-00226: Hanson Aggregates BMC, Inc./Sewickley Creek Asphalt Plant (1008 Big Sewickley Creek Road, Sewickley, PA 15143) on December 8, 2015, the Department issued a State Only Operating Permit renewal for the operation of a hot mix batch asphalt facility located in Economy Borough, **Beaver County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6940

10-00277: Wiest Asphalt Products & Paving Inc. (310 Mitchell Hill Road, Butler, PA 16001) on December 1, 2015, for a renewal of Synthetic Minor Permit to operate a hot mix asphalt plant located in Summit Township, **Butler County**. The Emitting Sources included: 1) Natural gas Boiler for Asphalt Tank, 2) Batch Mix Asphalt Plant, 3) Fugitives from Asphalt Plant and, 4) Asphalt Tank. Based on Asphalt production in 2014, 98,911 Tons and AP-42 emission factors, the emission statement: CO: 19.78 Tons Per Year (TPY) [Emission factor: 0.40 lb./Ton], CO₂: 1829.85 TPY [AP-42, Emission Factor: 37 lbs./ton], NO_x: 1.23 TPY [AP-42, Emission Factor: 0.025 lb./ton], SO_x: 0.227 TPY [AP-42, Emission Factor: 0.0046 lbs./ton], VOC: 0.40 TPY [AP-42, Emission Factor: 0.0082 lb./ton], PM₁₀: 1.33 TPY (Controlled) [AP-42, Emission Factor: 0.027 lb./ton]. The facility took a restriction on production not exceeding 495,000 tons per year to qualify as a Synthetic Minor facility.

37-00331: RWE Holding Co.—West Pittsburgh Plant (P. O. Box 311, Portersville, PA 16051) on December 2, 2015 issued a new natural minor operating permit for slag handling, anti-skid processing, bulk carbon loading, graphite drying operation and a portable nonmetallic mineral processing plant at 535 Rundle Road, New Castle, PA 16101. The plant is located in Taylor Township, **Lawrence County**. Sources at the site include slag handling, anti-skid processing, coke screening, coke storage piles, dry bulk carbon transfer, graphite drying, plant roadways, and a crusher with conveyors. The dry bulk carbon transfer and graphite drying operation are each controlled by baghouses. The portable crushing plant is powered by a 305 hp Cummins diesel engine. The crusher is controlled by wet spray. The processing plant is subject to 40 CFR Part 60 Subpart OOO pertaining to Nonmetallic Mineral Processing. The engine is subject to 40 CFR 63 Subpart ZZZZ pertaining to National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The processing plant was authorized by GP-3. The engine was authorized by GP-9. The permit includes emission limits, testing, recordkeeping, reporting, work practice and additional requirements. The emissions from the facility are: 1.85 TPY PM; 1.67 TPY PM₁₀; 4.23 TPY NO_x; 0.75 TPY CO; 0.125 TPY VOC; and, 0.004 TPY SO_x.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act nd 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

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

15-00017: Transcontinental Pipeline, (60 Bacton Hill Rd, Frazer, PA 19355) On December 1, 2015 for the amendment of a Title V Operating Permit in East Whiteland Township, **Chester County**. Transcontinental Gas Pipeline Company operates a natural gas supply and distribution station in Frazer, Pennsylvania. The existing Title V permit was amended to separate the two small generators (manufactured by Cummins and Onan) which were grouped under Source ID 748 because they are subject to different regulations than the other generator included under Source ID 748. Cummins and Onan emergency generators are subject to 40 CFR Part 60 Subpart JJJJ. The permit contains monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6940

10-00021: Indspec Chemical Corporation (PO Box 307, 133 Main Street, Petrolia, PA 16050). On December 7, 2015 issued an administrative amendment to the Title V Operating Permit to incorporate the change in responsible official for the facility located in Petrolia Borough, **Butler County**. The plant manager changed to David Dorko and other representatives delegated as “Acting Plant Manager” were added to the permit.

43-00152: John Maneely Company Wheatland Tube Division Mill Street Plant (PO Box 608, Wheatland, PA 16161-0608) on December 1, 2015 issued an administrative amendment to the State Only Operating Permit for the facility located in Sharon City, **Mercer County**. The amendment incorporates the requirements of plan approval 43-152C.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702

06-05079: United Corrstack, Inc. (720 Laurel Street, Reading, PA 19602-2718) Pursuant to 25 Pa. Code § 127.449(i), this PA Bulletin Notice is for the de minimis emissions increases of 0.45 tpy PM₁₀, resulting from the installation of a fly ash transport system containing one (1) 50 ton silo controlled by bin vent filters and one (1) 600 cfm fly ash separator & 0.2 tpy PM₁₀ resulting from the installation of two (2) 571 gals/min cooling towers in the City of Reading, **Berks County**. This is the fourth & fifth de minimis emissions increase at the facility during the term of the current operating permit.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6940

43-00336: PA Rail Car Company (584 Fairground Road, Mercer, PA 16137) on December 1, 2015, for the facility located in West Middlesex Borough, **Mercer County**. This State Operating Permit was revoked because the sources (1 spray booth and a degreaser) were exempted from plan approval and operating permit based on actual VOC emissions less than 2.7 TPY from 2010 to the present.

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

03991301 and NPDES No. PA0235407. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Logansport Mine in Bethel, Gilpin, Parks, Burrell Townships, **Armstrong County** and related NPDES permit to add underground and subsidence control plan acres. Underground Acres Proposed 4812.3, Subsidence Control Plan Acres Proposed 4,812.3. Receiving Stream: Unnamed Tributary "A" to Allegheny River, classified for the following use: WWF. Receiving Stream: Unnamed Tributary "VV" to Allegheny River, classified for the following use: WWF. Receiving Stream: Allegheny River, classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is Municipal Authority of Buffalo Township and intake Allegheny River. The application was considered administratively complete on August 26, 2015. Application received April 20, 2015. Permit issued December 2, 2015.

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

Permit No. 32990110 and NPDES No. PA0235164. KMP Associates, Inc., 3756 State Route 981, Saltsburg, PA 15681, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in

Young Township, **Indiana County** affecting 41.3 acres. Receiving streams: unnamed tributary to/and Harpers Run, Blacklegs Creek, Kiskiminetas River classified for the following uses: cold water fishes and warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 19, 2015. Permit issued November 17, 2015.

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

14040101 and NPDES PA0243833. RES Coal LLC (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Transfer of an existing bituminous surface coal and auger mine from River Hill Coal Company, Inc. located in Rush Township, **Centre County** affecting 547.3 acres. Receiving stream(s): Unnamed Tributary to Trout Run and Moshannon Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: June 23, 2015. Permit issued: November 20, 2015.

17803023 and NPDES PA 0128198. EnerCorp, Inc. (1310 Allport Cutoff, Morrisdale, PA 16858). Transfer from E. M. Brown, Inc. and permit renewal reclamation activities only for post-mining water treatment located in Cooper Township, **Clearfield County**, affecting 14.2 acres. Receiving stream(s): Basin Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: October 14, 2014. Permit issued: December 4, 2015.

New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500

3371BSM42 and NPDES Permit No. PA0251071. Shenango, Inc. (200 Neville Road, Pittsburgh, PA 15225). Permit renewal issued for continued treatment to a completed bituminous surface mine, located in Luzerne Township, **Fayette County**, affecting 39 acres. Receiving stream: Monongahela River. Application received: January 31, 2013. Renewal permit issued: December 3, 2015.

26713049 and NPDES Permit No. PA0119172. Shenango, Inc. (200 Neville Road, Pittsburgh, PA 15225). Permit renewal issued for continued treatment to a completed bituminous surface mine, located in Luzerne Township, **Fayette County**, affecting 41 acres. Receiving streams: unnamed tributary to Wallace Run and Wallace Run. Application received: January 31, 2013. Renewal permit issued: December 3, 2015.

63130103 and NPDES Permit No. PA0252433. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258). Permit issued for commencement, operation and restoration of a bituminous surface mine, located in Deemston Borough, **Washington County**, affecting 88.8 acres. Receiving streams: unnamed tributaries to Fishpot Run and Fishpot Run. Application received: October 22, 2014.

Noncoal Permits Issued

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

41152801. Fisher and Franks Excavating and Hauling LLC (4680 Route 864 Highway, Montoursville, PA 17754). Commencement, operation and restoration of a shale quarry in Upper Fairfield Township, **Lycoming County** affecting 0.72 acre. Receiving stream(s): Mill Creek. Application received: September 30, 2015. Permit Issued: December 2, 2015.

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

Permit No. 06100301 and NPDES Permit No. PA0224898. Berks Products Corporation, (167 Berks Products Drive, Leesport, PA 19533), commencement, operation and restoration of a quarry operation (replacing SMP Nos. 7774SM2 and 06910301) and NPDES Permit for discharge of treated mine drainage in Ontelaunee Township, **Berks County** affecting 351.2 acres, receiving streams: Maiden Creek and Schuylkill River. Application received: December 10, 2010. Permit issued: December 2, 2015.

Permit No. 15830602C14 and NPDES Permit No. PA0614203. Allan Myers, L.P. d/b/a Allan Myers Materials, (638 Lancaster Avenue, Malvern, PA 19355), renewal of NPDES permit for discharge of treated mine drainage from a quarry operation in Charlestown Township, **Chester County**, receiving stream: unnamed intermittent tributary to Pickerting Creek. Application received: May 5, 2014. Renewal issued: December 2, 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

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

Permit No. 36154150. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Kreider Farms Mt. Joy in East Donegal Township, **Lancaster County** with an expiration date of December 30, 2015. Permit issued: December 1, 2015.

Permit No. 38154129. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Lloyd Oberholtzer Manure Pit in Millcreek Township, **Lebanon County** with an expiration date of December 31, 2015. Permit issued: December 1, 2015.

Permit No. 38154130. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Linda Sue Gardens in Heidelberg Township, **Lebanon County** with an expiration date of October 30, 2016. Permit issued: December 1, 2015.

Permit No. 06154110. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), Green Valley Estates in Lower Heidelberg Township, **Berks County** with an expiration date of November 30, 2016. Permit issued: December 3, 2015.

Permit No. 38154131. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), Darnell Martin Ag Building in Millcreek Township, **Lebanon County** with an expiration date of February 28, 2016. Permit issued: December 3, 2015.

Permit No. 67154115. Newville Construction Services, Inc., (408 Mohawk Road, Newville, PA 17241), construction blasting for Mustang Heights in Penn Township, **York County** with an expiration date of December 31, 2016. Permit issued: December 3, 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

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.

E06-700: PA Department of Transportation, Engineering District 5-0, 1002 Hamilton Street, Allentown, PA 18101 in Richmond Township & Fleetwood Borough, **Berks County**, U.S. Army Corps of Engineers Philadelphia District.

To remove existing structures and to install and maintain (1) a 29 x 45 inch outfall to Willow Creek (CWF, MF), (2) two 34 x 53 inch outfalls to Willow Creek (CWF, MF) and (3) a 42-inch diameter outfall with R-5 rock dissipator.

tor to unnamed tributary to Willow Creek (CWF, MF) along SR 0662 and SR 1010 in Richmond Township and Fleetwood Borough, Berks County (Latitude: 40° 27' 19"; Longitude: -75° 49' 7.32"). The project proposes to impact 0.001 ac of Willow Creek and 0.03 ac of floodplain for the purpose of improving roadway drainage. No wetland impacts are proposed. The permit was issued on November 9, 2015.

E22-605: Dauphin County Board of Commissioners, PO Box 1295, Harrisburg, PA 17108 in South Hanover Township and Hummelstown Borough, **Dauphin County**, U. S. Army Corps of Engineers Baltimore District.

This permit is amended to include a full length causeway for construction and to provide a crossing in case of an emergency. The amendment was approved on November 10, 2015.

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E63-660, William A. Brown, 154 Herbst Road, Coraopolis, PA 15108, Hanover Township, **Washington County**, ACOE Pittsburgh District.

Has been given consent to:

1. Construct and maintain a 15 linear feet wide by 50 linear feet long, steel beam-metal decking, single-span bridge and its associated abutments across Brush Run (WWF), with an under clearance of approximately 6 feet from the streambed and;

2. Construct, maintain, and remove upon completion of the project a temporary bridge that will be 10 feet wide and 31feet long that will include the placement of five (5) 24 inch CMP culverts.

Cumulatively, the proposed features will permanently impact approximately 32 linear feet, and temporarily impact 50 linear feet of Brush Run (WWF) and its associated floodplain for the purpose of providing access to a 200+ acre parcel of land to be developed into a single family residential dwelling located northeast of the intersection of Kramer Road and Witherspoon Road (USGS Clinton Quadrangle; N: 14.3 inches; W: 16.6 inches; Latitude: 40° 27' 17"; Longitude: -80° 22' 9"), in Hanover Township, Washington County.

E65-974, PennDOT District 12-0, 825 North Gallatin Avenue, Uniontown, PA 15401, East Huntingdon Township, **Westmoreland County**, ACOE Pittsburgh District.

Has been given consent to:

1. Place and maintain fill in 100 feet of a UNT to Sherrick Run (WWF) with a drainage area less than 100 acres; construct and maintain a 95 foot long replacement channel;

2. Place and maintain fill in 117 feet of a second UNT to Sherrick Run (WWF) with a drainage area less than 100 acres; construct and maintain a 113 foot long replacement channel;

3. Remove the existing SR 0119, 126 foot long, 36" RCP culvert carrying a third UNT to Sherrick Run (WWF) with a drainage area less than 100 acres; construct and maintain a replacement 142 foot long, 36" RCP culvert in the same location;

4. Remove the existing SR 0119, 142 foot long, 54" CTC culvert carrying a fourth UNT to Sherrick Run (WWF) with a drainage area of 120 acres; construct and maintain two parallel replacement 144 foot long, 38" by 60" RCP

culverts in the same location; place and maintain fill in 60 feet of the same UNT to Sherrick Run immediately upstream of the proposed culverts; construct and maintain a 55 foot long replacement channel;

5. Remove the existing SR 0119, 102 foot long, 48" RCP culvert carrying a fifth UNT to Sherrick Run (WWF) with a drainage area of 131 acres; construct and maintain a replacement 123 foot long 53" by 83" RCP culvert in the same location;

6. Remove the existing SR 0119, 115 foot long, 36" RCP culvert carrying a sixth UNT to Sherrick Run (WWF) with a drainage area of 114 acres; construct and maintain a replacement 147 foot long, 53" by 83" RCP culvert in the same location;

7. Remove the existing SR 0119, 91 foot long 1" RCP culvert carrying a seventh UNT to Sherrick Run (WWF) with a drainage area of less than 100 acres; construct and maintain a replacement 91 foot long 18" RCP culvert in the same location; place and maintain fill in 315 feet of the same UNT to Sherrick Run; construct and maintain a 315 foot long replacement channel;

8. Place and maintain fill in 0.13 acre of PEM/PSS/PFO wetlands; construct and maintain associated stormwater outfalls; and temporarily impact 0.50 acre of wetland and 1,555 feet of stream for the purpose of constructing these encroachments.

Stream mitigation will occur offsite on Jacobs Creek (CWF) in Mount Pleasant and Bullsken Township in Westmoreland and Fayette Counties (Mount Pleasant PA Quadrangle, North 1.9 inches and West 1.75 inches; Latitude 40° 8' 14" and Longitude -79° 30' 36"). Wetland mitigation will occur offsite at the Jacobs Creek Advanced Wetland Compensation site in Bullsken Township, Fayette County (Mount Pleasant PA Quadrangle, North 0.25 inches and West 2.5 inches; Latitude: 40° 8' 6.5" and Longitude: -79° 30' 37"). These encroachments are associated with the SR 0119 widening and upgrade project, located 1.0 mile west of Mount Pleasant, PA (Beginning Mount Pleasant, PA Quadrangle, North 11.2 inches and West 9.5 inches; Latitude: 40° 11' 10" and Longitude: -79° 34' 5"; ending Connellsville, PA Quadrangle, North 22.25 inches and West 7.75 inches; Latitude: 40° 7' 27" and Longitude: -79° 33' 21") in East Huntingdon Township, Westmoreland County.

District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA

E6629-024: Appalachia Midstream Services, LLC, 100 Ist Center, Horseheads, NY 14845, Forkston and Windham Townships, **Wyoming County**, ACOE Baltimore District.

To construct, operate and maintain the Dimmig and Otten Well Lines Project, which consists of 3.50 miles of one 8-inch diameter natural gas pipeline, 0.12 mile of one 6-inch diameter natural gas pipeline, 0.03 mile of one 6-inch diameter natural gas pipeline, and associated access roads with the following impacts:

1. 225.0 linear feet of a UNT to North Branch Mehoopany Creek (CWF, MF) and 504 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°31'48.36", Longitude: W76°08'55.86");

2. 213.0 linear feet of a UNT to North Branch Mehoopany Creek (CWF, MF) and 85 square feet of temporary impacts to Exceptional Value (EV) Palustrine

Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°31'50.58", Longitude: W76°08'50.37");

3. 202 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetland via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°31'51.74", Longitude: W76°08'48.77");

4. 246 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°31'53.26", Longitude: W76°08'49.02");

5. 131.0 linear feet of a UNT to North Branch Mehoopany Creek (CWF, MF) via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°31'56.86", Longitude: W76°08'49.96");

6. 133.0 linear feet of a UNT to North Branch Mehoopany Creek (CWF, MF) via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°31'59.54", Longitude: W76°08'45.73");

7. 3.0 linear feet of a UNT to North Branch Mehoopany Creek (CWF, MF) via horizontal directional drilling (Jenningsville, PA Quadrangle, Latitude: N41°32'05.71", Longitude: W76°08'37.86");

8. 18.0 linear feet of two UNTs to North Branch Mehoopany Creek (CWF, MF) via horizontal directional drilling (Jenningsville, PA Quadrangle, Latitude: N41°32'08.86", Longitude: W76°08'37.11");

9. 49.0 linear feet of North Branch Mehoopany Creek (CWF, MF) via horizontal directional drilling (Jenningsville, PA Quadrangle, Latitude: N41°32'11.76", Longitude: W76°08'36.49");

10. 2,081 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°32'14.42", Longitude: W76°08'35.62");

11. 130.0 linear feet of a UNT to North Branch Mehoopany Creek (CWF, MF) and 2,945 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°32'17.08", Longitude: W76°08'38.88");

12. 201 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°32'19.44", Longitude: W76°08'40.50");

13. 826 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°32'22.40", Longitude: W76°08'41.77");

14. 411 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°32'28.95", Longitude: W76°08'46.31");

15. 75 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°32'32.16", Longitude: W76°08'48.28");

16. 401 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°32'34.69", Longitude: W76°08'49.40");

17. 134.0 linear feet of a UNT to Farr Hollow (CWF, MF) and 2,426 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°32'54.14", Longitude: W76°08'39.38");

18. 138.0 linear feet of a UNT to Farr Hollow (CWF, MF) via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°32'54.60", Longitude: W76°08'39.45");

19. 2,671 square feet of temporary impacts to Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands and 6,426 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°32'57.33", Longitude: W76°08'39.74");

20. 145.0 linear feet of a UNT to Farr Hollow (CWF, MF) via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°33'05.83", Longitude: W76°08'47.28");

21. 130.0 linear feet of a UNT to Farr Hollow (CWF, MF) via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°33'06.27", Longitude: W76°08'47.93");

22. 157.0 linear feet of a UNT to Farr Hollow (CWF, MF) and 190 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°33'11.67", Longitude: W76°08'51.63");

23. 248 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°33'12.09", Longitude: W76°08'51.97");

24. 96.0 linear feet of a UNT to Farr Hollow (CWF, MF) and 2,006 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°33'16.10", Longitude: W76°08'59.82");

25. 136.0 linear feet of a UNT to Farr Hollow (CWF, MF) via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°33'18.43", Longitude: W76°09'05.05");

26. 158.0 linear feet of a UNT to Farr Hollow (CWF, MF) via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°33'19.46", Longitude: W76°09'06.45");

27. 137.0 linear feet of a UNT to Farr Hollow (CWF, MF) via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°33'20.70", Longitude: W76°09'07.91");

28. 900 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°33'22.92", Longitude: W76°09'12.49");

29. 1,159 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°33'30.77", Longitude: W76°09'21.96");

30. 131.0 linear feet of a UNT to Farr Hollow (CWF, MF) via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°33'45.67", Longitude: W76°09'16.59");

31. 151.0 linear feet of a UNT to Farr Hollow (CWF, MF) via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°33'55.62", Longitude: W76°09'17.76");

32. 284 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°34'04.53", Longitude: W76°09'14.76");

33. 595 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°34'07.05", Longitude: W76°09'13.63");

34. 1,652 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via a temporary road crossing (Jenningsville, PA Quadrangle, Latitude: N41°31'56.01", Longitude: W76°08'40.04"); and

35. 2,347 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via a temporary access road crossing (Grover, PA Quadrangle, Latitude: N41°31'55.33", Longitude: W76°08'40.18").

The project will result in 2,415.0 linear feet of temporary stream impacts, 26,210 square feet (0.60 acre) of temporary EV PEM wetland impacts, and 2,671 square feet (0.06 acre) of temporary EV PSS wetland impacts/all for the purpose of installing a natural gas gathering line and associated access roadways for Marcellus shale development.

E5729-084: Chief Oil and Gas, LLC, 1720 Sycamore Road, Montoursville, PA, 17754 Forksville Borough, **Sullivan County**, USACE Baltimore District.

To construct, operate, and maintain:

1. A T-shaped intake structure with two 18 inch diameter by 30 inch long screens impacting 40 linear feet of the Loyalsock Creek (EV) (Eagles Mere Quadrangle 41°29'36"N, 76°36'27"W);

2. A 12 inch diameter waterline and a ford crossing impacting 40 linear feet of the Loyalsock Creek (EV) (Eagles Mere Quadrangle 41°29'32"N, 76°36'25"W).

The project will result in approximately 40 linear feet of temporary stream impacts and approximately 40 linear feet of permanent stream impacts for the purpose of installing an access road, waterline, and intake structure for Marcellus Shale gas development in Forksville Borough, Sullivan County.

E0829-101: Appalachia Midstream, LLC, 400 1st Center Suite 404, Horseheads, NY 14845, Overton Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 6 inch diameter natural gas line and a temporary timber mat bridge impacting 987 square feet of a Palustrine Emergent Wetland (EV) (Dushore, PA Quadrangle, Latitude: 41°33'49", Longitude: -76°29'22");

The project will result in 987 square feet (0.02 acre) of temporary PEM wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Overton Township, Bradford County. This project is associated with permit application number E5729-078.

E1729-008: Campbell Oil & Gas, Inc., 625 Kolter Drive, Suite 6, Indiana, PA 15701, Jordan Township, **Wyoming County**, ACOE Baltimore District.

To construct, operate and maintain the Irvona Gasline Project, which consists of 14,178 linear feet of 4-inch diameter natural gas pipeline, with the following impacts:

1. 30.0 linear feet of a UNT to Strong Run (EV, CWF) and 1,842 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Irvona, PA Quadrangle, Latitude: N40°49'42.58", Longitude: W78°34'45.45");

2. 29.0 linear feet of a UNT to Hunter Run (EV, CWF) via open cut trenching and a temporary road crossing (Irvona, PA Quadrangle, Latitude: N40°49'29.12", Longitude: W78°34'31.33");

3. 85.0 linear feet of Hunter Run (EV, CWF) via open cut trenching and a temporary road crossing (Irvona, PA Quadrangle, Latitude: N40°49'11.69", Longitude: W78°34'05.08");

4. 25.0 linear feet of a UNT to Comfort Run (EV, CWF) via open cut trenching and a temporary road crossing (Irvona, PA Quadrangle, Latitude: N40°48'57.19", Longitude: W78°33'38.83");

5. 30.0 linear feet of a UNT to Comfort Run (EV, CWF) via open cut trenching and a temporary road crossing (Irvona, PA Quadrangle, Latitude: N40°48'55.69", Longitude: W78°33'26.80"); and

6. 26.0 linear feet of Comfort Run (EV, CWF) via open cut trenching and a temporary road crossing (Irvona, PA Quadrangle, Latitude: N40°48'44.10", Longitude: W78°33'05.73").

The project will result in 225.0 linear feet of temporary stream impacts, and 1,842 square feet (0.04 acre) of temporary EV PEM wetland impacts all for the purpose of installing a natural gas pipeline and associated access roadways for Marcellus shale development.

E5729-078: Appalachia Midstream, LLC, 400 1st Center Suite 404, Horseheads, NY 14845, Forks Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 6 inch diameter natural gas line impacting 165 square feet of a Palustrine Forested Wetland (EV) (Dushore, PA Quadrangle, Latitude: 41°33'38", Longitude: -76°29'13");

The project will result in 165 square feet (0.01 acre) of PFO wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Forks Township, Sullivan County. This project is associated with permit application number E0829-101.

E42-08-017: Seneca Resources Corporation, 5800 Corporate Drive, Suite 300, Pittsburgh, PA 15237, **McKean County**, ACOE Baltimore District.

To construct, operate and maintain the Clermont to Rich Valley Waterline Project, which consists of one 16-inch waterline, with the following impacts:

1. 1,697 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via a temporary road crossing (Wildwood Fire Tower, PA Quadrangle, Latitude: N41°37'22.64", Longitude: W78°25'27.31");

2. 109.0 linear feet of Elk Fork (EV, CWF) and 2,774 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Wildwood Fire Tower, PA Quadrangle, Latitude: N41°37'21.06", Longitude: W78°25'23.26"); and

3. 123.0 linear feet of a UNT to Elk Fork (EV, CWF) and 1,051 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Wildwood Fire Tower, PA Quadrangle, Latitude: N41°37'10.82", Longitude: W78°24'58.06").

The project will result in 232.0 linear feet of temporary stream impacts, and 5,522 square feet (0.13 acre) of temporary EV PEM wetland impacts all for the purpose of installing a waterline and associated access roadways for Marcellus shale development.

E1229-005: Seneca Resources Corporation, 5800 Corporate Drive, Suite 300, Pittsburgh, PA 15237, **Cameron County**, ACOE Baltimore District.

To construct, operate and maintain the Clermont to Rich Valley Waterline Project, which consists of one 16-inch waterline, with the following impacts:

1. 137.0 linear feet of Oviatt Branch (EV, CWF) and 4,999 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Wildwood Fire Tower, PA Quadrangle, Latitude: N41°36'54.98", Longitude: W78°24'17.16");

2. 3,877 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Wildwood Fire Tower, PA Quadrangle, Latitude: N41°36'54.90", Longitude: W78°24'14.76");

3. 177.0 linear feet of a UNT to Brewer Fork (EV, CWF) and 8,414 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Wildwood Fire Tower, PA Quadrangle, Latitude: N41°36'53.22", Longitude: W78°23'45.57"); and

4. 246.0 linear feet of two UNTs to Brewer Fork (EV, CWF) and 418 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Wildwood Fire Tower, PA Quadrangle, Latitude: N41°36'50.94", Longitude: W78°23'06.10").

The project will result in 560.0 linear feet of temporary stream impacts, and 17,708 square feet (0.41 acre) of temporary EV PEM wetland impacts all for the purpose of installing a waterline and associated access roadways for Marcellus shale development.

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460

E1114-002, Cambria County Conservation District, 401 Candlelight Drive, Suite 229, Ebensburg, PA 15963, in Cherry Tree Borough, **Indiana County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a 3,457 linear foot stream restoration project on West Branch Susquehanna River (CWF, MF) and Cush Cushion Creek (HQ-CWF, MF), consisting of the installation of fish habitat structures to recreate a low flow meandering channel to reduce erosion and improve sediment transport while providing fish and wildlife habitat. The project is located completely within the limits of the Cherry Tree Flood Protection Project. The West Branch Susquehanna River portion begins 3,265 feet upstream from the Rt. 580 Bridge (Latitude: 40° 43' 4"; Longitude: -78° 48' 2") and extends 4,500 feet downstream to the end of the flood control project area just before the Clearfield County Line (Latitude: 40° 43' 45"; Longitude: -78° 48' 17"). The Cush Cushion Creek portion begins 1200 feet upstream of its confluence with the West Branch Susquehanna River (Latitude: 40° 23' 26"; Longitude: -78° 48' 29") and extends to the confluence itself (Latitude: 40° 43' 33"; Longitude: -78° 48' 19").

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.

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335

ESCGP-2 #ESX15-019-0030—Oneida to Renick Waterline and Gas Line
Applicant R.E. Gas Development LLC
Contact Michael T. Endler
Address 600 Cranberry Woods Drive
City Cranberry Township State PA Zip Code 16066

County Butler Townships Center and Oakland Townships
Receiving Stream(s) and Classification(s) Pine Run,
Tributaries to Stony Run, and Tributaries to Con-
noquenessing Creek

*Eastern Region: Oil & Gas Management Program Man-
ager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-2 # ESX10-081-0100 (01)
Applicant Name XTO Energy Inc
Contact Person Stacey Vehovic
Address 395 Airport Rd
City, State, Zip Indiana, PA 15701
County Lycoming County
Township(s) Moreland Twp
Receiving Stream(s) and Classification(s) Broad Run &
Little Muncy Creek (CWF)
Secondary—Muncy Creek (TSF)

ESCGP-2 # ESG29-105-15-0005
Applicant Name JKLM Energy LLC
Contact Person Scott Blauvelt
Address 2200 Georgetown Dri, Suite 500
City, State, Zip Sewickley, PA 15143
County Potter Co
Township(s) Ulysses Twp
Receiving Stream(s) and Classification(s) Cushing Hollow
(HQ-CWF)
Secondary—Genessee Forks (HQ-CWF)

ESCGP-2 # ESX29-115-15-0039
Applicant Name Cabot Oil & Gas Corp
Contact Person Kenneth Marcum
Address 2000 Park Lane, Suite 300
City, State, Zip Pittsburgh, PA 15275
County Susquehanna Co
Township(s) Jessup Twp
Receiving Stream(s) and Classification(s) UNT to East
Branch of Wyalusing Ck (CWF)

ESCGP-2 # ESX29-115-15-0044
Applicant Name Cabot Oil & Gas Corp
Contact Person Kenneth Marcum
Address 2000 Park Lane, Suite 300
City, State, Zip Pittsburgh, PA 15275
County Susquehanna Co
Township(s) Springville Twp
Receiving Stream(s) and Classification(s) Meshoppen Ck
(CWF-MF)
Pond Brook (CWF-MF)

ESCGP-2 # ESX29-115-15-0045
Applicant Name Williams Field Services Co LLC
Contact Person Lauren Miladinovich
Address Park Place Corporate Ctr 2, 2000 Commerce Dr
City, State, Zip Pittsburgh, PA 15275
County Susquehanna Co
Township(s) Dimock Twp
Receiving Stream(s) and Classification(s) Meshoppen
Creek (CWF-MF)

ESCGP-2 # ESG29-023-14-0015(01)
Applicant Name NFG Midstream Clermont LLC
Contact Person Duane Wassum
Address 6363 Main St
City, State, Zip Williamsville, NY 14221
County Cameron
Township(s) Shippen
Receiving Stream(s) and Classification(s) Havens Run
(HQ-CWF); Brewwer Fork (EV); Nichols Run (EV); Left
Branch Cooks Run (EV); UNTs to Elk Fork (EV);
Eighteen Hollow (EV); High Dry Hollow (EV);
UNTs to Cooks Run (EV)
Secondary—Potato Creek (HQ-CWF); Elk Fork (EV);
Cooks Run (EV); Left Branch Cooks Run (EV)

ESCGP-2 # ESX12-115-0183(01)
Applicant Name Carrizo Marcellus LLC
Contact Person Gary Byron
Address 251 Drain Lick Rd
City, State, Zip Drifting, PA 16834
County Susquehanna
Township(s) Bridgewater
Receiving Stream(s) and Classification(s) UNT to Pettis
Creek (WWF)

ESCGP-2 # ESG29-033-14-0002
Applicant Name Campbell Oil & Gas Inc
Contact Person Eric Wood
Address 625 Kolter Dr, Suite 6
City, State, Zip Indiana, PA 15701
County Clearfield
Township(s) Jordan
Receiving Stream(s) and Classification(s) UNT to Stony
Run (HQ-CWF); Strong Run (CWF); UNT to Hunter
Run (CWF); Hunter Run (CWF); UNTs to Comfort Run
(CWF); Comfort Run (CWF)
Secondary—Stony Run (HQ-CWF); North Witmer Run
(CWF); Hunter Run (CWF); Comfort Run (CWF)

*Southwest Region: Oil & Gas Program Mgr., 400 Water-
front Dr., Pittsburgh, PA*

ESCGP-2 No: ESX13-003-0002 Major Revision
Applicant Name: EQT Gathering LLC
Contact Person Brinton M Goettel
Address: 625 Liberty Avenue
City: Pittsburgh State: PA Zip Code: 15222
County: Allegheny Township: Forward
Receiving Stream(s) and Classifications: Kelly Run WWF
and Perry Mill Run WWF/Lower Monongahela; Other
WWF

ESCGP-2 No.: ESX11-059-0065 Major Revision
Applicant Name: Rice Drilling B LLC
Contact Person: Joseph Mallow
Address: 400 Woodcliff Drive
City: Canonsburg State: PA Zip Code: 15317
County: Greene Township(s): Richhill
Receiving Stream(s) and Classifications: Polen Run (TSF/
Ohio River; Other TSF

ESCGP-2 No.: ESX15-059-0028
Applicant Name: Rice Water Services PA LLC
Contact Person: Joseph Mallow
Address: 400 Woodcliff Drive
City: Canonsburg State: PA Zip Code: 15317
County: Greene Township(s): Aleppo
Receiving Stream(s) and Classifications: Harts Run and
South Fork Dunkard Fork/Upper Ohio-Wheeling Water-
shed; Other TSF

SPECIAL NOTICES

Plan Revision Approval under the Municipal Waste Planning, Recycling and Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101

*Southcentral Region: Waste Management Program Man-
ager, 909 Elmerton Avenue Harrisburg, PA 17110-8200.*

The Department of Environmental Protection (Depart-
ment) approved the Franklin County Municipal Waste
Management Non-Substantial Plan Revision (Revision) on
December 2, 2015. Key feature of the revision includes
the addition of an additional disposal/processing facility
to provide disposal capacity. The Revision is a public
document and may be viewed at the Southcentral Re-
gional Office, at the address noted above. Questions
concerning the approval of the Revision should be di-

rected to Larry Holley, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7382, or to Christopher Bosnyak, Regional Planning and Recycling Coordinator, Waste Management Program, at the Southcentral Regional Office at (717) 705-4927.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa. C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania 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 any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Water Quality Certification under Section 401 of the Clean Water Act for the Equitrans, L.P. TP-371 Pipeline Replacement Project

On July 10, 2015, Equitrans, L.P. (Equitrans) filed an application with the Federal Energy Regulatory Commission (FERC) pursuant to Sections 7(b) and 7(c) of the Natural Gas Act (NGA) (15 U.S.C.A. § 717f) seeking authorization to abandon, construct and operate certain facilities as part of the TP-371 Pipeline Replacement Project (Project) in Indiana and Armstrong counties, Pennsylvania (FERC Docket No. CP15-528). The Commission's Notice of Application was issued on July 23, 2015 and may be viewed on the FERC's website at www.ferc.gov (search eLibrary; Docket Search; CP15-528).

To allow for the modernization of the TP-371 pipeline for integrity assessment through the use of in-line inspection, Equitrans is proposing the replacement of approximately 21 miles of 12-inch diameter pipeline with 20-inch diameter pipeline within the existing right-of-way. The replacement pipeline will be offset 10 to 15 feet from the existing pipeline. The existing 12-inch pipeline will be abandoned in place. The new pipeline will utilize portions of the existing right-of-way during construction. Approximately 19.8 miles, or 95 percent of the proposed Project will be collocated with existing ROW. Ancillary facilities proposed as part of the Project include a pig launcher receiver, three cathodic protection ground beds and five mainline valves that will be installed along the proposed pipeline. In addition, seven tie-ins will be transferred over to the new pipeline via pipeline taps to maintain service to customers. The Project will also include the abandon-

ment and/or replacement of pigging facilities as well as existing ancillary facilities such as taps and valves. The project will also utilize horizontal directional drilling techniques for 6 locations.

Three new permanent and thirty-four temporary access roads are planned for the Project. One permanent and one temporary access road will partially utilize an existing road, but will also have a segment of new access added. Twenty-seven of the access roads will utilize existing access or paved driveways. The pipeline shall be installed using a typical 100-foot wide limit of disturbance (LOD) for pipeline construction with areas of temporary work space adjacent to the LOD, and a typical 25-foot LOD for the access roads to allow access to the pipeline. The construction ROW will be reduced to a 75-foot-width at streams and wetlands. The permanent ROW width will be 50 feet centered on the pipeline. There is no anticipated permanent increase in impervious area or in stormwater runoff due to the construction of the pipeline.

Pursuant to Section 401 of the Clean Water Act (33 U.S.C.A. § 1341), the Department of Environmental Protection (Department), by this notice, proposes to certify that the construction, operation and maintenance of the Project complies with the applicable provisions of the Clean Water Act, through compliance with the following State water quality permitting programs, criteria and conditions established pursuant to Pennsylvania's Clean Stream Law (35 P. S. §§ 691.1—691.1001), which ensure the Project does not violate applicable water quality standards set forth in 25 Pa. Code Chapter 93:

1. *Discharge Permit*—Applicant shall obtain and comply with a Department NPDES permit for the discharge of water from the hydrostatic testing of the pipeline pursuant to Pennsylvania's Clean Streams Law, and all applicable implementing regulations (25 Pa. Code Chapter 92a).

2. *Erosion and Sediment Control Permit*—Applicant shall obtain and comply with the Department's Chapter 102 Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment issued pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P. S. §§ 680.1—680.17), and all applicable implementing regulations (25 Pa. Code Chapter 102).

3. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a Department Chapter 105 Water Obstruction and Encroachment Permits for the construction, operation and maintenance of all water obstructions and encroachments associated with the project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P. S. §§ 673.1—693.27), and Flood Plain Management Act (32 P. S. §§ 679.101—679.601), and all applicable implementing regulations (25 Pa. Code Chapter 105).

4. *Water Quality Monitoring*—The Department retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by Applicant.

5. *Operation*—Applicant shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this Section 401 Water Quality Certification

and all required permits. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

6. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of the Department to determine compliance with this Section 401 Water Quality Certification, including all required State water quality permits and water quality standards. A copy of this certification shall be available for inspection by the Department during such inspections of the Project.

7. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project which is affected by this Section 401 Water Quality Certification, Equitrans shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the Department Regional Office of such intent. Notice to the Department shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them.

8. *Correspondence*—All correspondence with and submittals to the Department concerning this Section 401 Water Quality Certification shall be addressed to the Department of Environmental Protection, Southwest Regional Office, Rita A. Coleman, Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

9. *Reservation of Rights*—The Department may suspend or revoke this Section 401 Water Quality Certification if it determines that Applicant has not complied with the terms and conditions of this certification. The Department may require additional measures to achieve compliance with applicable law, subject to Applicant's applicable procedural and substantive rights.

10. *Other Laws*—Nothing in this Section 401 Water Quality Certification shall be construed to preclude the institution of any legal action or relieve Equitrans from any responsibilities, liabilities, or penalties established pursuant to any applicable federal or state law or regulation.

11. *Severability*—The provisions of this Section 401 Water Quality Certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

Prior to issuance of the final Section 401 Water Quality Certification, the Department will consider all relevant and timely comments, suggestions or objections submitted to the Department within 30 days of this notice. Comments should be directed to Rita A. Coleman, Waterways and Wetlands Program Manager at the above address or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD). Comments must be submitted in writing and contain the name, address and telephone number of the person commenting and a concise statement of comments, objections or suggestions on this proposal. No comments submitted by facsimile will be accepted.

[Pa.B. Doc. No. 15-2226. Filed for public inspection December 18, 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.

Final Technical Guidance Document

DEP ID: 563-2000-301. *Title:* Use of Reclamation Fill at Active Noncoal Sites. *Description:* This guidance document describes the process of and conditions in which the Department may permit the use of certain fill materials, deemed "Reclamation Fill," obtained from an offsite source in the reclamation plan of an active noncoal mine site. This major revision includes changes to Appendix A of 25 Pa. Code Chapter 250 (relating to administration of land recycling program). The derived tables were replaced with references to the Statewide Health Standards tables. There was one minor clarification made to the draft document based on the public comments submitted.

Contact: Questions regarding this action should be directed to Sharon Hill, (717) 787-6842, shill@pa.gov.

Effective Date: December 19, 2015

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 15-2227. Filed for public inspection December 18, 2015, 9:00 a.m.]

Board and Committee Meeting Schedules for 2016

The following is a list of 2016 meetings of advisory boards and committees associated with the Department of Environmental Protection (Department). These schedules and an agenda for each meeting, including meeting materials, will be available on the Department's web site at <http://www.dep.pa.gov> through the Public Participation tab. Prior to each meeting, the Department encourages individuals to visit its web site to confirm the meeting date, time and location.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the individual listed for each board or committee, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Aggregate Advisory Board

The Aggregate Advisory Board will meet at 9 a.m. in the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, unless noted otherwise. The meeting dates are as follows:

February 3, 2016—Delaware Room
 May 4, 2016*
 August 3, 2016—Room 105
 November 2, 2016—Delaware Room

* Meeting will be held in Susquehanna Conference Rooms A and B, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA.

Contact: Daniel Snowden, Bureau of Mining Programs, 400 Market Street, Harrisburg, PA 17101, (717) 787-5103, dsnowden@pa.gov.

Agricultural Advisory Board

The Agricultural Advisory Board meetings for 2016 have not yet been scheduled.

Notices for upcoming meetings will be published in future issues of the *Pennsylvania Bulletin*.

Contact: Tom Juengst, Bureau of Conservation and Restoration, P. O. Box 8555, Harrisburg, PA 17105, (717) 787-5267, tjuengst@pa.gov.

Air Quality Technical Advisory Committee

The Air Quality Technical Advisory Committee will meet at 9:15 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

February 11, 2016
 April 14, 2016
 June 9, 2016
 August 4, 2016
 October 13, 2016
 December 8, 2016

Contact: Nancy Herb, Bureau of Air Quality, 400 Market Street, Harrisburg, PA 17101, (717) 783-9269, nherb@pa.gov.

Board of Coal Mine Safety

The Board of Coal Mine Safety will meet at 10 a.m. in the Department's Cambria Office, 286 Industrial Park Road, Ebensburg, PA. The meeting dates are as follows:

March 8, 2016
 June 14, 2016
 September 13, 2016
 December 13, 2016

Contact: Allison Gaida, Bureau of Mine Safety, Department of Environmental Protection, New Stanton Office, 131 Broadview Road, New Stanton, PA 15672, (724) 404-3147, agaida@pa.gov.

Chesapeake Bay Management Team

The Chesapeake Bay Management Team meetings for 2016 have not yet been scheduled.

Notices for upcoming meetings will be published in future issues of the *Pennsylvania Bulletin*.

Contact: Rhonda Manning, Interstate Waters Office, 400 Market Street, Harrisburg, PA 17101, (717) 772-4472, rmanning@pa.gov.

Citizens Advisory Council

The Citizens Advisory Council (CAC) will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The CAC does not meet in August and December. The meeting dates are as follows:

February 4, 2016
 March 15, 2016
 April 19, 2016
 May 17, 2016
 June 21, 2016
 July 19, 2016
 September 20, 2016
 October 18, 2016
 November 15, 2016

Contact: Katie Hetherington Cunfer, Citizens Advisory Council, P. O. Box 8459, Harrisburg, PA 17105-8459, (717) 705-2693, khethering@pa.gov.

Cleanup Standards Scientific Advisory Board

The Cleanup Standards Scientific Advisory Board will meet at 9 a.m. in the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates and locations are as follows:

February 24, 2016—Room 105
 July 13, 2016—14th Floor Conference Room
 November 16, 2016—14th Floor Conference Room

Contact: Mike Maddigan, Bureau of Environmental Cleanup and Brownfields, 400 Market Street, Harrisburg, PA 17101, (717) 772-3609, mmaddigan@pa.gov.

Climate Change Advisory Committee

The Climate Change Advisory Committee will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, unless otherwise noted. The meeting dates are as follows:

January 12, 2016—12th Floor Conference Room
 March 8, 2016—10th Floor Conference Room
 May 3, 2016
 July 12, 2016
 September 13, 2016
 November 1, 2016

Contact: Mark Brojakowski, Bureau of Air Quality, 400 Market Street, Harrisburg, PA 17101, (717) 772-3429, mbrojakows@pa.gov.

Coal and Clay Mine Subsidence Insurance Fund Board

The Coal and Clay Mine Subsidence Insurance Fund Board will meet at 10 a.m. in the 12th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting date is as follows:

January 14, 2016

Other meetings may be scheduled on an as-needed basis.

Contact: Lawrence Ruane, Bureau of Mining Programs, 400 Market Street, Harrisburg, PA 17101, (717) 783-9590, lruane@pa.gov.

Coastal Zone Advisory Committee

The Coastal Zone Advisory Committee will meet at 9:30 a.m. in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

January 13, 2016
June 8, 2016

Contact: Stacey Box, Interstate Waters Office, 400 Market Street, Harrisburg, PA 17101, (717) 772-5622, sbox@pa.gov.

Conventional Oil and Gas Advisory Committee

The Conventional Oil and Gas Advisory Committee will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

January 13, 2016
March 30, 2016
May 18, 2016
August 24, 2016
November 2, 2016

Contact: Todd Wallace, Office of Oil and Gas Management, 400 Market Street, Harrisburg, PA 17101, (717) 783-9438, twallace@pa.gov.

Environmental Justice Advisory Board

The Environmental Justice Advisory Board will meet at 8:30 a.m. in the Delaware Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

February 2, 2016
May 3, 2016
August 2, 2016
November 15, 2016

Contact: Carl Jones, Office of Environmental Justice, 2 East Main Street, Norristown, PA 19401, (484) 250-5818, caejone@pa.gov.

Environmental Quality Board

The Environmental Quality Board will meet at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Meetings will only be held when there are a sufficient number of agenda items for consideration. The meeting dates are as follows:

February 3, 2016
March 15, 2016
April 19, 2016
May 17, 2016
June 21, 2016
July 19, 2016
August 16, 2016
September 20, 2016
October 18, 2016
November 15, 2016
December 20, 2016

Contact: Laura Edinger, Environmental Quality Board, 400 Market Street, Harrisburg, PA 17101, (717) 772-3277, edinger@pa.gov.

Laboratory Accreditation Advisory Committee

The Laboratory Accreditation Advisory Committee will meet at 9 a.m. in Room 206, Bureau of Laboratories Building, 2575 Interstate Drive, Harrisburg, PA. The meeting dates are as follows:

March 22, 2016
June 14, 2016
September 22, 2016
December 7, 2016

Contact: Aaren Alger, Bureau of Laboratories, 2575 Interstate Drive, Harrisburg, PA 17110, (717) 346-7200, aalger@pa.gov.

Low-Level Waste Advisory Committee

The Low-Level Waste Advisory Committee will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting date is as follows:

October 7, 2016

Contact: Rich Janati, Bureau of Radiation Protection, 400 Market Street, Harrisburg, PA 17101, (717) 787-2147, rjanati@pa.gov.

Mine Families First Response and Communications Advisory Council

The Mine Families First Response and Communications Advisory Council will meet at 10 a.m. in the Fayette Room, New Stanton Office, 131 Broadview Road, New Stanton, PA. The meeting date is as follows:

April 19, 2016

Contact: Allison Gaida, Bureau of Mine Safety, New Stanton Office, 131 Broadview Road, New Stanton, PA 15672, (724) 404-3147, agaida@pa.gov.

Mining and Reclamation Advisory Board

The Mining and Reclamation Advisory Board will meet at 10 a.m. in the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates and locations are as follows:

January 21, 2016—2nd Floor Training Room
April 21, 2016—Room 105
July 21, 2016—location will be announced at a later date
October 20, 2016—Room 105

Contact: Daniel Snowden, Bureau of Mining Programs, 400 Market Street, Harrisburg, PA 17101, (717) 787-5103, dsnowden@pa.gov.

Oil and Gas Technical Advisory Board

The Oil and Gas Technical Advisory Board will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

January 14, 2016
March 31, 2016
May 19, 2016
August 25, 2016
November 3, 2016

Contact: Todd Wallace, Office of Oil and Gas Management, 400 Market Street, Harrisburg, PA 17101, (717) 783-9438, twallace@pa.gov.

Pennsylvania Energy Development Authority

The Pennsylvania Energy Development Authority Board meetings for 2016 have not yet been scheduled.

Notices for upcoming meetings will be published in future issues of the *Pennsylvania Bulletin*.

Contact: Dave Althoff, Office of Pollution, Prevention and Energy Assistance, 400 Market Street, Harrisburg, PA 17101, (717) 783-8411, dalthoff@pa.gov.

Radiation Protection Advisory Committee

The Radiation Protection Advisory Committee will meet at 9 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

April 7, 2016
October 13, 2016

Contact: Joseph Melnic, Bureau of Radiation Protection, 400 Market Street, Harrisburg, PA 17101, (717) 783-9730, jmelnic@pa.gov.

Recycling Fund Advisory Committee

The Recycling Fund Advisory Committee will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting date is as follows:

September 22, 2016 (joint meeting with the Solid Waste Advisory Committee)

Contact: Keith Ashley, Bureau of Waste Management, 400 Market Street, Harrisburg, PA 17101, (717) 787-2553, riashley@pa.gov.

Sewage Advisory Committee

The Sewage Advisory Committee will meet at 10:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

March 22, 2016
September 14, 2016

Contact: John Diehl, Bureau of Point and Non-Point Source Management, 400 Market Street, Harrisburg, PA 17101, (717) 783-2941, jdiehl@pa.gov.

Small Business Compliance Advisory Committee

The Small Business Compliance Advisory Committee will meet at 10 a.m. in the 12th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

January 27, 2016
April 27, 2016
July 27, 2016
October 26, 2016

Contact: Susan Foster, Bureau of Air Quality, 400 Market Street, Harrisburg, PA 17101, (717) 787-7019, sufoster@pa.gov.

Small Water Systems Technical Assistance Center Board

The Small Water Systems Technical Assistance Center Board will meet at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

January 28, 2016
February 23, 2016
March 16, 2016
April 28, 2016
June 1, 2016
July 13, 2016
August 30, 2016
October 11, 2016

Contact: Dawn Hissner, Bureau of Safe Drinking Water, 400 Market Street, Harrisburg, PA 17101, (717) 772-2189, dhissner@pa.gov.

Solid Waste Advisory Committee

The Solid Waste Advisory Committee will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

January 21, 2016
April 27, 2016
June 30, 2016
September 22, 2016 (joint meeting with the Recycling Fund Advisory Committee)

Contact: Keith Ashley, Bureau of Waste Management, 400 Market Street, Harrisburg, PA 17101, (717) 787-2553, riashley@pa.gov.

State Board for Certification of Sewage Enforcement Operators

The State Board for Certification of Sewage Enforcement Operators will meet at 10 a.m. in Conference Room 11B, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

March 16, 2016
June 29, 2016
September 21, 2016
December 21, 2016

Contact: Kristen Szwajkowski, Bureau of Point Non-Point Source Management, 400 Market Street, Harrisburg, PA 17101, (717) 772-2186, kszwajkows@pa.gov.

State Board for Certification of Water and Wastewater System Operators

The State Board for Certification of Water and Wastewater Systems Operators will meet at 10 a.m. in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

February 10, 2016
April 12, 2016
June 16, 2016
August 18, 2016
October 13, 2016
December 14, 2016

Contact: Cheri Sansoni, Bureau of Safe Drinking Water, Operator Certification, 400 Market Street, Harrisburg, PA 17101, (717) 772-5158, csansoni@pa.gov.

Storage Tank Advisory Committee

The Storage Tank Advisory Committee will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, unless noted otherwise. The meeting dates are as follows:

March 8, 2016*
June 7, 2016
September 6, 2016
December 6, 2016

* Meeting will be held in Susquehanna Conference Room B, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA.

Contact: Charles M. Swokel, Bureau of Environmental Cleanup and Brownfields, 400 Market Street, Harrisburg, PA 17101, (717) 772-5806 or (800) 428-2657 ((800) 42-TANKS) within this Commonwealth, cswokel@pa.gov.

Technical Advisory Committee on Diesel-Powered Equipment

The Technical Advisory Committee on Diesel-Powered Equipment will meet at 10 a.m. in the Westmoreland Room, New Stanton Office, 131 Broadview Road, New Stanton, PA 15672. The meeting dates are as follows:

January 13, 2016
 April 13, 2016
 July 13, 2016
 October 12, 2016

Contact: Allison Gaida, Bureau of Mine Safety, New Stanton Office, 131 Broadview Road, New Stanton, PA 15672, (724) 404-3147, agaida@pa.gov.

Water Resources Advisory Committee

The Water Resources Advisory Committee will meet at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

February 10, 2016
 May 11, 2016
 August 17, 2016
 October 26, 2016

Contact: Sean Gimbel, Office of Water Management, 400 Market Street, Harrisburg, PA 17101, (717) 783-4693, sgimbel@pa.gov.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 15-2228. Filed for public inspection December 18, 2015, 9:00 a.m.]

Coal Mining Reclamation Fee Amount for 2016

The Department of Environmental Protection announces the amount of the Reclamation Fee for 2016. This notice is required by 25 Pa. Code § 86.17 (relating to permit and reclamation fees). Effective January 1, 2016, the Reclamation Fee is \$100 per acre. The fee amount will be recalculated in accordance with 25 Pa. Code § 86.17. Refer to this section of the regulations for further information about the process.

This is the result of calculations presented in a report that contains a financial analysis of the revenue and expenditures from the account for Fiscal Year (FY) 2014-2015 and provides projections for FY 2015-2016. The report was reviewed with the Mining and Reclamation Advisory Board on October 22, 2015.

The report is available at www.dep.pa.gov/Business/Land/Mining/BureauofMiningPrograms/Reports.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 15-2229. Filed for public inspection December 18, 2015, 9:00 a.m.]

Conventional Oil and Gas Advisory Committee Additional Meeting

The Conventional Oil and Gas Advisory Committee (Committee) is scheduled to meet on Tuesday, December 22, 2015. The webinar meeting will begin at 10 a.m. Registration information for the webinar will be available on the

following web site prior to the meeting. The purpose of the meeting is for the Committee to consider comments to be submitted to the Environmental Quality Board regarding the final rulemaking amending 25 Pa. Code Chapter 78 (relating to oil and gas wells).

Questions concerning the additional meeting should be directed to Kurt Klapkowski, (717) 772-2199, kklapkowski@pa.gov. The agenda for this meeting will be available through the Committee's webpage on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Oil and Gas Advisory Committees," then "Conventional Oil and Gas Advisory Committee").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-2199 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users), or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 15-2230. Filed for public inspection December 18, 2015, 9:00 a.m.]

Federal Consistency under the Coastal Zone Management Act; Maintenance Dredging at the Trainer Refinery

This notice is published under section 306(d)(14) of the Federal Coastal Zone Management Act of 1972 (16 U.S.C.A. § 1455(d)(14)), regarding public participation during consistency determinations. The Department of Environmental Protection (Department), Coastal Resources Management Program has received notice that Monroe Energy, LLC (Monroe Energy) is applying for a United States Army Corps of Engineers (USACE) permit for maintenance dredging at the Trainer Refinery facility.

Monroe Energy is proposing to conduct maintenance dredging at the ship and outer barge docks and in front of the cooling water intake structure at the Trainer Refinery. The berthing areas are dredged periodically to allow for ships to safely berth at the refinery. The intake structure is dredged to allow continued flow of water into the facility. Dredging is proposed by mechanical or bucket method. Maintenance dredging has historically occurred approximately every 10-18 months at the Trainer Refinery and is currently authorized by the USACE under Permit No. CENAP-OP-R-200401529, and by the Department under Permit No. E23-035. The currently authorized maximum dredge depth in the berthing areas is -40' Mean Low Water (MLW) plus 2' allowable overdredge. This is the maximum depth proposed for the next authorized dredging event, currently scheduled for December 2015 or January 2016. Beyond the next authorized dredging event, Monroe Energy is seeking new authorization to dredge to a depth of -45' MLW, plus 2' overdredge within the ship dock berth. The deeper draft is proposed to allow larger vessels to berth at the facility and to be consistent with the new increased depth of the adjacent Federal navigation channel. The outer barge dock will remain at a maximum of -40' MLW plus overdredge and the water intake would be a maximum depth of -20' MLW plus overdredge. All material will be transported by scows to the White's Basin disposal facility in Logan Township,

Gloucester County, NJ. The material would be bottom-dumped into the White's Basin and eventually dredged to one of the upland cells on the property.

This project is subject to Department review for Federal consistency because it is a Federal license and permit activity and will have reasonably foreseeable effects on this Commonwealth's coastal resources or uses.

In accordance with National Oceanic and Atmospheric Administration (NOAA) regulations in 15 CFR Part 930, Subpart D (relating to consistency for activities requiring a Federal license or permit), Monroe Energy has certified that the proposed activity will be conducted in a manner consistent with the applicable enforceable policies of the Commonwealth's NOAA-approved Coastal Resources Management Program. Interested parties may request a copy of the Federal Consistency Certification from the following Department contact.

Questions regarding this review should be directed to Matthew Walderon, Federal Consistency Coordinator, (717) 772-2196.

The Department will consider all comments received on or before January 5, 2016, before issuing a final Federal consistency concurrence or objection. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the originator's name and address. 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 the Department of Environmental Protection, Interstate Waters Office, 400 Market Street, P. O. Box 8465, Harrisburg, PA 17101-8465, eComment@pa.gov.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 15-2231. Filed for public inspection December 18, 2015, 9:00 a.m.]

Oil and Gas Technical Advisory Board Additional Meeting

The Oil and Gas Technical Advisory Board (Board) is scheduled to meet on Tuesday, December 22, 2015. The webinar meeting will begin at 10 a.m. Registration information for the webinar will be available on the following web site prior to the meeting. The purpose of the meeting is for the Board to develop and consider comments to be submitted to the Environmental Quality Board regarding the final rulemaking amending 25 Pa. Code Chapter 78 (relating to oil and gas wells).

Questions concerning the additional meeting should be directed to Kurt Klapkowski, (717) 772-2199, kklapkowski@pa.gov. The agenda and meeting materials for the meeting will be available through the Board webpage on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Oil and Gas Advisory Committees," then "Oil and Gas Technical Advisory Board (TAB)").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-2199 or through the

Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users), or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 15-2232. Filed for public inspection December 18, 2015, 9:00 a.m.]

Reissuance of NPDES General Permit for Stormwater Associated with Mining Activities (BMP GP-104)

Under The Clean Streams Law (35 P.S. §§ 691.1—691.1001), the Clean Water Act (33 U.S.C.A. §§ 1251—1388) and 25 Pa. Code Chapters 92a and 102 (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance; and erosion and sediment control), the Department of Environmental Protection (Department) by this notice announces its intent to reissue National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Associated with Mining Activities (BMP GP-104) (formerly issued as "BMR GP-104") which expired on October 18, 2015. The Department has extended existing BMP GP-104 approvals until the reissued permit is published as final.

Under 25 Pa. Code § 92a.32 (relating to stormwater discharges) (incorporating by reference 40 CFR 122.26(a), (b), (c)(1), (d), (e)(1), (3)—(9) and (f)—(g) (relating to storm water discharges (applicable to State NPDES programs, see § 123.25)), an NPDES permit is required for discharges associated with a mining operation which are composed entirely of stormwater. A mining operation is required to have an individual NPDES permit or coverage under a general NPDES permit, if the site has expected or potential discharges of stormwater runoff.

For both coal and noncoal mining operations, where the only potential discharge will be composed entirely of stormwater, the discharges are appropriately controlled under a general permit. Under 25 Pa. Code § 92a.54 (relating to general permits) a general permit is justified for the following reasons: 1) these mining operations are substantially similar in scope and operations including use of common Best Management Practices (BMP) for erosion and sedimentation control; 2) they would potentially discharge the same type of pollutant (that is, suspended solids); 3) they would require the same effluent limitations or operating conditions in the form of a set of commonly-used BMPs; and 4) these operations, individually and cumulatively, do not have the potential to cause significant adverse environmental impact from stormwater discharges.

Applicability

This general permit applies to earth disturbance activity associated with mining where, in the absence of BMPs, an area of disturbance 1 acre or greater will result in a point source discharge of stormwater to surface waters of the Commonwealth. This general permit is issued in conjunction with a separate mining permit or exploration where the only expected discharge to surface waters of the Commonwealth will consist entirely of stormwater, in which the main potential pollutant is sediment.

This general permit applies to mining activities, as defined in 25 Pa. Code §§ 87.1 and 88.1 (relating to definitions) as “surface mining activities” and in 25 Pa. Code § 77.1 (relating to definitions) as “noncoal surface mining activities,” where the only potential pollutant is sediment from stormwater runoff. This general permit will address stormwater in association with mining activities and adjacent areas such as access roads and processing facilities that may not be part of the mining permit but are integral to it. This general permit includes provisions for stormwater-related discharges only, not process water or pumped groundwater. This general permit is not applicable for an operation that will, or has the potential to, discharge to special protection (EV or HQ) waters, including EV wetlands, or to streams identified as “impaired waters” for sediment.

Registration and Information Requirements

To qualify for coverage under this general permit, a licensed mine operator must submit a complete Notice of Intent (NOI) form. The operator must indicate the applicable mining permit or exploration associated with the general permit for stormwater coverage, only one site per NOI for coverage under the general permit, or attach the applicable information to the NOI. The operator must be the same for this general permit as for the associated mining activity authorization.

In the NOI, the operator must identify the BMPs to be used onsite. Use of these BMPs must be described in conjunction with an Erosion and Sedimentation Plan (Plan) that meets the requirements of 25 Pa. Code Chapter 102, required to be filed with the permit documentation or attached to the NOI for this general permit. The Plan submitted with the associated mining application may be used to satisfy part of the information requirements for the NOI.

The completed NOI form must be submitted to the appropriate District Mining Office with the proper signatures.

The process for registration for coverage under the general permit also applies to mining activities already underway that require but have not yet obtained NPDES coverage for stormwater.

The Department will notify mine operators who need coverage under this general permit or an individual NPDES permit by letter, through an inspection or at permit renewal.

A fee of \$250 payable to the “Commonwealth of Pennsylvania” will be required for this general permit upon submission of the NOI. If approved, the operator will receive notice in writing of coverage under this general permit.

The general permit will be reissued every 5 years by the Department. Coverage under the general permit will also be renewable every 5 years until the reclamation plan is completed.

Conditions of the General Permit

This NPDES general permit will establish effluent limitations in the form of implemented BMPs that minimize the potential for erosion and sedimentation to protect and maintain water quality and existing and designated uses by restricting the rates and quantities of sediment, stormwater runoff and associated pollutants. The operator will implement and maintain these BMPs for the extent of the mining activity as described in this Plan.

In the case of point source discharges, effluent limits will be:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	35 mg/l	70 mg/l	90 mg/l
Total Settleable Solids	0.5 ml/l Instantaneous Maximum Only in the event of a 10-yr, 24-hr precipitation event; instead of Total Suspended Solids.		
pH	Greater than 6.0; less than 9.0		

Discharge of sewage, mine drainage, groundwater or industrial waste is not permitted.

Periodic visual inspections are required. Grab samples are required in case of a discharge.

Exemptions for coverage

Any mining permit that has a corresponding individual NPDES permit for point source discharges of any type, does not need additional coverage under this general permit.

If the operator of a mining area less than 5 acres can demonstrate in the permit application that, in the absence of any BMPs, stormwater runoff will be completely contained within the pit or completely infiltrate without runoff from the site, no permit coverage is needed. In that case, the mining permit or exploration will be approved with “no discharge” authorized.

Denial of Coverage

Coverage under this general permit is not a replacement for an individual NPDES if there is substantive reason for an individual discharge permit to be issued. For example, the general permit would not apply to discharges to special protection waters, impaired water or to discharges that may contain hazardous pollutants. In the cases where coverage under this permit is denied, the operator would be required to apply for an individual NPDES permit.

Other reasons for denial of coverage under this general permit are listed in 25 Pa. Code § 92a.54(e).

Public Participation

Interested persons may submit written comments on this general permit reissuance by January 19, 2016. Written comments should be submitted to the Technical Guidance Coordinator, Department of Environmental Pro-

tection, Policy Office, Rachel Carson State Office Building, P. O. Box 2063, Harrisburg, PA 17105-2063, ecomment@pa.gov. Commentators are urged to submit comments using the Department's online eComment for Policies at www.ahs.dep.pa.gov/eComment. Comments submitted by facsimile will not be accepted. All comments, including comments submitted by e-mail must include the originator's name and address. Questions can be addressed to Sharon Hill, (717) 787-6842.

A copy of the proposed reissued permit and an additional fact sheet are available at the Department's eLibrary at <http://www.elibrary.dep.state.pa.us/dsweb/View/Collection-10742> or by contacting Sharon Hill, Bureau of Mining Programs, (717) 787-6842, shill@pa.gov.

Following the close of the public comment period, the Department will publish the reissued general permit in the *Pennsylvania Bulletin*.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 15-2233. Filed for public inspection December 18, 2015, 9:00 a.m.]

Submission Deadline for Application for Reimbursement for Certified Host Municipality Inspectors under Act 101 (Section 1102), the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 and Act 108 (Section 304), the Hazardous Sites Cleanup Act of 1988

The Department of Environmental Protection (Department) announces the submission deadline for 2015 Host Municipality Inspector Program (program) reimbursement applications. Reimbursements are available to municipalities under the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P. S. §§ 4000.101—4000.1904) and the Hazardous Sites Cleanup Act (Act 108) (35 P. S. §§ 6020.101—6020.1305). Municipalities include cities, boroughs, incorporated towns, townships and home-rule municipalities.

Reimbursements are allocated from the Recycling Fund authorized under Act 101 for municipal waste facilities, or from the Hazardous Sites Cleanup Fund under Act 108 for hazardous waste facilities. Reimbursements are available to any municipality that has a municipal waste landfill, resource recovery facility, or commercial hazardous waste storage, treatment and disposal facility located within its geographic borders. Upon application from any host municipality, the Department shall award reimbursements for authorized costs incurred for the salary and expenses of up to two certified Host Municipality Inspectors. The reimbursement shall not exceed 50% of the approved costs of salaries and expenses. Reimbursement is available only for Host Municipality Inspectors trained and certified by the Department.

The application for reimbursement contains tables for specifying the itemized expenses for certified inspectors and for calculating the total reimbursement request. Complete instructions are included with the application, which is being distributed to all municipalities that have participated in the program. Municipalities that do not receive but require an application or individuals with questions about this program should contact the Program

Development Section, Department of Environmental Protection, Bureau of Waste Management, Rachel Carson State Office Building, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 783-2388 or visit the Department's web site at www.dep.pa.gov (DEP Keyword: Host Municipality Inspector).

The deadline for submitting applications is 4:30 p.m. on March 31, 2016. Applications postmarked after the deadline will not be considered.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 15-2234. Filed for public inspection December 18, 2015, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facility (ASF) has filed two requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b). The following requests for exception relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation</i>
Children's Surgery Center of Malvern	28 Pa. Code § 551.22(3)(ii) (relating to criteria for performance of ambulatory surgery on pediatric patients) for Dr. Kaynaz Myrum, DMD and Dr. Sara Toema, DDS

The requests previously listed are 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. 15-2235. Filed for public inspection December 18, 2015, 9:00 a.m.]

Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b). The following requests for exception relate to regulations governing hospital licensure in 28 Pa. Code, Chapters 51 and 101—158 (relating to general information; and general and special hospitals), with the exception of 28 Pa. Code § 153.1 (relating to minimum standards). Exception requests related to 28 Pa. Code § 153.1 are listed separately in this notice.

<i>Facility Name</i>	<i>Regulation</i>
Geisinger Community Medical Center	28 Pa. Code § 113.5(a) (relating to pharmacy and therapeutics committee) 28 Pa. Code § 129.23(a) (relating to radiation safety committee)
Geisinger Wyoming Valley Medical Center	28 Pa. Code § 113.5(a) 28 Pa. Code § 129.23(a)

The following hospitals are requesting exceptions under 28 Pa. Code § 153.1. Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities (Guidelines)*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception, as well as the publication year of the applicable *Guidelines*.

<i>Facility Name</i>	<i>Guidelines Section</i>	<i>Relating to</i>	<i>Publication Year</i>
Aria Health—Bucks County Campus	2.2-3.13.3	Table 2.1-4 Station outlets for oxygen, vacuum (suction), and medical air systems in hospitals	2014
Aria Health—Frankford Campus	2.2-3.13.3	Table 2.1-4 Station outlets for oxygen, vacuum (suction), and medical air systems in hospitals	2014
Penn Presbyterian Medical Center	2.1-8.5.3.2	Size of technology distribution rooms (TDRs)	2014
	2.1-8.5.3.3(2)	Location and access requirements	2014

All requests previously listed are 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. 15-2236. Filed for public inspection December 18, 2015, 9:00 a.m.]

Long-Term Care Nursing Facilities; Requests for Exceptions

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.19(b) (relating to windows and windowsills):

Providence Care Center
900 Third Avenue
Beaver Falls, PA 15010
FAC ID # 425002

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. 15-2237. Filed for public inspection December 18, 2015, 9:00 a.m.]

**DEPARTMENT
OF REVENUE****List of Taxable and Exempt Personal Property**

In accordance with 61 Pa. Code § 58.1 (relating to publication of list of taxable and exempt tangible personal property), the Department of Revenue is required to publish, at least once every 3 years, notice of a list of

taxable and exempt property for sales and use tax purposes to be furnished as a general guide to vendors as prescribed in Article II of the Tax Reform Code of 1971 (72 P. S. §§ 7201—7282).

Article VIII of the Constitution of the Commonwealth of Pennsylvania vests the power to levy taxes in the General Assembly. Following the passage of the 2015-2016 Pennsylvania Executive Budget by the General Assembly, the Department will publish by notice an updated list of taxable and exempt personal property.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 15-2238. Filed for public inspection December 18, 2015, 9:00 a.m.]

Pennsylvania Cupid's Cash 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 Cupid's Cash.

2. *Price:* The price of a Pennsylvania Cupid's Cash instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Cupid's Cash instant game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions printed in red ink and 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 (TWNIN), 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 printed in black ink and 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 (TWNIN), 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 printed in red ink and 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 (TWNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37

(THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY) and an Arrow (ARROW) symbol. The play symbols and their captions printed in black ink and 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 (TWNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$200, \$400, \$500, \$1,000 and \$50,000. A player can win up to 12 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Cupid's Cash instant game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$50,000 (FTY THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, 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.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, 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.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is an Arrow (ARROW) symbol and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under that Arrow (ARROW) symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in red ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in red ink, 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 \$500.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is an Arrow (ARROW) symbol and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “prize” area under that Arrow (ARROW) symbol, on a single ticket, shall be entitled to a prize of \$5.

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>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets</i>
\$5 w/ ARROW	\$5	13.33	450,000
\$5	\$5	24	250,000
\$5 × 2	\$10	60	100,000
\$10 w/ ARROW	\$10	30	200,000
\$10	\$10	60	100,000
\$5 × 4	\$20	300	20,000
\$10 × 2	\$20	300	20,000
\$20 w/ ARROW	\$20	150	40,000
\$20	\$20	300	20,000
(\$10 × 2) + \$5	\$25	600	10,000
\$20 + \$5	\$25	600	10,000
\$5 w/ RED MATCH	\$25	120	50,000
\$25 w/ ARROW	\$25	300	20,000
\$25	\$25	600	10,000
\$10 × 4	\$40	600	10,000
\$20 × 2	\$40	600	10,000
(\$5 w/ RED MATCH) + (\$5 × 3)	\$40	600	10,000
\$40 w/ ARROW	\$40	600	10,000
\$40	\$40	600	10,000
\$5 × 10	\$50	600	10,000
\$25 × 2	\$50	600	10,000
\$10 w/ RED MATCH	\$50	300	20,000
\$50 w/ ARROW	\$50	600	10,000
\$50	\$50	600	10,000
\$25 × 4	\$100	1,714	3,500
\$50 × 2	\$100	1,714	3,500
(\$20 × 3) + \$40	\$100	2,000	3,000
(\$10 × 8) + (\$5 × 4)	\$100	2,000	3,000
\$20 w/ RED MATCH	\$100	600	10,000
\$100 w/ ARROW	\$100	1,714	3,500
\$100	\$100	1,714	3,500
\$20 × 10	\$200	24,000	250
\$40 × 5	\$200	24,000	250
\$50 × 4	\$200	24,000	250
\$100 × 2	\$200	24,000	250
(\$20 w/ RED MATCH) + (\$50 × 2)	\$200	12,000	500
\$200 w/ ARROW	\$200	24,000	250
\$200	\$200	24,000	250
\$50 × 10	\$500	120,000	50
(\$100 × 3) + (\$25 × 4) + (\$20 × 5)	\$500	120,000	50
\$400 + \$100	\$500	120,000	50
\$100 w/ RED MATCH	\$500	24,000	250
\$500 w/ ARROW	\$500	120,000	50
\$500	\$500	120,000	50
\$500 × 2	\$1,000	120,000	50
(\$100 w/ RED MATCH) + (\$50 × 10)	\$1,000	120,000	50
\$1,000	\$1,000	120,000	50
\$50,000	\$50,000	600,000	10

When matching numbers are RED, win 5 times the prize shown under the matching number. Reveal an “ARROW” (ARROW) symbol, win prize shown under that symbol automatically.

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 Game for retailers who sell Pennsylvania Cupid’s Cash instant game tickets. The

conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Cupid’s Cash instant game, prize money from Pennsylvania Cupid’s Cash instant game tickets will be retained by the Secre-

tary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Cupid's Cash instant 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.

11. *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.

12. *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 Cupid's Cash instant game or through normal communications methods.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 15-2239. Filed for public inspection December 18, 2015, 9:00 a.m.]

Pennsylvania Gus Bucks '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 Gus Bucks '15.

2. *Price:* The price of a Pennsylvania Gus Bucks '15 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Gus Bucks '15 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) and 30 (THIRTY). 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), Paw Print (PWPRNT) symbol and a Gus (GUS) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5^{.00} (FIV DOL), \$10^{.00} (TEN DOL), \$20^{.00} (TWENTY), \$40^{.00} (FORTY), \$50^{.00} (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), \$25,000 (TWYFIVTHO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$500, \$1,000, \$5,000, \$25,000 and \$100,000. A player can win up to 12 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania Gus Bucks '15 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 \$100,000 (ONEHUNTHO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(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 \$5,000 (FIV THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Paw Print (PWPRNT) symbol and a prize symbol of \$5,000 (FIV THO) appears in the "prize" area under that Paw Print (PWPRNT) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(e) 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.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Paw Print (PWPRNT) symbol and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under that Paw Print (PWPRNT) 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 Gus (GUS) symbol and a prize symbol of \$50^{.00} (FIFTY) appears in six of the "prize" areas, a prize symbol of \$40^{.00} (FORTY) appears in five of the "prize" areas and a prize symbol of \$500 (FIV HUN) appears in one 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 Paw Print (PWPRNT) symbol, and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under that Paw Print (PWPRNT) 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 Gus (GUS) symbol and a prize symbol of \$50^{.00} (FIFTY) appears in six of the

“prize” areas, a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the “prize” areas and a prize symbol of \$100 (ONE HUN) 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 is a Gus (GUS) symbol and a prize symbol of \$50⁰⁰ (FIFTY) appears in two of the “prize” areas and a prize symbol of \$40⁰⁰ (FORTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(l) 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.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Paw Print (PWPRNT) symbol and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under that Paw Print (PWPRNT) symbol, 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 is a Gus (GUS) symbol and a prize symbol of \$50⁰⁰ (FIFTY) appears in two of the “prize” areas, a prize symbol of \$40⁰⁰ (FORTY) appears in five of the “prize” areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Gus (GUS) symbol and a prize symbol of \$100 (ONE HUN) appears in two of the “prize” areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(p) 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.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Paw Print (PWPRNT) symbol and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Paw Print (PWPRNT) symbol, on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Gus (GUS) symbol and a prize symbol of \$10⁰⁰ (TEN DOL) appears in five of the “prize” areas, a prize symbol of \$5⁰⁰ (FIV DOL) appears in six of the “prize” areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Gus (GUS) symbol and a prize symbol of \$5⁰⁰ (FIV DOL) appears in ten of the “prize” areas, a prize symbol of \$40⁰⁰ (FORTY) appears in one of the “prize” areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(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 \$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.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Paw Print (PWPRNT) symbol and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under that Paw Print (PWPRNT) symbol, on a single ticket, shall be entitled to a prize of \$50.

(v) 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 \$40⁰⁰ (FORTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Paw Print (PWPRNT) symbol and a prize symbol of \$40⁰⁰ (FORTY) appears in the “prize” area under that Paw Print (PWPRNT) symbol, on a single ticket, shall be entitled to a prize of \$40.

(x) 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.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Paw Print (PWPRNT) symbol and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that Paw Print (PWPRNT) symbol, on a single ticket, shall be entitled to a prize of \$20.

(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 \$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.

(aa) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Paw Print (PWPRNT) symbol and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under that Paw Print (PWPRNT) symbol, on a single ticket, shall be entitled to a prize of \$10.

(bb) 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 DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(cc) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Paw Print (PWPRNT) symbol and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “prize” area under that Paw Print (PWPRNT) symbol, on a single ticket, shall be entitled to a prize of \$5.

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:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 12,000,000 Tickets:
\$5 w/ PAW PRINT	\$5	12	1,000,000
\$5	\$5	20	600,000
\$5 × 2	\$10	120	100,000
\$10 w/ PAW PRINT	\$10	40	300,000
\$10	\$10	60	200,000
\$5 × 4	\$20	150	80,000
\$10 × 2	\$20	150	80,000
\$20 w/ PAW PRINT	\$20	75	160,000
\$20	\$20	150	80,000
\$5 × 8	\$40	600	20,000
\$10 × 4	\$40	600	20,000
\$20 × 2	\$40	600	20,000
\$40 w/ PAW PRINT	\$40	600	20,000
\$40	\$40	600	20,000
\$5 × 10	\$50	600	20,000
\$10 × 5	\$50	600	20,000
\$50 w/ PAW PRINT	\$50	300	40,000
\$50	\$50	300	40,000
GUS w/ ((\$5 × 10) + \$40 + \$10)	\$100	857.14	14,000
GUS w/ ((\$10 × 5) + (\$5 × 6) + \$20)	\$100	857.14	14,000
\$10 × 10	\$100	6,000	2,000
\$20 × 5	\$100	6,000	2,000
\$50 × 2	\$100	3,000	4,000
\$100 w/ PAW PRINT	\$100	6,000	2,000
\$100	\$100	6,000	2,000
GUS w/ ((\$100 × 2) + (\$20 × 10))	\$400	6,000	2,000
GUS w/ ((\$50 × 2) + (\$40 × 5) + (\$20 × 5))	\$400	6,000	2,000
\$40 × 10	\$400	24,000	500
\$100 × 4	\$400	24,000	500
\$400 w/ PAW PRINT	\$400	24,000	500
\$400	\$400	24,000	500
GUS w/ ((\$50 × 2) + (\$40 × 10))	\$500	24,000	500
GUS w/ ((\$50 × 6) + (\$20 × 5) + \$100)	\$500	24,000	500
\$50 × 10	\$500	24,000	500
\$100 × 5	\$500	24,000	500
\$500 w/ PAW PRINT	\$500	24,000	500
\$500	\$500	24,000	500
GUS w/ ((\$50 × 6) + (\$40 × 5) + \$500)	\$1,000	17,143	700
\$500 × 2	\$1,000	60,000	200
\$1,000 w/ PAW PRINT	\$1,000	120,000	100
\$1,000	\$1,000	60,000	200
\$500 × 10	\$5,000	1,200,000	10
\$5,000 w/ PAW PRINT	\$5,000	1,200,000	10
\$5,000	\$5,000	1,200,000	10
\$25,000	\$25,000	800,000	15
\$100,000	\$100,000	1,200,000	10

Reveal a "PAW PRINT" (PWPRNT) symbol, win prize shown under that symbol automatically.
Reveal a "GUS" (GUS) 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 Gus Bucks '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 Gus Bucks '15, prize money from winning Pennsylvania Gus Bucks '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 Gus Bucks '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 Gus Bucks '15 or through normal communications methods.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 15-2240. Filed for public inspection December 18, 2015, 9:00 a.m.]

Pennsylvania Lucky Heart\$ '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 Lucky Heart\$ '15.

2. *Price:* The price of a Pennsylvania Lucky Heart\$ '15 instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Lucky Heart\$ '15 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) and 20 (TWENT). 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) and a Love Note (NOTE) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "prize" areas are: \$2.⁰⁰ (TWO DOL), \$3.⁰⁰ (THR DOL), \$4.⁰⁰ (FOR DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$14.⁰⁰ (FORTN), \$15.⁰⁰ (FIFTN), \$20.⁰⁰ (TWENTY), \$25.⁰⁰ (TWY FIV), \$40.⁰⁰ (FORTY), \$50.⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$30,000 (TRY THO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$3, \$4, \$5, \$10, \$14, \$15, \$20, \$25, \$40, \$50, \$100, \$500, \$1,000 and \$30,000. The player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,600,000 tickets will be printed for the Pennsylvania Lucky Heart\$ '15 instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$30,000 (TRY THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either 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.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either 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.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Love Note (NOTE) symbol and a prize symbol of \$100 (ONE HUN) appears in four of the "prize" areas, a prize symbol of \$10.⁰⁰ (TEN DOL) appears in five of the "prize" areas and a prize symbol of \$50.⁰⁰ (FIFTY) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Love Note (NOTE) symbol and a prize symbol of \$100 (ONE HUN) appears in two of the "prize" areas, a prize symbol of \$50.⁰⁰ (FIFTY) appears in four of the "prize" areas and a prize symbol of \$25.⁰⁰ (TWY FIV) appears in four of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Love Note (NOTE) symbol and a prize symbol of \$50.⁰⁰ (FIFTY) appears in all ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either 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.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Love Note (NOTE) symbol and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in eight of the "prize" areas, a prize symbol of \$50.⁰⁰ (FIFTY) appears in one of the "prize" areas and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Love Note (NOTE) symbol and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in all ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$50.00 (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.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Love Note (NOTE) symbol and a prize symbol of \$5.00 (FIV DOL) appears in all ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$40.00 (FORTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Love Note (NOTE) symbol and a prize symbol of \$4.00 (FOR DOL) appears in all ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$40.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$25.00 (TWY FIV) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Love Note (NOTE) symbol and a prize symbol of \$2.00 (TWO DOL) appears in five of the "prize" areas and a prize symbol of \$3.00 (THR DOL) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$25.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$20.00 (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.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Love Note (NOTE) symbol and a prize symbol of \$2.00 (TWO DOL) appears in all ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$15.00 (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.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$14.00 (FORTN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$14.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$10.00 (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.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$5.00 (FIV DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$4.00 (FOR DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$3.00 (THR DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$2.00 (TWO DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

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>When Any Of Your Numbers Match Either Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,600,000 Tickets</i>
\$2	\$2	10	660,000
\$3	\$3	30	220,000
\$2 x 2	\$4	75	88,000
\$4	\$4	75	88,000
\$3 + \$2	\$5	100	66,000
\$5	\$5	100	66,000
\$2 x 5	\$10	187.50	35,200
(\$3 x 2) + \$4	\$10	214.29	30,800
\$5 x 2	\$10	214.29	30,800
\$10	\$10	187.50	35,200
\$2 x 7	\$14	750	8,800
(\$4 x 3) + \$2	\$14	1,500	4,400
(\$3 x 4) + \$2	\$14	1,500	4,400
\$14	\$14	1,500	4,400
LOVE NOTE w/ (\$2 x 10)	\$20	214.29	30,800

<i>When Any Of Your Numbers Match Either Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,600,000 Tickets</i>
\$5 × 4	\$20	1,500	4,400
\$10 × 2	\$20	1,500	4,400
\$20	\$20	1,500	4,400
LOVE NOTE w/ ((\$2 × 5) + (\$3 × 5))	\$25	214.29	30,800
\$5 × 5	\$25	1,500	4,400
\$15 + \$10	\$25	1,500	4,400
\$25	\$25	1,500	4,400
LOVE NOTE w/ (\$4 × 10)	\$40	960	6,875
\$10 × 4	\$40	4,800	1,375
\$20 × 2	\$40	4,800	1,375
\$40	\$40	4,800	1,375
LOVE NOTE w/ (\$5 × 10)	\$50	1,000	6,600
\$25 × 5	\$50	6,000	1,100
(\$15 × 2) + \$20	\$50	6,000	1,100
\$50	\$50	3,000	2,200
LOVE NOTE w/ (\$10 × 10)	\$100	6,000	1,100
LOVE NOTE w/ ((\$5 × 8) + \$50 + \$10)	\$100	8,000	825
\$20 × 5	\$100	24,000	275
\$25 × 4	\$100	24,000	275
\$50 × 2	\$100	24,000	275
\$100	\$100	12,000	550
LOVE NOTE w/ (\$50 × 10)	\$500	120,000	55
LOVE NOTE w/ ((\$100 × 2) + (\$50 × 4) + (\$25 × 4))	\$500	120,000	55
LOVE NOTE w/ ((\$100 × 4) + (\$10 × 5) + \$50)	\$500	120,000	55
\$500	\$500	120,000	55
\$500 × 2	\$1,000	330,000	20
\$1,000	\$1,000	330,000	20
\$30,000	\$30,000	660,000	10

Reveal a "LOVE NOTE" (NOTE) symbol, win all 10 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 Lucky Heart\$ '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 Lucky Heart\$ '15, prize money from winning Pennsylvania Lucky Heart\$ '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 Lucky Heart\$ '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 Lucky Heart\$ '15 or through normal communications methods.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 15-2241. Filed for public inspection December 18, 2015, 9:00 a.m.]

Pennsylvania Win It All Millionaire Edition 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 Win It All Millionaire Edition.

2. *Price:* The price of a Pennsylvania Win It All Millionaire Edition instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania Win It All Millionaire Edition instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area, a “YOUR NUMBERS” area and a “WIN IT ALL NUMBER” area. The play symbols and their captions located in the “WINNING NUMBERS” area and the “WIN IT ALL NUMBER” 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), WIN (WIN) symbol and a Money Bag (WIN500) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL).

5. *Prizes:* The prizes that can be won in this game are: \$20, \$30, \$40, \$50, \$100, \$400, \$500, \$1,000, \$10,000, \$100,000 and \$1,000,000. A player can win up to 20 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Win It All Millionaire Edition 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 \$1MILL (ONE MIL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000. This prize shall be paid as a one-time, lump-sum cash payment.

(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 \$100,000 (ONEHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a WIN (WIN) symbol, and a prize symbol of \$100,000 (ONEHUNTHO) appears in the “prize” area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(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 \$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.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a WIN (WIN) symbol, and a prize symbol of \$10,000 (TEN THO) appears in the “prize” area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WIN IT ALL NUMBER” play symbol, and a prize symbol of \$500 (FIV HUN) appears in all twenty of the “prize” areas, on a single ticket, shall be entitled to a prize of \$10,000.

(g) 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.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a WIN (WIN) symbol, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WIN IT ALL NUMBER” play symbol, and a prize symbol of \$100 (ONE HUN) appears in five of the “prize” areas, a prize symbol of \$40⁰⁰ (FORTY) appears in ten of the “prize” areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WIN IT ALL NUMBER” play symbol, and a prize symbol of \$50⁰⁰ (FIFTY) appears in all twenty of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(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 \$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.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a WIN (WIN) symbol, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money Bag (WIN500) symbol, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Money Bag (WIN500) symbol, on a single ticket, shall be entitled to a prize of \$500.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WIN IT ALL NUMBER" play symbol, and a prize symbol of \$30⁰⁰ (THIRTY) appears in ten of the "prize" areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(o) 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.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a WIN (WIN) symbol, and a prize symbol of \$400 (FOR HUN) appears in the "prize" area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$400.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WIN IT ALL NUMBER" play symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears in all twenty of the "prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(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 \$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.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a WIN (WIN) symbol, and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$100.

(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 \$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.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a WIN (WIN) symbol, and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "prize" area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$50.

(v) 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 \$40⁰⁰ (FORTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(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 \$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.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a WIN (WIN) symbol, and a prize symbol of \$30⁰⁰ (THIRTY) appears in the "prize" area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$30.

(y) 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.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a WIN (WIN) symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "prize" area under that WIN (WIN) symbol, on a single ticket, shall be entitled to a prize of \$20.

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>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets</i>
\$20 w/ WIN	\$20	12	500,000
\$20	\$20	15	400,000
\$30 w/ WIN	\$30	25	240,000
\$30	\$30	37.5	160,000
\$30 + \$20	\$50	60	100,000
\$50 w/ WIN	\$50	37.5	160,000
\$50	\$50	60	100,000
\$20 x 5	\$100	150	40,000
\$50 x 2	\$100	150	40,000
(\$30 x 2) + (\$20 x 2)	\$100	150	40,000
\$100 w/ WIN	\$100	150	40,000
\$100	\$100	150	40,000
WIN IT ALL MATCH w/ (\$20 x 20)	\$400	800	7,500
\$40 x 10	\$400	12,000	500
\$50 x 8	\$400	12,000	500
\$100 x 4	\$400	12,000	500
\$400 w/ WIN	\$400	12,000	500
\$400	\$400	12,000	500

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 6,000,000 Tickets
WIN IT ALL MATCH w/ (($\$30 \times 10$) + ($\20×10))	\$500	1,200	5,000
$\$50 \times 10$	\$500	12,000	500
$\$100 \times 5$	\$500	12,000	500
$\$500$ w/ MONEY BAG	\$500	480	12,500
$\$500$ w/ WIN	\$500	12,000	500
$\$500$	\$500	6,000	1,000
WIN IT ALL MATCH w/ ($\$50 \times 20$)	\$1,000	24,000	250
WIN IT ALL MATCH w/ (($\$100 \times 5$) + ($\40×10) + ($\$20 \times 5$))	\$1,000	24,000	250
$\$100 \times 10$	\$1,000	24,000	250
($\$500$ w/ MONEY BAG) $\times 2$	\$1,000	24,000	250
$\$1,000$ w/ WIN	\$1,000	24,000	250
$\$1,000$	\$1,000	24,000	250
WIN IT ALL MATCH w/ ($\$500 \times 20$)	\$10,000	600,000	10
$\$1,000 \times 10$	\$10,000	600,000	10
($\$500$ w/ MONEY BAG) $\times 20$	\$10,000	600,000	10
$\$10,000$ w/ WIN	\$10,000	600,000	10
$\$10,000$	\$10,000	600,000	10
$\$100,000$ w/ WIN	\$100,000	1,200,000	5
$\$100,000$	\$100,000	1,200,000	5
$\$1,000,000$	\$1,000,000	1,200,000	5

Reveal a "WIN" (WIN) symbol, win prize shown under that symbol automatically.

Reveal a "MONEY BAG" (WIN500) symbol, win \$500 instantly!

When any of YOUR NUMBERS match the WIN IT ALL NUMBER, win all 20 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 Win It All Millionaire Edition 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 Win It All Millionaire Edition, prize money from winning Pennsylvania Win It All Millionaire Edition 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 Win It All Millionaire Edition 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 Win It All Millionaire Edition or through normal communications methods.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 15-2242. Filed for public inspection December 18, 2015, 9:00 a.m.]

Pennsylvania Winner Winner Chicken Dinner 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 Winner Winner Chicken Dinner.

2. *Price:* The price of a Pennsylvania Winner Winner Chicken Dinner instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Winner Winner Chicken Dinner instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area are: Pig (PIGGY) symbol, Corn (CORN) symbol, Sheep (SHEEP) symbol, Tractor (TRCTR) symbol, Cow Bell (BELL) symbol, Milk (MILK) symbol, Barn (BARN) symbol, Chicken (CHKEN) symbol and an Egg (EGG) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: FREE (TICKET), \$1^{.00} (ONE DOL), \$2^{.00} (TWO DOL), \$4^{.00} (FOR DOL), \$5^{.00} (FIV DOL), \$10^{.00} (TEN DOL), \$20^{.00} (TWENTY), \$40^{.00} (FORTY), \$50^{.00} (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$5,000 (FIV THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$500 and \$5,000. The player can win up to 5 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Winner Winner Chicken Dinner instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets with a Chicken (CHKEN) symbol in the play area and a prize symbol of \$5,000 (FIV THO) appears in the “prize” area under that Chicken (CHKEN) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets with a Chicken (CHKEN) symbol in the play area and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Chicken (CHKEN) symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets with an Egg (EGG) symbol in the play area and a prize symbol of \$100 (ONE HUN) appears in all five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets with a Chicken (CHKEN) symbol in the play area and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Chicken (CHKEN) symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets with an Egg (EGG) symbol in the play area and a prize symbol \$20^{.00} (TWENTY) appears in all five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets with a Chicken (CHKEN) symbol in the play area and a prize symbol of \$50^{.00} (FIFTY) appears in the “prize” area under that Chicken (CHKEN) symbol, on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets with a Chicken (CHKEN) symbol in the play area and a prize symbol of \$40^{.00} (FORTY) appears in the “prize” area under that Chicken (CHKEN) symbol, on a single ticket, shall be entitled to a prize of \$40.

(h) Holders of tickets with an Egg (EGG) symbol in the play area and a prize symbol of \$10^{.00} (TEN DOL) appears in three of the “prize” areas and a prize symbol of \$5^{.00} (FIV DOL) appears in two of the “prize” areas, on a single ticket, shall be entitled to a prize of \$40.

(i) Holders of tickets with a Chicken (CHKEN) symbol in the play area and a prize symbol of \$20^{.00} (TWENTY) appears in the “prize” area under that Chicken (CHKEN) symbol, on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets with an Egg (EGG) symbol in the play area and a prize symbol of \$4^{.00} (FOR DOL) appears in all five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets with a Chicken (CHKEN) symbol in the play area and a prize symbol of \$10^{.00} (TEN DOL) appears in the “prize” area under that Chicken (CHKEN) symbol, on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets with an Egg (EGG) symbol in the play area and a prize symbol of \$2^{.00} (TWO DOL) appears in all five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets with a Chicken (CHKEN) symbol in the play area and a prize symbol of \$5^{.00} (FIV DOL) appears in the “prize” area under that Chicken (CHKEN) symbol, on a single ticket, shall be entitled to a prize of \$5.

(n) Holders of tickets with an Egg (EGG) symbol in the play area and a prize symbol of \$1^{.00} (ONE DOL) appears in all five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$5.

(o) Holders of tickets with a Chicken (CHKEN) symbol in the play area and a prize symbol of \$4^{.00} (FOR DOL) appears in the “prize” area under that Chicken (CHKEN) symbol, on a single ticket, shall be entitled to a prize of \$4.

(p) Holders of tickets with a Chicken (CHKEN) symbol in the play area and a prize symbol of \$2^{.00} (TWO DOL) appears in the “prize” area under that Chicken (CHKEN) symbol, on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets with a Chicken (CHKEN) symbol in the play area and a prize symbol of \$1^{.00} (ONE DOL) appears in the “prize” area under that Chicken (CHKEN) symbol, on a single ticket, shall be entitled to a prize of \$1.

(r) Holders of tickets with a Chicken (CHKEN) in the play area and a prize symbol of FREE (TICKET) appears in the “prize” area under that Chicken (CHKEN) symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Winner Winner Chicken Dinner 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 "CHICKEN" (CHKEN)
Symbol, Win Prize Shown Under
That Symbol. Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 7,200,000 Tickets
FREE	FREE \$1 TICKET	10	720,000
\$1	\$1	300	24,000
\$1 × 2	\$2	60	120,000
\$2	\$2	30	240,000
\$1 × 4	\$4	120	60,000
\$2 × 2	\$4	85.71	84,000
\$4	\$4	150	48,000
EGG w/ (\$1 × 5)	\$5	100	72,000
\$5	\$5	750	9,600
EGG w/ (\$2 × 5)	\$10	100	72,000
\$5 × 2	\$10	600	12,000
\$10	\$10	600	12,000
EGG w/ (\$4 × 5)	\$20	428.57	16,800
\$5 × 4	\$20	3,000	2,400
\$10 × 2	\$20	3,000	2,400
\$20	\$20	3,000	2,400
EGG w/ ((\$10 × 3) + (\$5 × 2))	\$40	1,500	4,800
\$20 × 2	\$40	3,000	2,400
\$40	\$40	3,000	2,400
EGG w/ (\$20 × 5)	\$100	12,000	600
\$50 × 2	\$100	24,000	300
\$100	\$100	24,000	300
EGG w/ (\$100 × 5)	\$500	240,000	30
\$100 × 5	\$500	360,000	20
\$500	\$500	360,000	20
\$5,000	\$5,000	720,000	10

Reveal an "EGG" (EGG) symbol, win all 5 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 Winner Winner Chicken Dinner 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 Winner Winner Chicken Dinner, prize money from winning Pennsylvania Winner Winner Chicken Dinner 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 Winner Winner Chicken Dinner 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 Winner Winner Chicken Dinner or through normal communications methods.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 15-2243. Filed for public inspection December 18, 2015, 9:00 a.m.]

Pennsylvania YAHTZEE™ 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 YAHTZEE™.

2. *Price:* The price of a Pennsylvania YAHTZEE™ instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania YAHTZEE™ instant lottery game ticket will contain one play area consisting of “ROLL 1,” “ROLL 2,” “ROLL 3,” “ROLL 4,” “ROLL 5” and “ROLL 6.” Each “ROLL” area consists of five dice. Each “ROLL” is played separately. The dice play symbols and their captions, located in each of the “ROLL” areas are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE) and 6 (SIX).

4. *Prizes:* The prizes that can be won in this game are: \$3, \$5, \$10, \$20, \$30, \$50, \$100, \$300, \$1,000, \$5,000, and \$50,000. The player can win up to 6 times on the ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 9,600,000 tickets will be printed for the Pennsylvania YAHTZEE™ instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets upon which a YAHTZEE™ combination, comprised of five of the same dice play symbols, appears in the same “ROLL,” on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which a Large Straight combination, comprised of five dice play symbols in sequential order, appears in the same “ROLL,” on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which a Small Straight combination, comprised of four dice play symbols in sequential order, appears in the same “ROLL,” on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which a Full House combination, comprised of three matching dice play symbols and two matching dice play symbols that are different

from the other three, appears in the same “ROLL,” on a single ticket, shall be entitled to a prize of \$300.

(e) Holders of tickets upon which a 4 of a kind combination, comprised of four of the same dice play symbols, appears in the same “ROLL,” on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which a 3 Sixes combination, comprised of three 6 (SIX) dice play symbols, appears in the same “ROLL,” on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets upon which a 3 Fives combination, comprised of three 5 (FIVE) dice play symbols, appear in the same “ROLL,” on a single ticket, shall be entitled to a prize of \$30.

(h) Holders of tickets upon which a 3 Fours combination, comprised of three 4 (FOUR) dice play symbols, appear in the same “ROLL,” on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets upon which a 3 Threes combination, comprised of three 3 (THREE) dice play symbols, appears in the same “ROLL,” on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets upon which a 3 Twos combination, comprised of three 2 (TWO) dice play symbols, appears in the same “ROLL,” on a single ticket, shall be entitled to a prize of \$5.

(k) Holders of tickets upon which a 3 Ones combination, comprised of three 1 (ONE) dice play symbols, appears in the same “ROLL,” on a single ticket, shall be entitled to a prize of \$3.

7. *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:

Scratch the Five Dice Across Each Roll. When You Reveal a Winning Combination Within Any Roll, Win Prize Shown For That Combination in the Legend. Each Roll is Played Separately. Win With:

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets</i>
3 ONES	9.09	1,056,000
3 TWOS	15.63	614,400
3 TWOS × 2	50	192,000
3 THREES	66.67	144,000
3 TWOS × 4	333.33	28,800
3 THREES × 2	333.33	28,800
3 FOURS	250	38,400
3 TWOS × 6	500	19,200
3 THREES × 3	333.33	28,800
3 FIVES	333.33	28,800
3 THREES × 5	1,500	6,400
((3 TWOS) × 4) + 3 FIVES	1,500	6,400
((3 THREES) × 3) + 3 FOURS	1,500	6,400
3 FIVES + 3 FOURS	1,500	6,400
3 SIXES	1,500	6,400
3 FOURS × 5	3,000	3,200
3 SIXES × 2	3,000	3,200
((3 FIVES) × 3) + 3 THREES	3,000	3,200
((3 FOURS) × 4) + ((3 THREES) × 2)	3,000	3,200
4 OF A KIND	3,000	3,200
3 SIXES × 6	24,000	400
4 OF A KIND × 3	24,000	400

Scratch the Five Dice Across Each Roll. When You Reveal a Winning Combination Within Any Roll, Win Prize Shown For That Combination in the Legend. Each Roll is Played Separately. Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 9,600,000 Tickets
FULL HOUSE	\$300	24,000	400
((FULL HOUSE) × 3) + 4 OF A KIND	\$1,000	40,000	240
SMALL STRAIGHT	\$1,000	40,000	240
LARGE STRAIGHT	\$5,000	640,000	15
YAHTZEE™	\$50,000	960,000	10

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania YAHTZEE™ instant lottery game tickets.

9. *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.

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania YAHTZEE™, prize money from winning Pennsylvania YAHTZEE™ 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 YAHTZEE™ 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.

11. *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.

12. *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 YAHTZEE™ or through normal communications methods.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 15-2244. Filed for public inspection December 18, 2015, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

The Department of Transportation (Department), Bureau of Motor Vehicles (Bureau), under 75 Pa.C.S. § 3368 (relating to speed timing devices), has approved for use, until the next comprehensive list is published, subject to interim amendment, the following: electronic speed-timing devices (radar); electronic speed-timing devices (nonradar), which measure elapsed time between measured road surface points by using two sensors; and electronic speed-timing devices (nonradar), which calculate average speed between any two points.

Under 75 Pa.C.S. § 3368(c)(2), the Department has approved, for use only by members of the State Police, the following electronic speed-timing devices (radar) when used in the stationary mode only:

(1) BEE III, Directional. Manufactured by MPH Industries, 316 East 9th Street, Owensboro, KY 42303.

(2) Falcon Radar (identified on the radar housing as FALCON). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

(3) Falcon HR—Hand-held model. Manufactured by Kustom Signals, Incorporated, 9652 Loiret Boulevard, Lenexa, KS 66219.

(4) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

(5) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, KS 66214.

(6) KR-10SP, Stationary Radar (identified on the radar housing as KR-10SP). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

(7) KR-10SP, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, KS 66214.

(8) Pro 1000(DS). Manufactured by Kustom Signals, Incorporated, 9652 Loiret Boulevard, Lenexa, KS 66219.

(9) Genesis-I. Manufactured by Decatur Electronics, Incorporated/a Soncell NA Company, 3433 East Wood Street, Phoenix, AZ 85040.

(10) Genesis-II Select. Manufactured by Decatur Electronics, Incorporated/a Soncell NA Company, 3433 East Wood Street, Phoenix, AZ 85040.

(11) Genesis GHS Hand-held model. Manufactured by Decatur Electronics, Incorporated/a Soncell NA Company, 3433 East Wood Street, Phoenix, AZ 85040.

(12) Genesis GHD Hand-held model. Manufactured by Decatur Electronics, Incorporated/a Soncell NA Company, 3433 East Wood Street, Phoenix, AZ 85040.

(13) Genesis GVP-D battery operated Hand-held model. Manufactured by Decatur Electronics, Incorporated/a Soncell NA Company, 3433 East Wood Street, Phoenix, AZ 85040.

(14) Ranger EZ, Directional. Manufactured by MPH Industries, 316 East 9th Street, Owensboro, KY 42303.

(15) Raptor RP-1. Manufactured by Kustom Signals Incorporated, 9652 Loiret Boulevard, Lenexa, KS 66219.

(16) Scout Handheld. Manufactured by Decatur Electronics, Incorporated/a Soncell NA Company, 3433 East Wood Street, Phoenix, AZ 85040.

(17) Speed-Gun Pro, Hand-held model. Manufactured by MPH Industries, 316 East 9th Street, Owensboro, KY 42303.

(18) Stalker Dual. Manufactured by Applied Concepts, Incorporated, 2609 Technology Drive, Plano, TX 75074.

(19) Stalker Dual SL. Manufactured by Applied Concepts, Incorporated, 2609 Technology Drive, Plano, TX 75074.

(20) Stalker Dual DSR. Manufactured by Applied Concepts, Incorporated, 2609 Technology Drive, Plano, TX 75074.

(21) Stalker Basic. Manufactured by Applied Concepts, Incorporated, 2609 Technology Drive, Plano, TX 75074.

(22) Eagle Plus. Manufactured by Kustom Signals, Incorporated, 9652 Loiret Boulevard, Lenexa, KS 66219.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing devices (nonradar) which measure elapsed time between measured road surface points by using two sensors:

(1) Electrical Speed Timing System. Manufactured by Richard Hageman, 98 South Penn Dixie Road, Nazareth, PA 18064.

(2) Model TK 100, Excessive Speed Preventor. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, RD 2, Hallstead, PA 18822.

(3) Model TK 100, Excessive Speed Preventor. Manufactured by Targetron, Incorporated, 190 Angletown Road, Muncy, PA 17756.

(4) Speed Chek (identified on the housing as Speed Chek model one, Mfd. for: The Union Agency, Unionville, PA 19375). Manufactured by Sterner Lighting Systems, Incorporated, 351 Lewis Avenue, Winsted, MN 55395.

(5) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, RD 2, Hallstead, PA 18822.

(6) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Targetron, Incorporated, 190 Angletown Road, Muncy, PA 17756.

(7) Enradd, Model EJU-91. Manufactured by YIS Incorporated, 1100 North Hartley Street, York, PA 17404.

(8) Enradd, Model EJU-91 with Non-Contact Road Switch System. Manufactured by YIS Incorporated, 1100 North Hartley Street, York, PA 17404.

(9) Enradd, Model EJU-91 Wireless System. Manufactured by YIS Incorporated, 1100 North Hartley Street, York, PA 17404.

Under 75 Pa.C.S. § 3368(c)(1) and (3), the Department has approved the use of electronic and mechanical stopwatches as speed-timing devices for use by any police officer. The Department has approved these speed-timing devices upon submission of a certificate of stopwatch accuracy indicating that a stopwatch has been successfully tested in accordance with the requirements of 67 Pa. Code Chapter 105 (relating to mechanical, electrical and electronic speed-timing devices). The Department issues an approved speed-timing device certificate for the device, as required under 67 Pa. Code § 105.72 (relating to equipment approval procedure). The Department does not publish a listing of these approved speed-timing devices because they are approved individually by serial number and police department. Therefore, if a citation is contested, it is necessary for the police department to show both the certificate of stopwatch accuracy, which was issued within 60 days of the citation, and an approved speed-timing device certificate issued by the Bureau.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing devices (nonradar) which calculate average speed between any two points:

(1) VASCAR-plus. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, VA 23230.

(2) VASCAR-plus II. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, VA 23230.

(3) VASCAR-plus III. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, VA 23230.

(4) VASCAR-plus IIIc. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, VA 23230.

(5) V-SPEC. Manufactured by YIS Incorporated, 1100 North Hartley Street, York, PA 17404.

(6) Tracker by Patco. Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

The Department, under 75 Pa.C.S. § 3368(d), has appointed the following stations for calibrating and testing speed-timing devices until the next comprehensive list is published, subject to interim amendment.

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following official Electronic Device Testing Stations for radar devices, which may only be used by members of the State Police:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969. (Appointed: 12/22/01, Station R8).

Guth Laboratories, Incorporated, 590 North 67th Street, Harrisburg, Dauphin County, PA 17111-4511 (Appointed: 01/27/97, Station R2).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063. (Appointed: 08/15/03, Station R11).

Simco Electronics, 2125 South West 28th Street, Allentown, Lehigh County, PA 18103. (Appointed: 09/19/96, Station R9).

Wisco Calibration Services, Inc., 820 Washington Boulevard, Pittsburgh, Allegheny County, PA 15206. (Appointed: 07/14/99, Station R10).

YIS Inc., 1100 North Hartley Street, York, York County, PA 17404. (Appointed: 01/14/75, Station R3).

YIS/Cowden Group, Inc., 1100 North Hartley Street, York, York County, PA 17404. (Appointed: 8/20/04, Station R12).

The Department has appointed, under 75 Pa.C.S. § 3368(b), the following Official Speedometer Testing Stations:

Briggs-Hagenlocher, 1110 Chestnut Street, Erie, Erie County, PA 16501. (Appointed: 03/25/93, Station S39). Device—Maxwell Dynamometer.

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units. (Appointed: 11/25/63, Station S19). Devices—Mustang Dynamometer, Davidheiser Storage Generator Speedometer Calibrator Mile-O-Meter.

George's Garage, 868 Providence Road, Scranton, Lackawanna County, PA 18508. (Appointed: 04/15/98, Station S8). Device—Clayton Dynamometer.

Mahramus Specialty Auto Service, 286 Muse Bishop Road, Canonsburg, Washington County, PA 15317. (Appointed: 01/03/84, Station S7). Devices—Speed-Master Quartz Speedometer Tester, Stewart Warner Strobetachometer.

Maruti Auto Service Inc, 4030 New Falls Road, Bristol, Bucks County, PA 19007. (Appointed 11/4/2008, Station S11). Devices—Maha Snap-On Dynamometer.

Powl's Speedometer Service, Incorporated, 2340 Dairy Road, Lancaster, Lancaster County, PA 17601—Also authorized to use mobile units. (Appointed: 06/09/97, Station S82). Devices—YIS, Inc. Electronic Mile-O-Meter and Speedometer Testing Platform with Indicator.

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units. (Appointed: 06/29/62, Station S67). Devices—Clayton Dynamometer, Mustang Dynamometer, Model MD-AWD-3K-ST.

S & D Calibration Services, 1963 Route 837, Monongahela, Washington County, PA 15063—Also authorized to use mobile units. (Appointed: 03/22/83, Station S35). Devices—Clayton Dynamometer, Mustang Dynamometer, Stewart Warner Strobetachometer, Speed-Master Quartz Speedometer Tester.

YIS/Cowden Group Inc., 1100 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units. (Appointed: 8/20/04, Station S9). Devices—YIS, Inc. Electronic Mile-O-Meter and Speedometer Testing Platform with Indicator.

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following official Electronic Device Testing

Stations for nonradar devices, which measure elapsed time between measured road surface points by using two sensors:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units. (Appointed: 04/07/93, Station EL3).

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units. (Appointed: 02/27/92, Station EL22).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063—Also authorized to use mobile units. (Appointed: 03/14/02, Station EL1).

S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units. (Appointed: 09/14/82, Station EL11).

Targetron, Incorporated, 190 Angletown Road, Muncy, Lycoming County, PA 17756—Also authorized to use mobile units (Appointed: 05/07/91, Station EL21).

Mahramus Specialty Auto Service, 286 Muse Bishop Road, Canonsburg, Washington County, PA 15317. (Appointed: 07/31/97, Station EL18).

YIS/Cowden Group, 1100 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units. (Appointed: 02/20/80, Station EL7).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Stopwatch Testing Stations:

Cal Tech Labs, 501 Mansfield Avenue, Pittsburgh, Allegheny County, PA 15205. (Appointed: 12/22/07, Station W70).

Department of General Services, Bureau of Procurement, 2221 Forster Street Harrisburg, Dauphin County, PA 17125. (Appointed: 03/09/79, Station W18).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units. (Appointed: 10/28/77, Station W29).

Leitzel's Jewelry, 607 East Lincoln Avenue, Myerstown, Lebanon County, PA 17067. (Appointed: 09/01/87, Station W58).

Pinto Calibration Services, 651 Holiday Drive, Pittsburgh, Allegheny County, PA 15220—Also authorized to use mobile units. (Appointed: 10/24/14, Station W5)

Precision Watch Repair Company, 1015 Chestnut Street, Room 1010, Philadelphia, Philadelphia County, PA 19107. (Appointed: 09/24/80, Station W54).

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units. (Appointed: 09/15/86, Station W56).

R & R Timing, 203 Shuster Hollow Road, Leechburg, Westmoreland County, PA 15656. (Appointed: 6/16/04 Station W10).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063—Also authorized to use mobile units. (Appointed: 03/14/02, Station W1).

S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units. (Appointed: 10/10/89, Station W61).

Servinsky Jewelers, 610 Second Street, Cresson, Cambria County, PA 16630. (Appointed: 05/18/78, Station W40).

Targetron, Incorporated, 190 Angletown Road, Muncy, Lycoming County, PA 17756—Also authorized to use mobile units. (Appointed: 05/07/91, Station W64).

YIS/Cowden Group, 1100 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units. (Appointed: 08/30/89, Station W60).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following official Electronic Device Testing Stations for nonradar devices which calculates average speed between any two points:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units. (Appointed: 02/11/93, Station EM23).

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units. (Appointed: 02/27/92, Station EM22).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063—Also authorized to use mobile units. (Appointed: 03/14/02, Station EM1).

S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units. (Appointed: 09/14/82, Station EM6).

Mahramus Specialty Auto Service, 286 Muse Bishop Road, Canonsburg, Washington County, PA 15317 (Appointed: 08/13/97, Station EM12).

Pinto Calibration Services, 651 Holiday Drive, Pittsburgh, Allegheny County, PA 15220—Also authorized to use mobile units. (Appointed: 10/24/14, Station EM4).

Targetron, Incorporated, 190 Angletown Road, Muncy, Lycoming County, PA 17756—Also authorized to use mobile units. (Appointed: 05/07/91, Station EM21).

YIS/Cowden Group, 1100 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units. (Appointed: 12/20/80, Station EM5).

Comments, suggestions or questions may be directed to Michael Smith, Manager, Administrative and Technical Support Section, Vehicle Inspection Division, Bureau of Motor Vehicles, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, (717) 783-7016.

LESLIE S. RICHARDS,
Secretary

[Pa.B. Doc. No. 15-2245. Filed for public inspection December 18, 2015, 9:00 a.m.]

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P. S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

Freedom Township, Blair County. The parcel contains 0.752 acre of improved land located east of the intersection of SR 164 and Dunnings Highway. Estimated fair market value is \$16,500.

Interested public agencies are invited to express interest in purchasing the site within 30 calendar days from the date of publication of this notice to Thomas A. Prestash, PE, District Executive, Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

Questions regarding this property may be directed to Joseph Tagliati, Property Manager, 1620 North Juniata Street, Hollidaysburg, PA 16648-1080, (814) 696-7215.

LESLIE S. RICHARDS,
Secretary

[Pa.B. Doc. No. 15-2246. Filed for public inspection December 18, 2015, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the 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>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
126-12	Philadelphia Parking Authority Safety Camera Requirements	11/24/15	1/21/16
11-253	Insurance Department Requirements for Qualified and Certified Reinsurers	11/30/15	1/21/16

JOHN F. MIZNER, Esq.,
Chairperson

[Pa.B. Doc. No. 15-2247. Filed for public inspection December 18, 2015, 9:00 a.m.]

INSURANCE DEPARTMENT

Highmark Health Insurance Company (HGHM-130347831); Central and Western Pennsylvania Small Group PPO—Transitional Plans; Rate Filing

Highmark Health Insurance Company submitted a rate filing to increase the premium rates for its Small Group Transitional Plans renewing on or after July 1, 2016. The filing proposes a rate increase of 9.9% and will affect approximately 83,699 members. The proposed rate increase will generate approximately \$43.3 million of additional annual revenue and will be effective July 1, 2016.

Unless formal administrative action is taken prior to March 2, 2016, 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. To view these filing notices, hover the cursor over "Consumers" in the blue bar at the top of the webpage then select "Product Notices" from the drop down menu.

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or email comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, csandersjo@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 15-2248. Filed for public inspection December 18, 2015, 9:00 a.m.]

Pennsylvania Compensation Rating Bureau; Workers' Compensation Loss Cost Filing

On December 8, 2015, the Insurance Department received from the Pennsylvania Compensation Rating Bureau (Bureau) a filing for a loss cost level change for workers' compensation insurance. The filing was made in accordance with section 705 of the act of July 2, 1993 (P. L. 190, No. 44).

The filing proposes an April 1, 2016, effective date for both new and renewal business and includes the following revisions:

- An overall 0.90% decrease in collectible loss costs.
- An Employer Assessment Factor of 1.70%, as compared to the currently approved provision of 1.64%.
- Updates to a variety of other rating values to reflect the most recent available experience.

The entire April 1, 2016, loss cost filing is available for review on the Bureau's web site at www.pcrb.com in the "Filings" section.

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Office of Insurance Product Regulation, 1311

Strawberry Square, Harrisburg, PA 17120, gzhou@pa.gov, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 15-2249. Filed for public inspection December 18, 2015, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested hearings 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 offices in Harrisburg and Philadelphia, PA. Failure by the appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Victor M. and Kathi A. Tsatiris; File No. 15-130-190249; Westfield Insurance Company; Doc. No. P15-11-023; January 6, 2016, 10 a.m.

The following hearings will be held in Strawbridge and Clothier, Justice Hearing Room 4030, 801 Market Street, Philadelphia, PA 19107.

Appeal of Carroll Wilkinson; File No. 15-115-187758; Travelers Indemnity Company; Doc. No. P15-09-022; January 19, 2016, 1 p.m.

Appeal of Darryl Corts; File No. 15-130-188990; Travelers Home and Marine Insurance; Doc. No. P15-10-013; January 19, 2016, 2 p.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence, or both. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend a 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. 15-2250. Filed for public inspection December 18, 2015, 9:00 a.m.]

Review Procedure Hearings under the Unfair Practices Act

The following insurer has requested hearings as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P. S. § 1171.8) in connection with the company's termination of the insureds' homeowners policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by the appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in Strawbridge and Clothier, Justice Hearing Room 4030, 801 Market Street, Philadelphia, PA 19107

Appeal of Lititz Mutual Insurance Company; File No. 15-198-187492; Jane Mayrin and Vadim Cherepakhin; Doc. No. P15-09-009; January 19, 2016, 9 a.m.

Appeal of Lititz Mutual Insurance Company; File No. 15-116-190051; Stephen M. Mason; Doc. No. P15-11-019; January 19, 2016, 10 a.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 a 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. 15-2251. Filed for public inspection December 18, 2015, 9:00 a.m.]

State Farm Mutual Automobile Insurance Company (STLH-130244130); Rate Increase Filing for Several Individual LTC Forms

State Farm Mutual Automobile Insurance Company is requesting approval to increase the premium an aggregate 26.3% on 1,117 policyholders with the following individual LTC policy form number: 97059PA.

Unless formal administrative action is taken prior to March 3, 2016, 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. To view these filing notices, hover the cursor over "Consumers" in the blue bar at the top of the webpage then select "Product Notices" from the drop down menu.

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. 15-2252. Filed for public inspection December 18, 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.

Executive Board

Resolution No. CB-15-017, Dated November 9, 2015. Authorizes the Collective Bargaining Agreement between the Commonwealth of Pennsylvania and AFSCME Council 13. The Collective Bargaining Agreement provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period July 1, 2015 through June 30, 2016.

Resolution No. CB-15-018, Dated November 9, 2015. Authorizes the Memorandum of Understanding between the Commonwealth of Pennsylvania and AFSCME. The Memorandum of Understanding provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period July 1, 2015 through June 30, 2016.

Governor's Office

Administrative Circular No. 15-13—Holiday Trees and Decorations in Commonwealth-Owned or Leased Buildings, Dated November 12, 2015.

LAURA CAMPBELL,
Director

Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 15-2253. Filed for public inspection December 18, 2015, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. 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 January 4, 2016. 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-2015-2507931. Borough of Emmaus (28 South 4th Street, Emmaus, Lehigh County, PA 18049) for the right to begin to transport, as a common carrier, by motor vehicle, persons in nonemergency wheelchair paratransit service, from points in the Borough of Emmaus, Upper Milford, Lower Macungie, Salisbury and Upper Saucon Townships, all in the County of Lehigh, to points in Pennsylvania, and return.

A-2015-2513088. Faithful at Home Care, LLC (888 Millersville Road, Lancaster, PA 17603) a limited liability company of the Commonwealth of Pennsylvania—for the right to begin to transport, by motor vehicle, persons in paratransit service, from points in Lancaster and York Counties, to points in Pennsylvania, and return.

A-2015-2516246. Jeanette Kauffman (P. O. Box 775, 100 Center Avenue, Terre Hill, Lancaster County, PA 17581) for the right to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

A-2015-2516641. Olympia Moving & Storage, LLC t/a Olympia Moving & Storage (17 Bridge Street,

Watertown, Middlesex County, MA 02472) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-2254. Filed for public inspection December 18, 2015, 9:00 a.m.]

Service of Notice of Motor Carrier Formal Complaints

Formal Complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due January 4, 2016, and must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Deer Haven, LLP; Docket No. C-2015-2498095

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against Deer Haven, LLP (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Michael L. Swindler
Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

4. Respondent is Deer Haven, LLP and maintains its principal place of business at 865 Route 507, Greentown, PA 18426, Attention: Sam Shahar.

5. Respondent is a “public utility” as that term is defined at 66 Pa.C.S. § 102, as it is engaged in sewage collection, treatment, or disposal for the public in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about March 25, 2010, at A-230106, for wastewater authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission’s authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in collecting, treating, or disposing sewage for the public for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

Prior Case

12. On October 27, 2014, I&E filed a Complaint against Respondent at Docket No. C-2014-2450011, alleging that Respondent violated Section 510(b) and (c) of the Public Utility Code, 66 Pa.C.S. § 510(b)—(c), by failing to file an assessment report for the 2012 calendar year and pay the Commission’s assessments for the July 1, 2012 to June 30, 2013 and July 1, 2013 to June 30, 2014 Fiscal Years.

13. On March 10, 2015, I&E filed a Motion for Default Judgment.

14. On June 11, 2015, the Commission entered an Opinion and Order granting I&E’s Motion for Default Judgment and sustaining, in part, and denying, in part, the Complaint.

15. The Commission sustained I&E’s requested relief pertaining to the payment of past due assessments and the civil penalty.

16. The Commission denied I&E’s requested relief related to the revocation of Respondent’s Certificate of Public Convenience because there was no record developed in the proceeding to indicate whether any other entity could provide adequate service to Respondent’s existing customers.

17. Respondent has not paid the outstanding assessments or civil penalty as directed by the Commission in its Order entered on June 11, 2015.

2014-2015 Fiscal Year

18. On or about February 7, 2014, the Commission mailed to Respondent an assessment report for Respondent to report its gross intrastate operating revenues for the 2013 calendar year.

19. The assessment report was accompanied by a letter, which notified Respondent that the report was to be completed and returned to the Commission on or before March 31, 2014.

20. Respondent failed to file an assessment report stating its 2013 calendar year revenues.

21. On or about September 11, 2014, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2014 to June 30, 2015 Fiscal Year (2014-2015 Fiscal Year) that was based, in part, on Respondent’s estimated revenues for the 2013 calendar year. Respondent’s assessment was \$134.

22. On September 19, 2014, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the 2014-2015 Fiscal Year.

23. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

24. The Commission received no objections from Respondent to this assessment.

25. Respondent failed to pay the amount of its 2014-2015 Fiscal Year assessment invoice.

26. The total outstanding assessment balance for Respondent is \$134.

Violations

COUNT 1

27. That Respondent failed to report its gross intrastate operating revenues for the 2013 calendar year in that it did not file an assessment report for that year. If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). I&E’s proposed civil penalty for this violation is \$1,500. This civil penalty is based, in part, on Respondent’s history of non-compliance with the Public Utility Code involving a failure to file assessment reports, as set forth above.

COUNT 2

28. That Respondent failed to satisfy its 2014-2015 Fiscal Year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). I&E’s proposed civil penalty for this violation is 25% of the outstanding assessment balance or \$50, whichever is greater. Therefore, I&E’s proposed civil penalty for this violation is \$50.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$1,684, which consists of its outstanding assessment balance of \$134 and a total civil penalty of \$1,550 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the assessment and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent; and

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action.

Respectfully submitted,
Kourtney L. Myers
Prosecutor

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Date: August 14, 2015

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: August 14, 2015

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Your check or money order should be payable to the "Commonwealth of Pennsylvania" and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Buffalo Township Emergency Medical Services, Inc.; Docket No. C-2015-2499281

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against Buffalo Township Emergency Medical Services, Inc. (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265

Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Michael L. Swindler
Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

4. Respondent is Buffalo Township Emergency Medical Services, Inc. and maintains its principal place of business at 663 Ekastown Road, Sarver, PA 16055, Attention: Oscar H. Fry.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about February 24, 2006, at A-00121624, for paratransit authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

Prior Case

12. On May 27, 2010, the Commission's Bureau of Transportation and Safety (BTS) filed a Complaint against Respondent at Docket No. C-2010-2171405, alleging that Respondent violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c), by failing to pay the Commission's assessment for the July 1, 2008 to June 30, 2009 Fiscal Year (2008-2009 Fiscal Year). BTS requested that Respondent pay its outstanding assessment.

13. On June 8, 2010, Respondent paid the full amount of its outstanding assessment balance as requested by BTS, which satisfied its 2008-2009 Fiscal Year assessment.

14. On June 23, 2010, BTS marked the proceeding as closed since the Complaint had been satisfied.

2013-2014 Fiscal Year

15. On or about February 7, 2013, the Commission mailed to Respondent an assessment report for Respondent to report its gross intrastate operating revenues for the 2012 calendar year.

16. The assessment report was accompanied by a letter, which notified Respondent that the report was to be completed and returned to the Commission on or before March 31, 2013.

17. Respondent failed to file an assessment report stating its 2012 calendar year revenues.

2014-2015 Fiscal Year

18. On or about February 7, 2014, the Commission mailed to Respondent an assessment report for Respondent to report its gross intrastate operating revenues for the 2013 calendar year.

19. The assessment report was accompanied by a letter, which notified Respondent that the report was to be completed and returned to the Commission on or before March 31, 2014.

20. Respondent failed to file an assessment report stating its 2013 calendar year revenues.

21. On or about September 11, 2014, the Commission mailed to Respondent an assessment invoice via first class mail for the July 1, 2014 to June 30, 2015 Fiscal Year (2014-2015 Fiscal Year) that was based, in part, on Respondent's estimated revenues for the 2013 calendar year. Respondent's assessment was \$26.

22. The assessment invoice was not returned to the Commission as being undeliverable.

23. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

24. The Commission received no objections from Respondent to this assessment.

25. Respondent failed to pay the amount of its 2014-2015 Fiscal Year assessment invoice.

26. The total outstanding assessment balance for Respondent is \$26.

Violations

COUNTS 1-2

27. That Respondent failed to report its gross intrastate operating revenues for the 2012 and 2013 calendar years in that it did not file assessment reports for those years. If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). I&E's proposed civil penalty for this violation is \$1,000 for each calendar year that Respondent failed to report its gross intrastate operating revenues or \$2,000.

COUNT 3

28. That Respondent failed to satisfy its 2014-2015 Fiscal Year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). I&E's proposed civil penalty for this violation is 25% of the outstanding assessment balance due to Respondent's history of non-compliance or \$50, whichever is greater. Therefore, I&E's proposed civil penalty for this violation is \$50.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$2,076, which consists of its outstanding assessment balance of \$26 and a total civil penalty of \$2,050 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the assessment and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,
Kourtney L. Myers
Prosecutor

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Date: August 19, 2015

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: August 19, 2015

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Your check or money order should be payable to the "Commonwealth of Pennsylvania" and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Institute for the Development of African-American Youth, Inc.; Docket No. C-2015-2499120

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against Institute for the Development of African-American Youth, Inc. (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265

Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Michael L. Swindler
Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

4. Respondent is Institute for the Development of African-American Youth, Inc. and maintains its principal place of business at P. O. Box 2061, Philadelphia, PA 19103, Attention: S. Aryche Leacock.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about June 4, 2012, at A-2011-2249149, for paratransit authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about September 11, 2014, the Commission mailed to Respondent an assessment invoice via first class mail for the July 1, 2014 to June 30, 2015 Fiscal Year (2014-2015 Fiscal Year). Respondent's assessment was \$46.

13. The assessment invoice was not returned to the Commission as being undeliverable.

14. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

15. The Commission received no objections from Respondent to the assessment amount set forth in the 2014-2015 Fiscal Year assessment invoice.

16. Respondent failed to pay the amount of its 2014-2015 Fiscal Year assessment invoice.

17. The total outstanding assessment balance for Respondent is \$46.

Violation

18. That Respondent failed to satisfy its 2014-2015 Fiscal Year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). I&E's proposed civil penalty for this violation is \$50.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$96, which consists of its outstanding assessment balance of \$46 and a civil penalty of \$50 for the above-described violation; and

(b) If payment of the assessment and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,
Kourtney L. Myers
Prosecutor

Pennsylvania Public Utility Commission
Bureau of Investigation & Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Date: August 19, 2015

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: August 19, 2015

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise

all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Your check or money order should be payable to the "Commonwealth of Pennsylvania" and mailed to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Reach for the Stars Limousine Service, Inc.; Docket No. C-2015-2499276

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against Reach for the Stars Limousine Service, Inc. (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of this Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.705.4366
komyers@pa.gov

Stephanie M. Wimer
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.772.8839
stwimer@pa.gov

Michael L. Swindler
 Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

4. Respondent is Reach for the Stars Limousine Service, Inc. and maintains its principal place of business at 1124 West Silver Street, Philadelphia, PA 19133, Attention: Brian Garris.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about August 3, 2001, at A-00117258, for limousine authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about September 11, 2014, the Commission sent Respondent an assessment invoice via first class mail for the July 1, 2014 to June 30, 2015 Fiscal Year (2014-2015 Fiscal Year). Respondent's assessment was \$92.

13. The assessment invoice was not returned to the Commission as being undeliverable.

14. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

15. The Commission received no objections from Respondent to the assessment amount set forth in the 2014-2015 Fiscal Year assessment invoice.

16. Respondent failed to pay the amount of its 2014-2015 Fiscal Year assessment invoice.

17. The total outstanding assessment balance for Respondent is \$92.

Violation

18. That Respondent failed to satisfy its 2014-2015 Fiscal Year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). I&E's proposed civil penalty for this violation is \$50.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$142, which consists of its outstanding assessment balance of \$92 and a civil penalty of \$50 for the above-described violation; and

(b) If payment of the assessment and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,
Kourtney L. Myers
Prosecutor

Pennsylvania Public Utility Commission
Bureau of Investigation & Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyerspa.gov

Date: August 19, 2015

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the

Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: August 19, 2015

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Your check or money order should be payable to the "Commonwealth of Pennsylvania" and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of
Investigation and Enforcement v. Yannuzzi
Overland Unlimited, Inc.; Docket No.
C-2015-2499473**

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against Yannuzzi Overland Unlimited, Inc. (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Michael L. Swindler
Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

4. Respondent is Yannuzzi Overland Unlimited, Inc. and maintains its principal place of business at 527 South Church Street, Hazleton, PA 18201, Attention: Cheri Yannuzzi.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about March 9, 1990, at A-00108828, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

2013-2014 Fiscal Year

12. On or about February 7, 2013, the Commission mailed to Respondent an assessment report for Respondent to report its gross intrastate operating revenues for the 2012 calendar year.

13. The assessment report was accompanied by a letter, which notified Respondent that the report was to be completed and returned to the Commission on or before March 31, 2013.

14. Respondent failed to file an assessment report stating its 2012 calendar year revenues.

2014-2015 Fiscal Year

15. On or about February 7, 2014, the Commission mailed to Respondent an assessment report for Respondent to report its gross intrastate operating revenues for the 2013 calendar year.

16. The assessment report was accompanied by a letter, which notified Respondent that the report was to be completed and returned to the Commission on or before March 31, 2014.

17. Respondent failed to file an assessment report stating its 2013 calendar year revenues.

18. On or about September 11, 2014, the Commission mailed to Respondent, through first class mail, an assessment invoice for the July 1, 2014 to June 30, 2015 Fiscal Year (2014-2015 Fiscal Year) that was based, in part, on Respondent's estimated revenues for the 2013 calendar year. Respondent's assessment was \$13.

19. The assessment invoice was not returned to the Commission as being undeliverable.

20. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

21. The Commission received no objections from Respondent to this assessment.

22. Respondent failed to pay the amount of its 2014-2015 Fiscal Year assessment invoice.

23. The total outstanding assessment balance for Respondent is \$13.

*Violations**COUNTS 1-2*

24. That Respondent failed to report its gross intrastate operating revenues for the 2012 and 2013 calendar years in that it did not file assessment reports for those years. If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). I&E's proposed civil penalty for this violation is \$1,000 for each calendar year that Respondent failed to report its gross intrastate operating revenues or \$2,000.

COUNT 3

25. That Respondent failed to satisfy its 2014-2015 Fiscal Year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). I&E's proposed civil penalty for this violation is \$50.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$2,063, which consists of its outstanding assessment balance of \$13 and a civil penalty of \$2,050 for the above-described violations;

(b) Respondent be directed to file assessment reports on a going-forward basis; and

(c) If payment of the assessment and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,
Kourtney L. Myers
Prosecutor

Pennsylvania Public Utility Commission
Bureau of Investigation & Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Date: August 20, 2015

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: August 20, 2015

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Your check or money order should be payable to the "Commonwealth of Pennsylvania" and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of
Investigation and Enforcement v. Janet Landis
Eberly; Docket No. C-2015-2499405**

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against Janet Landis Eberly (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Kourtney L. Myers
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Michael L. Swindler
Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

4. Respondent is Janet Landis Eberly and maintains its principal place of business at 1320 Springville Road, East Earl, PA 17519, Attention: Janet Landis Eberly.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about March 15, 2007, at A-00123004, for paratransit authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about September 11, 2014, the Commission mailed to Respondent, through certified mail, an assessment invoice for the July 1, 2014 to June 30, 2015 Fiscal Year (2014-2015 Fiscal Year). Respondent's assessment was \$285.

13. On September 24, 2014, Respondent signed a certified mail card, which indicated that it received an assessment invoice for the 2014-2015 Fiscal Year.

14. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

15. The Commission received no objections from Respondent to the assessment amount set forth in the 2014-2015 Fiscal Year assessment invoice.

16. Respondent failed to pay the amount of its 2014-2015 Fiscal Year assessment invoice.

17. The total outstanding assessment balance for Respondent is \$285.

Violation

18. That Respondent failed to satisfy its 2014-2015 Fiscal Year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). I&E's proposed civil penalty for this violation is \$50.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$335, which consists of its outstanding assessment balance of \$285 and a civil penalty of \$50 for the above-described violation; and

(b) If payment of the assessment and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,
Kourtney L. Myers
Prosecutor

Pennsylvania Public Utility Commission
Bureau of Investigation & Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Date: August 20, 2015

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: August 20, 2015

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Your check or money order should be payable to the "Commonwealth of Pennsylvania" and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-2255. Filed for public inspection December 18, 2015, 9:00 a.m.]

Telecommunications

A-2015-2516021. Verizon North, LLC and Barr Tell USA, Inc. Joint petition of Verizon North, LLC and Barr Tell USA, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and Barr Tell USA, Inc., by their counsel, filed on November 25, 2015, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of 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, at the Commission's web site at www.puc.pa.gov and at the applicant's business address. Copies of the Verizon North, LLC and Barr Tell USA, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-2256. Filed for public inspection December 18, 2015, 9:00 a.m.]

Telecommunications

A-2015-2516004. Verizon Pennsylvania, LLC and Barr Tell USA, Inc. Joint petition of Verizon Pennsylvania, LLC and Barr Tell USA, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Barr Tell USA, Inc., by their counsel, filed on November 25, 2015, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of 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, at the Commission's web site at www.puc.pa.gov and at the applicant's business address. Copies of the Verizon Pennsylvania, LLC and Barr Tell USA, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-2257. Filed for public inspection December 18, 2015, 9:00 a.m.]

Transfer of Customers

A-2015-2517024 and A-2015-2517025. Comcast Phone of Pennsylvania, LLC and First Communications, LLC. Joint application of Comcast Phone of Pennsylvania, LLC and First Communications, LLC for approval of the transfer of customers from Comcast Phone of Pennsylvania, LLC to First Communications, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before January 4, 2016. 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: Comcast Phone of Pennsylvania, LLC; First Communications, LLC

Through and By Counsel: Michelle M. Skjoldal, Esquire, Pepper Hamilton LLP, 100 Market Street, Suite 200, Harrisburg, PA 17108; and Catherine Wang, Esquire, Danielle Burt, Esquire, Morgan, Lewis & Bockius, LLP, 2020 K Street, NW, Washington, DC 20006

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-2258. Filed for public inspection December 18, 2015, 9:00 a.m.]

Transfer by Sale

A-2015-2517036 and A-2015-2517111. Pike County Light and Power Company, buyer Corning Natural Gas Holding Corporation and seller Orange and Rockland Utilities, Inc. Joint application of Pike County Light and Power Company, buyer Corning Natural Gas Holding Corporation and seller Orange and Rockland Utilities, Inc. for a certificate of public convenience approving the transfer by sale of 100% of the stock of Pike County Light and Power Company from seller Orange and Rockland Utilities, Inc. to buyer Corning Natural Gas Holding Corporation.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before January 4, 2016. 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: Pike County Light and Power Company; Corning Natural Gas Holding Corporation; Orange and Rockland Utilities, Inc.

Through and By Counsel: Thomas J. Sniscak, Esquire, William E. Lehman, Esquire, Whitney E. Snyder, Esquire, Hawke McKeon & Sniscak, LLP, Harrisburg Energy Center, 100 North Tenth Street, P. O. Box 1778, Harrisburg, PA 17105; and John J. Gallagher, Esquire, 711 Forrest Road, Harrisburg, PA 17112; and John L. Carley, Esquire, Consolidated Edison Company of New York, Inc., 4 Irving Place, Room 1815-S, New York, NY 10003

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-2259. Filed for public inspection December 18, 2015, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Condensed Statement of Revenues, Expenses and Changes in Fund Net Position

June 30, 2015 and 2014

AUDITED

	<i>Year to Date June 30, 2015</i>	<i>Year to Date June 30, 2014, Restated</i>
Total Revenues	\$ 11,078,058	\$ 10,448,791
Total Operating Expenses	\$ 36,551,316	\$ 34,500,216
Operating Gain (Loss)	\$ (25,473,258)	\$ (24,051,425)

	<i>Year to Date June 30, 2015</i>	<i>Year to Date June 30, 2014, Restated</i>
Net Nonoperating Revenues (Expenses)	\$ (6,090,805)	\$ (2,556,788)
(Loss) Gain Before Capital Grants	\$ (31,564,063)	\$ (26,608,213)
Capital Grants and Appropriations	\$ 52,593,616	\$ 54,129,640
Change in Fund Net Position	\$ 21,029,553	\$ 27,521,427
Net Position, Beginning of Year, As Previously Reported	\$ 404,075,856	\$ 387,522,918
Cumulative Effect of Change in Accounting Principle	\$ -	\$ (10,968,489)
Net Position—Beginning of Year—Restated	\$ 404,075,856	\$ 376,554,429
Net Position, End of Year, as Restated	\$ 425,105,409	\$ 404,075,856

JAMES T. McDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 15-2260. Filed for public inspection December 18, 2015, 9:00 a.m.]

STATE BOARD OF BARBER EXAMINERS

Bureau of Professional and Occupational Affairs v. All Starz Barber Shop; File No. 15-42-12663

On November 4, 2015, All Starz Barber Shop, license no. BO105439L, last known of Philadelphia, Philadelphia County, was suspended for failing to pay a previously imposed civil penalty.

Individuals may obtain a copy of the order by writing to Ariel E. O'Malley, Board Counsel, State Board of Barber Examiners, P. O. Box 69523, Harrisburg, PA 17106-9523.

JOSEPH T. FERRUZZA,
Chairperson

[Pa.B. Doc. No. 15-2261. Filed for public inspection December 18, 2015, 9:00 a.m.]

STATE BOARD OF COSMETOLOGY

Bureau of Professional and Occupational Affairs v. Pamela Faith Brinson; Doc. No. 10194-45-2011

On November 4, 2015, Pamela Faith Brinson, Pennsylvania license no. CT020583L, last known of Philadelphia, Philadelphia County, was imposed a \$500 penalty for practicing on an expired license.

Individuals may obtain a copy of the order by writing to Ariel E. O'Malley, Board Counsel, State Board of Cosmetology, P. O. Box 69523, Harrisburg, PA 17106-9523.

STEPHEN A. WALLIN,
Chairperson

[Pa.B. Doc. No. 15-2263. Filed for public inspection December 18, 2015, 9:00 a.m.]

Bureau of Professional and Occupational Affairs v. Miele Ferrer; File No. 15-42-07876

On August 6, 2015, Miele Ferrer, license no. BL053971, last known of Hazleton, Luzerne County, was suspended for failing to pay a previously imposed civil penalty.

Individuals may obtain a copy of the order by writing to Ariel E. O'Malley, Board Counsel, State Board of Barber Examiners, P. O. Box 69523, Harrisburg, PA 17106-9523.

JOSEPH T. FERRUZZA,
Chairperson

[Pa.B. Doc. No. 15-2262. Filed for public inspection December 18, 2015, 9:00 a.m.]

Bureau of Professional and Occupational Affairs v. Tu T. Tran; File No. 15-45-12742

On November 4, 2015, Tu T. Tran, nail technician license no. CL007433L, of Monroeville, Allegheny County, was suspended for failing to pay a previously imposed civil penalty.

Individuals may obtain a copy of the order by writing to Ariel E. O'Malley, Board Counsel, State Board of Cosmetology, P. O. Box 69523, Harrisburg, PA 17106-9523.

STEPHEN A. WALLIN,
Chairperson

[Pa.B. Doc. No. 15-2264. Filed for public inspection December 18, 2015, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Christine Elizabeth Atchison, RN; File No. 13-51- 11913; Doc. No. 0819-51-2015

On May 8, 2015, Christine Elizabeth Atchison, RN, license no. RN541012, last known of Edmond, OK, had her nursing license automatically suspended for 10 years from the date of conviction based on her felony conviction under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144).

Individuals may obtain a copy of the adjudication by writing to Megan E. Castor, Board Counsel, State Board of Nursing, P. O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

KRISTIN MALADY, BSN, RN,
Chairperson

[Pa.B. Doc. No. 15-2265. Filed for public inspection December 18, 2015, 9:00 a.m.]

Bureau of Professional and Occupational Affairs v. John Bezanis, RN; File No. 13-51-09909; Doc. No. 1463-51-14

On August 21, 2015, John P. Bezanis, RN, Pennsylvania license no. RN524130L, last known from Clementon, NJ, was issued a civil penalty of \$250 and indefinitely suspended based on findings he received disciplinary action by the proper licensing authority of another state and failed to report same to the State Board of Nursing (Board).

Individuals may obtain a copy of the adjudication by writing to Megan E. Castor, Board Counsel, State Board of Nursing, P. O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

KRISTIN MALADY, BSN, RN,
Chairperson

[Pa.B. Doc. No. 15-2266. Filed for public inspection December 18, 2015, 9:00 a.m.]

Bureau of Professional and Occupational Affairs v. Heather Rae Casey, RN; File No. 13-51-07189; Doc. No. 1877-51-2014

On September 10, 2015, Heather Rae Casey, RN, Pennsylvania license no. RN571971, last known from Collier, WV, was issued a civil penalty of \$500 and indefinitely suspended based on findings she received disciplinary action by the proper licensing authority of another state and failed to report same to the State Board of Nursing (Board).

Individuals may obtain a copy of the adjudication by writing to Megan E. Castor, Board Counsel, State Board of Nursing, P. O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

KRISTIN MALADY, BSN, RN,
Chairperson

[Pa.B. Doc. No. 15-2267. Filed for public inspection December 18, 2015, 9:00 a.m.]

Bureau of Professional and Occupational Affairs v. Judith A. Davis, LPN; File No. 11-51-01760; Doc. No. 0228-51-13

On October 29, 2015, Judith A. Davis, LPN, Pennsylvania license no. PN270171, last known of Kittanning, Armstrong County, was indefinitely suspended based on findings she failed to submit to a mental physical evaluation ordered by the State Board of Nursing (Board).

Individuals may obtain a copy of the adjudication by writing to Megan E. Castor, Board Counsel, State Board of Nursing, P. O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

KRISTIN MALADY, BSN, RN,
Chairperson

[Pa.B. Doc. No. 15-2268. Filed for public inspection December 18, 2015, 9:00 a.m.]