

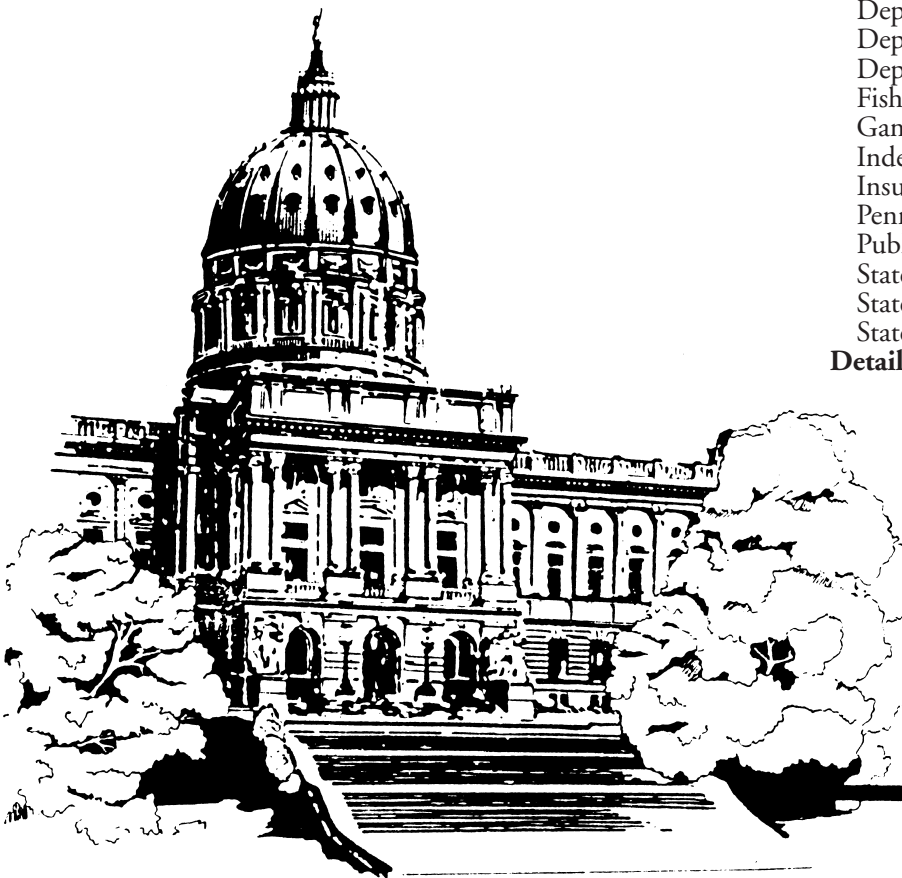
PENNSYLVANIA BULLETIN

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

No. 496, March 2016

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at www.pacode.com.

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2016.

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THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 1]

[EXECUTIVE ORDER NO. 2016-02]

Minimum Wage for Employees of the Commonwealth and of Organizations Receiving State Contracts

March 7, 2016

Whereas, the inflation-adjusted hourly earnings of the bottom fifth of Pennsylvania workers are lower today than they were in 1979; and

Whereas, the current minimum wage of \$7.25 per hour has 18 percent less purchasing power than the minimum wage had in 1979; and

Whereas, the decline in the purchasing power of the minimum wage is the major reason why the earnings of the lowest-paid Pennsylvanians have fallen; and

Whereas, a full-time, year-round worker earning the current minimum wage earns less than the federal poverty threshold for a family of two; and

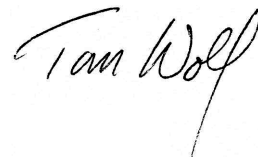
Whereas, studies have consistently shown that increases in the minimum wage have not reduced the employment of low-wage workers; and

Whereas, an increase in the minimum wage will lead to increases in employee morale, productivity, and quality of work and decreases in turnover and the costs of training and supervision; and

Whereas, it is the policy of this administration to increase efficiency and achieve cost savings in state government; and

Whereas, an increase in the minimum wage will achieve efficiency and cost savings for state government and reduce state expenditures on income support programs;

Now, Therefore, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by the virtue of the authority vested in me by the Constitution and laws of the Commonwealth of Pennsylvania do hereby direct the following.



Governor

Fiscal Note: GOV-16-02. (1) Multiple Funds; (2) Implementing Year 2015-16 is \$1,372,259; (3) 1st Succeeding Year 2016-17 is \$4,116,776; 2nd Succeeding Year 2017-18 is \$4,251,718; 3rd Succeeding Year 2018-19 is \$4,320,839; 4th Succeeding Year 2019-20 is \$4,391,083; 5th Succeeding Year 2020-21 is \$4,462,470; (4) 2014-15 Program—\$0; 2013-14 Program—\$0; 2012-13 Program—\$0; (7) Multiple Appropriations; (8) recommends adoption. Agency General Government Operations appropriations are able to absorb the increased cost in 2015-16.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

Subchapter EEE. MINIMUM WAGE FOR EMPLOYEES OF THE
COMMONWEALTH AND OF ORGANIZATIONS RECEIVING STATE
CONTRACTS

Sec.	
1.841.	Minimum wage.
1.842.	Coverage.
1.843.	Implementation.
1.844.	Sanctions.
1.845.	Application.
1.846.	Effective dates.

§ 1.841. Minimum wage.

All employees covered by this subchapter, other than tipped employees, shall be paid no less than:

(1) \$10.15 per hour after the effective date of this subchapter.

(2) Beginning January 1, 2017, and annually thereafter, an amount that is no less than the amount previously in effect; increased from this amount by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (United States city average, all items, not seasonally adjusted), or its successor publication as determined by the United States Bureau of Labor Statistics; and rounded to the nearest multiple of \$0.05. The applicable adjusted amount will be published in the *Pennsylvania Bulletin* by March 1 of each year to be effective the following July 1.

§ 1.842. Coverage.

For the purpose of this subchapter, "employee" is defined as in section 3 of The Minimum Wage Act of 1968 (43 P.S. § 333.103). Employees exempt from the minimum wage under The Minimum Wage Act of 1968 (43 P.S. §§ 333.101—333.115) are not covered by this subchapter. The employees covered by this subchapter are:

(1) Employees of Commonwealth agencies under the jurisdiction of the Governor.

(2) Employees who meet any of the following, when the service, construction or ancillary service is called for in a new lease of property or contract for services or construction exceeding the applicable small purchase threshold entered into with a Commonwealth agency under the jurisdiction of the Governor, or bilateral modifications to existing leases or contracts, entered into after the effective date of this subchapter:

(i) Directly perform services or construction.

(ii) Directly perform services for the Commonwealth and are employed by a lessor of property to the Commonwealth.

(iii) Spend at least 20% of their working time in a given work week performing an ancillary service.

§ 1.843. Implementation.

All Commonwealth agencies under the jurisdiction of the Governor shall take all steps necessary to implement this subchapter. Independent agencies, State-affiliated entities and State-related institutions are also strongly encouraged to implement this subchapter.

§ 1.844. Sanctions.

Failure of a covered contractor or lessor to comply with this subchapter may result in the imposition of sanctions, which may include, but are not limited to, termination of the contract or lease, nonpayment, debarment or referral to the Office of General Counsel for appropriate civil or criminal referral.

§ 1.845. Application.

(a) Nothing in this subchapter shall be construed to contravene or supersede:

(1) Any State or Federal law or collective bargaining agreement.

(2) Any State or local policy requiring a covered employee to be paid more than the minimum wage required by this subchapter.

(b) This chapter is not applicable when the provisions may jeopardize the receipt of Federal funds.

(c) This subchapter is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth, its departments, agencies or entities, its officers, employees or agents, or any other person.

§ 1.846. Effective dates.

This subchapter shall take effect on the following dates and shall remain in effect until modified or rescinded:

(1) For employees described in § 1.842(1) (relating to coverage), immediately.

(2) For employees described in § 1.842(2), on the effective date of the applicable contract or lease solicited or bilaterally modified on or after July 1, 2016.

[Pa.B. Doc. No. 16-508. Filed for public inspection March 25, 2016, 9:00 a.m.]

THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 4, 5, 7 AND 10]

Order Adopting New Rule 705.1, Amending Rules 454, 462 and 1010 and Approving the Revision of the Comments to Rules 409, 414, 424, 455, 550, 590 and 704 of the Rules of Criminal Procedure; No. 471 Criminal Procedural Rules Doc.

Order

Per Curiam

And Now, this 9th day of March, 2016, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 44 Pa.B. 2369 (April 19, 2014), and in the *Atlantic Reporter* (Third Series Advance Sheets, Vol. 87), and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that new Pennsylvania Rule of Criminal Procedure 705.1 and the amendments to Pennsylvania Rules of Criminal Procedure 454, 462, and 1010 are adopted, and the revision to the Comments to Pennsylvania Rules of Criminal Procedure 409, 414, 424, 455, 550, 590, and 704 are approved in the following form.

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

Justice Eakin did not participate in the decision of this matter.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 4. PROCEDURES IN SUMMARY CASES PART B(1). Procedures When Citation Is Issued to Defendant

Rule 409. Guilty Pleas.

* * * * *

Comment

* * * * *

When the defendant was under 18 years of age at the time of the offense and is charged with a summary offense that would otherwise carry a mandatory sentence of imprisonment as prescribed by statute, the issuing authority is required to conduct the summary trial but may not sentence the defendant to a term of imprisonment. *See* 42 Pa.C.S. §§ 6302 and 6303 and 75 Pa.C.S. § 6303(b).

See Rule 454(F) for the information that must be included in the sentencing order when restitution is included in the sentence.

For the procedure upon default in payment of the fine or costs, see Rule 456.

For appeal procedures in summary cases, see Rules 460, 461, and 462.

For procedures regarding arrest warrants, see Rules 430 and 431.

[With regard to the defendant's right to counsel and waiver of counsel, see Rules 121 and 122.]

Concerning the appointment or waiver of counsel, see Rules 121 and 122.

Official Note: Previous Rule 59 adopted September 18, 1973, effective January 1, 1974; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rule [430] 75. Present Rule 59 adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986. The January 1, 1986 effective dates are all extended to July 1, 1986; amended May 28, 1987, effective July 1, 1987; amended January 31, 1991, effective July 1, 1991; renumbered Rule 409 and amended March 1, 2000, effective April 1, 2001; Comment revised August 7, 2003, effective July 1, 2004; amended January 26, 2007, effective February 1, 2008; Comment revised July 17, 2013, effective August 17, 2013; **Comment revised March 9, 2016, effective July 1, 2016.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the July 17, 2013 Comment revision concerning mandatory incarceration offenses and juveniles published with the Court's Order at 43 Pa.B. 4325 (August 3, 2013).

Final Report explaining the March 9, 2016 Comment revision concerning the Rule 454 restitution procedures published with the Court's Order at 46 Pa.B. 1540 (March 26, 2016).

PART B(2). Procedures When Citation Filed

Rule 414. Guilty Pleas.

* * * * *

Comment

* * * * *

When the defendant was under 18 years of age at the time of the offense and is charged with a summary offense that would otherwise carry a mandatory sentence of imprisonment as prescribed by statute, the issuing authority is required to conduct the summary trial but may not sentence the defendant to a term of imprisonment. *See* 42 Pa.C.S. §§ 6302 and 6303 and 75 Pa.C.S. § 6303(b).

See Rule 454(F) for the information that must be included in the sentencing order when restitution is included in the sentence.

For the procedure upon default in payment of the fine or costs, see Rule 456.

For appeal procedures in summary cases, see Rules 460, 461, and 462.

For arrest warrant procedures, see Rules 430 and 431.

[With regard to the defendant's right to counsel and waiver of counsel, see Rules 121 and 122.]

Concerning the appointment or waiver of counsel, see Rules 121 and 122.

Official Note: Previous rule, originally numbered Rule 136, adopted January 31, 1970, effective May 1, 1970; renumbered Rule 64 September 18, 1973, effective January 1, 1974; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rule 84. Present Rule 64

adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended May 28, 1987, effective July 1, 1987; amended January 31, 1991, effective July 1, 1991; renumbered Rule 414 and amended March 1, 2000, effective April 1, 2001; Comment revised August 7, 2003, effective July 1, 2004; amended January 26, 2007, effective February 1, 2008; Comment revised July 17, 2013, effective August 17, 2013; **Comment revised March 9, 2016, effective July 1, 2016.**

Committee Explanatory Reports:

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Final Report explaining the July 17, 2013 Comment revision concerning mandatory incarceration offenses and juveniles published with the Court's Order at 43 Pa.B. 4325 (August 3, 2013).

Final Report explaining the March 9, 2016 Comment revision concerning the Rule 454 restitution procedures published with the Court's Order at 46 Pa.B. 1540 (March 26, 2016).

PART C. Procedures in Summary Cases When Complaint Filed

Rule 424. Guilty Pleas.

* * * * *

Comment

* * * * *

When the defendant was under 18 years of age at the time of the offense and is charged with a summary offense that would otherwise carry a mandatory sentence of imprisonment as prescribed by statute, the issuing authority is required to conduct the summary trial but may not sentence the defendant to a term of imprisonment. *See* 42 Pa.C.S. §§ 6302 and 6303 and 75 Pa.C.S. § 6303(b).

See Rule 454(F) for the information that must be included in the sentencing order when restitution is included in the sentence.

For the procedure upon default in payment of the fine or costs, see Rule 456.

For appeal procedures in summary cases, see Rules 460, 461, and 462.

For procedures regarding arrest warrants, see Rules 430 and 431.

[With regard to the defendant's right to counsel and waiver of counsel, see Rules 121 and 122.]

Concerning the appointment or waiver of counsel, see Rules 121 and 122.

Official Note: Previous rule, originally numbered Rule 140, adopted January 31, 1970, effective May 1, 1970; renumbered Rule 69 September 18, 1973, effective January 1, 1974; Comment revised January 28, 1983, effective July 1, 1983; rescinded July 12, 1985, effective January 1, 1986, and not replaced in these rules. Present Rule 69 adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986. The January 1, 1986 effective dates are all extended to July 1, 1986; amended May 28, 1987, effective July 1, 1987; amended January 31, 1991, effective July 1, 1991; renumbered Rule 424 and amended March 1, 2000, effective April 1, 2001; Comment revised August 7, 2003, effective July 1, 2004; amended January 26, 2007, effective February 1, 2008; Comment revised July 17, 2013, effective August 17, 2013; **Comment revised March 9, 2016, effective July 1, 2016.**

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Final Report explaining the July 17, 2013 Comment revision concerning mandatory incarceration offenses and juveniles published with the Court's Order at 43 Pa.B. 4325 (August 3, 2013).

Final Report explaining the March 9, 2016 Comment revision concerning the Rule 454 restitution procedures published with the Court's Order at 46 Pa.B. 1540 (March 26, 2016).

PART E. General Procedures in Summary Cases

Rule 454. Trial in Summary Cases.

* * * * *

(F) At the time of sentencing, the issuing authority shall:

(1) if the defendant's sentence includes restitution, a fine, or costs, state:

(a) the amount of the fine and the obligation to pay costs;

(b) the amount of restitution ordered, including

(i) the identity of the payee(s),

(ii) to whom the restitution payment shall be made, and

(iii) whether any restitution has been paid and in what amount; and

(c) the date on which payment is due.

If the defendant is without the financial means to pay the amount in a single remittance, the issuing authority may provide for installment payments and shall state the date on which each installment is due;

* * * * *

Comment

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Before imposing both a fine and restitution, the issuing authority must determine that the fine will not prevent the defendant from making restitution to the victim. *See* 42 Pa.C.S. §§ 9726(c)(2) and 9730(b)(3).

Certain costs are mandatory and must be imposed. See, e.g., Section 1101 of the Crime Victims Act, 18 P.S. § 11.1101.

Paragraph (E) permits an issuing authority to delay imposing sentence in summary cases in order to investigate a defendant's eligibility for intermediate punishment. For example, under 42 Pa.C.S. § 9763 and § 9804, defendants may be sentenced to intermediate punishment for certain offenses, including summary violations of 75 Pa.C.S. § 1543(b) (driving while license is under a DUI-related suspension) but only if they meet certain eligibility requirements, such as undergoing a drug and alcohol assessment. Often this information will not be available to the issuing authority at the time of sentencing.

See Rule 456 for the procedures when a defendant defaults in the payment of restitution, fines, or costs.

For the procedures concerning sentences that include restitution in court cases, see Rule 705.1.

A defendant should be encouraged to seek an adjustment of a payment schedule for restitution, fines, or costs before a default occurs. *See* Rule 456(A).

Official Note: Rule 83 adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986; January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; Comment revised April 18, 1997, effective July 1, 1997; amended October 1, 1997, effective October 1, 1998; Comment revised February 13, 1998, effective July 1, 1998; renumbered Rule 454 and Comment revised March 1, 2000, effective April 1, 2001; amended February 28, 2003, effective July 1, 2003; Comment revised August 7, 2003, effective July 1, 2004; amended March 26, 2004, effective July 1, 2004; amended January 26, 2007, effective February 1, 2008; Comment revised July 17, 2013, effective August 17, 2013; **amended March 9, 2016, effective July 1, 2016.**

Committee Explanatory Reports:

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Final Report explaining the July 17, 2013 Comment revision concerning mandatory incarceration offenses and juveniles published with the Court's Order at 43 Pa.B. 4325 (August 3, 2013).

Final Report explaining the March 9, 2016 amendments to paragraph (F) concerning required elements of the sentence published with the Court's Order at 46 Pa.B. 1540 (March 26, 2016).

Rule 455. Trial in Defendant's Absence.

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Comment

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Paragraph (D) provides notice to the defendant of conviction and sentence after trial *in absentia* to alert the defendant that the time for filing an appeal has begun to run. [*See* Rule 413(B)(3).] *See* Rules 408(B)(3), 413(B)(3), and 423(B)(3).

See Rule 454(F) for what information must be included in a sentencing order when restitution is included in the sentence.

Except in cases under the Public School Code of 1949, 24 P.S. § 1-102, *et seq.*, in which the defendant is at least 13 years of age but not yet 17, if the defendant is under 18 years of age, the notice in paragraph (D) must inform the defendant and defendant's parents, guardian, or other custodian that, if payment is not received or the defendant does not appear within the 10-day time period, the issuing authority will certify notice of the failure to pay to the court of common pleas as required by the Juvenile Act, 42 Pa.C.S. § 6302, definition of "delinquent act," paragraph (2)(iv), and the case will proceed pursuant to the Rules of Juvenile Court Procedure and the Juvenile Act instead of these rules.

If the defendant is charged with a violation of the compulsory attendance requirements of the Public School Code of 1949, 24 P.S. § 1-102, *et seq.*; has attained the age of 13 but is not yet 17; and has failed to pay the fine, the issuing authority must issue the notice required by paragraph [(B)(4)] (D) to the defendant and the defendant's parents, guardian, or other custodian informing the defendant and defendant's parents, guardian, or other custodian that, if payment is not received or

the defendant does not appear within the 10-day time period, the issuing authority may allege the defendant dependent under 42 Pa.C.S. § 6303(a)(1). Pursuant to 24 P.S. § 13-1333(b)(2), the defendant's failure to pay is not a delinquent act and the issuing authority would not certify notice of the failure to pay to the common pleas court.

If the defendant is 18 years of age or older and fails to pay or appear as required in paragraph (D), the issuing authority must proceed under these rules.

[**For the defendant's right to counsel, see Rule 122.**]

Concerning the appointment or waiver of counsel, see Rules 121 and 122.

For arrest warrant procedures in summary cases, see Rules 430 and 431.

Official Note: Rule 84 adopted July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; amended February 1, 1989, effective July 1, 1989; amended April 18, 1997, effective July 1, 1997; amended October 1, 1997, effective October 1, 1998; renumbered Rule 455 and Comment revised March 1, 2000, effective April 1, 2001; Comment revised August 7, 2003, effective July 1, 2004; Comment revised April 1, 2005, effective October 1, 2005; amended August 15, 2005, effective February 1, 2006; Comment revised January 17, 2013, effective May 1, 2013; Comment revised July 17, 2013, effective August 17, 2013; **Comment revised March 9, 2016, effective July 1, 2016.**

Committee Explanatory Reports:

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Final Report explaining the July 17, 2013 Comment revision concerning mandatory incarceration offenses and juveniles published with the Court's Order at 43 Pa.B. 4325 (August 3, 2013).

Final Report explaining the March 9, 2016 Comment revision cross-referencing the sentencing provision in Rule 454(F) published with the Court's Order at 46 Pa.B. 1540 (March 26, 2016).

PART F. Procedures in Summary Cases for Appealing to Court of Common Pleas for Trial De Novo

Rule 462. Trial De Novo.

* * * * *

(G) At the time of sentencing, the trial judge shall:

(1) if the defendant's sentence includes restitution, a fine, or costs, state:

(a) the amount of the fine and the obligation to pay costs;

(b) the amount of restitution ordered, including

(i) the identity of the payee(s),

(ii) to whom the restitution payment shall be made, and

(iii) whether any restitution has been paid and in what amount; and

(c) the date on which payment is due.

If the defendant is without the financial means to pay the amount in a single remittance, the trial judge may provide for installment payments and shall state the date on which each installment is due;

* * * * *

Comment

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The provisions of paragraph (C) that permit the court to continue the case if there is good cause for the officer's unavailability were added in response to *Commonwealth v. Hightower*, [438 Pa. Super. 400,] 652 A.2d 873 (Pa. Super. 1995).

Paragraph (D) makes it clear that the trial judge may dismiss a summary case appeal when the judge determines that the defendant is absent without cause from the trial *de novo*. If the appeal is dismissed, the trial judge should enter judgment and order execution of any sentence imposed by the issuing authority.

Paragraph (F) was amended in 2008 to permit a trial judge to delay imposition of sentence in order to investigate a defendant's eligibility for intermediate punishment for certain offenses, including summary violations of 75 Pa.C.S. § 1543(b) (driving while license is under a DUI-related suspension), but only if he or she meets certain eligibility requirements, such as undergoing a drug and alcohol assessment. Potentially this information may not be available to the trial judge following a trial *de novo* at the time of sentencing.

Pursuant to paragraph (G), if the defendant is convicted, the trial judge must impose sentence, and advise the defendant of the payment schedule, if any, and the defendant's appeal rights. See Rule 704(A)(3) and Rule 720(D). No defendant may be sentenced to imprisonment or probation if the right to counsel was not afforded at trial. See *Alabama v. Shelton*, 535 U.S. 654 (2002), *Scott v. Illinois*, 440 U.S. 367 (1979), and *Argersinger v. Hamlin*, 407 U.S. 25 (1972).

Certain costs are mandatory and must be imposed. See, e.g., Section 1101 of the Crime Victims Act, 18 P.S. § 11.1101.

Once sentence is imposed, paragraph (H) makes it clear that the case is to remain in the court of common pleas for execution of the sentence and collection of any costs, and the case may not be returned to the magisterial district judge. The execution of sentence includes the collection of any fines and restitution.

For the procedures concerning sentences that include restitution in court cases, see Rule 705.1.

For the procedures for appeals from the Philadelphia Municipal Court Traffic Division, see Rule 1037.

Official Note: Former Rule 86 adopted July 12, 1985, effective January 1, 1986; revised September 23, 1985, effective January 1, 1986; the January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998; amended May 14, 1999, effective July 1, 1999; rescinded March 1, 2000, effective April 1, 2001, and paragraph (G) replaced by Rule 462. New Rule 462 adopted March 1, 2000, effective April 1, 2001; amended March 3, 2000,

effective July 1, 2000; amended February 28, 2003, effective July 1, 2003; Comment revised March 26, 2004, effective July 1, 2004; amended January 18, 2007, effective August 1, 2007; amended December 16, 2008, effective February 1, 2009; Comment revised October 16, 2009, effective February 1, 2010; Comment revised May 7, 2014, effective immediately; **amended March 9, 2016, effective July 1, 2016.**

Committee Explanatory Reports:

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NEW RULE 462:

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Final Report explaining the May 7, 2014 Comment revision changing the cross-reference to the Philadelphia Traffic Court to the Traffic Division of the Philadelphia Municipal Court published with the Court's Order at 44 Pa.B. 3065 (May 24, 2014).

Final Report explaining the March 9, 2016 amendments to paragraph (G) concerning required elements of the sentence published with the Court's Order at 46 Pa.B. 1540 (March 26, 2016).

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART D. Proceedings in Court Cases Before Issuing Authorities

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

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Comment

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

* * * * *

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

* * * * *

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

For the procedures concerning sentences that include restitution in court cases, see Rule 705.1.

At the time of sentencing, or at any time within the 30-day period before transmitting the case to the clerk of courts pursuant to paragraph (E), the magisterial district

judge may accept payment of, or may establish a payment schedule for, installment payments of restitution, fines, and costs.

* * * * *

Official Note: Rule 149 adopted June 30, 1977, effective September 1, 1977; Comment revised January 28, 1983, effective July 1, 1983; amended November 9, 1984, effective January 2, 1985; amended August 22, 1997, effective January 1, 1998; renumbered Rule 550 and amended March 1, 2000, effective April 1, 2001; amended December 9, 2005, effective February 1, 2006; amended January 6, 2014, effective March 1, 2014; **Comment revised March 9, 2016, effective July 1, 2016.**

Committee Explanatory Reports:

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

Final Report explaining the March 9, 2016 Comment revision concerning the Rule 705.1 restitution procedures published with the Court's Order at 46 Pa.B. 1540 (March 26, 2016).

PART H. Plea Procedures

Rule 590. Pleas and Plea Agreements.

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Comment

The purpose of paragraph (A)(2) is to codify the requirement that the judge, on the record, ascertain from the defendant that the guilty plea or plea of nolo contendere is voluntarily and understandingly tendered. On the mandatory nature of this practice, see *Commonwealth v. Ingram*, [455 Pa. 198,] 316 A.2d 77 (Pa. 1974); *Commonwealth v. Campbell*, [451 Pa. 198,] 304 A.2d 121 (Pa. 1973); *Commonwealth v. Jackson*, [450 Pa. 417,] 299 A.2d 209 (Pa. 1973).

* * * * *

The Court in *Commonwealth v. Willis*, [471 Pa. 50,] 369 A.2d 1189 (Pa. 1977), and *Commonwealth v. Dilbeck*, [466 Pa. 543,] 353 A.2d 824 (Pa. 1976), mandated that, during a guilty plea colloquy, judges must elicit the information set forth in paragraphs (1) through (6) above. In 2008, the Court added paragraph (7) to the list of areas of inquiry.

Many, though not all, of the areas to be covered by such questions are set forth in a footnote to the Court's opinion in *Commonwealth v. Martin*, [455 Pa. 49, 54-55,] 282 A.2d 241, 244-245 (Pa. 1971), in which the colloquy conducted by the trial judge is cited with approval. See also *Commonwealth v. Minor*, [467 Pa. 230,] 356 A.2d 346 (Pa. 1976), and *Commonwealth v. Ingram*, [455 Pa. 198,] 316 A.2d 77 (Pa. 1974). As to the requirement that the judge ascertain that there is a factual basis for the plea, see *Commonwealth v. Maddox*, [450 Pa. 406,] 300 A.2d 503 (Pa. 1973) and *Commonwealth v. Jackson*, [450 Pa. 417,] 299 A.2d 209 (Pa. 1973).

It is advisable that the judge conduct the examination of the defendant. However, paragraph (A) does not prevent defense counsel or the attorney for the Commonwealth from conducting part or all of the examination of the defendant, as permitted by the judge. In addition,

nothing in the rule would preclude the use of a written colloquy that is read, completed, signed by the defendant, and made part of the record of the plea proceedings. This written colloquy would have to be supplemented by some on-the-record oral examination. Its use would not, of course, change any other requirements of law, including these rules, regarding the prerequisites of a valid guilty plea or plea of nolo contendere.

The "terms" of the plea agreement, referred to in paragraph (B)(1), frequently involve the attorney for the Commonwealth—in exchange for the defendant's plea of guilty or nolo contendere, and perhaps for the defendant's promise to cooperate with law enforcement officials—promising concessions such as a reduction of a charge to a less serious offense, the dropping of one or more additional charges, a recommendation of a lenient sentence, or a combination of these. In any event, paragraph (B) is intended to insure that all terms of the agreement are openly acknowledged for the judge's assessment. See, e.g., *Commonwealth v. Wilkins*, [442 Pa. 542,] 277 A.2d 341 (Pa. 1971).

The 1995 amendment deleting former paragraph (B)(1) eliminates the absolute prohibition against any judicial involvement in plea discussions in order to align the rule with the realities of current practice. For example, the rule now permits a judge to inquire of defense counsel and the attorney for the Commonwealth whether there has been any discussion of a plea agreement, or to give counsel, when requested, a reasonable period of time to conduct such a discussion. Nothing in this rule, however, is intended to permit a judge to suggest to a defendant, defense counsel, or the attorney for the Commonwealth, that a plea agreement should be negotiated or accepted.

Under paragraph (B)(1), upon request and with the consent of the parties, a judge may, as permitted by law, order that the specific conditions of a plea agreement be placed on the record in camera and that portion of the record sealed. Such a procedure does not in any way eliminate the obligation of the attorney for the Commonwealth to comply in a timely manner with Rule 573 and the constitutional mandates of *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny. Similarly, the attorney for the Commonwealth is responsible for notifying the cooperating defendant that the specific conditions to which the defendant agreed will be disclosed to third parties within a specified time period, and should afford the cooperating defendant an opportunity to object to the unsealing of the record or to any other form of disclosure.

When a guilty plea, or plea of nolo contendere, includes a plea agreement, the 1995 amendment to paragraph (B)(2) requires that the judge conduct a separate inquiry on the record to determine that the defendant understands and accepts the terms of the plea agreement. See *Commonwealth v. Porreca*, [595 Pa. 46,] 595 A.2d 23 (Pa. 1991).

Former paragraph (B)(3) was deleted in 1995 for two reasons. The first sentence merely reiterated an earlier provision in the rule. See paragraph (A)(3). The second sentence concerning the withdrawal of a guilty plea was deleted to eliminate the confusion being generated when that provision was read in conjunction with Rule 591. As provided in Rule 591, it is a matter of judicial discretion and case law whether to permit or direct a guilty plea or plea of nolo contendere to be withdrawn. See also *Commonwealth v. Porreca*, [528 Pa. 46,] 595 A.2d 23 (Pa. 1991) (the terms of a plea agreement may determine a defendant's right to withdraw a guilty plea).

For the procedures governing the withdrawal of a plea of guilty or nolo contendere, see Rule 591.

For the procedures concerning sentences that include restitution in court cases, see Rule 705.1.

Paragraph (C) reflects a change in Pennsylvania practice, that formerly required the judge to convene a panel of three judges to determine the degree of guilt in murder cases in which the imposition of a sentence of death was not statutorily authorized. The 2008 amendment to paragraph (C) and the Comment recognizes the Commonwealth's right to have a jury determine the degree of guilt following a plea of guilty to murder generally. See Article I, § 6 of the Pennsylvania Constitution that provides that "the Commonwealth shall have the same right to trial by jury as does the accused." See also *Commonwealth v. White*, [589 Pa. 642,] 910 A.2d 648 (Pa. 2006).

Official Note: Rule 319(a) adopted June 30, 1964, effective January 1, 1965; amended November 18, 1968, effective February 3, 1969; paragraph (b) adopted and title of rule amended October 3, 1972, effective 30 days hence; specific areas of inquiry in Comment deleted in 1972 amendment, reinstated in revised form March 28, 1973, effective immediately; amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; paragraph (c) added and Comment revised May 22, 1978, effective July 1, 1978; Comment revised November 9, 1984, effective January 2, 1985; amended December 22, 1995, effective July 1, 1996; amended July 15, 1999, effective January 1, 2000; renumbered Rule 590 and Comment revised March 1, 2000, effective April 1, 2001; amended September 18, 2008, effective November 1, 2008; **Comment revised March 9, 2016, effective July 1, 2016.**

Committee Explanatory Reports:

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Final Report explaining the September 18, 2008 amendments to paragraph (C) concerning juries determining degree of guilt published with the Court's Order at 38 Pa.B. 5431 (October 4, 2008).

Final Report explaining the March 9, 2016 Comment revision concerning the Rule 705.1 restitution procedures published with the Court's Order at 46 Pa.B. 1540 (March 26, 2016).

CHAPTER 7. POST-TRIAL PROCEDURES IN COURT CASES

PART A. Sentencing Procedures

Rule 704. Procedure at Time of Sentencing.

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Comment

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TIME FOR SENTENCING

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Paragraph (A)(2) is not intended to sanction *pro forma* requests for continuances. Rather, it permits the judge to extend the time limit for sentencing under extraordinary circumstances only. For example, additional pre-sentence procedures may be required by statute. See 42 Pa.C.S. §§ [9791—9799.5] 9799.11—9799.41 for pre-sentence assessment and hearing procedures for persons convicted of sexually violent offenses. [See also 42 Pa.C.S. § 9714(c) for hearing to determine high risk dangerous offender status.]

Because such extensions are intended to be the exception rather than the rule, the extension must be for a specific time period, and the judge must include in the record the length of the extension. A hearing need not be held before an extension can be granted. Once a specific extension has been granted, however, some provision should be made to monitor the extended time period to insure prompt sentencing when the extension period expires.

Failure to sentence within the time specified in paragraph (A) may result in the discharge of the defendant. See *Commonwealth v. Anders*, [555 Pa. 467,] 725 A.2d 170 (Pa. 1999) (discharge is appropriate remedy for violation of Rule [1405] 704 time limits, but only if the defendant can demonstrate that the delay in sentencing was prejudicial to the defendant).

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SENTENCING PROCEDURES

Paragraph (C)(1) retains the former requirement that the judge afford the defendant an opportunity to make a statement and counsel the opportunity to present information and argument relative to sentencing. The defendant's right to allocution at sentencing is well established, and the trial judge must inform the defendant of that right. See *Commonwealth v. Thomas*, [520 Pa. 206,] 553 A.2d 918 (Pa. 1989).

The duty of the judge to explain to the defendant the rights set forth in paragraph (C)(3) is discussed in *Commonwealth v. Wilson*, [430 Pa. 1, 5,] 241 A.2d 760, 763 (Pa. 1968), and *Commonwealth v. Stewart*, [430 Pa. 7, 8,] 241 A.2d 764, 765 (Pa. 1968).

The judge should explain to the defendant, as clearly as possible, the timing requirements for making and deciding a post-sentence motion under Rule 720. The judge should also explain that the defendant may choose whether to file a post-sentence motion and appeal after the decision on the motion, or to pursue an appeal without first filing a post-sentence motion.

Paragraph (C)(3) requires the judge to ensure the defendant is advised of his or her rights concerning post-sentence motions and appeal, and the right to proceed with counsel. See, e.g., *Commonwealth v. Librizzi*, 810 A.2d 692 (Pa. Super. 2002).

The rule permits the use of a written colloquy that is read, completed, signed by the defendant, and made part of the record of the sentencing proceeding. This written colloquy must be supplemented by an on-the-record oral examination to determine that the defendant has been advised of the applicable rights enumerated in paragraph (C)(3) and that the defendant has signed the form.

Other, additional procedures are required by statute. See, e.g., 42 Pa.C.S. § 9756(b)(3) that imposes requirements on the judge when a defendant may be eligible to participate in a re-entry plan and 42 Pa.C.S. § 9756(b.1) that imposes requirements on the judge when a defendant may be eligible for a recidivism risk reduction incentive (RRRI) minimum sentence; 42 Pa.C.S. § [9795.3] 9799.23 that requires the judge to inform certain offenders of the duty to register; and 42 Pa.C.S. § 9813 that imposes requirements on the judge when a defendant may be eligible for work release.

After sentencing, following a conviction in a trial *de novo* in a summary case, the judge should advise the defendant of the right to appeal and the time limits

within which to exercise that right, the right to proceed *in forma pauperis* and with appointed counsel to the extent provided in Rule 122(A), and of the qualified right to bail under Rule 521(B). See paragraphs (C)(3)(a), (b), and (e). See also Rule 720(D) (no post-sentence motion after a trial *de novo*).

After sentencing, the judge should inquire whether the defendant intends to file a post-sentence motion or to appeal, and if so, should determine the defendant's bail status pursuant to paragraph (C)(3)(e) and Rule 521. It is recommended, when a state sentence has been imposed, that the judge permit a defendant who cannot make bail to remain incarcerated locally, at least for the 10-day period during which counsel may file the post-sentence motion. When new counsel has been appointed or entered an appearance for the purpose of pursuing a post-sentence motion or appeal, the judge should consider permitting the defendant to remain incarcerated locally for a longer period to allow new counsel time to confer with the defendant and become familiar with the case. See also Rule 120 (Attorneys—Appearances and Withdrawals).

It is difficult to set forth all the standards that a judge must utilize and consider in imposing sentence. It is recommended that, at a minimum, the judge look to the standards and guidelines as specified by statutory law. See the Judicial Code, 42 Pa.C.S. § 9701 *et seq.* See also *Commonwealth v. Riggins*, [474 Pa. 115,] 377 A.2d 140 (Pa. 1977) and *Commonwealth v. Devers*, [519 Pa. 88,] 546 A.2d 12 (Pa. 1988). The judge also should consider other preexisting orders imposed on the defendant. See 18 Pa.C.S. § 1106(c)(2)(iv). And see 42 Pa.C.S. § 9728.

[In all cases in which restitution is imposed, the sentencing judge must state on the record the amount of restitution, if determined at the time of sentencing, or the basis for determining an amount of restitution. See 18 Pa.C.S. § 1106 and 42 Pa.C.S. §§ 9721, 9728.]

For procedures in cases in which restitution is imposed, see Rule 705.1.

For the right of a victim to have information included in the pre-sentence investigation report concerning the impact of the crime upon him or her, see [71 P.S. § 180-9.3(1)] 18 P.S. § 11.201(4)—(5) and Rule 702(A)(4).

For the duty of the sentencing judge to state on the record the reasons for the sentence imposed, see *Commonwealth v. Riggins*, [474 Pa. 115,] 377 A.2d 140 (Pa. 1977) and *Commonwealth v. Devers*, [519 Pa. 88,] 546 A.2d 12 (Pa. 1988). If the sentence initially imposed is modified pursuant to Rule 720(B)(1)(a)(v), the sentencing judge should ensure that the reasons for the ultimate sentence appear on the record. See also Sentencing Guidelines, 204 PA. CODE §§ [303.1(b), 303.1(h), and 303.3(2)] 303.1(d)—(e) and 303.13(c).

In cases in which a mandatory sentence is provided by law, when the judge decides not to impose a sentence greater than the mandatory sentence, regardless of the number of charges on which the defendant could be sentenced consecutively, and when no psychiatric or psychological examination is required under Rule 702(B), the judge may immediately impose that sentence. *But see* Rule 702(A)(2), which requires that the court state on the record the reasons for dispensing with a pre-sentence

report under the circumstances enumerated therein. See also 42 Pa.C.S. § 9721 *et seq.*

No later than 30 days after the date of sentencing, a Pennsylvania Commission on Sentencing Guideline Sentence Form must be completed at the judge's direction and made a part of the record. In addition, a copy of the form must be forwarded to the Commission on Sentencing. 204 PA. CODE § 303.1(e).

With respect to the recording and transcribing of court proceedings, including sentencing, see Rule 115.

Official Note: Previous Rule 1405 approved July 23, 1973, effective 90 days hence; Comment amended June 30, 1975, effective immediately; Comment amended and paragraphs (c) and (d) added June 29, 1977, effective September 1, 1977; amended May 22, 1978, effective as to cases in which sentence is imposed on or after July 1, 1978; Comment amended April 24, 1981, effective July 1, 1981; Comment amended November 1, 1991, effective January 1, 1992; rescinded March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994, and replaced by present Rule 1405. Present Rule 1405 adopted March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; amended January 3, 1995, effective immediately; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996. Comment revised December 22, 1995, effective February 1, 1996. The April 1, 1996 effective date extended to July 1, 1996. Comment revised September 26, 1996, effective January 1, 1997; Comment revised April 18, 1997, effective immediately; Comment revised January 9, 1998, effective immediately; amended July 15, 1999, effective January 1, 2000; renumbered Rule 704 and amended March 1, 2000, effective April 1, 2001; Comment revised March 27, 2003, effective July 1, 2003; amended April 28, 2005, effective August 1, 2005; Comment revised March 15, 2013, effective May 1, 2013; **Comment revised March 9, 2016 effective July 1, 2016.**

Committee Explanatory Reports:

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Final Report explaining the March 15, 2013 revision of the Comment adding citations to the Sentencing Code published with the Court's Order at 43 Pa.B. 1705 (March 30, 2013).

Final Report explaining the March 9, 2016 revision of the Comment adding a cross-reference to Rule 705.1 concerning restitution published with the Court's Order at 46 Pa.B. 1540 (March 26, 2016).

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

Rule 705.1. Restitution.

(A) At the time of sentencing, the judge shall determine what restitution, if any, shall be imposed.

(B) In any case in which restitution is imposed, the judge shall state in the sentencing order:

- (1) the amount of restitution ordered;
- (2) the details of a payment plan, if any, including when payment is to begin;
- (3) the identity of the payee(s);
- (4) to which officer or agency the restitution payment shall be made;

(5) whether any restitution has been paid and in what amount; and

(6) whether the restitution has been imposed as a part of the sentence and/or as a condition of probation.

Comment

This rule provides the procedures for the statutory requirement for the judge to impose restitution. In all cases in which restitution is imposed, the sentencing judge must state on the record the amount of restitution at the time of sentencing. See 18 Pa.C.S. § 1106 and 42 Pa.C.S. §§ 9721, 9728.

The extent of restitution also may be provided by statute. See, e.g., 18 Pa.C.S. § 1107 (restitution for timber theft); § 1107.1 (restitution for identity theft); and § 1110 (restitution for cleanup of clandestine labs).

When imposing restitution, the sentencing judge should consider whether the defendant has received notice of the intention to seek restitution prior to the hearing and whether the defendant intends to object to the imposition of restitution. The sentencing hearing may need to be continued as a result.

Paragraph (B)(6) requires that the sentencing order make clear whether any restitution is being imposed as a part of the sentence pursuant to 18 Pa.C.S. § 1106 or as a condition of probation pursuant to 42 Pa.C.S. § 9754. Unlike restitution imposed under § 1106 that is penal in nature, restitution imposed as a condition of probation is primarily aimed at rehabilitation. Sentences of probation give a trial court the flexibility to determine all the direct and indirect damages caused by a defendant. *Commonwealth v. Harner*, 617 A.2d 702 (Pa. 1992); *Commonwealth v. Hall*, 80 A.3d 1204 (Pa. 2013). Because a term of probation may not exceed the maximum term for which the defendant could be confined, and a court cannot enforce a restitution sentence past the statutory maximum date, a court may not require that restitution imposed as a condition of probation be paid beyond the statutory maximum date. *Commonwealth v. Karth*, 994 A.2d 606 (Pa. Super. 2010).

Certain costs are mandatory and must be imposed. See, e.g., Section 1101 of the Crime Victims Act, 18 P.S. § 11.1101.

Official Note: New Rule 705.1 adopted March 9, 2016, effective July 1, 2016.

Committee Explanatory Reports:

Final Report explaining new Rule 705.1 concerning sentences of restitution published with the Court's Order at 46 Pa.B. 1540 (March 26, 2016).

CHAPTER 10. RULES OF CRIMINAL PROCEDURE FOR THE PHILADELPHIA MUNICIPAL COURT AND THE PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION

PART A. Philadelphia Municipal Court Procedures

Rule 1010. Procedures for Trial De Novo.

* * * * *

(D) At the time of sentencing, the Common Pleas Court judge shall:

(1) if the defendant's sentence includes restitution, a fine, or costs, state:

(a) the amount of the fine and the obligation to pay costs;

(b) the amount of restitution ordered, including

(i) the identity of the payee(s),

(ii) to whom the restitution payment shall be made, and

(iii) whether any restitution has been paid and in what amount; and

(c) the date on which payment is due.

If the defendant is without the financial means to pay the amount in a single remittance, the Common Pleas Court judge may provide for installment payments and shall state the date on which each installment is due;

* * * * *

Comment

In any case in which there are summary offenses joined with the misdemeanor charges that are the subject of the appeal, the attorney for the Commonwealth must include the summary offenses in the information. See *Commonwealth v. Speller*, [311 Pa. Super. 569,] 458 A.2d 198 (Pa. Super. 1983).

Paragraph (B) makes it clear that the Common Pleas Court judge may dismiss an appeal when the judge determines that the defendant is absent without cause from the trial *de novo*. If the appeal is dismissed, the Common Pleas Court judge must enter judgment and order execution of any sentence imposed by the Municipal Court judge. Nothing in this rule is intended to preclude the judge from issuing a bench warrant when the defendant fails to appear.

Certain costs are mandatory and must be imposed. See, e.g., Section 1101 of the Crime Victims Act, 18 P.S. § 11.1101.

For the procedures concerning sentences that include restitution in court cases, see Rule 705.1.

Once a judgment is entered and sentence is imposed, paragraph (E) makes it clear that the case is to remain in the Court of Common Pleas for execution of the sentence and collection of any costs, and the case may not be returned to the Municipal Court judge. The execution of sentence includes the collection of any fines and restitution and any proceedings for violation of probation, intermediate punishment, or parole as provided by Rule 708.

Official Note: Rule 6010 adopted December 30, 1968, effective January 1, 1969; amended July 1, 1980, effective August 1, 1980; amended August 28, 1998, effective immediately; renumbered Rule 1010 March 1, 2000, effective April 1, 2001; Comment revised March 9, 2006, effective September 1, 2006; amended February 12, 2010, effective April 1, 2010; amended September 21, 2011, effective November 1, 2011; **amended March 9, 2016, effective July 1, 2016.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the September 21, 2011 amendments to paragraphs (A)—(C) and adding new paragraphs (D) and (E) concerning the procedures for trials *de novo* in the Court of Common Pleas published with the Court's Order at 41 Pa.B. 5354 (October 8, 2011).

Final Report explaining the March 9, 2016 amendments to paragraph (D) concerning required elements of the sentence published with the Court's Order at 46 Pa.B. 1540 (March 26, 2016).

FINAL REPORT¹

New Pa.R.Crim.P. 705.1, amendments to Pa.Rs.Crim.P. 454, 462, and 1010, and revisions to the Comments to Pa.Rs.Crim.P. 409, 414, 424, 455, 550, 590, and 704

Sentences of Restitution

On March 9, 2016, effective July 1, 2016, upon the recommendation of the Criminal Procedural Rules Committee, the Court adopted new Rule of Criminal Procedure 705.1 and the amendments to Rules of Criminal Procedure 454, 462, and 1010, and approved the revision to the Comments to Rules of Criminal Procedure 409, 414, 424, 455, 550, 590, and 704 to standardize the procedures by which restitution is awarded in criminal cases.

Background

These rule changes were developed from the Committee's study of the recommendations of the Restitution in Pennsylvania Task Force. The Task Force had been convened by the Pennsylvania Office of the Victim Advocate to study "solutions to increase the quality of restitution services at the state and county levels." The Task Force included representatives from a wide spectrum of agencies involved in the justice system. Two of the Task Force's recommendations are directed to the Rules of Criminal Procedure. One was to encourage "AOPC and/or the Court Rules Committee to standardize a restitution order for use at sentencing/disposition" and included suggested elements for such an order. The other recommendation was for the Committee to examine other jurisdictions "to consider whether any rules should be amended or new rules adopted to improve the collection of restitution."²

The Committee reviewed the report of the Restitution in Pennsylvania Task Force as well as the statutes that provide for the award of restitution and the practice in this area in several other jurisdictions. Subsequently, the Committee developed proposed rule changes that were published for comment in April of 2014. See 44 Pa.B. 2369 (April 19, 2014). As a result of publication responses and communications from the Court, the rule changes were revised to their current form.

Discussion

The Committee first considered the Task Force's conclusion that too often the question of restitution and the manner in which it is awarded is an afterthought at sentencing. The Committee concurred with this conclusion and considered it anomalous that Rule 706 addresses fines and costs but no rule mentions the procedures for awarding restitution. The Committee therefore concluded that it would be a good idea to have a general rule stating the requirement to order restitution as part of sentencing to provide greater emphasis on the actual award of restitution at time of sentencing and to require a minimum standard of information to be included directly in the sentencing order.

This new rule is numbered 705.1.³ Paragraph (A) of the rule is a statement reminding the sentencing judge to impose restitution. By use of the phrase "... restitution, if any . . .," it acknowledges that some cases may not have

restitution to impose. Originally, the Committee considered including a provision for the award of fines and costs. However, as the text of the rule and the Comment are directed primarily to restitution, it seemed to detract from the purpose of the rule to include provisions for fines and costs.

Paragraph (B) of the rule contains a list of elements that the judge should include in the sentencing order to identify the restitution award details and assist in its collection. Originally, this provision was contained in the Comment. The Committee concluded that it would be more effective in the rule itself. However, a concern was expressed that by placing this in the rule itself, unwarranted challenges might be raised based on a technical failure to include all the listed elements. Ultimately, the Committee concluded that it should be contained in the rule text to ensure compliance.

One of the problems the Committee discussed was that the nature of a restitution sentence varies depending on how the sentence was imposed. If awarded as part of the sentence, under 18 Pa.C.S. § 1106, the award is punitive in nature. However, it also may be imposed as a condition of probation pursuant to 42 Pa.C.S. § 9754. Unlike restitution imposed under § 1106 that is penal in nature, restitution imposed as a condition of probation is primarily aimed at rehabilitation. Because a term of probation may not exceed the maximum term for which the defendant could be confined, and a court cannot enforce a restitution sentence past the statutory maximum date, a court may not require that restitution imposed as a condition of probation be paid beyond the statutory maximum date. *Commonwealth v. Karth*, 994 A.2d 606 (Pa. Super. 2010). As a result, the means and extent to which the sentence can be enforced varies. The Committee determined that this issue should be described in the Comment and that the rule should require that the sentencing judge make clear in the sentencing order which of the two sentencing concepts are applicable to any restitution award. Therefore, this has been added to the list of items required to be in the sentencing order with a detailed explanation contained in last paragraph of the Rule 705.1 Comment.

As originally published, proposed Rule 705.1 also contained a requirement that a hearing or review be held prior to the expiration of probation when there is outstanding restitution owed. This would enable the court to decide whether to hold the defendant in violation for failure to pay before the court loses jurisdiction by the completion of the probation. A number of publication responses were received expressing the view that it would be unduly burdensome to require such a hearing or review in every case. They expressed the view that in cases in which restitution has been awarded, the courts and probation offices generally are maintaining good control over the collection process. This provision therefore was removed from the proposal.

The Committee also contemplated including procedures for adjudicating a restitution sentence. The Committee ultimately determined that any dispute as to restitution would occur usually at the sentencing hearing and that any subsequent challenge to the award would be part of a normal sentencing appeal. The Committee concluded that a separate provision to provide for this was unnecessary. However, the Committee agreed that there should be some notice to the defendant prior to sentencing. There was a divergence of opinion among the members as to whether the rules should require the prosecution to provide notice and information about any restitution well

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

² *Restitution in Pennsylvania Task Force Final Report*, <http://www.center-school.org/Restitution/index.html>, pgs 30 and 42.

³ In terms of placement, the new rule follows Rule 705 (Imposition of Sentence) which provides specifics regarding sentences that include incarceration. The Committee concluded that it is logical to follow this rule with one dealing with restitution.

in advance of the sentencing hearing. The Committee also acknowledged that in most cases there would not be a dispute as to restitution. Ultimately, the Committee agreed that the proposed amendments should not introduce a notice requirement that would be unnecessary and burdensome in most cases. Those cases in which restitution is disputed and notice is provided, the sentencing judge may need to permit a continuance. Therefore, language is included in the third paragraph of the Rule 705.1 Comment that the judge should consider the notice provided to the defendant and the defendant's desire to challenge the restitution before it is awarded, including the possible need to continue the sentencing hearing.

The Comment to Rule 704 contained a brief discussion of restitution sentences. Since Rule 705.1 now provides the fuller procedures for restitution sentences, the Rule 704 Comment language has been removed.

The Committee also considered whether the similar requirements should be added to the procedures for summary cases. The Committee agreed that it should. Paragraph (F) of Rule 454 (Trial in Summary Cases) has been amended to provide guidance as to what should be included in a restitution sentence similar to that which is provided for court cases in new Rule 705.1. A cross-reference to this provision has been added to the Comment to Rule 455 (Trial in Defendant's Absence) to ensure that the judge addresses restitution in these cases.

The Committee considered a suggestion that Rule 462(G)(1) and Rule 1010(D)(1), which address trials *de novo* in summary and Municipal Court case appeals, should contain provisions similar to the proposed amendments to Rule 454(F)(1) that describe the information that must be contained in a restitution sentence. The Committee agreed that the court in a trial *de novo*, in effect, would be imposing a new sentence. Therefore, this language has been added to these two rules.

Because Rules 462 and 1010 include provisions regarding costs as part of the sentence, this change prompted a discussion regarding the requirement to state the costs on a case at time of sentencing. The Committee agreed that the usual practice is not to have the costs available at the time of sentencing in court cases. Instead, due to the complexity of calculations, particularly because of certain statutorily required costs, the total costs are calculated after sentence is imposed, usually by the probation office. Ultimately, the Committee concluded that Rules 454, 462, and 1010 should state the sentence should include a statement concerning the obligation to pay costs rather than the costs themselves since these are invariably determined only after sentence has been imposed while the Comments to these rules should contain a reminder that the assessment of certain costs may be statutorily required.

Another suggestion was to add a cross-reference to Rule 705.1 to the Comment to Rule 550 since the latter rule, which addresses guilty pleas before magisterial district judges in court cases, includes procedures for imposing sentence. This suggestion caused the Committee to consider whether a similar cross-reference should be added to Rule 590 (Pleas and Plea Agreements) since that rule also referenced sentencing. The addition of these cross-references to the court case rules raised the question of whether to add a cross-reference to the new provisions in Rule 454 to the summary case guilty plea procedure rules, Rules 409, 414, and 424. The Committee ultimately concluded that all of these additions would be helpful and so have been included in the amendments.

Finally, several technical corrections have been made. In the Comments to Rules 409, 414, 424, and 455, there is a change to the terminology cross-referencing Rules 121 and 122 regarding "the defendant's right to counsel" to read "Concerning the appointment or waiver of counsel, see Rules 121 and 122," consistent with the similar changes made to Rule 431 in Recommendation 4 of 2014, which dealt with the incarceration in summary cases for failure to post collateral. Several corrections to outdated statutory cross-references in the Rule 704 Comment also have been made.

[Pa.B. Doc. No. 16-509. Filed for public inspection March 25, 2016, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Mass Tort Protocols; General Court Regulation No. 2013-01

Order

And Now, this 10th day of March, 2016, it is hereby *Ordered, Adjudged and Decreed* that Section 9 of General Court Regulation 2013-01, concerning Mass Torts protocols, is amended to read as follows:

9. The panel of former judges invited to participate in the special mediation of mass tort cases are the following:

1. Phyllis W. Beck, Retired Judge
Independence Foundation
Offices at the Bellevue
200 South Broad Street, Suite 1101
Philadelphia, PA 19102
2. Jane Cutler Greenspan, Retired Justice
JAMS Arbitration, Mediation and ADR Services
1717 Arch Street
Suite 4010—Bell Atlantic Tower
Philadelphia, PA 19103
(215) 246-9494
3. G. Craig Lord, Retired Judge
Blank Rome LLP
One Logan Square
130 North 18th Street
Philadelphia, PA 19103-6998
(215) 569-5496
4. James R. Melinson, Retired Judge
JAMS Arbitration, Mediation and ADR Services
1717 Arch Street
Suite 4010—Bell Atlantic Tower
Philadelphia, PA 19103
(215) 246-9494
5. Russell Nigro, Retired Justice
210 W. Washington Square
Philadelphia, PA 19106
(215) 287-5866
6. Diane M. Welsh, Retired Judge
JAMS Arbitration, Mediation and ADR Services
1717 Arch Street
Suite 4010—Bell Atlantic Tower
Philadelphia, PA 19103
(215) 246-9494

7. Sandra Mazer Moss, Retired Judge
The Dispute Resolution Institute
Two Logan Square—6th Floor
18th and Arch Streets
Philadelphia, PA 19103
(215) 656-4374
8. William J. Manfredi, Retired Judge
1528 Walnut Street—4th Floor
Philadelphia, PA 19102
(215) 817-9825

All other terms of General Court Regulation 2013-01 shall remain in full force and effect.

This General Court Regulation is promulgated in accordance with Pa.R.C.P. No. 239 and the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration. The original General Court Regulation shall be filed with the Office of Judicial Records (formerly Prothonotary) in a Docket maintained for General Court Regulations issued by the Administrative Judge of the Trial Division, Court of Common Pleas of Philadelphia County, and shall be submitted to the *Pennsylvania Bulletin* for publication. Copies of the General Court Regulation shall be submitted to the Administrative Office of Pennsylvania Courts, the Civil Procedural Rules Committee, American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and shall be posted on the website of the First Judicial District of Pennsylvania: <http://courts.phila.gov/regs>.

By the Court

HONORABLE JACQUELINE F. ALLEN,
Administrative Judge, Trial Division

[Pa.B. Doc. No. 16-510. Filed for public inspection March 25, 2016, 9:00 a.m.]

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Amended Local Rule 122.1 Court Appointed Counsel; General Guidelines; AD-16 No. 000104-C1

Order of Court

And Now, to-wit, this 24th day of February, 2016, it is hereby *Ordered, Adjudged* and *Decreed* that the Court of Common Pleas of Allegheny County, Pennsylvania, adopted the following Rule 122.1 Court Appointed Counsel; General Guidelines by unanimous vote of the Board of Judges on Wednesday, February 17, 2016, and shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

JEFFREY A. MANNING,
President Judge

Rule 122.1. Court Appointed Counsel; General Guidelines.

(a) The appointment of counsel for criminal cases shall be at the discretion of each Judge of the Fifth Judicial District and shall require a written motion by the Office of the Public Defender of Allegheny County setting forth the basis for the conflict.

(b) If, in any court case, prior to arraignment and the assignment of a Judge, the Office of the Public Defender of Allegheny County asserts a conflict in representation, the Office of the Public Defender shall refer a request to the Office of Conflict Counsel, which shall accept the case or if rejecting the case, refer the request to appoint to the Administrative Judge.

(c) After a Judge has been assigned to a case, the Public Defender shall file a petition to withdraw. The court shall make a determination on the record as to whether a valid conflict exists precluding the Public Defender's representation. If the Judge grants the petition, the Office of Conflict Counsel shall accept the case or refer the case to the assigned Judge for the appointment of counsel.

(d) In homicide cases and cases deemed by the Administrative Judge to be of a complex nature, the provisions of (b) and (c) shall not apply and, in those cases, the appointment of counsel shall be at the discretion of the Administrative Judge or his or her designee.

(e) The Administrative Judge of the Criminal Division shall maintain a list of eligible attorneys available for appointments. Attorneys interested in appointments shall submit a request for consideration to the Administrative Judge.

(f) Upon appointment by either the Administrative Judge or Trial Judge, private counsel will receive an appointment order with information concerning the date and time of the next court appearance. Counsel must be available on the next court appearance date.

(g) Attorneys requesting and accepting court appointments should be familiar with the procedures for consideration and court appointed counsel, the Court Appointed Counsel Fee Schedule, Billing Guidelines and Billing Procedures set forth by the Administrative Judge of the Criminal Division which are available in the Department of Records Office and published on the website of the Fifth Judicial District of Pennsylvania at www.alleghecourts.us.

[Pa.B. Doc. No. 16-511. Filed for public inspection March 25, 2016, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Adoption of 56th Judicial District—Constable Manual; No. CP-13-AD-0000005-2016

Administrative Order No. 10-2016

And Now, this 11th day of March, 2016, it is hereby

Ordered and *Decreed*, that effective May 1, 2016, the Carbon County Court of Common Pleas *Adopts* the following Constable Manual governing the procedures to be followed by all Constables performing judicial duties for the 56th Judicial District.

The Carbon County District Court Administrator is *Ordered* and *Directed* to do the following:

1. File one (1) certified copy of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) computer diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

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

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order in the Clerk of Courts' Office.

By the Court

ROGER N. NANOVIC,
President Judge

CONSTABLE MANUAL

I. General Provisions

A. Definitions—Subject to additional definitions contained in subsequent sections of this manual, the following words and phrases shall have, unless the context indicates otherwise, the meanings given to them in this section.

C.C.C.F.—Carbon County Correctional Facility

Clerk of Courts—The official, and that official's office, in the 56th Judicial District who, pursuant to 42 Pa.C.S.A. §§ 2756 and 2757, has the responsibility and function to maintain the official criminal case file and list of docket entries for each criminal proceeding, and to perform such other duties as required by rule or law.

Constable—All elected, court appointed, and/or deputy constables duly elected or appointed pursuant to statutory authority. As elected or appointed officials, constables are independent contractors and are not employees of the Commonwealth, the judiciary, or the municipality in which they serve.

Constable's Education and Training Board (C.E.T.B.)—The Constable's Education and Training Board established and created pursuant to 44 Pa.C.S.A. § 7143 responsible for developing basic training and firearms education for constables and to certify constables who perform judicial duties.

Controller—The duly elected County Controller for the County of Carbon empowered with the rights, duties, and responsibilities under the County Code, 16 P.S. § 101 et seq.

County—County of Carbon.

Court—The Court of Common Pleas for the 56th Judicial District.

Court Administrator—The District Court Administrator for the 56th Judicial District as designated by the Pennsylvania Supreme Court and the Administrative Offices of the Pennsylvania Courts.

Court Official—The Judges of the Court of Common Pleas for the 56th Judicial District, the Magisterial District Judges for the 56th Judicial District, the Carbon County District Court Administrator, the Chief Adult Probation Officer for the Carbon County Probation Department, and all employees in the respective offices.

Judicial Duties—Services and duties performed by a constable for the payment of fees as authorized by 44 Pa.C.S.A. § 7161, including all services specified therein

regardless of whether a fee is actually sought by the constable or paid by the County.

Magisterial District Judge—A public official having the power and authority of a magisterial district judge whose jurisdiction falls within the 56th Judicial District.

P.C.C.D.—Pennsylvania Commission on Crime and Delinquency.

Prothonotary—The duly elected Prothonotary for the 56th Judicial District empowered with the rights, duties, and responsibilities under 42 Pa.C.S.A. §§ 2736 and 2737, who has the responsibility to maintain official court records and to perform such other duties as required by rule or law.

Sheriff—The duly elected Sheriff for the County of Carbon empowered with the rights, duties, and responsibilities under the County Code, 16 P.S. § 101 et seq., including all deputies appointed in compliance with the County Code.

II. Powers and Duties

A. Requirements of Constables Performing Judicial Duties in the 56th Judicial District—Constables performing judicial duties within the 56th Judicial District must:

1. Be certified by C.E.T.B.

2. Post a bond with the Clerk of Courts' Office in the sum of \$2,500 conditioned upon the just and faithful discharge by the constable of the duties of his/her office. The bond shall be held in trust for the use and benefit of persons who may sustain injury by reason of a constable's neglect of duty. Proof of the filing of a bond must be provided to the Court Administrator's Office.

3. Maintain a policy of professional liability insurance providing coverage for the performance of judicial duties with a minimum coverage of \$250,000 per incident and a minimum aggregate of \$500,000 per year. Proof of insurance coverage must be filed with the Clerk of Courts Office and the Court Administrator's Office annually.

4. Maintain a valid and current Pennsylvania driver's license and required financial responsibility (automobile insurance) on any vehicle used for the performance of judicial duties. Proof of licensing and insurance must be provided to the Court Administrator's Office as required by that office. Absence of a driver's license does not preclude a constable who is otherwise approved by the Court to perform judicial duties from working with a constable pursuant to 44 Pa.C.S.A. § 7161(c), provided the unlicensed or uninsured constable does not operate a motor vehicle. However, unless accompanied by another constable who maintains a valid and current Pennsylvania driver's license and required financial responsibility, a constable who does not possess a valid driver's license or required financial responsibility shall not perform judicial duties.

5. Maintain current contact information with the Court Administrator's Office. Current contact information shall include constable's current address, telephone number, and cell phone number. Contact information shall also include information as to any other communication equipment utilized by the constable to perform judicial duties (e.g. pager, fax machine).

6. If carrying a firearm in the performance of judicial duties, a constable shall provide the Court Administrator's Office with proof of certification or qualification to carry or use firearms as provided by 44 Pa.C.S.A. § 7148.

7. Complete and provide the Controller with all vendor authorization documents, including the production of a

tax identification number as required by local, state, or federal law or policies and procedures of the Controller.

8. Provide the Court Administrator's Office with an executed acknowledgment evidencing the constable has received a copy of the Pennsylvania Unified Judicial System Constable Policies, Procedures, and Standards of Conduct and understands the provisions and terms set forth therein. The acknowledgment shall be in the form attached hereto as "Exhibit A."

9. Provide the Court Administrator's Office with an executed acknowledgment evidencing the constable has received a copy of the Constable Manual for the 56th Judicial District and understands the provisions and terms set forth in the manual governing the performance of judicial duties. The acknowledgment shall be in the form attached hereto as "Exhibit A."

B. Authorization to Perform Judicial Duties—No Magisterial District Judge, nor any other Court Official, shall request or otherwise authorize a constable to perform judicial duties, nor shall the Controller authorize payment of fees for a constable performing judicial duties, unless the constable has been designated by the Court Administrator's Office as a constable authorized to perform judicial duties.

1. The Court Administrator's Office shall maintain a list of all constables who are authorized to perform judicial duties within the 56th Judicial District. The Court Administrator's Office shall publish the list with all Magisterial District Judges in the 56th Judicial District; any other Court office utilizing constable services in the performance of judicial duties; the Controller; and the Clerk of Courts Office on a regular basis. This list shall be updated and published at least annually. In the event the privilege of a constable to perform judicial duties is revoked by the Court, the Court Administrator's Office shall promptly notify the identified offices of the same.

2. The Court Administrator's Office shall develop policy and procedure to effectuate and ensure a constable's compliance with the requirements set forth in Section A above.

C. Removal of Authorization to Perform Judicial Duties—Although a constable may only be removed or disciplined for acts of malfeasance or misfeasance upon petition of the District Attorney or an individual citizen (see 13 P.S. § 31), a constable's authorization to perform judicial duties pursuant to Section B above may be revoked at any time pursuant to the authority of the President Judge for the 56th Judicial District.

1. A constable's authority to perform judicial duties may be revoked in the following circumstances:

a. a constable permits his/her compliance with the requirements of Section A above to lapse;

b. the constable commits a breach of the duties or requirements of this manual including, but not limited to, the Constable Code of Conduct as set forth in Section V herein;

c. the constable commits any violation of the law while in the performance of judicial duties or is otherwise convicted of criminal conduct which places the integrity or honesty of the constable at issue;

d. the constable commits any act which jeopardizes public trust in or brings disrespect to the Court.

2. Court Officials who know, or have reason to believe, that a constable has committed a violation of the Code of

Conduct or the provisions of the Constable Manual shall promptly inform the Court Administrator's Office of the same.

3. All complaints of constable misconduct, including complaints related to failure to comply with the Constable Manual, shall be promptly investigated by the Court Administrator. The results of the investigation shall be provided to the President Judge for further action, if any.

D. Minimum Requirements—Compliance with the provisions of this manual does not guarantee a constable the right to perform judicial duties for a Magisterial District Judge. Rather, the provisions of this section set forth the minimum requirements which must be complied with before a constable may be utilized by a Magisterial District Judge to perform judicial duties. Magisterial District Judges retain the right to assign constable work within their reasonable discretion provided the utilized constable is otherwise in compliance with this section.

III. Warrant Procedures

A. Definitions—The following words and phrases shall have, unless the context indicates otherwise, the meanings given to them in this section.

Legal Holiday—For purposes of this manual, the following shall be defined as legal holidays: New Year's Day, Martin Luther King, Jr.'s Day, Presidents' Day, Good Friday, Easter, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, the Day after Thanksgiving Day, and Christmas Day. For those holidays identified herein which annually fall on a rotating calendar day, the actual date shall be defined as the day designated as the federal holiday.

Arrest Warrant—An arrest warrant for a misdemeanor/felony offense issued pursuant to Pa.R.Crim.P. 513 et. al by a Magisterial District Judge for private criminal complaints, including those filed by the Pennsylvania Department of Inspector General, and which have been approved by the District Attorney's Office.

Summary Warrant—A warrant issued by a Magisterial District Judge pursuant to Pa.R.Crim.P. 430. This definition includes both arrest warrants and bench warrants issued pursuant to Rule 430.

B. Summary Warrants and Misdemeanor/Felony Warrants for Private Criminal Complaints—The following procedures shall apply to the issuance and service of these warrants.

1. Magisterial District Judges possess the exclusive right, subject to the authority of the President Judge, to distribute warrants issued by them to a constable of their choice who satisfies the requirements of the C.E.T.B., this manual, and the Court Administrator's Office to perform judicial duties. Magisterial District Judges shall issue warrants where appropriate pursuant to the Pennsylvania Rules of Criminal Procedure and prevailing law.

2. Upon issuance of a warrant, the Magisterial District Judge may assign the warrant to a constable authorized to perform judicial duties by the Court Administrator's Office. Unless the warrant is unassigned, no constable other than the assigned constable shall serve a warrant within 60 days of the initial issuance of the warrant by the Magisterial District Court, subject to the following:

a. If the subject of the warrant is in the custody of the Sheriff's Department as a result of contact between the subject and the Sheriff's Department unrelated to the warrant or in the custody of prison officials in which case a duplicate warrant may be issued to the Sheriff's

Department. In the event the Sheriff's Department serves such a warrant, the Magisterial District Judge, upon notice of the same, shall promptly alert the assigned constable that the warrant has been served; or

b. If the subject of the warrant is present in the Carbon County Courthouse and, as a result of routine examination by the Sheriff's Department of any person appearing before the Court of Common Pleas or other information acquired by the Sheriff's Department, the Sheriff's Department learns that an individual present in or at the Courthouse is the subject of a warrant, a duplicate warrant may be issued to the Sheriff's Department. In the event the Sheriff's Department serves such a warrant, the Magisterial District Judge, upon notice of the same, shall promptly alert the assigned constable that the warrant has been served; or

c. If the subject of the warrant is in the custody of a constable who has exercised custody pursuant to another warrant issued and served in compliance with this manual in which case the original warrant shall be recalled and reissued to the constable who has custody of the subject; or

d. If the subject of the warrant is in the custody of a constable as the result of execution of another warrant issued by a Court official or Magisterial District Judge of another Judicial District of this Commonwealth in which case the original warrant shall be recalled and reissued to the Constable.

3. Upon service of the warrant, the constable to whom the warrant has been assigned shall immediately notify the issuing authority of service and promptly return a certified copy of the warrant to the District Court evidencing service of the warrant.

4. If the subject of the warrant is in the custody of a municipal or state police officer who, for any reason, has taken the subject before the issuing authority, the Magisterial District Judge shall promptly notify any constable to whom the warrant has been assigned that the warrant has been served.

5. During the normal operating hours of the Magisterial District Court, if a Constable reasonably believes he/she will be able to serve a summary warrant which has been assigned to another Constable, or is unassigned, within the next 12 hours, he/she shall contact the issuing District Court in which case a warrant may be issued to the Constable.

6. All assigned, unserved summary warrants shall be available for service by any constable authorized to perform judicial duties in the 56th Judicial District after the 60th day following issuance of the warrant. In all such cases, it shall be the responsibility of the constable seeking to serve the warrant to review the warrant and determine if the warrant is available to be served by that constable. A constable shall not request a warrant to be reissued unless imminent service of the warrant is anticipated. For purposes of this paragraph, imminent service requires a good faith belief as to the whereabouts of the subject of the warrant and the likelihood that the warrant will be served within the immediately subsequent 12-hour period.

7. When a summary warrant is issued pursuant to Pa.R.Crim.P. 430, upon service of the warrant, the constable shall either:

a. Accept a signed guilty plea together with payment in full of the amount of the fines and costs as stated on the warrant;

b. Accept from the defendant a signed not guilty plea together with payment in full of the amount of the collateral stated on the warrant; or

c. If the defendant is unable to pay the full amount of the fines and costs or collateral, cause the defendant to be taken without unnecessary delay before the issuing authority during normal court hours, or before the on-call Magisterial District Judge.

8. When a constable accepts fines and costs or collateral, the constable shall issue a receipt to the defendant setting forth the amount of the fines and costs or collateral received and promptly return a copy of the receipt, signed by the defendant and constable, to the proper issuing authority. Constables must return the warrant and any pleas, fines, costs, and/or restitution collected to the issuing authority no later than the close of business during the same business day; or if served after normal court hours, on the next business day. Constables should make every effort to resolve service of the warrant as per Pa.R.Crim.P. 430 before physically transporting the defendant to the proper issuing authority, or on-call Magisterial District Judge.

9. A constable shall not serve a summary warrant issued pursuant to Pa.R.Crim.P. 430 at a residence between the hours of 10:00 p.m. and 6:00 a.m., or after 10:00 p.m. on the day preceding a legal holiday until after 6:00 a.m. of the day following the legal holiday.

10. A constable shall not attempt to serve a summary warrant or take the subject of such a warrant into custody unless in possession of a valid warrant.

C. *Return of Unserved Warrants*

1. A constable who has been issued a warrant pursuant to this manual shall return the warrant to the Magisterial District Court at the expiration of sixty (60) days of its issuance or 12 hours for those warrants issued pursuant to Chapter III, B(5), (6) if the constable is unable to execute or effectuate service within those time periods. Failure to return the warrant within the time period set forth herein may, at the discretion of the President Judge, result in a revocation/restriction of one's right to perform judicial duties.

2. A constable shall not, under any circumstance, make a duplicate or copy of any warrant for purposes of service.

D. *Warrant Service on Incarcerated Parties*

1. Unless expressly approved in advance by the Issuing Authority, President Judge or Court Administrator, warrant service on parties already incarcerated or otherwise in the custody of prison officials [is not authorized and] will not be compensated.

2. The Court may authorize payment in Summary Warrant matters in the event, through the efforts of a constable seeking a defendant, the constable learns that a defendant is incarcerated in a County jail outside of Carbon County but within the Commonwealth, and relays that information to the issuing authority.

a. The Magisterial District Judge must indicate that he/she was unaware that the defendant was incarcerated in a County jail outside of Carbon County but within the Commonwealth when the warrant was issued.

IV. **Compensation**

A. *Preliminary Provisions*—Constables shall be paid fees in compliance with the fee schedule set forth in 44 Pa.C.S.A. § 7161 or subsequent legislative act or rule of court. Constables shall not be paid a fee for any judicial act committed in violation of the provisions of this

manual. Fees shall not be paid unless the request for fees is made in compliance with the procedures set forth in this chapter. When three or more warrants are served on the same subject of the warrant, compensation shall be paid for a maximum of three warrants served.

B. Reimbursement Procedure—Constables shall comply with the procedures of this section in seeking reimbursement for services. A request for reimbursement of services not in compliance with the procedures of this section may be denied on that basis.

1. Magisterial District Judge Warrants—Payment for the performance of judicial duties related to the issuance of a warrant by a Magisterial District Judge shall be submitted to the Magisterial District Judge who authorized the service on the form prescribed by the Court Administrator's Office or the Administrative Office of the Pennsylvania Courts. See Exhibit "B" attached to this manual. The Magisterial District Judge shall acknowledge receipt of the request by executing the same and promptly forwarding the request to the County Controller's Office for payment. Execution of a constable's fee request by a Magisterial District Judge evidences that the Magisterial District Judge authorized the service for which fee reimbursement is being requested.

2. All reimbursement forms shall be completed in their entirety. A form which is incomplete will be returned to the constable by the Magisterial District Court promptly and shall be considered as not having been filed for purposes of the time period set forth in Section IV(C) of this manual.

C. Time of Invoice—Request for payment of all fees shall be made to the Magisterial District Judge in the manner directed by this manual within 30 days of the date of the performed service. Although the County's liability for the payment of fees submitted after 30 days of the date of service shall be controlled by prevailing law, failure to submit requests for payment of fees within the time period set forth herein may result in the revocation of a constable's privilege to perform judicial duties.

D. Mileage—The following rules shall apply to reimbursement for actual mileage:

1. Actual mileage for travel by motor vehicle shall be reimbursed at a rate equal to the highest rate allowed by the Internal Revenue Service.

2. No constable shall undertake travel in the performance of judicial duties by any mode other than motor vehicle, unless prior written consent for the same is authorized by the Court Administrator.

3. In effectuating service of a warrant, actual mileage for travel by motor vehicle for purposes of the payment of fees shall be the number of miles from the issuing authority's office to the location where the warrant is served plus the number of miles to the location of commitment, if necessary, plus the number of miles from the commitment location to the issuing authority's office. Where commitment does not occur, actual mileage for travel by motor vehicle for purposes of the payment of fees shall be the number of miles from the issuing authority's office to the location where the warrant is served plus the number of miles to the location where acceptance of payment or collateral is made, plus the number of miles from this location to the issuing authority's office.

E. Hours Worked—All work that calculates reimbursement by the hour shall be rounded to the nearest quarter-hour.

F. Second Constable—Upon prior approval by the issuing authority, when a second constable is utilized in the service of a warrant, the second constable shall also examine the warrant to ensure that service of the warrant is in compliance with the provisions of this Manual. The second constable shall follow all requirements as described in the Manual and will be held to the same standards as the constable who obtained the warrant for service.

V. Constable Code of Conduct

A. Introduction—A fair and independent court system is essential to the administration of justice. Although constables are not employees of the Commonwealth, the judiciary or any municipal agency, as an independent contractor, they provide services and aid to the judicial process. Proper conduct by those involved in assisting the judicial process inspires public confidence and trust in the Courts and conveys the values of impartiality and fairness that promote the integrity of our system of justice. A constable's conduct reflects upon the Court's commitment to serving the public. A constable performing judicial duties shall observe high standards of conduct so that the integrity and independence of the judicial system are preserved. The provisions of this code shall be applied to further those objectives. All constables performing judicial duties shall observe the standards of conduct set forth in this section. These standards however shall not limit or preclude, nor be interpreted to limit or preclude, other more stringent standards as established by law or by Court order or rule.

B. Performance of Judicial Duties—Constables performing judicial duties shall conduct themselves in an appropriate and lawful manner at all times and shall adhere to the following standards. Constables performing judicial duties:

1. Shall not engage in any form of discrimination, harassment, or retaliation against any person as prohibited by law or Court policy;
2. Shall not engage in any form of violence, threat of violence, or disruptive conduct;
3. Shall not make intentionally false or misleading statements when performing judicial duties. Specifically, a constable may not make a false statement of material fact or law or fail to correct a false statement of material fact or law to any party for purposes of obtaining compliance or forfeiture by a person of their legal rights;
4. Shall not falsify, or improperly alter or destroy work-related documents or records;
5. Shall not be impaired by alcohol, drugs, medications, or other intoxicating substances while performing judicial duties;
6. Shall not give legal advice while performing judicial duties beyond an explanation of the duty they are performing and one's right to be represented by counsel;
7. Shall not illegally possess weapons or controlled substances while performing judicial duties;
8. Shall avoid impropriety or the appearance of impropriety in the performance of all judicial duties;
9. Shall not commit any violation of the law while performing their judicial duties;
10. Shall not be convicted of any crime which shall place their integrity, honesty, or credibility at issue or otherwise negatively reflect upon the integrity and independence of the Court or Court offices;

11. Shall not make any sexual advance, request for sexual favors, or perform other verbal or physical conduct of a sexual nature while in the performance of judicial duties. Such conduct shall include but is not limited to touching, fondling, patting, pinching, kissing, or other physical contact for sexual gratification;

12. Shall treat all those with whom they interact, including Court staff, with professionalism, dignity, respect, and impartiality;

13. Shall cooperate with all law enforcement agencies and their representatives including the Sheriff's Department, the C.C.C.F., and Carbon County staff;

14. Shall not use any means that has no substantial purpose other than to embarrass, delay, or burden the rights of another person or use methods that violate the legal rights of such person;

15. Shall not in any manner hold himself/herself out to be an agent, employee, or representative of any Court office; and

16. Shall not utilize a motor vehicle in the performance of judicial duties contrary to the provisions of the Pennsylvania Motor Vehicle Code.

C. *Confidentiality*—Constables shall not disclose or use confidential information obtained through the performance of judicial duties for any purpose not connected with the performance of their judicial duties.

D. *Conflicts of Interest*—

1. Constables shall not solicit, accept, or agree to accept anything of value from any person or entity doing or seeking to do business with, or having an interest in a matter related to the performance of judicial duties.

2. Constables shall not permit family, social, or other relationships to influence their official conduct or judgment, or to create the appearance of influence in the exercise of their official conduct or judgment, while in the performance of judicial duties. Constables performing judicial duties shall inform the Court Administrator of any situation creating undue influence or the appearance of undue influence.

3. Constables shall not use the resources, employees, property, facilities, time, or any funds under their control while in the performance of their judicial duties to improperly benefit them or any other person.

E. *Use of Force*—A constable's use of force shall be consistent with Pennsylvania law and in compliance with

training and education provided by the C.E.T.B. A constable shall never employ unnecessary force or violence and shall use only such force in the discharge of duty as is reasonable under the circumstances. While the use of force is occasionally unavoidable, every constable in the performance of judicial duties shall refrain from applying any unnecessary infliction of pain or suffering and shall never engage in cruel, degrading, or inhuman treatment of any person. A constable shall not fire, unholster, or otherwise remove a firearm from its holster in the performance of judicial duties unless the same is necessary for the defense of the constable or others in response to the threat or use of deadly force against the constable or another where the action is consistent with firearms training provided by P.C.C.D. In no event shall a firearm be unholstered for purposes of intimidation.

F. *Appearance*—

1. *Dress*—All constables shall dress in customary law enforcement uniform or casual business dress while performing judicial duties. Denim jeans are considered neither customary law enforcement uniform nor casual business dress and are prohibited.

2. *Sign of Authority*—While in the performance of judicial duties, all constables shall prominently display a badge of authority on their outermost clothing. The badge of authority shall consist of either a Pennsylvania state constable patch or a badge pinned to the outermost garment, displayed around the neck, or attached to a belt. Additionally, while performing judicial duties, a constable shall carry at all times a constable certification card issued by C.E.T.B. indicating certification number and expiration date.

G. *Duty to Report*—Constables who are arrested, charged with, or convicted of a crime, including summary offenses, which occurred while the constable was acting in the course of performing judicial duties, shall report this fact to the Court Administrator at the earliest opportunity, however, in no event shall this report be made later than three (3) business days from the date of arrest or receipt of charges. Constables who are arrested, charged with, or convicted of a crime, other than summary traffic offenses not committed while in the performance of judicial duties, regardless of the jurisdiction in which the conduct occurred, shall report this fact to the Court Administrator at the earliest reasonable opportunity, however, in no event shall this report be made later than three (3) business days from the date of the arrest or receipt of charges.

Exhibit A

ACKNOWLEDGMENT

I, _____, have received a copy of the Pennsylvania Unified Judicial System Constable Policies, Procedures, and Standards of Conduct. I also acknowledge receipt of a copy of the Fifty-Sixth Judicial District Constable Manual. I understand that in order to perform judicial duties, or to be paid for work performed for the Fifty-Sixth Judicial District, I must abide by the procedures and requirements set forth in the Pennsylvania Unified Judicial System Constable Policies, Procedures, and Standards of Conduct and the Fifty-Sixth Judicial District Constable Manual, including the Code of Conduct, and hereby agree to abide by those procedures and requirements.

Print Name

Date

Signature

Witness

THE COURTS

Exhibit B

CARBON COUNTY CONSTABLE PAYMENT SHEET

CONSTABLE NAME _____ CONSTABLE NUMBER _____
DISTRICT COURT NUMBER _____ DISTRICT JUDGE _____
DEFENDANT'S NAME _____ DOCKET NUMBER _____
DEFENDANT'S ADDRESS _____

Table with 6 columns: SERVICE, FEE, DATE(S) SERVICES PERFORMED, SERVICE, FEE, DATE(S) SERVICES PERFORMED. Rows include WARRANT, ARRANGMENT, HOW WAS SERVICE MADE?, COMMIT TO, RETURN OF SERVICE, CONVEY (FINGERPRINTING), FINGERPRINTING, RELEASED ON BOND, OTHER, TO: OTHER, OTHER.

* MAY ONLY BE CHARGED ONCE PER DEFENDANT PER DATE HANDLED TOTAL \$ _____
NAME OF ASSISTING CONSTABLE OR DEPUTY _____

Table with 3 columns: DATE, FROM/TO, MILES. Multiple rows for recording travel data.

MILEAGE @ _____ CENTS PER MILE TOTAL MILES _____ MILES \$ _____
ATTACH ADDITIONAL SHEETS, IF NECESSARY.

CETA \$ _____
TOTAL AMOUNT DUE \$ _____

I HEREBY CERTIFY THAT THE ABOVE SERVICES HAVE BEEN PERFORMED.

THE UNDERSIGNED HEREBY CERTIFIES THAT THE ABOVE SERVICES HAVE BEEN PERFORMED AND THAT NO OTHER REQUESTS FOR PAYMENT FOR THESE SERVICES HAS BEEN MADE.

_____ DAY OF _____, _____

DISTRICT JUDGE (DISTRICT COURT SEAL)

SIGNATURE OF CONSTABLE

[Pa.B. Doc. No. 16-512. Filed for public inspection March 25, 2016, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 53, 105 AND 111]

Boating

The Fish and Boat Commission (Commission) amends Chapters 53, 105 and 111 (relating to Commission property; operational conditions; and special regulations counties). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

A. Effective Date

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

B. Contact Person

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

C. Statutory Authority

The amendment to § 53.8 (relating to boats) is published under the statutory authority of section 741 of the code (relating to control of property). The amendment to § 105.4 (relating to overloading and improper loading) is published under the statutory authority of section 5123 of the code (relating to general boating regulations). The amendment to § 111.40 (relating to Luzerne County) is published under the statutory authority of section 5124 of the code (relating to particular areas of water).

D. Purpose and Background

The final-form rulemaking is designed to simplify and improve the Commission's boating regulations. The specific purpose of the amendments is described in more detail under the summary of changes. On July 31, 2015, the Boating Advisory Board (BAB) considered the proposed amendments and recommended that the Commission approve the publication of the proposed rulemaking. The Commission published the proposed rulemaking at 45 Pa.B. 6689 (November 21, 2015).

E. Summary of Changes

(1) Last year, the Commission was contacted by numerous boaters and an outfitter regarding § 53.8 that prohibited the use of single-chambered inflatable boats on its lakes. The Department of Conservation and Natural Resources (Department) has a similar regulation that prohibits the use of these boats on State Park lakes. These regulations were promulgated prior to the manufacture and widespread availability of high-quality, durable inflatable canoes, kayaks and stand-up paddleboards.

The use of other inflatable devices is addressed in other sections of Chapter 53 as well. Section 53.16(c) (relating to special use) prohibits launching or retrieving swimming aids such as inner tubes from Commission-owned or Commission-controlled access areas. Float tubes on Commission-owned or Commission-controlled lakes are addressed in § 53.19 (relating to use of float tubes on Commission-controlled lakes). Specifically, they must have

a secondary bladder for additional emergency flotation and the user shall wear a Coast Guard-approved personal flotation device.

Thirty-three states responded to a survey administered by the National Association of State Boating Law Administrators (NASBLA) regarding special regulations relating to the use of inflatable boats. One of the respondents indicated that single-chambered air-inflated devices do not meet that state's definition of "vessel." Another respondent indicated that single-chambered inflatable vessels are prohibited from use statewide. There were no other responses regarding special regulations for recreational use of single-chambered inflatable boats. Additionally, NASBLA does not have a model act regarding inflatable vessels. Therefore, states may deal with specific issues as they see fit.

A review of recreational boating accident statistics in this Commonwealth reveals that there have not been reportable accidents regarding loss of inflation for incidents involving inflatable boats since 1985. With the recent advent of high-quality, durable inflatable boats with less than two separate buoyancy chambers, such as inflatable standup paddleboards, the Commission believes that the regulation is overly restrictive and may be eliminated. The Commission therefore amends § 53.8 to remove the requirement as set forth at 45 Pa.B. 6689.

(2) The Commission wishes to clarify its regulations regarding overloading and improper loading by adopting language recommended by NASBLA's Model Act for Maximum Loading and Horsepower Capacity Compliance. The model act prohibits the operation of certain recreational vessels when those vessels exceed their loading or powering capacities or exceed the capacity limits identified on the vessel's capacity label or through calculations presented in the *Code of Federal Regulations*. The Commission therefore amends § 105.4 to read as set forth at 45 Pa.B. 6689.

(3) Lily Lake is a 160-acre impoundment situated on a 376-acre parcel owned by the Commission in southeastern Luzerne County. The Commission acquired Lily Lake in 1968. When the Commission initially acquired Lily Lake, there was controversy over what uses of the lake should be allowed. Cottage owners insisted on waterskiing and high-speed motorboat operation. Staff were opposed to high-powered motorboat activity on the lake primarily because of the size of the lake (approximately 90 acres of boatable water) and concern that allowing waterskiing and internal combustion motors would create a safety hazard. The Lily Lake Property Owners' Association (Association) retained legal counsel and sent the Commission a letter on June 29, 1970, detailing its request for a 60 horsepower limitation and other proposals. However, before negotiations with the property owners concluded, the Commission adopted regulations at its May 3, 1971, meeting prohibiting internal combustion engines on Commission lakes. The minutes from that meeting state that "the regulations adopted for all wholly owned Fish Commission lakes [are to] be applied to Lily Lake." The Association again submitted a proposal in 1972 that they believed would allow for compatible, multiple uses of boats for fishing and other activities, including waterskiing.

On April 6, 1973, the Commission's Executive Director provided a report on the situation to the Commissioners and referred the matter to the BAB for study. On May 16,

1973, members of the BAB met with the Association to develop a consensus proposal. As a result, they mutually agreed to a high-speed operating zone where all ski operations would occur and that would be buoyed by the Commission. The high-speed operating zone was proposed as being 2,000 feet long and 650 feet wide and approximately 75 feet from the northern shore, which was uninhabited.

In addition, the Association proposed a limit of 60 horsepower and maximum of 18 feet in length for all boats on the lake, as initially recommended by their attorney in 1970. The rationale provided at the time was "the 60 HP limitation will make it unattractive to the hard core water skier but would still permit the several cottage owners who own 60 HP boats now to continue to use them." Also expressed was a concern of attracting a large number of boats from outside the area, but it was believed that the horsepower limitation would minimize that.

During discussion of the consensus proposal at a BAB meeting on August 20, 1973, a Commissioner noted that the main reason for the Commission's allowing the use of only electric motors on its lakes was to "prevent noise and pollution." He further stated that since these elements were already present on Lily Lake when the Commission acquired it in 1968, this rationale had to be discounted at this lake.

The consensus proposal was advanced from the BAB to the Commission, and upon approval at its October 20, 1973, meeting, the Commission published a proposed rulemaking at 3 Pa.B. 2882 (December 15, 1973) to prohibit the use of boats with greater than 60 horsepower

engines or greater than 18 feet in length on Lily Lake. Additionally, boats were limited to slow, no wake speed except those operating within the buoyed high speed operating zone, between noon and sunset from the Saturday preceding Memorial Day to September 30. No public comments were received. The regulation went into effect upon final-form publication at 4 Pa.B. 133 (January 26, 1974).

The regulations for Lily Lake have seen minor amendments since 1973. However, there have not been changes to the horsepower or boat length limitations since adoption. The current Permit to Install Floating Structures and Private Aids to Navigation indicates the high-speed zone as 1,500 feet by 600 feet, mid-lake along the opposite shoreline from the boat launch and homes.

The Commission maintains a surfaced launch ramp and parking at Lily Lake that can accommodate 18 vehicle-trailer combinations and more than 25 cars. To date, there are no reportable recreational boating accidents recorded for Lily Lake.

On May 18, 2015, Commission representatives met with members of the Association. The purpose of the meeting was to discuss a request from the Association to increase the maximum allowable horsepower to 90 and boat length to 25 feet.

The Commission owns four lakes with horsepower or speed restrictions and the Department owns ten. A comparison of lake acreage to horsepower or mile-per-hour restrictions on these lakes indicates that Lily Lake is currently the second smallest lake and has the highest horsepower allowance.

<i>Name</i>	<i>County</i>	<i>Owner</i>	<i>Acreage</i>	<i>Horsepower or Mile-per-Hour Restriction</i>
Pymatuning Reservoir	Crawford	Department	17,088	20 horsepower
Lake Arthur	Butler	Department	3,225	20 horsepower
Foster Joseph Sayers Lake	Centre	Department	1,730	45 mile-per-hour
Lake Wilhelm	Mercer	Department	1,680	20 horsepower
Glendale Lake	Cambria	Department	1,635	20 horsepower
East Branch Clarion River Lake	Elk	Department	1,554	45 mile-per-hour
Nockamixon Lake	Bucks	Department	1,450	20 horsepower
Lake Marburg	York	Department	1,275	20 horsepower
Beltzville Lake	Carbon	Department	949	45 mile-per-hour
Yellow Creek Lake	Indiana	Department	720	20 horsepower
Harveys Lake	Luzerne	Commission	658	45 mile-per-hour
Lake Canadohta	Crawford	Commission	169	10 horsepower
Lily Lake	Luzerne	Commission	160	60 horsepower
Sugar Lake	Crawford	Commission	90	6 horsepower

The Commission's local law enforcement staff recommended a change to allow boats up to 20 feet in length but that the Commission maintain the horsepower limitation at 60 due to the small size of the impoundment. Boat registration records reveal that an increase in length will potentially allow for an additional 1,672 actively registered motorboats in Luzerne County and the 7 surrounding counties to operate on Lily Lake. It is predicted that the increased length allowance will enhance boating

opportunities for the lake residents and the northeast region without having a significant impact on user conflicts or safety on this small impoundment. The Commission therefore amends § 111.40 to read as set forth at 45 Pa.B. 6689.

F. Paperwork

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

G. *Fiscal Impact*

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

H. *Public Involvement*

The Commission did not receive public comments regarding the proposed rulemaking.

Findings

The Commission finds that:

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

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

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the code.

Order

The Commission, acting under the code, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 53, 105 and 111, are amended by amending §§ 53.8, 105.4 and 111.40 to read as set forth at 45 Pa.B. 6689.

(b) The Executive Director will submit this order and 45 Pa.B. 6689 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 45 Pa.B. 6689 and deposit them with the Legislative Reference Bureau as required by law.

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

JOHN A. ARWAY,
Executive Director

Fiscal Note: Fiscal Note 48A-268 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 16-513. Filed for public inspection March 25, 2016, 9:00 a.m.]

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Big Game

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its February 2, 2016, meeting to amend § 141.41 (relating to general) to prohibit the possession of an expired, revoked, suspended or invalid hunting license or big game harvest tag while engaged in hunting or trapping activities, or while in the fields or forests, or on the waters or highways within or bordering this Commonwealth.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the February 2, 2016, meeting of the Commission. Comments can be sent until April 1, 2016, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Each year the Commission investigates numerous big game violations involving improperly marked animals. A concerning portion of these violations involve a hunter's placement of a prior year's expired harvest tag on the big game animal rather than the current year's harvest tag. The Commission has determined that some of these violations are purposeful and intended to give the hunter the appearance of eligibility to harvest an additional animal with their unused current tag. However, the Commission also recognizes that other hunters merely engage in the bad habit of carrying prior years' licenses and harvest tags and are mistaking the similarly colored harvest tags for the current year's harvest tags during the stress induced by a successful harvest. Therefore, in an effort to reduce the number of either purposeful or mistaken improperly marked big game violations from ever occurring, the Commission is proposing to amend § 141.41 to prohibit the possession of an expired, revoked, suspended or invalid hunting license or big game harvest tag while engaged in hunting or trapping activities, or while in the fields or forests, or on the waters or highways within or bordering this Commonwealth.

Section 2102(a) of the code (relating to regulations) provides that "[t]he commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 141.41 are proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 141.41 to prohibit the possession of an expired, revoked, suspended or invalid hunting license or big game harvest tag while

engaged in hunting or trapping activities, or while in the fields or forests, or on the waters or highways within or bordering this Commonwealth.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth may be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding the proposed rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,
Executive Director

Fiscal Note: 48-393. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.41. General.

It is unlawful to:

(1) Fail, within 10 days of the kill, to complete the report card supplied with the hunting license for reporting big game killed and mail the report card to the Commission in Harrisburg or by any other method designated by the Director.

(2) Receive a DMAP permit without reporting in the manner prescribed on the permit.

(3) Harvest more than one deer at a time before lawfully tagging a deer previously harvested when multiple harvests of deer per day are authorized, except as otherwise provided in § 141.1 (relating to special regulations areas).

(4) Possess an expired, fulfilled, revoked, suspended or invalid big game harvest tag or hunting license while engaged in hunting or trapping activities, or while in the fields or forests, or on the waters or highways within or bordering this Commonwealth.

[Pa.B. Doc. No. 16-514. Filed for public inspection March 25, 2016, 9:00 a.m.]

[58 PA. CODE CH. 139]

Seasons and Bag Limits; Wildlife Management Units

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its February 2, 2016, meeting, proposed to amend § 139.17 (relating to wildlife management units) to expand wildlife management unit (WMU) 5D in the north-east corner to provide a more logical boundary.

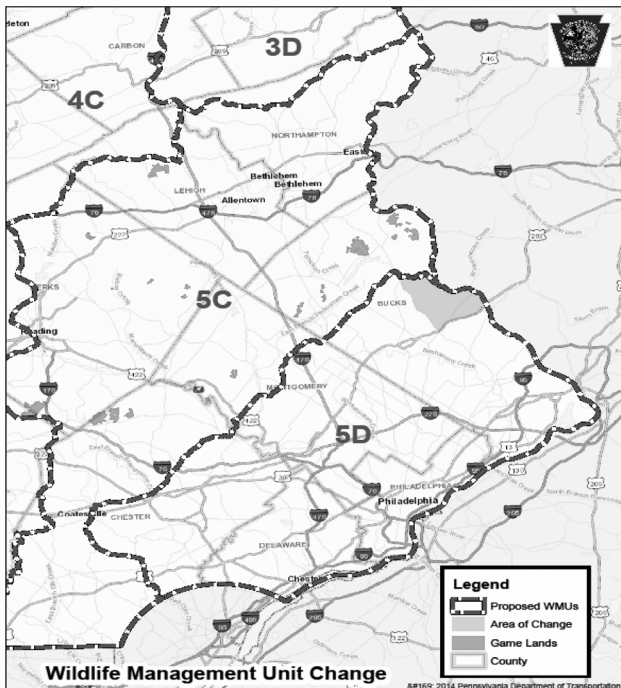
The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the February 2, 2016, meeting of the Commission. Comments can be sent until April 1, 2016, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

A uniform system of WMUs was implemented in 2003 to replace the system of multiple, species-specific management units. The primary objective of the WMU system was to develop and implement wildlife management decisions on a system of more homogenous units based on physiographic, land cover and use, human population density and land ownership. WMU boundaries were defined using readily recognizable features on the landscape rather than hard-to-identify political boundaries. In 2008, the Commission conducted a 5-year evaluation of the structure of the WMU system which resulted in the development and implementation of four WMU map revisions. The Commission has again conducted an evaluation of the structure of the WMU system and is proposing to amend § 139.17 to expand WMU 5D in the northeast corner to provide a more logical boundary. This proposed change represents a 24,826-acre increase in the size of WMU 5D.



WMU 5C

From Maryland/PA state line, north along the Octoraro Creek to Rt. 372. Rt. 372 east to PA Rt. 10 north to Interstate 76. I-76 west to US Rt. 222. Rt. 222 north to PA Rt. 61 west of Reading. Rt. 61 north to I-78 near Hamburg. I-78 east to Rt. 143. Rt. 143 north to Rt. 309. Rt. 309 south to PA Rt. 873 northwest of Allentown. Rt. 873 north to Rt. 248. Rt. 248 east to PA Rt. 946. Rt. 946 east to PA Rt. 512. Rt. 512 to PA Rt., 611 near Mount Bethel. Rt. 611 north to Portland Toll Bridge at Portland. Portland Toll Bridge east to New Jersey/PA state line. New Jersey/PA state line south to the Tohickon Creek. Tohickon Creek west to PA Rt. 611. PA Rt. 611 north to PA Rt. 113. PA Rt. 113 south to US Rt. 30. US Rt. 30 west to PA Rt. 82. PA Rt. 82 east to the Delaware/PA state line near Yorklyn.

WMU 5D

From the Delaware/PA state line Yorklyn, PA Rt. 82 west to US Rt. 30. US Rt. 30 east to PA Rt. 113 at Downingtown. PA Rt. 113 north to PA Rt. 611. PA Rt. 611 south to the intersection of Tohickon Creek. Tohickon Creek east to the PA/New Jersey state line.

Section 322(c)(4) of the code (relating to powers and duties of commission) specifically authorizes the Commission to “[d]efine geographic limitations or restrictions.” Section 2102(a) of the code (relating to regulations) provides that “[t]he commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to § 139.17 are proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 139.17 to expand WMU 5D in the northeast corner to provide a more logical boundary.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within WMU 5C or WMU 5D will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

5. *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,
Executive Director

Fiscal Note: 48-389. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

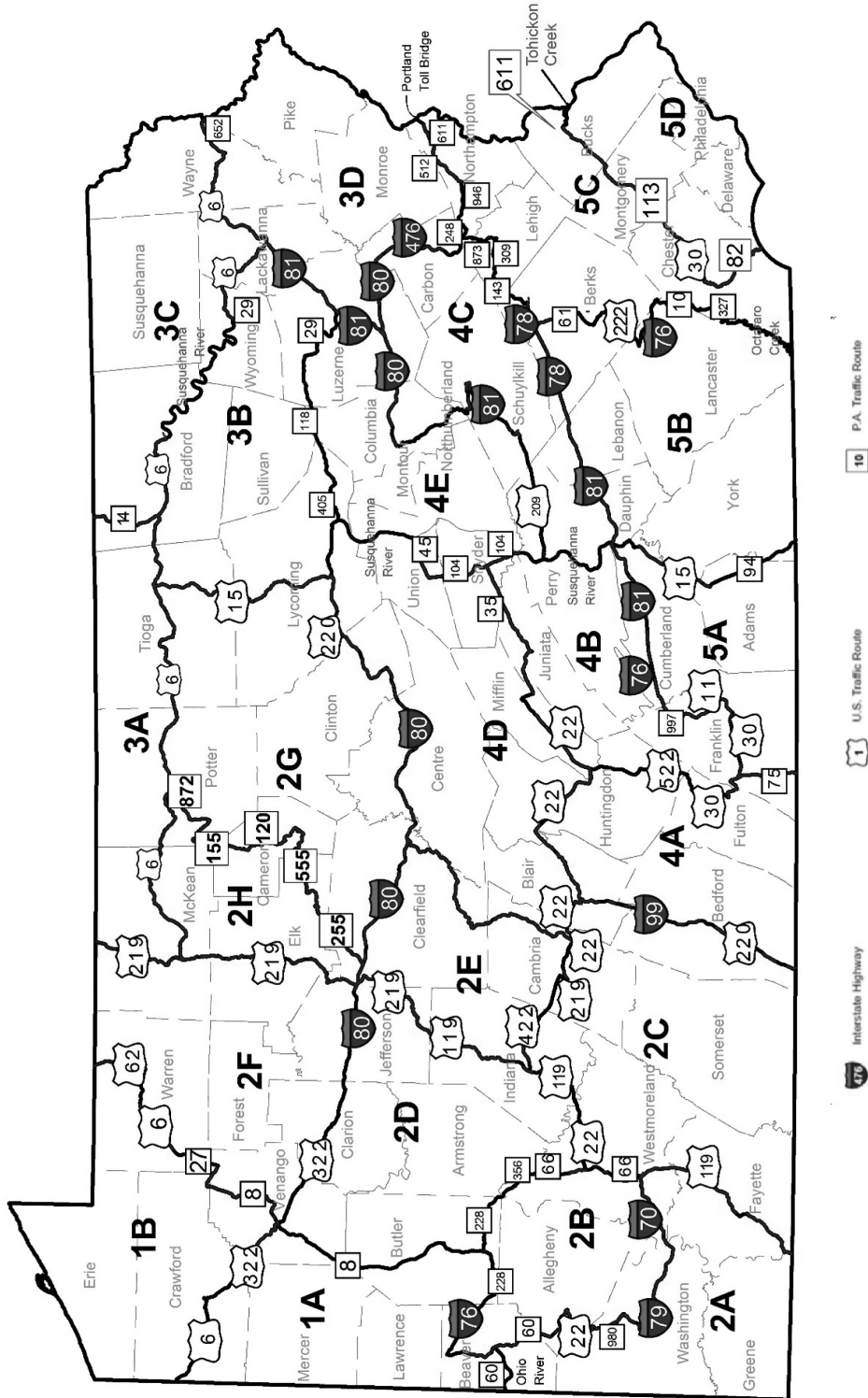
§ 139.17. Wildlife management units.

(a) The divisional line between two or more wildlife management units shall be the center of the highway, natural water course or other natural boundary.

(b) The outline map of Pennsylvania sets forth wildlife management units.

(Editor’s Note: As part of this proposed rulemaking, the Commission is proposing to replace the map which appears in 58 Pa. Code page 139-18, serial page (376920) with the following map.)

Wildlife Management Units



[Pa.B. Doc. No. 16-515. Filed for public inspection March 25, 2016, 9:00 a.m.]

STATE BOARD OF PRIVATE LICENSED SCHOOLS

[22 PA. CODE CH. 73]

Fees

The State Board of Private Licensed Schools (Board), under the authority in the Private Licensed Schools Act (act) (24 P.S. §§ 6501—6518), proposes to amend § 73.151 (relating to fees) to read as set forth in Annex A.

Description of Proposed Amendments

The proposed amendments to § 73.151(a) prescribe revised fees for biennial licensure or registration of all schools, and licensure of admissions representatives.

The proposed amendments to § 73.151(b) increase the user fees for other services provided by the Board, which services are in addition to the processing and issuance of original or renewal school licenses, registration and admissions representative licenses.

Reason for Proposed Amendments

The Board's current fees are fixed by § 73.151. Section 10 of the act (24 P.S. § 6510) authorizes the Board to increase its fees by regulation if the Board's revenues from fees, fines and civil penalties are not sufficient to meet Board expenditures over a 2-year period.

The Board recently reviewed its fees and determined that current fees are inadequate to meet revenue needs. The Board estimates that its expenditures for the biennial period covering Fiscal Years 2014-2015 and 2015-2016 will be \$1,955,300. In contrast, the estimated revenues under the existing fee structure are anticipated to be \$1,066,708. The projected shortfall of \$888,592 will be covered by the surplus in the Board's revolving account, which is currently \$1,246,770, leaving a very minimal surplus to cover operating costs after July 1, 2016.

The proposed fees in § 73.151 should raise sufficient revenue to offset the Board's projected expenditures for approximately 5 years.

The Board last increased its fees at 32 Pa.B. 1844 (April 13, 2002). At that time, the Board projected that the fees would cover 10 years of operating expenses. The 2002 fee structure sustained the Board's operation longer than anticipated.

The current staffing level will need to be maintained for the foreseeable future. While there has been no change to the actual number of staff supporting the work of the Board since 2002, one position dedicated to specialized associate degrees was covered by general funds until 2010 because the work is governed by regulations promulgated by the State Board of Education. That position was transferred to the Board account in 2010 because the work services the private licensed school community. This change adds a financial burden on the Board's funds.

Revenue has been reduced in recent years as changes in Federal regulations and economic conditions have resulted in a significant reduction in the number of licensed schools from 325 in 2002 to 270 today. While revenue is reduced in accordance with the number of schools renewing licenses, staffing needs are not directly tied to the number of schools because most services need to be provided regardless of the number of licensed schools.

Most of the Board's revenue is generated by renewal fees. After 1 year of operation, biennial renewal fees are on an assessed graduated scale based upon gross tuition revenue. Additional revenue is generated by other service fees.

The following calculations include a cap of \$35,000 that was accepted by the Board in May 2015 and used in these calculations. The original material did not clarify that this cap was in place. The largest schools are currently capped at \$4,400 and this proposed increase in the cap to \$35,000 will ensure that the largest schools carry more of the burden of funding the Board's operation.

To accommodate the need for additional revenue, the Board is proposing to raise its current fees. The following table shows current fees and the fees proposed by this proposed rulemaking.

<i>Board Activity</i>	<i>Current Fee</i>	<i>Proposed Fee</i>
1. Initial school license	\$1,500	\$7,500
2. Initial school license for schools presenting only seminars	\$750	\$2,000
3. Biennial school licensure or registration (as shown in Annex A)	\$500—\$4,400	\$1,000—\$6,500 plus \$500 for each additional \$500,000 revenue over \$1,000,000 with a cap of \$35,000
4. Admission representatives license	\$300	\$600
5. New program application	\$700	\$1,400
6. Change of ownership	\$1,200	\$5,000
7. New school orientation	\$200	\$300
8. New director seminar	None	\$200
9. School site inspection	\$500	\$750
10. Board-directed site visit	\$500	\$750
11. Board-directed team visit	\$800	\$1,000

Fiscal Impact

There is no fiscal impact on the General Fund from the proposed fees. If the existing fee structure is not revised, the Board's revolving operating fund will be depleted by fall 2016. The proposed increased fees are expected to generate average revenue of \$1,008,400 per year for the next 5 years. Expenses for the same time period are projected to average \$1,009,229.

<i>Activity</i>	<i>Estimated Revenue</i>		<i>Estimated Revenue</i>
	<i>Biennial Renewal of School License or Registration</i>		
<i>Tuition Revenue</i>	<i>Renewal Fee</i>	<i>Number of Schools</i>	
\$0—4,999	\$1,000	33	\$33,000
\$5,000—9,999	\$2,000	6	\$12,000
\$10,000—49,999	\$2,500	28	\$70,000
\$50,000—99,999	\$2,700	15	\$40,500
\$100,000—149,000	\$2,800	14	\$39,200
\$150,000—199,999	\$3,000	14	\$42,000
\$200,000—249,999	\$3,500	11	\$38,500
\$250,000—299,999	\$4,000	11	\$44,000
\$300,000—399,999	\$4,500	16	\$72,000
\$400,000—499,999	\$5,000	11	\$55,000
\$500,000—749,999	\$5,500	12	\$66,000
\$750,000—999,999	\$6,000	2	\$12,000
\$1,000,000 and over	\$6,500	4 × \$6,500	\$26,000
	plus \$500	12 × \$7,000	\$84,000
	for each	2 × \$7,500	\$15,000
	additional	1 × \$8,000	\$8,000
	\$500,000	1 × \$9,000	\$9,000
	in revenue	13 × \$10,000	\$130,000
		7 × \$10,500	\$73,500
		4 × \$11,000	\$44,000
		3 × \$11,500	\$34,500
		1 × \$12,000	\$12,000
		2 × \$12,500	\$25,000
		4 × \$13,000	\$52,000
		2 × \$13,500	\$27,000
		2 × \$14,000	\$28,000
		2 × \$15,000	\$30,000
		1 × \$15,500	\$15,500
		2 × \$16,500	\$33,000
		2 × \$17,000	\$34,000
		1 × \$19,000	\$19,000
		1 × \$23,000	\$23,000
		2 × \$24,000	\$48,000
		1 × \$25,000	\$25,000
		1 × \$28,000	\$28,000
		3 × \$35,000	\$105,000
			\$1,452,700
			<i>Total anticipated revenue from renewals every 2 years</i>
			<i>Total anticipated annual renewal revenue</i>
			\$726,350
Original school license or registration		7 × \$7,500	\$52,500
Seminar provider		0 × \$2,000	\$0
Admission representative license		120 × \$600	\$72,000
New program application		68 × \$1,400	\$95,200
Change of ownership		5 × \$5,000	\$25,000
New school orientation seminar		47 × \$300	\$14,100
New director seminar		60 × \$200	\$12,000
School site inspection		15 × \$750	\$11,250
Board-directed site visit		0 × \$750	\$0
Board-directed team visit		0 × \$1,000	\$0
			\$1,008,400
			<i>Total estimated annual revenue</i>
			<i>Total estimate annual expenditure</i>
			\$1,009,229

Paperwork Requirements

The proposed rulemaking will require the Board to alter some of its forms to reflect the new fees. The proposed rulemaking would not create additional paperwork for the private sector.

Effective Date

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

Sunset Date

The act requires that the Board monitor its revenue and cost on a biennial basis. Therefore, a sunset date has not been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 14, 2016, the Department of Education (Department) submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Education. 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.

Public Comments and Contact Person

Interested persons are invited to submit to the Board written comments, suggestions or objections regarding this proposed rulemaking within 30 days following its publication in the *Pennsylvania Bulletin*. Written comments, suggestions or objections for Board consideration should be sent to Patricia Landis, Coordinating Secretary, State Board of Private Licensed Schools, 333 Market Street, Harrisburg, PA 17126-0333, (717) 783-8228.

PATRICIA LANDIS,
Coordinating Secretary

Fiscal Note: 6-334. No fiscal impact. The fee increases are necessary to cover the Board's associated costs. Recommends adoption.

Annex A

TITLE 22. EDUCATION

PART III. STATE BOARD OF PRIVATE LICENSED SCHOOLS

CHAPTER 73. GENERAL PROVISIONS

FEES

§ 73.151. Fees.

(a) *License fees.* The fees for school and admissions representative licenses shall accompany both original and renewal license and registration applications. The fee schedule is:

(1) For an original school license or registration— [\$1,500] \$7,500. The fee for an original school license or registration includes the user fee for the application for approval of one new program. Each additional new

program application submitted with a new license application shall be accompanied by an additional new program approval fee as set forth in subsection (b)(1).

(2) For an original school license or registration of a school that only presents seminars—[\$750] \$2,000.

(3) For a renewal school license or registration—biennial fee based on gross tuition revenue:

<i>Gross Tuition Revenue</i>	<i>Fee</i>
[\$0—2,499	\$500
\$2,500—4,999	\$1,000
\$5,000—9,999	\$2,000
\$10,000—49,999	\$2,200
\$50,000—99,999	\$2,300
\$100,000—199,999	\$2,600
\$200,000—499,999	\$3,000
\$500,000—999,999	\$3,500
\$1,000,000—1,999,999	\$4,100
\$2,000,000 and over	\$4,400]

\$0—4,999	\$1,000
\$5,000—9,999	\$2,000
\$10,000—49,999	\$2,500
\$50,000—99,999	\$2,700
\$100,000—149,000	\$2,800
\$150,000—199,999	\$3,000
\$200,000—249,999	\$3,500
\$250,000—299,999	\$4,000
\$300,000—399,999	\$4,500
\$400,000—499,999	\$5,000
\$500,000—749,999	\$5,500
\$750,000—999,999	\$6,000

\$6,500 plus \$500 for each additional \$500,000 in revenue with \$35,000 cap

(4) For an admission representative license—[\$300] \$600 annually.

(b) *User fees.* Fees will also be assessed for other services provided by the Board, which services are in addition to the processing and issuance of original or renewal school licenses or registration and admissions representative licenses. These user fees are as follows:

(1) A [\$700] \$1,400 fee shall accompany each application for approval of a new program.

(2) A [\$1,200] \$5,000 fee shall accompany notification to the Board of a change in ownership of the school.

(3) A [\$200] \$300 fee per participant will be charged for participation in new school orientation seminars.

(4) A [\$500] \$750 fee will be charged for each site inspection of the following types: new school, change in location, expansion of instructional space, temporary relocation, branch facility and remote training facility. This fee shall be paid before commencement of the visit.

(5) The fee for a Board-directed visit is [\$500] \$750 per day if the visit is conducted by staff; [\$800] \$1,000 per day plus team member expenses for a visit conducted by a team with nonstaff members. The fee for a Board-directed visit shall be paid before commencement of the visit.

(6) A \$200 fee per school will be charged for participation in a new director seminar.

[Pa.B. Doc. No. 16-516. Filed for public inspection March 25, 2016, 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 March 15, 2016.

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

BANKING INSTITUTIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-9-2016	Univest Bank & Trust Company Souderton Montgomery County	5089 Hamilton Boulevard Allentown Lehigh County	Filed
3-11-2016	First Citizens Community Bank Mansfield Tioga County	1157 West Branch Parkway Winfield Union County	Filed
3-11-2016	Hometown Bank of Pennsylvania Bedford Bedford County	13174 Dunnings Highway Claysburg Blair County	Filed

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
3-9-2016	Slovak Savings Bank Pittsburgh Allegheny County Amendment to Article I of the institution's Articles of Incorporation provides for a change in corporate title from Slovak Savings Bank to "SSB Bank" and amendment to Article II provides for a change in principal place of business from 2470 California Avenue, Pittsburgh, Allegheny County, PA 15212 to 8150 Perry Highway, Suite 200, Pittsburgh, Allegheny County, PA 15237.	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. 16-517. Filed for public inspection March 25, 2016, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Revisions to Schedule of Prices for State Parks

A. Summary and Background

Under section 314 of the Conservation and Natural Resources Act (71 P.S. § 1340.314) and 17 Pa. Code § 11.224 (relating to prices), the Department of Conservation and Natural Resources (Department), Bureau of State Parks, is revising its price schedule for State Park activities, uses and privileges. The new schedule in section D, as follows, includes revisions to the schedule to add a 30-consecutive-day shooting range permit fee range for shooting range operation.

The revision includes adding a 30-consecutive-day shooting range permit fee for shooting ranges operating on Department lands. The Department has recently renovated its shooting ranges, investing in forms of lead remediation, safety barrier construction, shooting range redesign and other related projects. This fee structure

will also be utilized at any future Department ranges. Individuals, families and groups interested in utilizing the shooting range facilities must purchase range permits. Permits can be purchased by individuals 16 years of age or older. A family is defined as up to five people living in one family unit (person living under one household). Additional family members in excess of five will need to either purchase additional individual permits or an additional family permit.

The current price schedule can be found at the State Parks web site at <http://www.dcnr.state.pa.us/stateparks/prices/index.htm> or at any State Park office. When the new price schedule becomes effective it will be posted on the State Park web site.

B. Contact Person

Questions may be directed to Ryan Dysinger, Assistant Director, Bureau of State Parks, Rachel Carson State Office Building, P. O. Box 8551, Harrisburg, PA 17105-8551, (717) 787-6640, rdysinger@pa.gov. Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users).

C. Effective Date

The effective date of the new range permit price schedule is Friday, April 15, 2016.

D. Price Schedule

1. Shooting Range Fee Addition (effective April 15, 2016)

	<i>Resident</i>	<i>Nonresident</i>
Individual 30-Consecutive Day Shooting Range Permit (16 years of age or older)	\$15.00—\$25.00	\$30.00—\$35.00
Family 30-Day Consecutive Shooting Range Permit (Up to five individuals living in one family unit (living under one household))	\$20.00—\$30.00	\$35.00—\$40.00

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 16-518. Filed for public inspection March 25, 2016, 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 POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0024228 IW	Hain Pure Protein 2609 Route 22 Fredricksburg, PA 17026	Bethel Township Lebanon County	7-D/Swatara Creek	Y
PA0035092 IW	Tyson Poultry, Inc. 403 South Custer Avenue New Holland, PA 17557-9221	New Holland Borough Lancaster County	7-J/Conestoga River	Y
PA0020711 SEW	Borough of Topton 205 South Callowhill Street Topton, PA 19562	Longswamp Township Berks County	2-C/Toad Creek	Y
PA0088269 SEW	Quincy Sewer Authority 7575 Mentzer Gap Road Waynesboro PA 17268	Quincy Township Franklin County	13-C/West Branch Antietam Creek	Y
PA0014648 IW	SUEZ Water PA Inc.— Hummelstown Membrane Plant 4405 N 6th Street Harrisburg, PA 17110	Hummelstown Borough Dauphin County	7-D/Swatara Creek	Y
PA0082465 SEW	Camp Penn— Susquehanna Conference Of The United Methodist Church PO Box 511 8005 Old Forge Road Waynesboro, PA 17268	Quincy Township Franklin County	13-C/Trucker Run	Y

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0082023 IW	Leola Sewer Authority 36 Hillcrest Avenue PO Box 325 Leola, PA 17540-0325	Upper Leacock Township Lancaster County	7-J/UNT Conestoga Creek	Y

Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0228869 (Sewage)	PA DCNR Kettle Creek State Park 97 Kettle Creek Park Lane Renovo, PA 17764-9400	Clinton County Leidy Township	Kettle Creek (9-B)	Yes

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?
PA0094111 (Sewage)	Rimco Properties, Inc. Wellington Estates MHP Silvis Road Export, PA 15632	Westmoreland County Washington Township	Unnamed Tributary to Thorn Run (18-B)	Y
PA0001350 (Sewage)	Somerset Portal STP 46226 National Road Saint Clairsville, OH 43950	Washington County Somerset Township	Center Branch Pigeon Creek (19-C)	Yes

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed#)	EPA Waived Y/N
PA0034959 (Sewage)	Wolfs Camping Resort 308 Timberwolf Run Knox, PA 16232-4072	Clarion County Beaver Township	Unnamed Tributary to Canoe Creek (17-B)	Yes
PA0035521 (Sewage)	PA DOT Rome Township Satellite Maintenance Facility PO Box 3060 Harrisburg, PA 17105-3060	Crawford County Centerville Borough	Unnamed Tributary to the Oil Creek (16-E)	Yes
PA0263575 (Sewage)	David J. Strader SRSTP 1075 Saxonburg Road Saxonburg, PA 16056	Butler County Clinton Township	Rocky Run (18-A)	Yes

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

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

PA0020923, Sewage, SIC Code 4952, **New Oxford Municipal Authority**, 409 Water Works Road, New Oxford, PA 17350-1511. Facility Name: New Oxford Municipal Authority WWTP. This existing facility is located in Oxford Township, **Adams 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, South Branch Conewago Creek, is located in State Water Plan watershed 7-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.788 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX

NOTICES

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.19	XXX	0.61
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	373	596	XXX	25.0	40.0	50
May 1 - Oct 31	224	328	XXX	15.0	22.0	30
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	447	671	XXX	30.0	45.0	60
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	112	XXX	XXX	7.5	XXX	15
May 1 - Oct 31	52	XXX	XXX	3.5	XXX	7
Total Phosphorus	30	XXX	XXX	2.0	XXX	4

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>	<i>Monthly</i>	<i>Monthly Average</i>	<i>Maximum</i>	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	Report	32,657	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	4,354	XXX	XXX	XXX	XXX

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

- To implement requirements applicable to stormwater outfalls.
- 2,400 lbs/year of Total Nitrogen offsets was approved to be used for compliance with TN Cap Load.

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.

PA0023108, Sewage, SIC Code 4952, **Borough of Elizabethtown**, 600 South Hanover Street, Elizabethtown, PA 17022. Facility Name: Borough of Elizabethtown WWTP. This existing facility is located in West Donegal Township, **Lancaster County**.

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

The receiving streams, Susquehanna River and Conoy Creek, is located in State Water Plan watershed 7-G and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 4.5 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	938	1,407 Wkly Avg	XXX	25	37.5	50
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	1,126	1,689 Wkly Avg	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	Report
Total Nitrogen	300	XXX	XXX	8.0	XXX	XXX
Total Phosphorus	37.5	XXX	XXX	1.0	XXX	3

The proposed effluent limits for Outfall 002 are based on a design flow of 9.0 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.44	XXX	1.43
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	20	30	40
Total Suspended Solids	XXX	XXX	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	8.0	XXX	16
May 1 - Oct 31	XXX	XXX	XXX	5.0	XXX	10
Total Nitrogen	XXX	XXX	XXX	8.0	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	1.0	XXX	3

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>	<i>Monthly</i>	<i>Monthly Average</i>	<i>Maximum</i>	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	Report	109,500	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	13,688	XXX	XXX	XXX	XXX

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

- The loading amounts of 82,191 lbs/year for Total Nitrogen and 10,959 lbs/year for Total Phosphorus shall be used for the purposes of determining eligibility to sell nutrient credits. Loadings less than these values may be sold as part of the nutrient trading process.
- 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 717-705-4732.

The EPA Waiver is not in effect.

PA0081451, Sewage, SIC Code 8211, **Red Lion Area School District**, 696 Delta Road, Red Lion, PA 17356-9185. Facility Name: Clearview Elementary School. This existing facility is located in Chanceford Township, **York County**.

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

The receiving stream(s), Unnamed Tributary of West Branch Toms Run, is located in State Water Plan watershed 7-I and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.005 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.5
CBO _D ₅	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	7.0	XXX	14
Nov 1 - Apr 30	XXX	XXX	XXX	21.0	XXX	42
Total Phosphorus (lbs)	XXX	Report Total Monthly	XXX	2.0	XXX	4
Total Kjeldahl Nitrogen (lbs)	XXX	Report Total Monthly	XXX	Report Daily Max	XXX	XXX
Nitrate-Nitrite as N (lbs)	XXX	Report Total Monthly	XXX	Report Daily Max	XXX	XXX
Total Nitrogen (lbs)	XXX	Report Total Monthly	XXX	Report Daily Max	XXX	XXX

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

The EPA Waiver is in effect.

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

PA0255068, Sewage, **Duane Stewart**, 260 Wilson Road, Dawson, PA 15428. Facility Name: Duane Stewart SRSTP. This proposed facility is located in Lower Tyrone Township, **Fayette County**.

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

The receiving stream(s), Unnamed Tributary of Youghiogheny River, is located in State Water Plan watershed 19-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 400 GPD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	Report
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	200

The EPA Waiver is in effect.

PA0002054, SIC Code 4911, **Seward Generation, LLC**, 11 Lloyd Avenue, Latrobe, PA 15650. Facility Name: Seward Generating Station. This existing facility is located in East Wheatfield Township, **Indiana County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sanitary sewage, treated groundwater, untreated non-contact cooling water, and stormwater runoff.

The receiving stream, Conemaugh River, is located in State Water Plan watershed 18-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 1.0 MGD.

<i>Parameters</i>	<i>Mass</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.015 MGD.

<i>Parameters</i>	<i>Mass</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Residual Chlorine	XXX	XXX	XXX	0.5	1.6	XXX
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Flow (MGD)	Report	0.015	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD ₅	XXX	XXX	XXX	25	50	XXX
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	1,000	XXX
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	10,000	XXX
NH ₃ -N	XXX	XXX	XXX	25	50	XXX
Total Aluminum						
Interim*	XXX	XXX	XXX	Report	Report	XXX
Final**	XXX	XXX	XXX	0.75	0.75	XXX
Total Iron						
Interim*	XXX	XXX	XXX	Report	Report	XXX
Final**	XXX	XXX	XXX	1.5	3.0	XXX
Total Manganese						
Interim*	XXX	XXX	XXX	Report	Report	XXX
Final**	XXX	XXX	XXX	1.0	2.0	XXX
Total Nitrogen	XXX	XXX	Report	Report	XXX	XXX
Total Phosphorous	XXX	XXX	Report	Report	XXX	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 3.5 MGD.

<i>Parameters</i>	<i>Mass</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Free Available Chlorine	XXX	XXX	XXX	0.2	0.5	XXX
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30
Total Cobalt	XXX	XXX	XXX	0.27	0.53	XXX
Total Nickel	XXX	XXX	XXX	0.45	0.9	XXX
Total Chromium	XXX	XXX	XXX	0.2	0.2	XXX
Total Zinc	XXX	XXX	XXX	0.8	1.0	XXX
Total Aluminum						
Interim*	XXX	XXX	XXX	Report	Report	XXX
Final**	XXX	XXX	XXX	0.75	0.75	XXX
Total Iron						
Interim*	XXX	XXX	XXX	Report	Report	XXX
Final**	XXX	XXX	XXX	1.5	3.0	XXX
Total Manganese						
Interim*	XXX	XXX	XXX	Report	Report	XXX
Final**	XXX	XXX	XXX	1.0	2.0	XXX
Dissolved Iron	XXX	XXX	XXX	Report	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX
Sulfate	XXX	XXX	XXX	Report	Report	XXX

Neither free available chlorine nor total residual chlorine may be discharged from any unit for more than two hours in any one day and not more than one unit in any plant may discharge free available or total residual chlorine at any one time unless the utility can demonstrate to the regional administrator or State, if the State has the NPDES permit issuing authority, that the units in a particular location cannot operate at or below this level of chlorination.

The proposed effluent limits for Outfall 004, design flow varies.

<i>Parameters</i>	<i>Mass</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	35	70	XXX
Total Aluminum						
Interim*	XXX	XXX	XXX	Report	Report	XXX
Final**	XXX	XXX	XXX	0.75	0.75	XXX
Total Iron						
Interim*	XXX	XXX	XXX	Report	Report	XXX
Final**	XXX	XXX	XXX	1.5	3.0	XXX
Total Manganese						
Interim*	XXX	XXX	XXX	Report	Report	XXX
Final**	XXX	XXX	XXX	1.0	2.0	XXX

The proposed effluent limits for Outfall 005, design flow varies.

<i>Parameters</i>	<i>Mass</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	35	70	XXX
Total Aluminum						
Interim*	XXX	XXX	XXX	Report	Report	XXX
Final**	XXX	XXX	XXX	0.75	0.75	XXX
Total Iron						
Interim*	XXX	XXX	XXX	Report	Report	XXX
Final**	XXX	XXX	XXX	1.5	3.0	XXX
Total Manganese						
Interim*	XXX	XXX	XXX	Report	Report	XXX
Final**	XXX	XXX	XXX	1.0	2.0	XXX

The proposed effluent limits for Outfall 006 are based on a design flow of 0.216 MGD.

<i>Parameters</i>	<i>Mass</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	35	70	XXX
Total Aluminum	XXX	XXX	XXX	0.75	0.75	XXX
Total Iron	XXX	XXX	XXX	1.5	3.0	XXX
Total Manganese	XXX	XXX	XXX	1.0	2.0	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX
Sulfate	XXX	XXX	XXX	Report	Report	XXX
Total Zinc	XXX	XXX	XXX	Report	Report	XXX

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

- River debris that is removed from the cooling water intake rack may not be returned to the river.
- Requirements for Cooling Water Intake structures.
- Interim Permit Limits are applicable from the Permit Effective Date until three years following the Permit Effective Date.
- Final Permit Limits are applicable from three years following the Permit Effective Date through the Permit Expiration Date.

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

The EPA Waiver is not in effect.

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

PA0264377, Sewage, SIC Code 8800, **Northwest Savings Bank**, P. O. Box 1793, Warren, PA 16365-6793. Facility Name: Northwest Savings Bank Holman Rd SRSTP. This proposed facility is located in Greene Township, **Erie County**.

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

The receiving stream(s), Unnamed Tributary to Fourmile Creek, is located in State Water Plan watershed 15-A and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	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.

PA0046418, Sewage, SIC Code 4952, **Middleboro Municipal Authority Erie County**, PO Box 189, McKean, PA 16426-0189. Facility Name: Middleboro STP. This existing facility is located in McKean Borough, **Erie County**.

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

The receiving stream is Elk Creek, located in State Water Plan watershed 15-A and classified for Migratory Fish and Warm Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed influent requirements are based on the current 0.081 MGD and expansion 0.112 MGD design flows.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Biochemical Oxygen Demand (BOD ₅) Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids Influent	Report	Report	XXX	Report	Report	XXX

The proposed interim effluent limits for Outfall 001 are based on the current 0.081 MGD design flow.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	16.7	25.0	XXX	20.0	30.0	40
May 1 - Oct 31	8.34	12.5	XXX	10.0	15.0	20
Total Suspended Solids	25.0	37.5	XXX	30.0	45.0	60
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	7.0	XXX	XXX	7.5	XXX	15
May 1 - Oct 31	2.3	XXX	XXX	2.5	XXX	5
Total Phosphorus	0.84	XXX	XXX	1	XXX	XXX

The proposed final effluent limits for Outfall 001 are based on the expansion 0.112 MGD design flow.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.3	XXX	1.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	18.7	28.1	XXX	20.0	30.0	40
May 1 - Oct 31	9.3	14.0	XXX	10.0	15.0	20
Total Suspended Solids	28.0	42.1	XXX	30.0	45.0	60
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	7.0	XXX	XXX	7.5	XXX	15
May 1 - Oct 31	2.3	XXX	XXX	2.5	XXX	5
Total Phosphorus	0.9	XXX	XXX	1	XXX	XXX

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

- A facility expansion compliance schedule

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.

PA0002674, Industrial, SIC Code 2911, **American Refinery Group Inc.**, 77 North Kendall Avenue, Bradford, PA 16701-1726. Facility Name: American Refinery Group Bradford. This existing facility is located in City of Bradford & Foster Township, **McKean County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial waste, treated contaminated groundwater and stormwater.

The receiving waters are Tunungwant Creek (002, 004—009, 011 and 012) and Foster Brook (010). The receiving streams are in State Water Plan 16-C and are classified for the following uses: warm water fishes (Tunungwant Creek), cold water fishes (Foster Brook), aquatic life, water supply and recreation. The discharges are not expected to affect public water supplies.

The proposed effluent limits for Outfall 002 are based on a design flow of 0.437 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0 Max	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Biochemical Oxygen Demand (BOD ₅)	189	356	XXX	Report	Report	130
Chemical Oxygen Demand (COD)	947	1,832	XXX	Report	Report	650
Total Suspended Solids	160	249	XXX	Report	Report	110
Oil and Grease	58	111	XXX	15	XXX	30
Fecal Coliform (No./100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen	20	44	XXX	Report	Report	13.7
Chromium, Hexavalent	0.2	0.44	XXX	Report	Report	0.13
Chromium, Total	3.2	5.4	XXX	Report	Report	2.2
Sulfide, Total	1.1	2.4	XXX	Report	Report	0.73
Phenolics, Total	0.55	1.1	XXX	0.15	0.3	0.38

The proposed effluent limits for Outfall 004 are based on a design flow of 0.048 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0 Max	XXX
Total Suspended Solids	Report	Report	XXX	30	60	75
Oil and Grease	Report	XXX	XXX	15	XXX	30
Total Organic Carbon	XXX	Report	XXX	XXX	110	138

The proposed effluent limits for Outfalls 005, 007—010 & 012 are based on a design flow of N/A MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Organic Carbon	XXX	XXX	XXX	XXX	110	138
					Daily Max	

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

- Sampling Waiver for Hexavalent Chromium, Total Chromium & Phenolics—Outfall 002
- Stormwater Allowance Factors
- Chemical Additives
- Requirements Applicable to Stormwater Outfalls
- Stormwater No Exposure Exemption—Outfalls 006 & 011
- Electronic Discharge Monitoring Reporting requirement
- Hydrostatic Testing Effluent requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is not in effect.

PA0264334, Sewage, SIC Code 4952, 7000, **Denis Brooks**, 3257 Soap Fat Road, Shippenville, PA 16254. Facility Name: Denis Brooks SFTF. This proposed facility is located in Elk Township, **Clarion County**.

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

The receiving stream is an unnamed tributary to Judith Run, located in State Water Plan watershed 17-B and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.00194 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	Report
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	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.

PA0264407, Sewage, SIC Code 8800, **Nicholas Romeo**, 316 Logan Road, Valencia, PA 16059. Facility Name: Nicholas Romeo SRSTP. This proposed facility is located in Penn Township, **Butler County**.

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

The receiving stream(s), Unnamed Tributary of Thorn Creek, is located in State Water Plan watershed 20-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000

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.

PA0264351, Sewage, SIC Code 8800, **Timothy Lester**, 275 Hazeltine Avenue, Jamestown, NY 14701. Facility Name: Timothy Lester SRSTP. This proposed facility is located in Farmington 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 a drainage swale to Mud Run, located in State Water Plan watershed 16-B and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

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

WQM Permit No. 0616401, 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. 2216403, Sewerage, **Lower Paxton Township Sewer Authority**, 425 Prince Street, Harrisburg, PA 17109.

This proposed facility is located in Lower Paxton Township, **Dauphin County**.

Description of Proposed Action/Activity: Seeking permit approval for upgrades to the Parkchester Pump Station and Force Main. Construction of approximately 300 feet of new force main to redirect force main discharge from existing manhole 388.03 to new manhole 895.31. The project purpose is to reduce force main length and sanitary sewer residence time to reduce the potential for hydrogen sulfide generation.

WQM Permit No. 6716402, Sewerage, **Douglas Zook**, Box 331, East Prospect, PA 17317.

This proposed facility is located in Peach Bottom Township, **York County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a single residence sewage treatment plant to serve their single family residence located at 53 Sassafras Lane, Delta, PA 17314.

WQM Permit No. 2116401, Sewerage, **Hampden Township Sewer Authority**, 230 South Sporting Hill Road, Mechanicsburg, PA 17050.

This proposed facility is located in Hampden Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction of an interceptor main to eliminate Fairwinds Pump Station.

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

WQM Permit No. 0416200, Industrial, **Center Township Municipal Water Authority**, 224 Center Grange Road, Aliquippa, PA 15501.

This proposed facility is located in Center Township, **Beaver County**.

Description of Proposed Action/Activity: Construction of a waste equalization tank.

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

WQM Permit No. 1016403, Sewage, **Saxonburg Borough Area Authority**, 420 West Main Street, Saxonburg, PA 16056-9517.

This proposed facility is located in Saxonburg Borough, **Butler County**.

Description of Proposed Action/Activity: Upgrades and maintenance of Elder Alley Pump Station.

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>
PAI011515014	Fidelity Contracting, LLC 742 North Manor Road Elverson, PA 19520	Chester	West Nantmeal Township	East Branch Brandywine Creek HQ-TSF-MF
PAI010916001	HHC Holdings, LLC 700 Garrett Road Upper Darby, PA 19082	Bucks	Richland Township	Morgan Creek TSF-MF
PAI011516001	William M. D'Allaird 201 Kymberwyck Way Kennett Square, PA 19348	Chester	West Bradford Township	Unknown Tributary to Broad Run EV
PAI014615005	Matrix/Ashbourne Associates 3 Center Drive Monroe, NJ 08831	Montgomery	Cheltenham Township WWF-MF	Tookany Creek WWF-MF

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Lehigh County Conservation District, Lehigh Ag Center, Suite 102, 4184 Dorney Park Rd., Allentown, PA 18104

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023916008	Peter Everett Everett Custom Homes, Inc. 18049 Wertman Rd. Fogelsville, PA 18051	Lehigh	Weisenberg Township	UNT to Lyon Creek (HQ-CWF, MF)

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033616003	Landis Homes Retirement Community 1001 East Oregon Road Lititz, PA 17543	Lancaster	Manheim Township	UNT to Conestoga River (locally known as Kurtz Road) (WWF)

Tioga County Conservation District: 50 Plaza Lane, Wellsboro, PA 16901, (570) 724-1801, X 3

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045916001	Niles Valley Energy, LLC 81 Muck Road Wellsboro, PA 16901	Tioga	Charleston Township	Baldwin Run (HQ-CWF, MF)

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.

**CAFO NMP
PUBLIC NOTICE SPREADSHEET—APPLICATIONS (Submission)**

<i>Agricultural Operation (Name and Address)</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units (AEUs)</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>New or Renewal</i>
Robert S. Martin Ridge Valley Farm II & III 4227 Ridge Road Beaver Springs, PA 17812	Snyder	213.2	936.9	Poultry and Swine	NA	Renewal but adding the Poultry to existing Swine operation
Cotner Farms, Inc. 127 Rushtown Road Danville, PA 17821	Northumberland	1,590	1,774.22	Layer Chicken Operation	NA	Renewal

**PUBLIC WATER SUPPLY (PWS)
PERMITS**

Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

Southeast Region: Safe Drinking Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401

Permit No. 1516509 , Public Water Supply	
Applicant	Downingtown Municipal Water Authority
Borough	Downingtown
County	Chester
Responsible Official	David Busch Executive Director 100 Water Plant Way Downingtown, PA 19335-1951
Type of Facility	PWS
Consulting Engineer	Charlie Liu, P.E. BCM Engineers 920 Germantown Pike Suite 200 Plymouth Meeting, PA 19462-7400
Application Received Date	March 8, 2016
Description of Action	Cessation of fluoride at Downingtown Municipal Water Authority's Water Treatment Plant.

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

Application No. 4816501MA, Public Water Supply.

Applicant **Hellertown Borough Authority**
501 Durham Street
Hellertown, PA 18055

[Township or Borough] Hellertown Borough,
Northampton County

Responsible Official Glenn Higbie, Administrator,
Hellertown Borough Authority
501 Durham Street
Hellertown, PA 18055

Type of Facility PWS

Consulting Engineer Dennis G. Tracey, P.E.
Buchart Horn, Inc.
2 Eves Drive, Suite 110
Marlton, NJ 08053

Application Received Date 02/22/2016

Description of Action Conversion of Chlorine
disinfection from gas to sodium
hypochlorite at Well #1 and Well
#2

Application No. 4516503MA, Public Water Supply.

Applicant **Victoria Village Townhouse Condominiums, Inc.**
P. O. Box 1574
Brodheads ville, PA 18322-1574

[Township or Borough] Polk Township, **Monroe County**

Responsible Official Bill Fisher
Victoria Village Townhouse
Condominiums, Inc.
P. O. Box 1574
Brodheads ville, PA 18322-1574

Type of Facility PWS

Consulting Engineer Charles H. Niclaus, PE
Niclaus Engineering Corporation
804 Sarah Street, Suite 201
Stroudsburg, PA 18360

Application Received Date 02/26/2016

Description of Action Installation of Sequestration
System for Iron and Manganese
treatment at their Water Supply
System.

Application No. 1316501MA, Public Water Supply.

Applicant **Borough Of Jim Thorpe**
101 East 10th Street
Jim Thorpe, PA 18229-2582

[Township or Borough] Jim Thorpe Borough, **Carbon County**

Responsible Official Maureen Sterner, Borough
Manager
101 East 10th Street
Jim Thorpe, PA 18229-2582

Type of Facility PWS

Consulting Engineer Entech Engineering Inc.
Jonathan Hawkes, PE
201 Penn Street,
Reading, PA 19602

Application Received Date 02/26/2016

Description of Action The project consist of the
installation of new PAX water
mixer into existing tanks.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Application No. 5604503-T1, Minor Amendment.

Applicant **Hillcrest Manor MHP, LLC**
7 Commerce Center Drive
Henderson, NV 89014

[Township or Borough] Somerset Township

Responsible Official Henry Keith, Manager
Hillcrest Manor MHP, LLC
7 Commerce Center Drive
Henderson, NV 89014

Type of Facility Hillcrest Manor MHP

Consulting Engineer

Application Received Date March 10, 2016

Description of Action Transfer of the Hillcrest Manor
Estates water system from H
Manor, LLC to Hillcrest Manor
MHP, LLC.

Application No. 5611522GWR-T1, Minor Amendment.

Applicant **Hillcrest Manor MHP, LLC**
7 Commerce Center Drive
Henderson, NV 89014

[Township or Borough] Somerset Township

Responsible Official Henry Keith, Manager
Hillcrest Manor MHP, LLC
7 Commerce Center Drive
Henderson, NV 89014

Type of Facility Hillcrest Manor MHP

Consulting Engineer

Application Received Date March 10, 2016

Description of Action Transfer of the Hillcrest Manor
Estates water system 4-log
groundwater approval from H
Manor, LLC to Hillcrest Manor
MHP, LLC.

Application No. 5613504-T1, Minor Amendment.

Applicant **Hillcrest Manor MHP, LLC**
7 Commerce Center Drive
Henderson, NV 89014

[Township or Borough] Somerset Township

Responsible Official Henry Keith, Manager
Hillcrest Manor MHP, LLC
7 Commerce Center Drive
Henderson, NV 89014

Type of Facility Hillcrest Manor MHP

Consulting Engineer
 Application Received March 10, 2016
 Date
 Description of Action Transfer of the Hillcrest Manor Estates water system from H Manor, LLC to Hillcrest Manor MHP, LLC.

Application No. 0216504MA, Minor Amendment.

Applicant **Wilksburg-Penn Joint Water Authority**
 2200 Robinson Boulevard
 Pittsburgh, PA 15235
 [Township or Borough] Penn Hills
 Responsible Official Nick Bianchi, Executive Director
 Wilksburg-Penn Joint Water Authority
 2200 Robinson Boulevard
 Pittsburgh, PA 15235
 Type of Facility Water system
 Consulting Engineer Chester Engineers
 1555 Coraopolis Heights Road
 Moon Township, PA 15108
 Application Received March 11, 2016
 Date
 Description of Action Cleaning and painting of the 500,000 gallon Mission Crest water storage tank.

Application No. 0416501MA, Minor Amendment.

Applicant **Brighton Township Municipal Authority**
 1300 Brighton Road
 Beaver, PA 15009
 [Township or Borough] Brighton Township
 Responsible Official Brighton Township Municipal Authority
 1300 Brighton Road
 Beaver, PA 15009
 Type of Facility Water system
 Consulting Engineer Lennon, Smith, Souleret Engineering, Inc.
 846 Fourth Avenue
 Coraopolis, PA 15108
 Application Received March 7, 2016
 Date
 Description of Action Installation of waterline along Tuscarawas and Dutch Ridge Roads.

WATER ALLOCATIONS

Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P.S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

WA 33-1004, Water Allocations. Falls Creek Borough Municipal Authority, 117 Taylor Avenue, Falls Creek, PA 15840, Sandy Township and Borough of Falls Creek, **Jefferson County**. Water Allocation Permit application for the right to purchase 0.133 MGD, as a 30-day peak monthly flow rate, from the City of DuBois.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

**UNDER ACT 2, 1995
 PREAMBLE 1**

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907)

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

Former PPL EU Site, 10 West 8th Street, Mt. Carmel Borough, **Northumberland County**. Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, on behalf of PPL Electric Utilities Corporation, 1639 Church Road, Allentown, PA 18104, submitted a Notice of Intent to Remediate. Concentrations of polychlorinated biphenyls (PCBs) and arsenic were found in the soil at a site formerly owned by PPL Electric Utilities. The site is owned by Mount Carmel Borough and the future use of the property is for non-residential purposes. The Notice of Intent to Remediate was published in *The Daily Item* on November 20, 2015.

Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960. Charline Bass

PHA Norman Blumberg Apartments, 2311 West Jefferson Street, City of Philadelphia, **Philadelphia County**. Sarah Szymanski, REPSG, Inc., 6901 Kingsessing Avenue, Suite 201, PA 19142 on behalf of Thomas Kuhar, Philadelphia Housing Authority, 3100 Penrose Ferry Road, Philadelphia, PA 19145, Jenny Cutright, REPSG, Inc., 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of heating oil compounds. The Norman Blumberg Housing complex includes three high-rise apartment buildings. The Notice of Intent to Remediate was published in the *Philadelphia Daily News* on September 11, 2015. PF619260.

(Amended) 528—540 North 34th Street, 528—540 North 34th Street, City of Philadelphia, **Philadelphia County**. James R. Burke, Monridge Constructions, Inc., P. O. Box 26, Lenni, PA 19052 on behalf of William Loonstyn, 528—540 North 34th Street, L.P., 2048A Fairmount Avenue, Philadelphia, PA 19130 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of unleaded gasoline. The development consisted of removal of soil, the construction of five (5) attached multi-residential building with full basement and a vapor barrier, a gated parking area, and installation of water, sewer, electric, gas, and telecommunication utilities. The Notice of Intent to Remediate was published in the *Philadelphia Daily News* on January 21, 2011. PF736589.

459 West Street Road, 459 West Street Road, West Marlborough Township, **Chester County**. William Johnsvilla, Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19508, Patrick Crawford, PG, Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19508 on behalf of Annetta Mills, 459 West Street Road, Kennett Square, PA 19348 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of heating oil. The current and future use of the property is expected to be for residential use. The Notice of Intent to Remediate was published in the *Daily Local News* on November 17, 2015. PF806168.

Overbrook Plaza, 5610 Lancaster Avenue, City of Philadelphia, **Philadelphia County**. Vincent Pappalardo, Eikon Planning and Design, LLC, 221 High Street, Hackettstown, NJ 07840 on behalf of Jack Freidler, 5610 Associates, LLC, 2076 Flatbush Avenue, Marine Park, NY 11234 has submitted a Notice of Intent

to Remediate. Soil and groundwater at the site has been impacted with the release of heating oil, vocs and pah. The proposed future use of the property will be non-residential for commercial/retail purpose. The Notice of Intent to Remediate was published in the *Philly Weekly* on February 4, 2016. PF619631.

REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

Application Received for Registration under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.

General Permit Application No. WMGR097R028, Seneca Resources Corporation, 5800 Corporate Drive, Suite 300 Pittsburgh, PA 15237. The registration to operate under General Permit Number WMGR097R028 is for research and development activities to support the beneficial use or processing prior to beneficial use. The location in the application is at the CRV Pad C09-G and Brewer Fork Lane access road in **Cameron County**, Shippen Township. The project involves the beneficial use of vertical drill cutting (tophole) from natural gas wells as an aggregate in a stabilized soil pavement for construction of Marcellus Shale well pads and access roads. The registration was deemed administratively complete by Central Office on March 15, 2016.

Written comments concerning the renewal application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on General Permit Number WMGR097R028" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Telephone 412-442-4000.

Permit ID No. WMGR123SW019. Hydro Recovery, LP, 1975 Waddle Road, State College, PA 16803-1639. Modification to the existing registration for processing and beneficial use of oil and gas liquid waste proposed in Hanover Township, **Washington County**. Application was received in the Regional Office on December 30, 2015.

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

Permit Application No. 101587-A161. County Waste of Pennsylvania, LLC, 4 Enterprise Avenue, Clifton Park, NY 12065, West Mahanoy Township, **Schuylkill County**. An application for permit reissuance to transfer the permit for the North Schuylkill Transfer Station to County Waste of Pennsylvania, LLC. The application was received on February 29, 2016 and accepted as complete by the Regional Office on March 14, 2016.

Comments concerning the application should be directed to Roger Bellas, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an “integrated” plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of the application, the Department’s analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department’s Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) 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

09-0236: Covanta Metals Management (500 Middle Drive, Fairless Hills, PA 19030), Falls Township, **Bucks County**. The Plan Approval application is for the installation and operation of a non-ferrous metals processing facility. The pollutant of concern is Particulate Matter (PM) as the process consists of receiving large amounts of non-ferrous metal. The metal will be moved around within the warehouse by diesel powered heavy equipment. The metal will be separated out through various techniques by using various process lines each giving off small amounts of PM emissions. Covanta is a minor facility for PM emissions. The facility will operate inside a warehouse under negative pressure and will control all PM emissions with five (5) dust collectors. The Plan Approval will contain monitoring, recordkeeping and operating restrictions designed to minimize emissions and 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

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department of Environmental Protection (DEP) intends to issue a Plan Approval to **Moxie Freedom LLC** (565 Fifth Ave., 29th Floor, New York, NY 10017), for their facility located in Salem Township, **Luzerne County**, Pennsylvania and is soliciting comments on the above plan approval.

Moxie Freedom, LLC has submitted an application to the Pennsylvania Department of Environmental Protection (Department) to incorporate 247 tons per year of nitrogen oxide (NO_x) emission reduction credits (ERCs)

and 90 tons per year of volatile organic compound (VOC) ERCs prior to the commencement of operation at their proposed facility. The proposed facility's Plan Approval 40-00129A was issued on September 1, 2015, to Moxie Energy LLC for construction of a natural gas-fired combined-cycle power plant to produce approximately 1,050 MWs at the Moxie Freedom Generation Plant located in Salem Township, Luzerne County. The NO_x ERCs were acquired from First Energy Solutions Corporation's Armstrong County, Pennsylvania facility and the VOC ERCs were acquired from Graphic Packaging's Saratoga Springs, Saratoga County, New York facility. The Department intends to issue Plan Approval 40-00129B to Moxie Freedom, LLC to incorporate 247 tons of NO_x ERCs and 90 tons of VOC ERCs for the Moxie Freedom Power Project located in Salem Township, Luzerne County. This plan approval proposes to offset the total of the net increase in potential to emit for NO_x and VOC in order to make the ERCs federally enforceable prior to the ERCs expiring.

The Department's review of the information submitted by Moxie Freedom, LLC indicates that the ERCs acquired by Moxie will comply with the requirements of 25 Pa. Code § 127.208 pertaining to ERC use and transfer requirements. Based on these findings, the Department intends to approve the application and issue a plan approval for the transfer and use of the ERCs.

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 18711.

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.: 40-00129B 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 Raymond Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

40-00013A: Downs Racing LP (1 Mohegan Sun Blvd., Uncastle, CT 06382) for the installation of three boilers, two diesel emergency generators, one fire pump and one natural gas generator at their facility located in Plains Twp., **Luzerne County**. This Plan Approval No. 40-00013A will be incorporated into a State Only Permit at a later date. The company shall be subject to and comply with 25 Pa. Code § 123.41 for visible emissions. The company shall be subject to and comply with 25 Pa. Code § 123.22 for Sulfur Compound Emissions. The company is subject to NSPS Subpart Dc requirements for the boilers. The generators are subject to 40 CFR Part 60, Subpart IIII requirements. 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.

The Plan approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements. For further details, contact Ray Kempa at (570) 826-2511 within 30 days after publication date.

Southcentral Region: Air Quality Program, 909 Elmerton 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

22-05012E: ArcelorMittal Steelton, LLC (215 S. Front Street, Steelton, PA 17113) for a furnace modification project at the Steelton plant in Steelton Borough, **Dauphin County**. This Plan Approval will authorize modifications to Plan Approval No. 22-05012C, without any emissions increase, to retain the 35" Mill Reheat Furnaces 3 & 4 (Source ID 301). Source ID 301 was to be shut down as per previously issued Plan Approval 22-05012C. The creditable emissions decrease from the partial shutdown of Source ID 401 is being used for internal netting for the construction and operation of a new natural gas fired walking beam reheat furnace (WBF), Source ID 311. The plan approval will contain emission standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into a Title V 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

26-00597A: Bullsken Stone & Lime, LLC (117 Marcia Street, Latrobe, PA 15650) Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department intends to issue Air Quality Plan Approval 26-00597A to allow the construction of a stationary nonmetallic mineral processing plant at the existing Bullsken No. 1 Mine located in Bullsken Township, **Fayette County**.

Potential emissions from the project are not expected to exceed 11.48 tons of nitrogen oxides (NO_x), 0.5 ton of carbon monoxide (CO), 48.32 tons of particulate matter less than 10 microns in diameter (PM₁₀), and 0.03 ton of total hydrocarbons. Best available technology (BAT) for the nonmetallic mineral processing plant includes being operated and maintained at all times in a manner consistent with good operating practice and water spray dust suppression systems. The authorization is subject to State regulations including 25 Pa. Code §§ 123.1, 123.2, 123.21, 123.31 and 123.41; Federal New Source Performance Standards (NSPS) including 40 CFR Part 60 Subpart OOO for nonmetallic mineral processing plant and Subpart IIII for stationary compression ignition

internal combustion engines; and National Emission Standards for Hazardous Air Pollutants (NESHAPS) including Subpart ZZZZ for stationary internal combustion engines.

Plan Approval has been conditioned to ensure compliance with all applicable rules. This includes testing, work practice, monitoring, recordkeeping, and reporting conditions. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for a State Only Operating Permit in accordance with 25 Pa. Code Subchapter F.

The plan approval application, the Department's review memorandum, the proposed plan approval, and other relevant information are available for review by any interested party at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review, please contact Phil Bouse at 412.442.4000.

A person may oppose the proposed plan approval by filing a written protest with the Department through Alexander Sandy, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222; asandy@pa.gov; or fax 412.442.4194. 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-26-00597A), and concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based. All comments must be received prior to the close of business 30 days after the date of this publication.

The Department may, in its discretion, hold a fact finding conference or hearing at which the petitioner, and any person who has properly filed a protest as described above, may appear and give testimony; provided, however, that in no event will the Department be required to hold such a conference or hearing.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507

35-00007: PA DPW/Clarks Summit State Hospital (1451 Hillside Drive, Clarks Summit, PA 18411-9505) The Department intends to issue a renewal Title V Operating Permit for a hospital facility in Newton Township, **Lackawanna County**. The facility's main sources include two (2) anthracite coal fired boilers, three (3) natural gas/#2 fuel oil fired boilers, one (1) ash handling system, five (5) diesel fired emergency generators, and six (6) propane fired emergency generators. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. The proposed Title V Operating Permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

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

Contact: Tom Joseph, Permitting Chief—Telephone: 412-442-4336

03-00125: The Peoples Natural Gas Company (1201 Pitt St., Pittsburgh, PA 15221-2029). In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a renewal Title V Operating Permit (TV-03-00125) to The Peoples Natural Gas Company, LLC (Peoples) for the operation of the Valley Compressor Station, located in Cowanshannock Bend Township, **Armstrong County**.

The main sources of emissions at the facility include a 660 bhp Ingersoll-Rand Model #KVG-62 compressor engine, a 1,320 bhp Ingersoll-Rand model #KVS-48 compressor engine, a 600 bhp Cooper Bessemer model #GMV-6 compressor engine, a 400 bhp Cooper Bessemer model #GMV-4 compressor engine, and a CAT model #G3406TA emergency generator engine. The station also operates miscellaneous process equipment, a TEG Dehydration Boiler, a TED Dehydration Still, miscellaneous combustion equipment, a 2,000 gallon methanol storage tank, two (2) 55-gallon parts washers, and a 2,000 gallon ethylene glycol 50/50 storage tank. The dehydration boiler is controlled by a thermal oxidizer.

The Valley Compressor Station is a major facility subject to the operating permit requirements of Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G. In 2014, Peoples reported emitting the following type and quantity of air contaminants (on an annual basis) from the Valley Compressor Station: 16.57 tons of carbon monoxide (CO), 42.38 tons of nitrogen oxides (NO_x), 1.87 ton of particulate matter, 10-micron (PM₁₀), 1.87 ton of particulate matter, 2.5-micron (PM_{2.5}), 0.04 ton of sulfur oxides (SO_x), 24.02 tons of volatile organic compounds (VOC), 2.17 tons of formaldehyde (a hazardous air pollutant or HAP), 0.05 ton of benzene (HAP), 2.57 tons of hexane (HAP), 0.01 ton of methanol (HAP), and 0.03 ton of toluene (HAP) for a total of 5.65 tons of HAPs combined, 1.14 ton of ammonia, 0.63 ton of particulate matter, condensable, and 8,464.63 tons of greenhouse gases (GHGs).

The emission restrictions and testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 61, 63, and 70, and 25 Pa. Code Chapters 121—145.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review must be made by calling 412-442-4000.

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the operating permit or a proposed condition thereof, by filing such submissions in writing with the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All requests for a public hearing, and all protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). A protest must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (Title V Operating Permit 03-00125) and a

concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Written comments, protests, and requests for a public hearing should be directed to Nicholas J. Waryanka, Air Quality Engineer, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Nicholas J. Waryanka at (412) 442-4172.

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

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

Contact: Tom Joseph, Permitting Chief—Telephone: 412-442-4336

26-00562: Northwest Hardwoods, Inc. (11117 Skyline Drive, Titusville, PA 16354), for a facility-wide Natural Minor Operating Permit renewal, for the operation of a saw mill located in South Union Township, **Fayette County**. The facility's air contamination sources consist of one (1), 15.4 MMBtus/hour wood-fired boiler, with particulate emissions controlled by a multiple cyclone system, one (1) 8.5 MMBtus/hour natural gas-fired boiler, sawdust collection and storage operation, and excess sawdust loadout operation. Particulate emissions from each of the two sawdust operations are controlled by individual cyclones. Emissions from the facility are 36.27 tons of CO, 13.32 tons of NO_x, 8.46 tons of PM₁₀, 6.04 tons of PM_{2.5}, 2.63 tons of VOC, and 1.69 ton of SO₂ per year. The facility is limited to a maximum opacity from any processing equipment of 20 percent. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145 and the applicable requirements of 40 CFR, Part 60, Subpart Dc (Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.) and 40 CFR, Part 63, Subpart JJJJJ (National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.). The permit includes emission limitations, and operational, monitoring, reporting, and recordkeeping requirements for the facility.

Northwest Hardwoods, Inc.'s State Only Operating Permit renewal application, the Department's Air Quality Review Memorandum, and the proposed Air Quality State Only Operating Permit 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 State Only Operating Permit renewal 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 State Only Operating Permit for this project, a person may contact Phil Bouse at pbouse@pa.gov or 412.442.4000.

Any person may submit comments, requests for the Department to hold a public hearing, or protests to the operating permit or a proposed condition thereof, by filing such submissions in writing to the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 26-00562) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Comments, protests and requests for a public hearing should be directed to Martin L. Hochhauser, P.E., Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. (mhochhause@pa.gov, fax 412.442.4194).

63-00491: Pa. System of Higher Education (250 University Avenue, California, PA 15419), for a facility-wide Natural Minor Operating Permit renewal for the operation of a university campus containing a boiler house, known as California University, located in California Borough, **Washington County**. This notice is being reposted. The facility contains air contamination sources consisting of three boilers as primary sources. Each of these boilers (Boilers #4, #5, and #6, Source IDs 031, 032, and 033, 17.5 MMBtus/hr each) is natural gas-fired with distillate oil backup. The facility also contains 24 emergency, generator engines. 7 engines are compression ignition, diesel, with rated capacities totaling 2,957-bhp and 17 engines are spark ignition, with rated capacities totaling 1,814-bhp. In addition there are 52 natural gas burners with a total rated capacity of 20.6 MMBtus/hr. Facility emissions are 28.0 tons of CO, 32.4 tons of NO_x, 3.5 tons of PM₁₀, 3.5 tons of PM_{2.5}, 3.0 tons of VOC, 2.4 tons of SO₂, 0.9 ton of all HAPs combined, and 40,813 tons of CO_{2e} per year. The facility is limited to a maximum opacity from any equipment of 20 percent. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145 and the applicable requirements of 40 CFR, Part 60, Subpart Dc (Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.) and Part 63, Subpart ZZZZ (National Emission Standards for Hazardous Pollutants for Stationary Reciprocating Internal Com-

bustion Engines) and Subpart JJJJJ (National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources). The permit includes emission limitations, and operational, monitoring, reporting, and recordkeeping requirements for the facility.

The Pa. System of Higher Education's State Only Operating Permit renewal application, the Department's Air Quality Review Memorandum, and the proposed Air Quality State Only Operating Permit 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 State Only Operating Permit renewal 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 State Only Operating Permit for this project, a person may contact Phil Bouse at pbouse@pa.gov or 412.442.4000.

Any person may submit comments, requests for the Department to hold a public hearing, or protests to the operating permit or a proposed condition thereof, by filing such submissions in writing to the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 63-00491) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Comments, protests and requests for a public hearing should be directed to Martin L. Hochhauser, P.E., Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. (mhochhause@pa.gov, fax 412-442-4194).

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6940

43-00305: Champion Carrier Corporation (2755 Kirila Blvd., Hermitage, PA 16148-9019) to issue a renewal State Only Operating Permit for the facility located in Hermitage City, **Mercer County**. The facility is a Synthetic Minor. The VOC emissions from the facility are limited to 23.19 TPY. MIBK is limited to 9.8 TPY. Total

HAP emissions are limited to 15.0 TPY. The primary sources at the facility include natural gas heating, two spray booths, and clean-up operations. The conditions of Plan Approval 43-0305C are included in the permit. The renewal permit contains emission restrictions, monitoring, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

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

15-00115: QVC, Inc. (1200 Wilson Drive, MC 169, West Chester, PA 19380) on January 21, 2016, for an administrative amendment to correct the applicable regulatory requirements for two (2) boilers at this location in West Goshen Township, **Chester County**.

PLAN APPROVALS

Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. These actions may include the administrative amendments of an associated operating permit.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507

Notice is hereby given 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 **Pierson-Middleport LLC** (Middleport Quarry) (730 Mountain Road, Middleport, PA 17953) for their facility located in Walker Twp., **Schuylkill County**. This Plan Approval No. 54-00084A will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 54-00084A is for the modification of existing stone crushing plant operating at the facility. Modification involves installation and operation of additional stone crushing equipment at the Middleport Quarry. The new stone crushing equipment shall be subject to and comply with NSPS Subpart OOO requirements emissions. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

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.: 54-00084A 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 Raymond Kempa, Environment Group Manager, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

48-00052A: New Enterprise Stone & Lime Co., Inc. dba Eastern Industries Inc. (3724 Crescent Ct., West, Suite 200, Whitehall, PA 18052) for their facility in the City of Bethlehem, **Northampton County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to New Enterprise Stone & Lime Co., Inc. dba Eastern Industries Inc. (3724 Crescent Ct. West, Suite 200, Whitehall, PA 18052) for their facility in the City of Bethlehem, Northampton County. This Plan Approval No. 48-00052A will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 48-00052A is for the construction and operation of a hot mix asphalt plant fueled by natural gas/#2 oil/waste derived liquid fuel and includes one (1) baghouse as an air pollution control device. Particulate Matter (PM) emissions from the plant will remain under their 100 TPY threshold limit, 12-month rolling sum. The company shall be subject to and comply with 25 Pa. Code § 123.13 for PM emissions. These limits will meet BAT requirements for this source. The company shall also be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

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.: 48-00052A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania*

Bulletin or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Group Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, 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. 32090201 and NPDES Permit No. PA0262854, Britt Energies, Inc., P. O. Box 515, Indi-

ana, PA 15701, renewal of a bituminous surface refuse reprocessing mine in Conemaugh Township, **Indiana County**, affecting 11.9 acres. Receiving streams: Unnamed tributaries to/and Sulfur Run, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 9, 2016.

New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500

63090101 and NPDES Permit No. PA0251941. Amerikohl Mining, Inc. (1384 State Route 711, Stahlstown, PA 15687). Renewal application for reclamation only to an existing bituminous surface mine, located in Nottingham Township, **Washington County**, affecting 399.3 acres. Receiving streams: unnamed tributaries to Mingo Creek and Sugar Run, classified for the following use: HQ-TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: March 3, 2016.

65090102 and NPDES Permit No. PA0251640. Coal Loaders, Inc. (210 East Main Street, Ligonier, PA 15658). Renewal application for reclamation only to an existing bituminous surface mine, located in Bell Township, **Westmoreland County**, affecting 184.6 acres. Receiving streams: unnamed tributaries to Wolford Run and Kiskiminetas River, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: March 4, 2016.

02100102 and NPDES Permit No. PA0252000. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258). Renewal application for reclamation only to an existing bituminous surface mine, located in Jefferson Hills Borough, **Allegheny County**, affecting 35.3 acres. Receiving streams: unnamed tributaries to Monongahela River, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: March 9, 2016.

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

Permit No. 54851601R6. Superior Coal Preparation Co-Op, LLC, (184 Schwenks Road, Hegins, PA 17938), renewal of an existing anthracite coal preparation plant operation in Hegins and Hubley Townships, **Schuylkill County** affecting 19.0 acres, receiving stream: Pine Creek, classified for the following uses: cold water and migratory fishes. Application received: March 4, 2016.

Permit No. 54-305-024GP12R. Superior Coal Preparation Co-Op, LLC, (184 Schwenks Road, Hegins, PA 17938), renewal application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 54851601 in Hegins and Hubley Townships, **Schuylkill County**. Application received: March 4, 2016.

Permit No. 54060101R2. Blaschak Coal Corp., (PO Box 12, Mahanoy City, PA 17948), renewal of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Mahanoy Township, **Schuylkill County** affecting 1,043.2 acres, receiving stream: Mahanoy Creek, classified for the following uses: cold water and migratory fishes. Application received: March 8, 2016.

Permit No. 49860102R5. Farragut Anthracite Company, (122 Wilburton Road, Mt. Carmel, PA 17851), renewal of an existing anthracite surface mine, refuse reprocessing, refuse disposal and preparation plant operation in Coal and Zerbe Townships, **Northumberland County** affecting 814.6 acres. Receiving stream: unnamed tributary to Carbon Run, classified for the following uses: cold water and migratory fishes. Application received: March 8, 2016.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

<i>Parameter</i>	<i>Table 2</i>		
	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

57000301 and NPDES PA0242811. H&K Group, Inc. (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474). NPDES renewal for continued operation and reclamation of a large noncoal surface mine site located in Cherry Township, **Sullivan County** affecting 157.3 acres. Receiving stream(s): Unnamed Tributary to Birch Creek to Loyalsock Creek. Application received: February 24, 2016.

53112802 and NPDES PA0257656. Stanley, Gary, and Dave Goodwin DBA Goodwin & Sons (1815 US RT 6 West, Roulette, PA 16746). NPDES renewal for continued operation and reclamation of a small noncoal surface mine site located in Roulette Township, **Potter County** affecting 13.9 acres. Receiving stream(s): Unnamed Tributary to the Allegheny River. Application received: February 25, 2016.

41910301 and NPDES PA0269719. P-Stone, Inc. (P. O. Box 254, 1430 Route 880 Highway, Jersey Shore, PA 17740). NPDES application for operation and reclamation of a large noncoal surface mining site located in Limestone Township, **Lycoming County** affecting 108.0 acres. Receiving stream(s): None. Receiving watershed: Antes Creek classified as EV Existing Use under Chapter 93. Application received: February 17, 2016.

4777SM1 and NPDES PA0269727. P-Stone, Inc. (P. O. Box 254, 1430 Route 880 Highway, Jersey Shore, PA 17740). NPDES application for operation and reclamation of a large noncoal surface mining site located in Limestone Township, **Lycoming County** affecting 89.17 acres. Receiving stream(s): None. Receiving watershed: Antes Creek classified as EV Existing Use under Chapter 93. Application received: February 17, 2016.

New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500

65900402 and NPDES Permit No. PA0591777. Hanson Aggregates BMC, Inc. (2200 Springfield Pike, Conellsville, PA 15425). NPDES renewal application for continued mining to an existing large noncoal underground and surface mine, located in Derry and Fairfield Townships, **Westmoreland County**, affecting 1,791.2 acres. Receiving streams: unnamed tributaries to Conemaugh River (WWF), Tannery Hollow (CWF), Harbridge Run (CWF), Freeman Run (TSF) and Dry Run (HQ-CWF). The potable water supply intake within 10 miles downstream from the point of discharge: Torrance and Bolivar Reservoirs. Renewal application received: March 2, 2016.

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

Permit No. 38950301C4 and NPDES No. PA0223646. H & K Group, Inc., (PO Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Cornwall Township, **Lebanon County** affecting 175.5 acres, receiving stream: unnamed tributary to Snitz Creek, classified for the following use: trout stock fishes. Application received: March 7, 2016.

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 addi-

tional 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

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

NPDES No. PA0225614 on Surface Mining Permit Number 40663024. Coal Contractors (1991), Inc., (PO Box 39, Hazleton, PA 18201), renewal of an NPDES permit for an anthracite surface mine operation in Hazle Township, **Luzerne County**, affecting 641.0 acres, receiving stream: Hazle Creek, classified for the following use: HQ—migratory fishes. Application received: December 23, 2015. There is no discharge proposed to Hazle Creek from this site. Non-discharge BMP's will apply to this site.

NPDES Permit No. PA0225207 on Surface Mining Permit No. 40663023. Pagnotti Enterprises, Inc., (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an NPDES Permit for an anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Hazle Township, **Luzerne County**, affecting 640.0 acres. Receiving stream (no discharge): Hazle Creek, Middle Lehigh River Watershed, TMDL—Metals and pH, classified for the following use: HQ—cold water and migratory fishes. Application received: January 19, 2016. Non-discharge BMP's will apply to this site.

NPDES Permit No. PA0225215 on Surface Mining Permit No. 40663025. Pagnotti Enterprises, Inc., (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an NPDES Permit for an anthracite surface mine and coal refuse reprocessing operation in Foster Township, **Luzerne County**, affecting 347.3 acres. Receiving streams: Oley Creek and Pond Creek, classified

for the following use: HQ—cold water fishes. Application received: February 29, 2016. Non-discharge BMP's will apply to this site.

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.

E46-1131. Couzzin's 4 LLC, P. O. Box 554, Gwynedd Valley, PA 19437, Lower Gwynedd Township, **Montgomery County**; ACOE Philadelphia District.

To perform the below listed water obstruction and encroachment activities associated with the construction of eleven (11) carriage homes within the floodway of Willow Run Creek (TSF, MF). Specific water obstructions and encroachment are:

1. To fill, temporarily impact approximately 0.0070 acre, and permanently impact 0.3348 acre of wetlands to facilitate the project objectives.
2. To permanently impact approximately 62 linear feet of stream and temporarily impact approximately 38 linear feet of stream to facilitate the project objectives.

3. To construct and maintain an 8-inch diameter sanitary utility pipe crossing wetlands and a UNT Willow Run to serve the proposed development.

4. To extend and maintain by approximately 29 linear feet an existing 18-inch diameter culvert under the proposed road.

5. To construct and maintain two out fall structures as part of the discharge points to manage stormwater activities on the proposed development.

6. To construct and maintain approximately 10 linear feet and approximately 4.5 feet high of retaining wall as streambanks stabilization for a segment of the UNT Willow Run to facilitate the project objectives

7. To provide for wetland mitigation on site at a rate of 2.7:1 to compensate for the proposed wetland impacts associated with the overall project

The proposed project is located on the western side of Penllyn Pike approximately one tenth of a mile southwest of the intersection Penllyn and Bethlehem Pike in Lower Gwynedd Township, Montgomery County, (USGS Quadrangle PA Ambler -Latitude 40° 11' 03" -Longitude 75° 13' 47.9").

E46-1132. New Hanover Township Authority, 2990 Fagleysville Road, Gilbertsville, New Hanover Township, **Montgomery County**; ACOE Philadelphia District.

To perform the below listed water obstruction and encroachment activities associated with the New Hanover Municipal Authority West Branch Interceptor Upgrade Project:

1. To install and maintain assorted segments of 8-inch, 10-inch and 12-inch diameter sanitary pipes, running a proposed total of 8,000 linear feet in the floodway and crossing approximately 429 feet of UNT to Swamp Creek (TSF-MF) replacing assorted segments of 12-inch and 16 inch old pipes.

2. To temporarily impact approximately 0.04 acre, and permanently impact 1.55 acre of wetlands to facilitate the pipe installation.

3. To conduct digging, excavation and modification work to existing sanitary manholes located within the floodway of the stream to accommodate the replacement pipe work.

The pipe work commences at Manhole 359, West of Rhodes Road by the UNT to Swamp Creek and runs eastward crossing the stream and several of its tributaries 16 times ending at Manhole 326, northeast of Swamp Pike in New Hanover Township, Montgomery County, (USGS Quadrangle PA Sassamansville—Latitude 40° 16' 53" -Longitude 75° 34' 46").

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E45-599. Stroud Township, 1211 North Fifth Street, Stroudsburg, PA 18360, in Stroud Township, **Monroe County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a 52.25-foot wide single-span composite prestressed concrete spread box beam bridge across Wigwam Run (HQ-CWF, MF) having approximately a 28.04-foot span and a 5.5-foot underclearance with wing walls and riprap protection. The project is located approximately 0.1 mile north of the SR 611 and Wigwam Park Road

intersection (Saylorsburg, PA Quadrangle, Latitude: 40°59'54.1"; Longitude: -75°15'29").

E40-779. Pennsylvania Department of Transportation, Engineering District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512, in Exeter Township, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To remove the existing retaining wall structure; and to construct and maintain a rip rap stream embankment along with a pre-cast modular retaining wall along two sections of Hicks Creek (CWF, MF) for a total distance of 251 linear feet. The project is located along S.R. 1025, Section SLD, Segment 0030, Offset 2100 (Pittston, PA Quadrangle, Latitude: 41°20'8"; Longitude: -75°50'5").

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.

E44-148: PA Department of Conservation of Natural Resources (DCNR) in Armagh Township, **Mifflin County**, U. S. Army Corps of Engineers Baltimore District.

The project proposes to:

(1) Install and maintain a utility line stream crossing of an Unnamed tributary (UNT) to Honey Creek (HQ-CWF/MF) via directional drilling, impacting less than 0.01 acre of the stream and floodway (Latitude: 40° 43' 26", Longitude: -77° 28' 27");

(2) Install and maintain a utility line stream crossing of a UNT to Honey Creek (HQ-CWF/MF) via directional drilling, impacting less than 0.01 acre of the stream and floodway (Latitude: 40° 43' 20", Longitude: -77° 28' 26");

(3) Demolish an existing 0.16 acre sewer lift station located within the floodway and floodplain of Honey Creek (HQ-CWF/MF) (Latitude: 40° 43' 16", Longitude: -77° 28' 34");

(4) Install and maintain a septic tank, pump station and forcemain for an existing bathroom within the floodplain of Honey Creek (HQ-CWF/MF) impacting 0.12 acre of floodplain (Latitude: 40° 43' 17", Longitude: -77° 28' 34");

(5) Remove nine (9) manholes within the floodway of Honey Creek (HQ-CWF/MF) impacting 0.02 acre of floodway;

(6) Remove four (4) manholes located within the floodplain of Honey Creek (HQ-CWF/MF) impacting 0.01 acre of floodplain;

(7) Remove two (2) manholes located within the floodway of the UNT of Honey Creek (HQ-CWF/MF) impacting 0.01 acre of floodway; and,

(8) Abandon 2,314 linear feet of existing sewer pipes within the floodway of Honey Creek (HQ-CWF/MF), a UNT to Honey Creek (HQ-CWF/MF), and the floodplain of Honey Creek (HQ-CWF/MF).

The project is located within Reeds Gap State Park south of New Lancaster Valley Road (S.R. 1002) at the intersection of State Park Road (Alfarata, PA Quadrangle, Latitude: 40°43'23", Longitude: -77°28'30") in Armagh Township, Mifflin County. The purpose of the project is to construct two (2) new on-lot sewage disposal systems to replace an existing wastewater treatment plant. The existing wastewater treatment plant and a comfort station will be demolished as part of the project. No wetlands will be impacted by this project.

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E14-565. Ferguson Township, 3147 Research Drive, State College, PA 16801. Suburban Avenue, in Ferguson Township, **Centre County**, ACOE Baltimore District (Julian, PA Quadrangle N: 40°48'35"; W: -77°53'21").

To: 1a) remove an existing undersized stormwater conveyance system comprised of a 24 inch diameter 148.04 foot long CMP, a 48 inch diameter 70.10 foot long CMP and a 48 inch by 30 inch by 59.43 foot long CMPA and its appurtenant inlets, outlets and junction boxes, 1b) construct and maintain a 48 inch diameter 276 foot long HDPE pipe stormwater conveyance system with its appurtenant inlet/outlet structures and riprap, 2a) the removal a 24 inch diameter 31.60 foot long CMP, 2b) construct and maintain a 24 inch diameter 50 foot long HDPE pipe and a 24 inch diameter 81 foot long HDPE pipe stormwater conveyance system with its appurtenant junction boxes and outlet, to safely convey the 100-year storm flows in a 100-year FEMA flood plain by separating two merging stormwater conveyance system into two separate stormwater conveyance systems located near the intersection of Suburban Avenue and Allen Street, in order reduce flooding in the area. This project proposes to: 1) temporarily impact 316 LF of an unnamed tributary to Big Hollow Run and 0.0 acre of wetland, 2) permanently impact 323 LF of an unnamed tributary to Big Hollow Run and 0.0 acre of wetland, which are classified as a Cold Water Fishery.

E19-312. Borough of Catawissa, 307 Main Street, Catawissa, PA 17820. The site is situated off of PA 42 toward Catawissa, along South 1st Street, Borough of Catawissa, **Columbia County**, ACOE Baltimore District (Catawissa, PA Quadrangle Latitude: 40.951274; Longitude: -76.466057).

The Borough of Catawissa has applied for a joint permit to construct a new 1,200 sf building within the wastewater treatment plant. The new control building will be situated between the new genitor building and the existing treatment facilities which will contain the power and controls of the existing process equipment. The building is to be built at least 18" above flood levels. A portion of the property is to be filled to accommodate the new building.

E59-529. Richmond Township, 563 Valley Road, Mansfield, PA 16933. Fish Road Bridge Replacement along Mann Creek in Richmond Township, **Tioga County**, ACOE Baltimore District (Mansfield, PA Quadrangle Lat: 41° 49' 12"; Long: -77° 6' 15").

To remove the existing structure & construct, operate and maintain a new permanent stream crossing along Fish Road in Richmond Township, Tioga County. The work involves the replacement of an existing single-span steel I-beam bridge with a single-span Corrugated Aluminum Structural Plate Pipe Arch (CASPPA). The project will also include minor roadway work, installation of safety features, and scour protection.

1. The new structure will be constructed approximately 40 feet downstream from the existing.

2. A permanent stream crossing using a CASPPA culvert impacting 75 linear feet of Mann Creek and 1,500 square feet of its floodway.

3. A temporary cofferdam impacting 72 linear feet of West Branch Wallis Run and 872 square feet of its floodway.

The proposed crossings will not permanently impact wetlands, cultural or archaeological resources, national/state/local parks, forests recreational areas, landmarks wildlife refuge, or historical sites. Mann Creek is classified with a designated use of Cold Water Fishery (CWF).

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E32-509, Indy-Apple, LLC, 329 South Main Street, Suite B, Doylestown, PA 18901, White Township, **Indiana County**, ACOE Pittsburgh District.

Has been given consent to:

1. Place and maintain fill in 0.004 acre of a PEM wetland (aka Wetland 1A);

2. Place and maintain fill in 0.02 acre of PEM wetland (aka Wetland 2);

3. Place and maintain fill within 14 linear feet of an Unnamed Tributary (UNT) to McCarthy Run (CWF) (aka UNT 1 to tributary 44232 to McCarthy Run);

4. Place and maintain fill within 31 linear feet of the floodway of a UNT to McCarthy Run (CWF) (aka Tributary 44232 to McCarthy Run).

The project will permanently impact 14 linear feet of UNTs to McCarthy Run and 0.024 acre of PEM wetlands for the purpose of building a hotel, two (2) restaurants and the associated parking lots for these businesses. The project is located on Oakland Avenue near the intersection of Oakland Avenue and Indian Springs Road (Indiana, PA USGS Topographic Quadrangle; Latitude: 40° 36' 2.911"; Long: -79° 11' 18.51"; Sub-basin: 18D; Chapter 93 Type: CWF), in White Township, Indiana County.

E65-972, West Newton Borough, 112 South Water Street, West Newton, PA 15089, West Newton Borough, **Westmoreland County**, ACOE Pittsburgh District.

Has been given consent to:

Construct and maintain a 12 foot high and 85 foot long retaining wall along an unnamed tributary to the Youghiogheny River (WWF), and to construct and maintain 65 feet of R-7 riprap at the upstream end of this wall, 82 feet of R-7 riprap along the front of the wall, and 65 of R-7 riprap at the downstream end of this wall, for the purpose of stabilizing an eroding stream bank. Three sediment bars, 150 square feet, 100 square feet, and 40 square feet in area will be removed from the stream during construction. In total, approximately 250 feet of watercourse will be impacted by this project. The project is located at 100 Pemberton Place (Donora, PA USGS topographic quadrangle; Latitude: 40° 12' 22"; Longitude: -79° 46' 36"; US Army Corps of Engineers, Pittsburgh District; Sub-basin 19D), in West Newton Borough, Westmoreland County.

Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

E25-777, Mukina Realty Corporation, 5401 Gibson Hill Road, Edinboro, PA 16412. Highland Estates, in Washington Township, **Erie County**, ACOE Pittsburgh District (Edinboro North, PA Quadrangle N: 41°, 55', 00.3"; W: 80°, 06', 43.9").

Applicant proposes to construct a 26 lot residential development with associated grading, roadways, utilities, and stormwater management facilities. Project will result in permanent impacts to 0.388 acre of wetland. Creation of 0.44 acre of new wetland on site is proposed as mitigation for the project impacts.

District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E6629-025: Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, Meshoppen Township, **Wyoming County**, ACOE Baltimore District.

To construct, operate and maintain the North Marcellus Smurkoski/Ruth Temporary Waterline Project, which consists of one temporary waterline to be used to convey water between two natural gas well pads, with the following impacts:

1. 20.0 linear feet of a UNT to Little Meshoppen Creek (CWF) via an above grade utility line crossing (Auburn Center, PA Quadrangle, Latitude: N41°37'56.79", Longitude: W76°03'42.02");
2. 1.0 linear feet of a UNT to Little Meshoppen Creek (CWF) via an above grade utility line crossing (Auburn Center, PA Quadrangle, Latitude: N41°37'54.91", Longitude: W76°03'24.10");
3. 17.0 linear feet of a UNT to Little Meshoppen Creek (CWF) via an above grade utility line crossing (Auburn Center, PA Quadrangle, Latitude: N41°37'55.96", Longitude: W76°03'09.60");
4. 29.0 linear feet of Little Meshoppen Creek (CWF) via an above grade utility line crossing (Auburn Center, PA Quadrangle, Latitude: N41°37'56.13", Longitude: W76°03'07.92");
5. 1.0 linear feet of a UNT to Little Meshoppen Creek (CWF) via an above grade utility line crossing (Auburn Center, PA Quadrangle, Latitude: N41°37'54.05", Longitude: W76°03'04.77");

6. 109 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands for an above grade utility line crossing and temporary access road (Auburn Center, PA Quadrangle, Latitude: N41°37'54.78", Longitude: W76°03'03.46"); and

7. 21.0 linear feet of a UNT to Little Meshoppen Creek (CWF) and 3,538 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands for an above grade utility line crossing and temporary access road (Auburn Center, PA Quadrangle, Latitude: N41°37'57.88", Longitude: W76°02'33.59").

The project will result in 89.0 linear feet of temporary stream impacts, and 3,647 square feet (0.08 acre) of temporary PEM wetland impacts all for the purpose of installing a temporary waterline to be used to convey water between two natural gas well pads for Marcellus shale development.

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335

E24-08-009/E42-08-020, Seneca Resource Corporation, 51 Zents Boulevard Brookeville, PA 15825. D08-U natural gas production well site and associated access road in Jones/Sergeant Townships, **Elk/McKean Counties**, Army Corps of Engineers Pittsburgh District (Wildwood Fire Tower, PA Quadrangle N: 41.603358; W: -78.466618).

The applicant proposes to construct and maintain a natural gas production well pad, valve site, well connect and associated access road. Water obstructions and encroachments are located only in McKean County. The water obstructions and encroachments are described below:

To construct and maintain:

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
1	One (1) permanent bridge crossing for the well pad access road to impact 82 linear feet of stream.	41.603358 -78.466618
2	One (1) permanent bridge crossing for the well pad access road to impact 60 linear feet of stream.	41.602948 -78.466522

The project will result in a total of 142 linear feet of permeant stream impacts.

ENVIRONMENTAL ASSESSMENTS

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802

E436-042: Pequea Creek Watershed Association, 1383 Arcadia Road, Room #200, Lancaster, PA 17601 in Strasburg and Providence Townships, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a stream restoration project along 2,600 feet of Big Beaver Creek (TSF, MF) including 1) seven muddills totaling 785 feet in length; 2) five cross rock vanes; 3) fifteen log/rock vanes; 4) 150 feet of gravel bar removal; 5) fifty feet of rock toe protection; 6) three livestock crossings; and 7) 5,200 feet of bank grading. The project is located immediately downstream of Beaver Valley Pike (Quarryville, PA Quadrangle, Latitude 39° 56' 11.5"N, Longitude: 76° 12' 37.8"W) in Strasburg and Providence Townships, Lancaster County. No wetlands will be impacted by this project.

E434-003: US Fish and Wildlife Service, 110 Radner Road, Suite 101, State College, PA 16801 in Fayette Township, **Juniata County**, ACOE Baltimore District.

To construct and maintain a stream restoration project along 2,847 feet of Lost Creek (HQ-CWF, MF) including 1) sixteen muddills totaling 1,444 feet in length; 2) three cross vanes; 3) five brush mattresses; 4) 38 log vanes, 5) five bankfull benches; and 6) 102 feet of bank grading, impacting 0.01 acre of palustrine emergent wetlands. The project is located along SR 35 near its intersection with Leonard Road (Mexico, PA Quadrangle, Latitude 40°37'12.3"N, Longitude: 77°18'40.7"W) in Fayette Township, Juniata County. Wetland impacts are deminimus and replacement is not required.

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

D15-182. Mr. Dean Jerrehian, Jerrehian, a PA General Partnership, 101 West Washington Street, Conshohocken, PA 19428, West Goshen Township, **Ches-ter County**, USACOE Philadelphia District.

Project proposes to rehabilitate Woodlands "A" Dam impacting approximately 0.06 acre of wetlands (PEM). The applicant has proposed to construct approximately

1.4 acre of wetlands (PEM) as compensatory mitigation for the entire development. The dam is located across Taylor Run (TSF). (Downingtown, PA Quadrangle Latitude: 39° 59' 06", Longitude: -75° 36' 24").

D15-184. Mr. Dean Jerrehian, Jerrehian, a PA General Partnership, 101 West Washington Street, Conshohocken, PA 19428, West Goshen Township, **Chester County**, USACOE Philadelphia District.

Project proposes to rehabilitate Woodlands "B" Dam impacting approximately 0.05 acre of wetlands (PEM). The applicant has proposed to construct approximately 1.4 acre of wetlands (PEM) as compensatory mitigation for the entire development. The dam is located across Taylor Run (TSF). (Downingtown, PA Quadrangle Latitude: 39° 59' 00", Longitude: -75° 36' 36").

D15-370EA. Ed McFalls, Representative, Hershey's Mill HOA, 1389 East Boot Road, West Chester, PA 19380, East Goshen Township, **Chester County**, USACOE Philadelphia District.

Project proposes to remove the Hershey Mills Dam #2 for the purpose of eliminating a threat to public safety and to restoring approximately 130 feet of stream channel to a free-flowing condition. The project is located across a tributary to Ridley Creek (HQ-TSF) (Malvern, PA Quadrangle, Latitude: 40.0049; Longitude: -75.5695).

WATER QUALITY CERTIFICATIONS REQUESTS

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481 Telephone: 814-332-6945

On February 1, 2016, the Commonwealth of Pennsylvania ("Commonwealth"), Department of Environmental Protection ("DEP") received a request for a State Water Quality Certification under Section 401 of the Federal Clean Water Act, Pennsylvania's Dam Safety and Encroachments Act, and The Pennsylvania Clean Streams Law from ITC Lake Erie Connector, LLC, 27175 Energy Way, Novi, MI 48377 ("ITC") for the construction of the Lake Erie Connector Project. The DEP file number for this request is WQ25-001. Pennsylvania's State Water Quality Certification is required for the US Army Corps of Engineers permit under Section 10 of the Rivers and Harbors Act and Section 404 of the Federal Clean Water Act, and the Department of Energy's Presidential Permit. Department of Energy is in the process of preparing the ITC Lake Erie Connector Transmission Line Environmental Assessment (DOE/EA-2019), pursuant to the National Environmental Policy Act (NEPA).

The proposed project involves construction of approximately 72.4 miles of high-voltage direct current electric transmission line between Canada and the United States of America including a total of approximately 42.5 miles of buried electric and communication cables within Pennsylvania. The cable will cross the US-Canada Border in Pennsylvania waters of Lake Erie at or near 42°, 25', 30" North Latitude, -79°, 59', 30" West Longitude and extend generally southwest approximately 35.4 miles, making landfall at or near 42°, 00', 45" North Latitude, -80°, 24', 45", West Longitude approximately 2 miles west of the mouth of Elk Creek in Springfield Township, Erie County. The cables then run underground generally south approximately 7.1 miles through Springfield, Girard, and Conneaut Townships, Erie County, to a converter station proposed to be constructed along Lexington Road with approximately 2,080 feet of buried alternating current electric lines connected to the existing Penelec Erie West electric substation in Conneaut Township, Erie County.

DEP, by this notice, proposes to grant certification with conditions that the construction, operation and maintenance of the Project by ITC complies with the applicable provisions of sections 301–303, 306 and 307 of the Federal Clean Water Act (33 U.S.C.A. §§ 1311–1313, 1316 and 1317). The Department further proposes that granting certification with conditions or limitations that the construction, operation and maintenance of the Project and regulated activities as a whole, complies with Commonwealth water quality standards. The construction, operation and maintenance of the projects will not violate applicable Commonwealth water quality standards provided that the construction, operation and maintenance of the Project and regulated activities complies with the conditions proposed for this certification with conditions, including the criteria and conditions of the following applicable permits, requirements, or authorizations required by the Department:

Discharge Permit—ITC shall apply for, obtain and comply with a DEP National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges associated with construction activities pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1–691.1001) and implementing regulations (25 Pa. Code Chapter 102).

Water Obstruction and Encroachment Permits—ITC shall obtain and comply with a PADEP 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 and Chapter 106).

Commonwealth's Coastal Resources Management Program (CRM)—The Commonwealth is required under 15 CFR Part 930, Subpart C (relating to consistency for Federal agency activities) to make a determination that the proposed Project is consistent with the Coastal Zone Management Act of 1972

Operation—For the Project and regulated activities under this conditional certification, ITC 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 all required permits and authorizations. 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 ITC.

Inspection—The Project and regulated activities, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of DEP to determine compliance with this conditional certification, including all required permits required, and Pennsylvania's State Water Quality Standards. A copy of this conditional certification shall be available for inspection by the DEP during such inspections of the Projects and regulated activities.

Reservation of Rights—DEP may suspend or revoke this conditional certification if it determines that ITC has not complied with the terms and conditions of this conditional certification. DEP may require additional measures to achieve compliance with applicable law, subject to ITC's applicable procedural and substantive rights.

Other Laws—Nothing in this conditional certification shall be construed to preclude the institution of any legal

action or relieve ITC from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal or State law or regulation.

Prior to final action on the proposed section 401 State Water Quality Certification, consideration will be given to any comments, suggestions or objections which are submitted in writing within 30 days of this notice. Comments or any correspondence concerning the conditional Section 401 State Water Quality Certification should be directed to Ms. Lori Boughton, DEP Northwest Region Waterways

and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335; 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. DEP will consider all relevant and timely comments received. Comments must be submitted within 30 days of this notice.

STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Environmental Cleanup and Brownfields, Division of Storage Tanks, PO Box 8762, Harrisburg, PA 17105-8762, within 30 days from the date of this publication. Comments may also be submitted via email to tanks@pa.gov. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.

<i>SSIP Application No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
16003	Hampel Oil Distributors, Inc. P. O. Box 12346 1245 N West Street Wichita, KS 67203 Attn: Scott C. Hampel	Indiana	Center Township	28 ASTs storing petroleum products and hazardous substances	187,200 gallons total

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

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0056430 (Storm Water)	Fort Mifflin Terminal 1818 Market Street Philadelphia, PA 19103	Delaware County Tinicum Township	Unnamed Tributary to Delaware River (3-F)	Y
PA0055468 (Sewage)	Pleasant Run MHP STP 570 Layfield Road Perkiomenville, PA 18074	Montgomery County New Hanover Township	Deep Creek (3-F)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0009253 IW	BAE Systems Land & Armaments PO Box 15512 York, PA 17405	York County West Manchester Township	Codorus Creek & UNT Codorus Creek/7-H	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?
PA0204498 (Sewage)	Rayne Township Elementary School 2535 Rte 119 Highway N Home, PA 15747	Indiana County Rayne Township	Unnamed Tributary of Crooked Creek (17-E)	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. PA0052353, Sewage, **Buckingham Township**, P. O. Box 413, Buckingham, PA 18912-0413.

This proposed facility is located Buckingham Township, **Bucks County**.

Description of Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated sewage.

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

NPDES Permit No. PA0264211, Sewage, SIC Code 8800, **Jenner Township**, 2058 Lincoln Highway, Boswell, PA 15531-4012.

This proposed facility is located in Jenner Township, **Somerset County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

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

NPDES Permit No. PA0264237, Sewage, SIC Code 8800, **Christine Paul**, 167 Sumac Drive, Madison, MS 39110-9221.

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.

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. WQG02151602, Sewage, **Valley Forge Sewer Authority**, 333 Pawlings Road, Phoenixville, PA 19460.

This proposed facility is located in East Pikeland Township, **Chester County**.

Description of Action/Activity: Construction and operation of a gravity sewer extension.

WQM Permit No. 0994409, Sewage, Transfer, **Kevin L. Hennessy**, 123 Meginnes Road, P. O. Box 123, Kintnersville, PA 18930.

This proposed facility is located in Nockamixon Township, **Bucks County**.

Description of Action/Activity: Permit transfer from Paul B. Plunkett to Kevin L. Hennessey.

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

WQM Permit No. 4815403, Sewage, SIC Code 6515, **SPG, Inc.**, 139 Country Club Road, Northampton, PA 18067.

This facility is located in Moore Township, **Northampton County**.

Description of Proposed Action/Activity: Removal of the existing chlorine contact tank and construction of an aerated chlorine contact—dechlorination tank at the Whispering Hollow North Mobile Home Park wastewater treatment facility.

WQM Permit No. 5415401, Industrial, SIC Code 2892, **Copperhead Chemicals Co. Inc.**, 120 River Road, Tamaqua, PA 18252.

This proposed facility is located in Walker Township, **Schuylkill County**.

Description of Proposed Action/Activity: Existing industrial wastewater treatment plant is being replaced with an Amphidrone treatment system.

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

WQM Permit No. 28134010, Amendment No. 1, Sewerage, **Washington Township Municipal Authority**, 11102 Buchanan Trail East, Waynesboro, PA 17268-9503.

This proposed facility is located in Washington Township, **Franklin County**.

Description of Proposed Action/Activity: Permit approval for the replacement of the Blue Ridge Summit pump station.

WQM Permit No. 3106403, Amendment No. 2, Sewerage, **Petersburg Borough Sewer Authority**, 316 King Street, PO Box 6, Petersburg, PA 16669-0006.

This proposed facility is located in Petersburg Borough, **Huntingdon County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewage facilities consisting of the upgrade of the existing treatment plant and construction of sewer extension and a pump station to serve 46 EDUs in the Logan Township.

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

WQM Permit No. 5615402, Sewage, SIC Code 8800, **Jenner Township**, 2058 Lincoln Highway, Boswell, PA 15531-4012.

This proposed facility is located in Jenner Township, **Somerset County**.

Description of Proposed Action/Activity: Construction of the Pine Run SFTF, which will serve 2 existing and 1 proposed home in Jenner Township.

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

WQM Permit No. 6215408, Sewage, SIC Code 8800, **Christine Paul**, 167 Sumac Drive, Madison, MS 39110-9221.

This proposed facility is located in Farmington Township, **Warren 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>
PAI012315009	Pennsylvania State University 139J Physical Plant Building University Park, PA 16802-1118	Delaware	Middletown Township	Unknown Tributary to Rock Run HQ-CWF-MF
PAI012315010	Sunoco Partners Marketing and Terminals, L.P. 4041 Market Street Aston, PA 19014	Delaware	Marcus Hook Borough	Delaware River WWF-MF-LWS

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01151034-R	Devon Road Partners, L.P. 950 West Valley Forge Road King of Prussia, PA 19406	Chester	Willistown Township	Crum Creek HQ-CWF-MF
PAI010916003	Thomas Trycieki 5031 Paist Road Mechanicsville, PA 18934	Bucks	Buckingham Township	Paunacussing Creek HQ-CWF-MF
PAI012315011	IMC Construction 3 Great Valley Parkway, Suite 200 Malvern, PA 19355	Delaware	Radnor Township	Ithans Creek CWF-MF
PAI014615004	Corson Street Acquisition, L.P. 3815 West Chester Pike Newtown Square, PA 19073	Montgomery	Conshohocken Borough Plymouth Township	Plymouth Creek WWF-MF
PAI01151034-R	Devon Road Partners, L.P. 950 West Valley Forge Road King of Prussia, PA 19406	Chester	Willistown Township	Crum Creek HQ-CWF-MF
PAI012316002	Monroe Energy, LLC 4101 Post Road Trainer, PA 19061	Delaware	Trainer Borough	Stony Creek WWF-MF Marcus Hook Creek WWF-MF

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025215002	Rte. 739, LLC 800 Mt. Vernon Highway Suite 140 Atlanta, GA 30328	Pike	Delaware Township	UNT to Adams Creek (EV, MF)
PAI023912012(2)	Nestle Purina Petcare c/o Jason Christoffersen 2050 Pope Road Allentown, PA 18104	Lehigh	South Whitehall Township	Jordan Creek (TSF, MF) UNT to Jordan Creek (HQ-CWF, MF)
PAI024515011	Nyles and Kitty Possinger 291 NE Belmont Pike Stroudsburg, PA 18360	Monroe	Hamilton Township	Pocono Creek (HQ-CWF, MF)
PAI024815010	Patricia and Corey Mangold 9461 Red Road Kempton, PA 19529	Northampton	Moore Township	East Branch Monocacy Creek (HQ-CWF, MF)

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041415011	Walker Land Development, Inc 1008 Stratford Court State College, PA 16801	Centre	Harris Township	Spring Creek, HQ-CWF

Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Mercer County Conservation District, 747 Greenville Rd, Mercer, PA 16137-2242

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI064310001R	Mr. Brian Yedinak PE PennDOT District 1-0 255 Elm Street PO Box 398 Oil City, PA 16301-1467	Mercer	City of Farrell, City of Sharon, Borough of Wheatland	Shenango River WWF Pine Run WWF

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from 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>
New Hanover Township Montgomery County	PAG02004615082	KTMT Realty, LP 1030 Reed Avenue, Suite 100 Wyomissing, PA 19610	Swamp Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Northampton Township Bucks County	PAG02000915065	Council Rock School District 30 North Chancellor Street Newtown, PA 18940	Mill Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Penndel Borough Bucks County	PAG02000915075	Penndel TVC-ARC, LP 329 South Main Street, Suite B Doylestown, PA 18902	Mill Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Newtown Township Bucks County	PAG02000915067	Council Rock School District 30 North Chancellor Street Newtown, PA 18940	Unknown Tributary to Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plumstead Township Bucks County	PAG02000916005	Central Bucks School District 320 Swamp Road Doylestown, PA 18901	North Branch Neshaminy Creek WWF-MF Pine Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<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>
Bensalem Township Bucks County	PAG02000915064	Heritage Management Group, Inc. 2580 Executive Road Winter Haven, FL 33884	Poquessing Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bensalem Township Bucks County	PAG02000913011	Livengrin Foundation 4833 Hulmeville Road Bensalem, PA 19020	Mill Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Buckingham Township Bucks County	PAG02000914053(1)	Zaveta Custom Homes, LLC 4030 Skyron Drive, Suite H Doylestown, PA 18902	Watson Creek CWF-MF	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>
Lehman Township Luzerne County	PAG02004015030	Timothy & Megan Rutkoski 514 Brace Road Dallas, PA 18612	Browns Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
Nanticoke City and Hanover Township, Luzerne County	PAG02004013003(1)	Michael Dziak 101 South Main Street Ashley, PA 18706	Espy Run (CWF, MF) Nanticoke Creek (CWF, MF)	Luzerne Conservation District 570-674-7991

Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.

<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>
Hampden Township Cumberland County	PAG02002115039 Issued	Smith/Packett Med-Com LLC Paul Saks 4423 Pheasant Ridge Road SW, Suite 301 Roanoke, VA 24014	Sears Run (WWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
East Lampeter Township Lancaster County	PAG02003615121 Issued	Ironstone Homes LLC 1480 Ironstone Drive East Earl, PA 17519	Conestoga River (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361 ext. 5
West Donegal Township Lancaster County	PAG02003615132 Issued	Patrick Sampsell 1 Masonic Drive Elizabethtown, PA 17022	Conoy Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361 ext. 5
Elizabethtown Borough Lancaster County	PAG02003616013 Issued	Borough of Elizabethtown 600 South Hanover Street Elizabethtown, PA 17022	Conoy Creek (WWF, TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361 ext. 5

NOTICES

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*Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*

Amity Township Berks County	PAG02000615028 Issued	Pasquale Mascaro, MB Investments 2650 Audubon Road Audubon, PA 19403	UNT to Schuylkill River (WWF)	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610.372.4657
Greenwich Township Berks County	PAG02000614030(1) Issued	Marco Folino 100 Anna Avenue Blandon, PA 19510	UNT to Mill Creek (TSF)	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610.372.4657

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701**Facility Location &
Municipality**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*

Patton Township Centre County	PAG02001415022	Sheetz Mr. Robert Franks 5700 Sixth Ave Altoona, PA 16602	UNT Big Hollow, (CWF, MF)	Centre County Conservation District 414 Holmes Ave, Ste 4 Bellefonte, PA 16823 (814) 355-6817
City of Dubois Clearfield County	PAG02001716002	J C Bar Development, LLC 415 Fallowfield Rd Suite 301 Camp Hill, PA 17011	Sandy Lick Creek, (TSF)	Clearfield County Conservation District 511 Spruce St, Ste 6 Clearfield, PA 16830 (814) 765-2629
Milton Borough Northumberland County	PAG0204491017R	Fogarty Homes 4550 Westbranch Hwy Lewisburg, PA 17837	Muddy Run, (CWF, MF)	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4
West Chillisquaque Township Northumberland County	PAG02004916002	PPL Electric Utilities Corp. 2 North 9th St Allentown, PA 18101-1139	UNT Chillisquaque Creek, (WWF, MF)	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4
East Buffalo Township Union County	PAG02006016002	Mike Derk Cornerstone Christian Fellowship 205 Bull Run Crossing Lewisburg, PA 17837	Limestone Run, (WWF)	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg, PA 17837 (570) 524-3860
Lewis Township Union County	PAG02006016003	Raymond Weaver 14790 Old Turnpike Rd Millmont, PA 17845	UNT to Buffalo Creek, (CWF, MF)	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg, PA 17837 (570) 524-3860
Buffalo Township Union County	PAG02006016004	Michael Noll 2018 Hoffa Mill Rd Lewisburg, PA 17837	UNT to Limestone Run (WWF, MF)	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg, PA 17837 (570) 524-3860

<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>
Crroyle Township, Ehrenfeld Borough, Cambria County	PAG02091116003	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Little Conemaugh River (WWF) and Unnamed Tributary to Little Conemaugh River (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>
Bristol Township Bucks County	PAR150005	BASF Corporation 6450 Bristol Pike Levittown, PA 19057	Unnamed Tributary to Delaware River—2-E	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Philadelphia City Philadelphia County	PAR900017	Clean Earth of Philadelphia LLC 3201 South 61st Street Philadelphia, PA 19153	Schuylkill River and Unnamed Tributary of Schuylkill River—3-F	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Mifflinburg Borough Union County	PAR224812	Elkay Wood Products Co. 100 Industrial Park Road Mifflinburg, PA 17844-7991	Unnamed Tributary of Mill Race—10-C	DEP North Central Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636
Beaver Falls City Beaver County	PAR216175	McDanel Advanced Ceramic Technologies, LLC 510 Ninth Avenue Beaver Falls, PA 15010	Walnut Bottom Run—20-B WWF	DEP South West Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Penn Township Westmoreland County	PAR116140	FS Elliott Co. LLC 5710 Mellon Road Export, PA 15632-8900	Unnamed Tributaries of Turtle Creek—19-A	DEP South West Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

General Permit Type—PAG-08

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Brokenstraw Township Warren County	PAG088312	Brokenstraw Valley Area Authority 770 Rouse Avenue Youngsville, PA 16371	Brokenstraw Valley Area Authority STP 620 Shannon Lane Warren, PA 16365	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-9**Facility Location:
Municipality &
County*Eldred Twp.
Monroe County*Permit No.*
PAG092207*Applicant Name &
Address*
JR Borger Inc
RD 1 Box 1473
Saylorsburg, PA 18353*Site Name &
Location*
JR Borger Farm
(2)
374 Frable Drive*Contact Office &
Phone No.*
NERO
2 Public Square
Wilkes-Barre, PA
18701-1915
(570) 826-2511*General Permit Type—PAG-10**Facility Location
Municipality &
County*Triad Expansion
Project Lenox
Township
Susquehanna County*Permit No.*
PAG102338*Applicant Name &
Address*
Tennessee Gas Pipeline Co. LLC
1001 Louisiana Street
Suite 1460a
Houston, TX 77002-5089*Receiving
Water/Use*
Tunkhannock Creek,
Idlewild Creek,
Unnamed Tributary
to Tunkhannock
Creek, and Millard
Creek—4-F*Contact Office &
Phone No.*
DEP North East
Regional Office
Clean Water Program
2 Public Square
Wilkes-Barre, PA
18701-1915
570.826.2511*General Permit Type—PAG-12**Southcentral Region: Clean Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.**Facility Location &
Municipality*Lancaster County/
Rapho Township*Permit No.*
PAG123820*Applicant Name &
Address*
Dan Landis
2590 Shumaker Road
Manheim, PA 17545*Receiving
Water/Use*
Brubaker Run/TSF*Contact Office &
Phone No.*
DEP—SCRO—Clean
Water Program
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4707**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>
Daniel Petre 3409 Smoketown Rd. Spring Grove, PA 17362	York	15.1	258.84	Poultry	NA	Approved
Dennis Zimmerman 55 Zimmerman Lane Middleburg, PA 17842	Snyder	25.8 0 for Manure	7.97	Poultry	NA	Approved

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania 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 #1516510 issued to: **Pikeland Village Square**, 519 Kimberton Road, Phoenixville, PA 19460, [(PWSID)] East Pikeland Township, Chester County on March 9, 2016 for the Certification of 4-Log Treatment of Viruses at Entry Point 102.

Permit No. 4616501, Minor Amendment. Public Water Supply.

Applicant	SPS Technologies, Inc. 301 Highland Avenue Jenkintown, PA 19046
Township	Abington

County	Montgomery
Type of Facility	PWS
Consulting Engineer	Boucher & James, Inc. Fountainville Professional Building Building 500 1456 Ferry Road Doylestown, PA 18901
Permit to Construct Issued	March 9, 2016
Permit No. 0915529, Minor Amendment. Public Water Supply.	

Applicant	Newtown Artesian Water Company P. O. Box 217 Newtown, PA 18940-0217
Township	Newtown
County	Bucks
Type of Facility	PWS
Consulting Engineer	Gannett Fleming, Inc. 650 Park Avenue King of Prussia, PA 19406
Permit to Operate Issued	March 9, 2016
Permit No. 0915527, Public Water Supply.	

Applicant	Doylestown Township Municipal Authority 425 Wells Road Doylestown, PA 18901
Township	Doylestown
County	Bucks
Type of Facility	PWS
Consulting Engineer	SC Engineers P. O. Box 407 Fort Washington, PA 19034
Permit to Construct Issued	March 11, 2016

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

Operation Permit No. 2400104, Public Water Supply.

Applicant	Aqua PA, Inc. 1 Aqua Way White Haven, PA 18661 (Midway Manor System)
[Township or Borough]	Kingston Township, Luzerne County

Responsible Official Patrick R. Burke, PE
Aqua PA, Inc.
204 E. Sunbury Street
Shamokin, PA 17872

Type of Facility PWS

Consulting Engineer Jonathan Morris, PE
GHD
1240 North Mountain Road
Harrisburg, PA 17112
(717) 541-0622

Operation Permit Issued 02/26/2016

Permit No. 3516505MA, Minor Amendment, Public Water Supply.

Applicant **Pennsylvania-American Water Company**
(Lake Scranton Water System)
800 West Hershey Park Drive
Hershey, PA 17033

Municipality Scranton City

County **Lackawanna**

Type of Facility PWS

Consulting Engineer Scott M. Thomas, P.E.
Pennsylvania-American Water Company
852 Wesley Drive
Mechanicsburg, PA 17055

Permit to Construct Issued March 16, 2016

Permit No. 5816501MA, Minor Amendment, Public Water Supply.

Applicant **Pennsylvania-American Water Company**
(Forest City Water System)
800 West Hershey Park Drive
Hershey, PA 17033

Municipality Forest City Borough

County **Susquehanna**

Type of Facility PWS

Consulting Engineer Scott M. Thomas, P.E.
Pennsylvania-American Water Company
852 Wesley Drive
Mechanicsburg, PA 17055

Permit to Construct Issued March 15, 2016

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

Permit No. 5989502-T2—Operation—Public Water Supply.

Applicant **Delmar Meadows Mobile Home Community**

Township/Borough Delmar Township

County **Tioga**

Responsible Official Mr. Tim Driebelbies
KCBT LLC
PO Box 12
Wellsboro, PA 16901

Type of Facility Public Water Supply

Consulting Engineer N/A

Permit Issued March 9, 2016

Description of Action Operation of the existing public water system, including Well No. 1, sodium hypochlorite disinfection system, 2,000 gallons baffled detention tank, submersible booster pumps, hydropneumatic tank, and distribution system.

Permit No. 5991502-T2—Operation—Public Water Supply.

Applicant **Delmar Meadows Mobile Home Community**

Township/Borough Delmar Township

County **Tioga**

Responsible Official Mr. Tim Driebelbies
KCBT LLC
PO Box 12
Wellsboro, PA 16901

Type of Facility Public Water Supply

Consulting Engineer N/A

Permit Issued March 9, 2016

Description of Action Operation of Well No. 2.

Permit No. MA-GWR-T1—Operation—Public Water Supply.

Applicant **Delmar Meadows Mobile Home Community**

Township/Borough Delmar Township

County **Tioga**

Responsible Official Mr. Tim Driebelbies
KCBT LLC
PO Box 12
Wellsboro, PA 16901

Type of Facility Public Water Supply

Consulting Engineer N/A

Permit Issued March 9, 2016

Description of Action Operation of the treatment facilities for 4-log inactivation of viruses.

Permit No. 1414505-A1—Amended Construction—Public Water Supply.

Applicant **The Pennsylvania State University**

Township/Borough College Township

County **Centre**

Responsible Official Mr. James Baird, P.E.
The Pennsylvania State University
152N Physical Plant Building
University Park, PA 16802-1118

Type of Facility Public Water Supply

Consulting Engineer N/A

Permit Issued March 11, 2016
 Description of Action Authorize the use of the raw water heat exchanger system to heat/cool the WTP building. Installation of microfiltration (MF) and granular activated carbon (GAC) systems for treatment of the Big Hollow Wells and construction of MF, GAC, and nanofiltration (NF) systems for treatment of the Houserville Wells issued April 20, 2015.

Permit No. 5915504—Construction—Public Water Supply.

Applicant **Mansfield Borough Municipal Authority**
 Township/Borough Mansfield Borough
 County **Tioga**
 Responsible Official Barry Cleveland, Chief Operator
 Municipal Authority of the Borough of Mansfield
 14 South Main Street
 Mansfield, PA 16933

Type of Facility Public Water Supply
 Consulting Engineer Jimmie Joe Carl
 9 South Maple Street
 Corning, NY 14830

Permit Issued March 14, 2016
 Description of Action Installation of the Townview Drive Booster Pump Station, containing two alternating domestic booster pumps and one flushing pump, to increase water pressure in the Townview Drive/Barnes Drive area.

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Operations Permit issued to: **North Fayette County Municipal Authority**, 1634 University Drive, Dunbar, PA 15431, (PWSID #5260019) Dunbar Township, **Fayette County** on March 11, 2016 for the operation of facilities approved under Construction Permit #2614518MA.

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

Permit No. 2415501-C, Public Water Supply.
 Applicant **Highland Township Municipal Authority**
 Township or Borough Highland Township and James City
 County **Elk County**
 Type of Facility Public Water Supply
 Consulting Engineer Kerry Tyson, P.E.
 Permit to Construct Issued March 11, 2016

WATER ALLOCATIONS

Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P.S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

WA2-1016, Water Allocations. **Plum Borough Municipal Authority**, 4555 New Texas Road, Pittsburgh, PA 15239, Plum Borough, **Allegheny County**. The right to purchase 4,000,000 gallons of water per day, as a peak month, 30-day average, from the Municipal Authority of Westmoreland County.

WA65-1004, Water Allocations. **Municipal Authority of the Borough of Derry**, 620 North Chestnut Street, Derry, PA 15627, Derry Borough, **Allegheny County**. The right to purchase 800,000 gallons of water per day, as a peak month, 30-day average, from the Latrobe Municipal Authority.

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. Telephone: 717-705-4707.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Upper Paxton Township	506 Berrysburg Rd., Millersburg, PA 17061	Dauphin

Plan Description: Approval of a revision to the official plan of Upper Paxton Township, Dauphin County. The project is known as the Donna M. Stroup proposal. The plan provides for the construction of a small flow treatment facility to serve two existing dwellings on the same lot. The new system will replace a malfunctioning onlot sewage disposal system. The proposed discharge is 800 gallons per day into an unnamed tributary to the Susquehanna River. The proposed development is located west of Shippen Dam Road, south of the junction with Tarry Hall 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 B3-22934-195-3s and the APS Id is 885280. 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:

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

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 Service, 3001 Cowan Avenue, Baltimore, MD, 21223 and FR Leo Lane Property Holding LP, 2601 Market Place, Suite 450, Harrisburg, PA 17110, submitted a Final Report to remediate site soils contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960.

University of Pennsylvania, 4258-60 Chestnut Street, City of Philadelphia, **Philadelphia County**. Bill Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104-0591 Klye Rosato, University of Pennsylvania, 3160 Chestnut Street, Suite 400, Philadelphia, PA 19104 on behalf of University City Associates, 220 South 40th Street, Suite 201C, Philadelphia, PA 19104 has submitted a Final Report concerning remediation of site soil contaminated with soil and groundwater. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF619463.

Gas Station, 5300 West Baltimore Avenue, Upper Darby Township (Clifton Heights), **Delaware County**. Josh Saret, ALC Environmental, 121 West 27th Street, Suite 402, New York, NY 1001 on behalf of Larry Dugan, Kravitz Properties, Inc., 25 Washington Lane, Suite 4A,

Wyncote, PA 19095 has submitted a Remedial Investigation/Final Report concerning remediation of site soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Site Specific Standard. PF773528.

Westnor LP Facility, 2030 West Main Street, West Norriton Township, **Montgomery County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Martin MacGregor, Westnor, LP, 10059 Sandmeyer Lane, Philadelphia, PA 19116 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with pce and breakdown compounds. The report is intended to document remediation of the site to meet the Site Specific Standard. PF749200.

Wright Sales & Services Inc., 636—638 Markley Street, Norristown Borough, **Montgomery County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of John Wright, Wright Sales & Services, Inc., 638 Markley Street, Norristown, PA 19401 has submitted a Cleanup Plan and Remedial Investigation Report concerning remediation of site soil contaminated with lead and benzo(a)pyrene. The report is intended to document remediation of the site to meet the Site Specific Standard. PF808405.

Overbrook Plaza, 5610 Lancaster Avenue, City of Philadelphia, **Philadelphia County**. Vincent Pappalardo, Eikon Planning and Design, LLC, 221 High Street, Hackettstown, NJ 07840 on behalf of Jack Fredler, 5610 Associate, LLC, 2076 Flatbush Avenue, Marine Park, NY 11234 has submitted a BER Report concerning remediation of site soil and groundwater contaminated with heating oil, pah and vocs. The report is intended to document remediation of the site to meet the Special Industrial Area. PF619631.

Brookhaven Shop Center, 3304—3700 Edgmont Avenue, Brookhaven Borough, **Delaware County**. Thomas Petrecz, Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440, Darryl D. Borrelli, Manko, Gold, Katcher & Fox LLP, 401 City Avenue, Suite 901, Bala Cynwyd, PA 19004 on behalf of John Segal, Louis Fine, Jane Segal, Merrill Sporkin and Odette Steinberg, t/a Brookhaven Shopping Center, 360 Street Charles Way, York, PA 17402 has submitted a Remedial Investigation/Risk Assessment and Cleanup Plan concerning remediation of site soil and groundwater contaminated with chlorinated vocs. The report is intended to document remediation of the site to meet the Site Specific Standard. PF805633.

USS KIPC 158-Acre Parcel, One Ben Fairless Drive, Falls Township, **Bucks County**. Colleen Costello, GHD Services Inc., 410 Eagleview Blvd., Suite 110, Exton, PA 19341 on behalf of United State Steel Corporation, 1350 Penn Avenue, Suite 200, Pittsburgh, PA 15222 has submitted a Final Report concerning remediation of site soil contaminated with vocs, svocs, metals, Pcb's and cyanide. The report is intended to document remediation of the site to meet Statewide Health Standard. PF807837.

459 West Street Road, 459 West Street Road, West Marlborough Township, **Chester County**. Patrick S. Crawford, PG, Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19508 on behalf of Annetta Mills, 459 West Street Road, Kennett Square, PA 19348 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF806168.

Compass Road Diesel Spill, 1400 Walnut Street, Honey Brook Township, **Chester County**. Patrick S. Crawford, P.G. Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19058 on behalf of Lewis Frame, Jr., 1250 Walnut Street, Honey Brook, PA 19344 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF808387.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995
PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Casey Harriman Logging, Shed Road (near 111 Shed Road), Derry Township, **Montour County**. Northridge Group, Inc., P. O. Box 231, Northumberland, PA 17857, on behalf of Casey Harriman Logging, 559 Keller Hollow Road, Unityville, PA 17774, submitted a Final Report concerning the remediation of site soils contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on March 8, 2016.

Tenaska Sparrow Hawk Impoundment, 881 Frost Road, Covington Township, **Tioga County**. Moody and Associates, Inc., 685 Broad Street, Extension Suite 1, Waverly, NY 14892, on behalf of Tenaska Resources, LLC, 601 Technology Drive, Suite 100, Canonsburg, PA 15317, submitted a Final Report concerning the remediation of site soil contaminated with constituents characteristic of a release of brine. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on February 24, 2016.

Tenaska Strange Impoundment, 292 Rumsey Hill, Sullivan Township, **Tioga County**. Moody & Associates, Inc., 685 Broad Street Extension, Suite 1, Waverly, NY 14892, on behalf of Tenaska Resources, LLC, 601 Technology Drive, Suite 100, Canonsburg, PA 15317, submitted a Final Report concerning the remediation of site soils and water contaminated with constituents characteristic of a release of brine. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on February 23, 2016.

Northeast Region: Eric Supey, Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

Fields Property, 513 Executive Drive, Jackson Township, **Monroe County**. Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of William and Virginia Fields, 513 Executive Drive, Stroudsburg, PA 18360, submitted a Final Report concerning the remediation of site soils contaminated with benzene, ethylbenzene, isopropylbenzene, MTBE, naphthalene, toluene, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on March 8, 2016.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

J. Walter Miller Company, 226 North Ann Street, City of Lancaster, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of J. Walter Miller Company, 411 East Chestnut Street, Lancaster, PA 17602, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soils contaminated with iron. The combined report did not demonstrate attainment of the Site Specific Standard, and was disapproved by the Department on March 9, 2016.

Former General Electric Environmental Services, Inc., Parcel B, 253 North Fourth Street, Lebanon, PA 17046, Lebanon City, **Lebanon County**. Environmental Standards, 1140 Valley Forge Road, Valley Forge, PA 19482, on behalf of General Electric Company, 1935 Redmond Circle, Rome, GA 30165, submitted a Final Report concerning site groundwater contaminated with PCBs, lead, VOCs, and PAHs. The Final Report demon-

strated attainment of the Non-Residential Statewide Health Standard, and was approved by the Department on March 9, 2016.

Lee Knepp Residence, 10 Bird Haven Place, McVeytown, Oliver Township, **Mifflin County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of State Farm Insurance, PA Fire Claims, PO Box 106110, Atlanta, GA 30348-6110; Lee Knepp, 10 Bird Haven Place, McVeytown; and Barbara and Thomas Sollers, 15 Bird Haven Place, PO Box 68, McVeytown, PA 17051, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on March 7, 2016.

Kaiser Investment Property/Former Prestolite Battery, 4700 North 5th Street Highway, Temple, PA 19560, Muhlenberg Township, **Berks County**, Willow Creek Environmental, 74 Willow Creek Road, Reading, PA 19605, on behalf of Kaiser Investment Company, 4700 North 5th Street Highway, Temple, PA 19560, submitted a Final Report concerning remediation of site soils contaminated with lead. The Final Report demonstrated attainment of the Non-Residential Statewide Health Standard, and was approved by the Department on March 4, 2016.

Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Speedway Store #2910 (former Gottlieb, Inc.), 5701 Grand Avenue, Neville Township, **Allegheny County**. ATC Group Services, LLC, 103 North Meadows Drive, Suite 211, Wexford, PA 15090 on behalf of Speedway, LLC, 500 Speedway Drive, Enon, OH 45323 submitted a Remedial Investigation Report (RIR) concerning the remediation of site soils and groundwater contaminated with dissolved chlorinated solvents and metals. The RIR was approved by the Department on March 11, 2016.

Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960.

Edmund Optical Manufacturing Site, 601 Montgomery Avenue, Upper Hanover Township, **Montgomery County**. Sean Fullmer, Compliance Management International, 1350 Welsh Road, Suite 200, North Wales, PA 19454 on behalf of Jay Budd, Edmund Optics, Inc., 101 East Gloucester Pike, Barrington, NJ 08007 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with organic compounds. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 8, 2016. PF618779.

US Magnet Site, 85 North Main Street, Yardley Borough, **Bucks County**. Christie, P.G. Penn E&R Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of John Evans, Orleans Homebuilders Inc., 3333 Street Road, Suite 101, Bensalem, PA 19020 has submitted a Final Report concerning the remediation of site soil contaminated with cobalt, antimony and benzo (a) pyren. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 26, 2016. PF633827.

Berwyn Shopping Center, 500 Lancaster Avenue, Easttown Township, **Chester County**. Aaron Epstein, P.G., Partners Engineering and Science, Inc., 100 Deerfield Lane, Suite 200, Malvern, PA 19355 on behalf of Theresa Susco, Berwyn Center LP, 725 Conshohocken

State Road, Bala Cynwyd, PA 19004 has submitted a Remedial Investigation/Risk Assessment Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Remedial Investigation/Risk Assessment Report was disapproved by the Department on March 8, 2016. PF777168.

RESIDUAL WASTE GENERAL PERMITS

Permit(s) Issued Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Number WMGR151. Evergreen Recycling Solutions LLC, 110 Evergreen Avenue, Newark, NJ 07114-1125. General Permit Number WMGR151 authorizes beneficial use of saw dust-like material derived from the processing of construction and demolition waste to be used as a solidification agent. The permit was issued by Central Office on March 15, 2016.

Persons interested in reviewing the general permit may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit(s) issued Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 101217. Northern Tier Solid Waste Authority, Delmar Township, **Tioga County**. Modification of the existing Tiadaghton Transfer Station permit for addition of C&D waste collection. The permit was issued by Northcentral Regional Office on March 8, 2016.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits renewed under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 101681. Nolt Services, LLC (Septage Transfer Facility) 728 Rettew Mill Road, Lititz, PA 17543-9163. The permit for Nolt Services, LLC, which expires on August 31, 2016, was renewed on March 9, 2016 until August 31, 2026 for Solid Waste Permit No. 101681 for the operation of the Nolt's Transfer Facility in accordance with Article V of the Solid Waste Management Act, 35 P.S. §§ 6018.101, et seq. In addition, the facility permit is also amended to change waste acceptance from a daily average to a weekly average, and a modification to the Radiation Monitoring Plan.

Compliance with the terms and conditions set forth in the permit is mandatory. You have the right to file an appeal as to these terms and conditions.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

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

GP3-46-0132: Terra Technical Services LLC (600 Brandywine Ave, Bldg. 100, Downingtown, PA 19335) On March 9, 2016 for a portable non-metallic mineral processing plant in Upper Merion, Township, **Montgomery County**.

GP9-46-0085: Terra Technical Services LLC (600 Brandywine Ave, Bldg. 100, Downingtown, PA 19335) On March 9, 2016 to operate a diesel-fired internal combustion unit in Upper Merion, Township, **Montgomery County**.

GP3-09-0141: Tamco Construction Inc. (539 E. Dark Hallow Road, Pipesville, PA 18947) On March 11, 2016 for a portable non-metallic mineral processing plant in Bristol Township, **Bucks County**.

GP9-09-0071: Tamco Construction Inc. (539 E. Dark Hallow Road, Pipesville, PA 18947) On March 11, 2016 to operate a diesel-fired internal combustion unit in Bristol 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

GP1-48-005: Straight Arrow Products Inc. (2020 Highland Avenue, Bethlehem, PA 18020) on March 7, 2016 for a Cleaver Brooks boiler at the site located in Forks Twp., **Northampton County**.

GP3-40-014: Insinger Excavating, Inc. (3046 Dushore Overton Road, Dushore, PA 18614) on December 21, 2015 to construct and operate a Portable Crushing Operation with water sprays at their Newport Aggregates Glen Lyon Quarry in Newport Township, **Luzerne County**.

GP9-40-014: Insinger Excavating, Inc. (3046 Dushore Overton Road, Dushore, PA 18614) on December 21, 2015 to install and operate fifteen (15) Diesel I/C engines at their Newport Aggregates Glen Lyon Quarry in Newport Township, **Luzerne County**.

GP4-40-002: Reilly Plating Co. d.b.a. Reilly Finishing Technologies (130 Alden Road, Nanticoke, PA 18634) on January 19, 2016 to install and operate a burn off oven at their facility located in the City of Nanticoke, **Luzerne County**.

GP11-40-009: Susquehanna Nuclear, LLC (769 Salem Boulevard, Berwick, PA 18603) on January 28, 2016 to operate four (4) Diesel I/C engines at the Susquehanna Steam Electric Station in Salem Township, **Luzerne County**.

GP11-40-010: Susquehanna Nuclear, LLC (769 Salem Boulevard, Berwick, PA 18603) on January 28, 2016 to operate four (4) Diesel I/C engines at the Susquehanna Steam Electric Station in Salem Township, **Luzerne County**.

GP3-40-016: Mericle Construction, Inc. (100 Baltimore Drive, Wilkes-Barre, PA 18702) on January 28, 2016 to construct and operate a Portable Crushing Operation with water sprays at their Center Point East Trade and Commerce Park in Pittston Township, **Luzerne County**.

GP9-40-016: Mericle Construction, Inc. (100 Baltimore Drive, Wilkes-Barre, PA 18702) on January 28, 2016 to install and operate four (4) Diesel I/C engines their Center Point East Trade and Commerce Park in Pittston Township, **Luzerne County**.

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

GP15-36-03184: Land O' Lakes Purina Feed dba Hess Mills (6 South Vintage Road, Paradise, PA 17562) on March 2, 2016, for the existing feed mill operation, under GP15, located in Paradise Township, **Lancaster County**. The general permit authorization was renewed.

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

Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648

GP5-53-114: Pennsylvania General Energy Co., LLC (120 Market Street, Warren, PA 16365) on February 29, 2016, for the re-authorization to continue operation of one (1) 945 brake-horsepower (bhp) Caterpillar Model No. G3512 TALE (S/N 7NJ00659, manufacture date June 7, 2000) lean burn natural gas-fired spark ignition compressor engine with NSCR and oxidation catalyst, one (1) 30 MMscfs/day triethylene glycol dehydration unit with a 275,000 Btu/hr reboiler burner and one (1) 4,200 gallons (100 bbls) waste oil/brine/produced water storage tank pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compressor and/or Processing Facilities (BAQ-GPA/GP-5) at the Fisk Hollow Pad A Compressor Station located in Pleasant Valley Township, **Potter County**.

GP1-14-00005A: Pennsylvania Department of Corrections (P. O. Box A, Bellefonte, PA 16823) on March 8, 2016, authorized the construction and operation of a 32.10 million Btu per hour, Cleaver Brooks model CBR 200-800 natural gas/#2 fuel oil-fired boiler pursuant to the General Plan Approval and General Operating Permit for Small Gas and No. 2 Oil Fired Combustion Units (BAQ-GPA/GP-1) located in Benner Township, **Centre 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

GP5-30-00220A: EQM Gathering Opco, LLC (EQT Plaza 625 Liberty Ave., Suite 1700, Pittsburgh, PA 15222) on March 14, 2016, to allow the continued operation of three lean burn natural gas-fired compressor engines rated at 4,735 bhp each and controlled by oxidation catalysts, and two produced fluids tanks, as well as a change of ownership at the Halo Compressor Station located in Morris Township, **Greene County**. This facility was formerly owned by EQT Gathering, LLC.

GP5-65-01010B: RW Gathering, LLC (1000 Town Center Way, Canonsburg, PA 15317) on March 10, 2016, to allow the continued operation of two lean burn natural gas-fired compressor engines rated at 1,340 bhp each and controlled by oxidation catalysts, one tri ethylene glycol dehydrator (including reboiler) rated for 5 mmscfs/day of natural gas and controlled by a condenser, and three produced water tanks at the Salem Compressor Station located in Derry Township, **Westmoreland County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6940

GP3-37-350A: Amerikohl Aggregates Inc., Gardner Mine (1401 Woodside Avenue, Ellwood City, PA 16114) on March 2, 2016, for the authority to construct a new portable metallic mineral processing plan consisting of two crushers, two vibratory screens, and fifteen conveyors (BAQ-GPA/GP-3) located at their facility in Wayne Township, **Lawrence County**.

GP11-37-350B: Amerikohl Aggregates Inc., Gardner Mine (1401 Woodside Avenue, Ellwood City, PA 16114) on March 2, 2016, for the authority to operate Nonroad Engine(s) consisting of four (4) Caterpillar Engines (BAQ-GPA/GP-11) located at their facility in Wayne Township, **Lawrence County**.

GP5-43-374B: Hilcorp Energy Company, Shenango-Radkowski Facility (201 Pulaski Road, Pulaski, PA 16143) on March 10, 2016, for the authority to construct and/or operate two (2) natural gas fired compressor engine(s), Caterpillar 3516B & 3508B, 13 mmscfs/d glycol dehydrator, flare, and condensate, produced water, and slop oil storage tank(s) (BAQ-GPA/GP-5) located at their facility in Shenango 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.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507

54-00041A: Silberline Manufacturing Co., Inc. (130 Lincoln Drive, Tamaqua, PA 18252) on March 8, 2016 for the installation and operation of a new manufacturing process for waterborne pigments including one (1) new ammonia wet scrubber and one (1) new Particulate Matter (PM) condenser at their facility in Rush Township, **Schuylkill County**.

40-00130A: EBC Holdings LLC (159 George Avenue, Wilkes-Barre, PA 18705) on February 29, 2016, for the installation and operation of one (1) animal remains incinerator at their facility in Dupont Borough, **Luzerne 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

36-03137B: New Enterprise Stone & Lime Co., Inc. (PO Box 550, Blue Ball, PA 17506-0550) on March 3, 2016, 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 at the Burkholder Quarry in Earl Township, **Lancaster County**.

36-05076A: Lancaster General Hospital (555 North Duke Street, Lancaster, PA 17604) on March 4, 2016, for the installation of a 3.5 MW Solar Turbines Centaur 40-4700S natural gas fired combustion turbine and two (2) 2,937 bhp Caterpillar 3526C diesel fired emergency engines in the City of Lancaster, **Lancaster County**. The turbine will be equipped with a heat recovery steam generator (HRSG), low NO_x option mode (SoLoNO_x) and a BASF Corporation CAMET oxidation catalyst.

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

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

14-00003I: Pennsylvania State University (101P Physical Plant Bldg., University Park, PA 16802) issued Plan Approval on March 9, 2016, for the construction of one 2,000 kW Cummins model DQKAB emergency generator powered by a 2,922 brake-horsepower diesel-fired Cummins QSK60 reciprocating internal combustion engine at the Water Treatment Plant at the University Park Campus located in College Township and State College Borough, **Centre County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6940

43-182C: John Maneely Company—Wheatland Tube Division (One Council Ave., Wheatland, PA 16161) on March 10, 2016, has issued a plan approval for the installation of a cyclone and baghouse at their facility in Wheatland Borough, **Mercer County**. This is a Title V facility.

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

09-0174E: Liberty Coating Co. LLC: (21 Steel Rd S, Morrisville, PA 19067) On March 11, 2016 to increase the Volatile Organic Compound (VOC) limit in Falls Township, **Bucks County**.

09-0220: Donaldson Company Inc. (85 Railroad Drive, Ivyland, PA 18974) On March 10, 2016 for installation/operation of an extrusion line No. 1 controlled by a regenerative thermal oxidizer in Lower Southampton Township, **Bucks County**.

46-0029F: Glasgow, Inc: (P. O. Box 1089, Glenside, PA 19038) On March 10, 2016 to install/operate a new rotary drum on an asphalt plant in Montgomery Township, **Montgomery 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

36-05106B: Premier Custom Built, Inc. (110 Short Street, New Holland, PA 17557) on March 7, 2016, for the installation of three (3) spray booths at their cabinet manufacturing facility in East Earl Township, **Lancaster County**. The plan approval was extended.

07-05003D: Norfolk Southern Railway Co. (200 North 4th Avenue, Altoona, PA 16601) on March 9, 2016, for the construction of one (1) natural gas-fired 1.56 megawatt (MW) reciprocating internal combustion engine and the installation of a catalytic oxidation unit to control CO, VOC and HAP emissions generated from the operation of the engine. The plan approval also authorizes the construction of approximately 181 small natural gas-fired space heaters to provide additional heating in areas where it is not economical to provide heat through the operation of the new engine. As part of the project, three (3) existing 80 MMBtus per hour coal fired boilers will be decommissioned. The Juniata Locomotive Shops are located in the City of Altoona, **Blair County**. The plan approval was extended.

36-05107E: Pepperidge Farm, Inc. (2195 N. Reading Road, Denver, PA 17517-9112) on March 11, 2016, to install a bread line controlled by a catalytic oxidizer at the Pepperidge Farm, Inc. bakery 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

18-00011I: Croda, Inc. (8 Croda Way, Mill Hall, PA 17751) on March 9, 2016, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from March 16, 2016 to September 12, 2016 at their facility located in Bald Eagle Township, **Clinton County**. The plan approval has been extended.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6328

10-381B: Mountain Gathering LLC, Forward Compressor Station (810 Houston Street, Fort Worth, TX 76102-6203) on March 8, 2016, effective March 31, 2016, will issue a plan approval extension for the modification of facility wide VOC limits, short term VOC and formaldehyde emission limits for sources 101 through 108 and

the addition of a Section C condition specifying the equipment authorized for installation at the facility. These modifications were required by the December 3, 2013 Settlement Agreement by and among The Group Against Smog and Pollution, Inc. (GASP), Mountain Gathering LLC (Mountain Gathering) and the Department. This facility is a compressor station, located at 275 Powder Mill Road, Renfrew, PA 16053, in Forward Township, **Butler County**. Upon completion of this project, this facility will be issued a state only operating permit.

25-179C: Erie City Sewer Authority (68 Port Access Road, Erie, PA 16507-2202) on March 9, 2016, effective March 31, 2016, will issue a plan approval extension for the replacement of incinerator burners and the emergency bypass stack, rehabilitation of the existing wet electrostatic precipitators and replacement of three existing dewatering belt filter presses. This facility is located in the City of Erie, **Erie 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

46-00061: PA Dept. of Correction/Graterford SCI, (Route 29, Graterford, PA 19426) On March 11, 2016 for the modification that restricts the usage of anthracite coal by the three coal-fired boilers (Source ID Nos. 041, 042 and 043) to less than 10% of the maximum potential heat input capacity of the boilers of the Title V operating permit in Skippack Township, **Montgomery County**.

46-00031: Glaxo SmithKline LLC (1250 South College Rd., Collegeville, PA 19426) On March 11, 2016 for the renewal of the Title V Operating Permit and the incorporation of the case by case Boiler MACT requirements of Plan Approval 46-0031D located in Upper Providence Township, **Montgomery 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

09-00206: B & J Group, (1001 New Ford Mill Road, Morrisville, PA 19067-3704) On March 11, 2016, for the issuance of an initial State Only (Natural Minor) Operating Permit located in Falls Township, **Bucks County**.

09-00152: Gelest, Inc. (11 East Steel Road, Morrisville, PA 19067). On March 10, 2016, for the renewal of the State Only Operating Permit and the incorporation of a plan approval 09-0152C in Falls 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

36-03066: Perdue Agribusiness LLC (1609 River Road, Marietta, PA 17547-9504) on March 3, 2016, for the

grain storage facility located in East Donegal 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

55-00010: National Limestone Quarry, Inc. (PO Box 397, Middleburg, PA 17842), issued State Only operating permit on March 8, 2016, for their limestone crushing facility located in Franklin Township, **Snyder County**. The facility's main sources include a crushers, screens, conveyors and site haul roads. The State Only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

Contact: Tom Joseph, Permitting Chief—Telephone: 412-442-4336

OP-30-00097: Pa. Department of Corrections (1920 Technology Parkway, Mechanicsburg, PA 17050) On March 8, 2016, the Department issued a facility-wide Natural Minor Operating Permit renewal, for the operation of a prison with a boiler house, known as SCI Greene, located in Franklin Township, **Greene County**.

The facility contains air contamination sources consisting of five (5) boilers. These boilers (Boilers #1—#5, Source IDs 031—035, 45.0 MMBtus/hr, 45.0 MMBtus/hr, 18.0 MMBtus/hr, 4.18 MMBtus/hr, and 4.18 MMBtus/hr) are natural gas-fired with distillate oil backup. The facility also contains two, 745-bhp, compression ignition, diesel, emergency generator engines. The facility is limited to a maximum opacity from any equipment of 20 percent. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145 and the applicable requirements of 40 CFR, Part 60, Subpart Dc (Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units) and Part 63, Subpart ZZZZ (National Emission Standards for Hazardous Pollutants for Stationary Reciprocating Internal Combustion Engines) and Subpart JJJJJJ (National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources). The permit includes emission limitations, and operational, monitoring, reporting, and recordkeeping requirements for the facility.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SOOP have been derived from the applicable requirements of 40 CFR Parts 60 and 63 and 25 Pa. Code, Article III, Chapters 121—145.

OP-56-00244: Pa. Department of Corrections (1920 Technology Parkway, Mechanicsburg, PA 17050) On March 8, 2016, the Department issued a facility-wide Natural Minor Operating Permit renewal, for the operation of a prison with a boiler house, known as SCI Somerset, located in Brothersvalley Township, **Somerset County**.

The facility contains air contamination sources consisting of seven (7) boilers. Five of the boilers (Boilers #1—#5, Source IDs 031—035, 33.5 MMBtus/hr, 33.5 MMBtus/hr, 13.4 MMBtus/hr, 8.4 MMBtus/hr, and 8.4 MMBtus/hr) are natural gas-fired with distillate oil backup. The sixth and seventh boilers (Boiler #6 and #7, Source IDs 036 and 037, 4.2 MMBtus/hr and 10.043

MMBtus/hr) are only fired by natural gas. The facility is limited to a maximum opacity from any equipment of 20 percent. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145 and the applicable requirements of 40 CFR, Part 60, Subpart Dc (Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units) and Part 63, Subpart ZZZZ (National Emission Standards for Hazardous Pollutants for Stationary Reciprocating Internal Combustion Engines) and Subpart JJJJJJ (National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources). The permit includes emission limitations, and operational, monitoring, reporting, and recordkeeping requirements for the facility.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SOOP have been derived from the applicable requirements of 40 CFR Parts 60 and 63 and 25 Pa. Code, Article III, Chapters 121—145.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940

27-00039: Catalyst Energy Incorporated, Endeavor Plant (424 S 27th Street, Suite 304, Pittsburgh, PA 15203-8938) on March 8, 2016, for a Natural Minor Permit to operate a gas production and distribution facility located in Hickory Township, **Forest County**. The updated emitting sources are, 1) Gas Compressor Caterpillar G3306TA, 203 HP, 2) Equipment leaks, 3) Ethylene Glycol Dehydrator and, 4) Refrigerant Compressor, Waukesha F817G, 125 HP. Refrigerant Compressor is subject to 40 CFR Part 63, Subpart ZZZZ. All applicable conditions of Subpart ZZZZ have been included in the source level of the permit. The facility is a natural minor. The emissions from the facility are less than Title V threshold limits. The potential emissions from the facility as stated in permit renewal application included NO_x: 6.329 Tons per year, CO: 2.31 TPY, VOC: 6.329 TPY.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

21-05027: Arc Terminals PA Holdings LLC (3000 Research Forest Drive, Suite 250, The Woodlands, TX 77381-4384) on March 7, 2016, for the bulk petroleum products terminal located in Hampden Township, **Cumberland County**. The State-only permit was administratively amended in order to reflect a change of ownership.

07-05024: Arc Terminals PA Holdings LLC (3000 Research Forest Drive, Suite 250, The Woodlands, TX 77381) on March 8, 2016, for the bulk petroleum products terminal located in Allegheny Township, **Blair County**. The State-only permit was administratively amended in order to reflect a change of ownership.

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

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

16050106 and NPDES Permit No. PA0242675. Timothy A. Keck (93 Carrier Street, Summerville, PA 15864) Renewal of an existing bituminous surface and auger mine and associated NPDES permit in Redbank Township, **Clarion County**. Receiving streams: Unnamed tributaries to Pine Creek. Application received: November 18, 2015. Permit Issued: March 8, 2016.

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

Permit No. 40940206R4. Heavy Media, Inc., (PO Box 27, Nanticoke, PA 18634), renewal for reclamation activities only of an existing anthracite coal refuse reprocessing operation in Larksville Borough, **Luzerne County** affecting 15.9 acres, receiving stream: unnamed tributary to Susquehanna River. Application received: September 30, 2014. Renewal issued: March 8, 2016.

Permit No. 40940206GP104. Heavy Media, Inc., (PO Box 27, Nanticoke, PA 18634), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40940206 in Larksville Borough, **Luzerne County**, receiving stream: unnamed tributary to Susquehanna River. Application received: September 30, 2014. Permit issued: March 8, 2016.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Issued

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

08164101. Elijah Evans Excavating (100 Old Furnace Road, Danville, PA 17821). Blasting construction for

a larger parking area at Hayduk Enterprises, Inc., located in Albany Township, **Bradford County** with an expiration date of June 30, 2016. Permit issued: March 4, 2016.

14164102. Douglas Explosives, Inc. (P. O. Box 77, Philipsburg, PA 16866). Blasting construction for Lot 87 Saybrook located in Ferguson Township, **Centre County** with an expiration date of December 30, 2016. Permit issued: March 10, 2016.

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

Permit No. 06164103. M & J Explosives, LLC, (P. O. Box 1248, Carlisle, PA 17013), construction blasting for Bally Springs in Washington Township, **Berks County** with an expiration date of March 2, 2017. Permit issued: March 8, 2016.

Permit No. 09164101. Brubacher Excavating, Inc., (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Kirk Tract in Hilltown and New Britain Townships, **Bucks County** with an expiration date of February 25, 2017. Permit issued: March 8, 2016.

Permit No. 40164105. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Innovative Building & Design in Lehman Township, **Luzerne County** with an expiration date of June 20, 2016. Permit issued: March 9, 2016.

Permit No. 35164105. Holbert Explosives, Inc., (237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting at 1000 Winola Road in South Abington Township, **Lackawanna County** with an expiration date of March 3, 2017. Permit issued: March 11, 2016.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the

appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511

E39-540. Matthew Allison, 7054 Passer Road, Coopersburg, PA 18036. Upper Saucon Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a driveway and utility crossing of EV wetlands, tributary to Saucon Creek (CWF, MF). The driveway crossing consists of a 24-foot long, 24-inch diameter concrete pipe, rock backfill, and a paved surface. The utility crossing consists of a 12-inch wide trench for the placement of a 4-inch diameter electric conduit and a 2-inch diameter cable conduit. The project is located at 6385 Vera Cruz Road, Center Valley, PA 18034 (Allentown East Quadrangle Latitude: 40°31'49.5"; Longitude: -75°27'56.0"). Subbasin: 2C.

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E14-560. Olga Levi, 196 Potters Lane, Port Matilda, PA 16870-7199. Barger Fields in Patton Township, **Centre County**, ACOE Baltimore District (Julian, PA Quadrangle N: 40°48'48"; W: -77°58'57.41").

To construct and maintain: 1) a 67-foot long by 48-inch diameter CMP culvert with its inlet invert depressed 12 inches into the streambed, its outlet invert depressed 6 inches into the streambed and the pipe itself set at a 4.48% slope with associated concrete wingwalls, a 7-foot long R-6 rock inlet apron choked with native material and a 13-foot long R-8 rock outlet apron choked with R-4 rock topped with native material, and road fill in an unnamed tributary of Buffalo Run for a public road crossing, 2) 4-inch diameter electric conduit buried under the culvert, 3) a 150-foot buffer easement on both sides of a 1,308-foot long stream reach for a proposed subdivision located on the south side of SR 550 1.6 miles from SR 322 in order to access a land-locked property. This permit also includes 401 Water Quality Certification.

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E32-509, Indy-Apple, LLC, 329 South Main Street, Suite B, Doylestown, PA 18901, White Township, **Indiana County**, ACOE Pittsburgh District.

Has been given consent to:

1. Place and maintain fill in 0.004 acre of a PEM wetland (aka Wetland 1A);
2. Place and maintain fill in 0.02 acre of PEM wetland (aka Wetland 2);
3. Place and maintain fill within 14 linear feet of an Unnamed Tributary (UNT) to McCarthy Run (CWF) (aka UNT 1 to tributary 44232 to McCarthy Run);
4. Place and maintain fill within 31 linear feet of the floodway of a UNT to McCarthy Run (CWF) (aka Tributary 44232 to McCarthy Run).

The project will permanently impact 14 linear feet of UNTs to McCarthy Run and 0.024 acre of PEM wetlands for the purpose of building a hotel, two (2) restaurants and the associated parking lots for these businesses. The project is located on Oakland Avenue near the intersection of Oakland Avenue and Indian Springs Road (Indiana, PA USGS Topographic Quadrangle; Latitude: 40° 36' 2.911"; Long: -79° 11' 18.51"; Sub-basin: 18D; Chapter 93 Type: CWF), in White Township, Indiana County.

E65-972, West Newton Borough, 112 South Water Street, West Newton, PA 15089, West Newton Borough, **Westmoreland County**, ACOE Pittsburgh District.

Has been given consent to:

Construct and maintain a 12 foot high and 85 foot long retaining wall along an unnamed tributary to the Youghiogheny River (WWF), and to construct and maintain 65 feet of R-7 riprap at the upstream end of this wall, 82 feet of R-7 riprap along the front of the wall, and 65 of R-7 riprap at the downstream end of this wall, for the purpose of stabilizing an eroding stream bank. Three sediment bars, 150 square feet, 100 square feet, and 40 square feet in area will be removed from the stream during construction. In total, approximately 250 feet of watercourse will be impacted by this project. The project is located at 100 Pemberton Place (Donora, PA USGS topographic quadrangle; Latitude: 40° 12' 22"; Longitude: -79° 46' 36"; US Army Corps of Engineers, Pittsburgh District; Sub-basin 19D), in West Newton Borough, Westmoreland County.

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335

E42-08-019, NFG Midstream Clermont LLC, 6363 Main St., Williamsville, NY 14221. Clermont West Branch D07-U Pipeline in Sergeant Township, **McKean County**, Army Corps of Engineers Pittsburgh District (Cosby and Hazel Hurst, PA Quadrangle N: 41.6755; W: -78.4852).

The applicant proposes to construct and maintain two (2) 8 inch natural gas gathering lines, one (1) 12 inch natural gas gathering line, and one (1) 16 inch natural gas gathering lines. The natural gas lines will transport natural gas from a well pad to a compressor station. The water obstructions and encroachments in the McKean County portion of the project are described below:

To construct and maintain:

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude/Longitude</i>
1	One (1) 12 inch and one (1) 16 inch steel gas line with associated right-of-way and temporary road crossing to impact 7,309 square feet of Palustrine Emergent Wetland (PEM).	41.674424 -78.500515
2	One (1) 12 inch and one (1) 16 inch steel gas line with associated right-of-way and temporary road crossing to impact 324 square feet of Palustrine Emergent Wetland (PEM).	41.674558 -78.49765
3	One (1) 12 inch and one (1) 16 inch steel gas line with associated right-of-way and temporary road crossing to impact 202 square feet of Palustrine Emergent Wetland (PEM).	41.67463 -78.498002
4	One (1) 12 inch and one (1) 16 inch steel gas line with associated right-of-way and temporary road crossing to impact 709 square feet of Exceptional Value Palustrine Emergent Wetland (EV) (PEM).	41.674609 -78.495611
5	One (1) 12 inch and one (1) 16 inch steel gas line with associated right-of-way and temporary road crossing to cross UNT to East Branch Clarion River (HQ-CWF) having 151 linear feet of temporary stream and floodway impacts.	41.674498 -78.492872
6	One (1) 12 inch and one (1) 16 inch steel gas line with associated right-of-way and temporary road crossing to cross UNT to East Branch Clarion River (HQ-CWF) having 113 linear feet of temporary stream and floodway impacts.	41.674063 -78.492509
7	One (1) 12 inch and one (1) 16 inch steel gas line with temporary road crossing and associated right-of-way to temporarily impact 14,468 square feet and 1,984 square feet of permanent impact of Palustrine Scrub Shrub Wetland (EV) (PSS).	41.675355 -78.485305
8	Two (2) 8 inch steel gas line with associated right-of-way and temporary road crossing to impact 858 square feet of Palustrine Emergent Wetland (PEM).	41.677163 -78.47747
9	Two (2) 8 inch steel gas line with associated right-of-way and temporary road crossing to impact 1,083 square feet of Palustrine Emergent Wetland (PEM) (EV).	41.67559 -78.475564

In McKean County, the project will result in a total of 82 linear feet of temporary stream impacts, 182, linear feet of temporary floodway impacts, 0.57 acre of temporary wetland impacts, and 0.045 acre of permanent wetland impacts.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460

D06-091EA. Christopher Stress, Director, Berks County Parks and Recreation Department, 2083 Tulpehocken Road, Wyomissing, PA 19610. Alsace Township, **Berks County**, USACOE Philadelphia District.

Project proposes to breach the Hinnershitz Settling Basin Dam for the purpose of eliminating a threat to public safety and restoring approximately 325 feet of stream channel to a free-flowing condition. The proposed restoration project includes construction of habitat enhancement structures in the stream channel through the former reservoir. The project is located across Antietam Creek (CWF, MF) (Birdsboro, PA Quadrangle, Latitude: 40.3680; Longitude: -75.8646).

D40-083EA. Paul Urbanik, P.E., Chief of Engineering, Pennsylvania Fish and Boat Commission, 450 Robinson Lane, Bellefonte, PA 16823-9620. Ross Township, **Luzerne County**, USACOE Baltimore District.

Project proposes to remove Mountain Springs No. 2 Dam for the purpose of eliminating a threat to public

safety and to restore approximately 1,800 feet of stream channel to a free-flowing condition. The project is located across South Branch Bowman Creek (HQ-CWF) (Sweet Valley, PA Quadrangle, Latitude: 41.3408; Longitude: -76.2264).

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 #ESX09-053-0003B—Major Modification
Applicant Pennsylvania General Energy Company LLC
Contact Doug Kuntz
Address 120 Market Street
City Warren State PA Zip Code 16335
County Forest Township Green
Receiving Stream(s) and Classification(s) Fox Run #47533
(HQ-CWF) Big Weaver Run #88780 (CWF)

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-2 # ESX11-015-0241(01)
Applicant Name Chief Oil & Gas LLC
Contact Person Jeffrey Deegan
Address 6051 Wallace Rd Ext, Suite 300
City, State, Zip Wexford, PA 15090
County Bradford
Township(s) Monroe & Overton
Receiving Stream(s) and Classification(s) Schrader Ck
(HQ-MF), Millstone Ck (HW-MF)
Secondary—Towanda Ck

ESCGP-2 # ESG29-081-15-0034
Applicant Name Range Resources—Appalachia LLC
Contact Person Mike Middlebrook
Address 88 Health Dr
City, State, Zip Lock Haven, PA 17745
County Lycoming
Township(s) Lewis
Receiving Stream(s) and Classification(s) Daugherty Run
(HW-CWF)
Secondary—Lycoming Ck (EV)

ESCGP-2 # ESX29-115-16-0010
Applicant Name Cabot Oil & Gas Corp
Contact Person Kenneth Marcum
Address 2000 Park Lane, Suite 300
City, State, Zip Pittsburgh, PA 15275
County Susquehanna
Township(s) Springville
Receiving Stream(s) and Classification(s) UNT to Meshoppen Ck (CWF)
Secondary—Meshoppen Ck (CWF)

[Pa.B. Doc. No. 16-519. Filed for public inspection March 25, 2016, 9:00 a.m.]

Extension of General Permit for the Beneficial Use of Biosolids by Land Application (PAG-08)

Under the authority of The Clean Streams Law (35 P.S. §§ 691.1—691.1001), sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904), the Department of Environ-

mental Protection (Department) is, by this notice, extending for 12 months the availability of the current General Permit for the Beneficial Use of Biosolids by Land Application (PAG-08).

The existing PAG-08 General Permit in effect at this time will expire on April 2, 2016. By this notice, the Department is administratively extending the PAG-08 General Permit to April 2, 2017. Persons that are operating under the PAG-08 General Permit may continue to operate until April 2, 2016, or the expiration date of coverage identified on the permit coverage approval page, whichever is later. Continued coverage under the Administratively Extended PAG-08 General Permit will only be valid for eligible persons that have submitted a timely and administratively complete Notice of Intent for renewal. The Department is extending the availability of this permit to adequately complete preparation of the reissuance of the PAG-08 General Permit.

To access the General Permit and related documents visit www.elibrary.dep.state.pa.us and select “Permit and Authorization Packages,” “Point and Non-Point Source Management,” “Biosolids,” “General Permits” and “PAG-08.”

Questions regarding the PAG-08 General Permit for Beneficial Use of Biosolids by Land Application should be directed to Andrew Gaul, (717) 787-8184 or agaul@pa.gov.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 16-520. Filed for public inspection March 25, 2016, 9:00 a.m.]

Extension of General Permit for the Beneficial Use of Exceptional Quality Biosolids by Land Application (PAG-07)

Under the authority of The Clean Streams Law (35 P.S. §§ 691.1—691.1001), sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904), the Department of Environmental Protection (Department) is, by this notice, extending for 12 months the availability of the current General Permit for the Beneficial Use of Exceptional Quality Biosolids by Land Application (PAG-07).

The existing PAG-07 General Permit in effect at this time will expire on April 2, 2016. By this notice, the Department is administratively extending the PAG-07 General Permit to April 2, 2017. Persons that are operating under the PAG-07 General Permit may continue to operate until April 2, 2017, or the expiration date of coverage identified on the permit coverage approval page, whichever is later. Continued coverage under the Administratively Extended PAG-07 General Permit will only be valid for eligible persons that have submitted a timely and administratively complete Notice of Intent for renewal. The Department is extending the availability of this permit to adequately complete preparation of the reissuance of the PAG-07 General Permit.

To access the General Permit and related documents visit www.elibrary.dep.state.pa.us and select “Permit and Authorization Packages,” “Point and Non-Point Source Management,” “Biosolids,” “General Permits” and “PAG-07.”

Questions regarding the PAG-07 General Permit for Beneficial Use of Biosolids by Land Application should be directed to Andrew Gaul, (717) 787-8184 or agaul@pa.gov.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 16-521. Filed for public inspection March 25, 2016, 9:00 a.m.]

Questions regarding the PAG-09 General Permit for Beneficial Use of Biosolids by Land Application should be directed to Andrew Gaul, (717) 787-8184 or agaul@pa.gov.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 16-522. Filed for public inspection March 25, 2016, 9:00 a.m.]

Extension of General Permit for the Beneficial Use of Residential Septage by Land Application (PAG-09)

Under the authority of The Clean Streams Law (35 P.S. §§ 691.1—691.1001), sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904), the Department of Environmental Protection (Department) is, by this notice, extending for 12 months the availability of the current General Permit for the Beneficial Use of Residential Septage by Land Application (PAG-09).

The existing PAG-09 General Permit in effect at this time will expire on April 2, 2016. By this notice, the Department is administratively extending the PAG-09 General Permit to April 2, 2017. Persons that are operating under the PAG-09 General Permit may continue to operate until April 2, 2017, or the expiration date of coverage identified on the permit coverage approval page, whichever is later. Continued coverage under the Administratively Extended PAG-07 General Permit will only be valid for eligible persons that have submitted a timely and administratively complete Notice of Intent for renewal. The Department is extending the availability of this permit to adequately complete preparation of the reissuance of the PAG-09 General Permit.

To access the General Permit and related documents visit www.elibrary.dep.state.pa.us and select "Permit and Authorization Packages," "Point and Non-Point Source Management," "Biosolids," "General Permits" and "PAG-09."

DEPARTMENT OF GENERAL SERVICES

Lease Office Space to the Commonwealth Centre County

Proposers are invited to submit proposals to the Department of General Services to provide the State Police with 8,235 usable square feet of office space in Centre County. Downtown locations will be considered. For more information on SFP No. 94794, which is due on May 3, 2016, visit www.dgs.pa.gov or contact Carol Munley, Bureau of Real Estate, (717) 787-7412, cmunley@pa.gov.

CURTIS M. TOPPER,
Secretary

[Pa.B. Doc. No. 16-523. Filed for public inspection March 25, 2016, 9:00 a.m.]

Lease Office Space to the Commonwealth Cumberland County

Proposers are invited to submit proposals to the Department of General Services to provide the State Police with 14,369 usable square feet of office space in Cumberland County. Downtown locations will be considered. For more information on SFP No. 94795, which is due on May 4, 2016, visit www.dgs.state.pa.us or contact Carol Munley, Bureau of Real Estate, (717) 787-7412, cmunley@pa.gov.

CURTIS M. TOPPER,
Secretary

[Pa.B. Doc. No. 16-524. Filed for public inspection March 25, 2016, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) 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 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), with the exception of 28 Pa. Code § 571.1 (relating to minimum standards). Exception requests related to 28 Pa. Code § 571.1 are listed separately in this notice.

<i>Facility Name</i>	<i>Regulation</i>
Butler Ambulatory Surgery Center, LLC, d/b/a The Surgery Center at Benbrook	28 Pa. Code § 551.21(d) (relating to criteria for ambulatory surgery)
The Surgery Center of Chester County	28 Pa. Code § 551.21(b)

The following ASF is requesting exceptions under 28 Pa. Code § 571.1. Requests for exceptions under this section relate to minimum standards that ASFs must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities (Guidelines)*. The following includes the citation to the section under the *Guidelines* that the ASF 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>
Heart Care Consultants ASC, LLC	Table 3.1-3	Table 3.1-3 Station outlets for oxygen, vacuum and medical air in outpatient facilities (3.1-8.4.4)	2014
	3.7-3.1.2	Examination rooms	2014
	3.7-3.3.4	Image viewers	2014
	3.7-3.4.3.2	Phase II recovery	2014
	3.7-3.6.6	Medication safety zones	2014
	3.7-3.6.11.2(1)	Storage areas	2014
	3.7-3.6.11.3(1)	Stretcher storage	2014
	3.7-3.6.13	Sterile processing rooms	2014
	3.7-3.7.3	Staff showers	2014
	3.7-5.1	Sterilization facilities	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. 16-525. Filed for public inspection March 25, 2016, 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 specific hospitals).

<i>Facility Name</i>	<i>Regulation</i>
UPMC Passavant	28 Pa. Code § 107.61 (relating to written orders)
UPMC St. Margaret	28 Pa. Code § 107.61

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. 16-526. Filed for public inspection March 25, 2016, 9:00 a.m.]

Newborn Screening and Follow-Up Program Critical Congenital Heart Defect Screening Results added to Blood Spot Filter Paper

The Newborn Child Pulse Oximetry Screening Act (11 P.S. §§ 878.1—878.5) requires newborn child pulse oximetry screening for critical congenital heart defect (CCHD). The Newborn Screening and Follow-Up Program (NSFP), established under the Newborn Child Testing Act (35 P.S. §§ 621—625), receives reports of pulse oximetry screening and blood screening of newborns. The purpose of this notice is to announce a change in the method of reporting the results of pulse oximetry screening for CCHD.

Currently, the results of pulse oximetry screenings for CCHD are reported monthly to the NSFP electronically at http://www.portal.state.pa.us/portal/server.pt/community/infant___newborn's_health/14173/newborn_screening_and_follow_up_homepage/558183.

As of January 31, 2016, the results of pulse oximetry screenings for CCHD are now able to be reported using the blood spot filter paper card previously used for

reporting only the results of blood screening. Effective immediately, facilities should begin using the blood spot filter paper card to report both blood screening results and pulse oximetry screening results. If a pulse oximetry screening is completed at a different time than the required blood screenings, a Newborn Screening Status Report with the pulse oximetry screening results must be submitted to the NSFP by fax to (717) 724-6995. Training on the revised blood spot filter paper card and the reporting requirements for blood screenings and pulse oximetry screenings will be available by recorded webinar, which will be posted on the Department of Health's (Department) web site. The Newborn Screening Status Report will also be available on the Department's web site.

During the transition from reporting monthly to reporting using the blood spot filter paper card, or until April 30, 2016, facilities should also continue monthly reporting of screening results to the NSFP per the procedures and instructions at http://www.portal.state.pa.us/portal/server.pt/community/infant_newborn's_health/14173/newborn_screening_and_follow_up_homepage/558183.

Failure to comply with the reporting requirements and procedures outlined in this notice will be referred to the Department of Health, Bureau of Facility Licensure and Certification, Division of Acute and Ambulatory Care or the Department of Health, Bureau of Community Program Licensure and Certification, Division of Home Health for investigation and possible sanctions.

For additional information or for persons with a disability who require an alternative format of this notice (for example large print, audiotape, Braille) contact Kelly Holland, Director, Division of Newborn Screening and Genetics at (717) 783-8143. Speech and/or hearing impaired persons use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-527. Filed for public inspection March 25, 2016, 9:00 a.m.]

Newborn Screening and Follow-Up Technical Advisory Board and Infant Hearing Screening Advisory Committee Joint Meeting

The Newborn Screening and Follow-Up Technical Advisory Board, established under the Newborn Child Testing Act (35 P.S. §§ 621—625), and the Infant Hearing Screening Advisory Committee, established under the Infant Hearing Education, Assessment, Reporting and Referral (IHEARR) Act (11 P.S. §§ 876-1—876-9), will hold a joint public meeting on Tuesday, April 19, 2016, from 10 a.m. until 3 p.m. The meeting will be held at the Harrisburg PaTTAN Office, 6340 Flank Drive, Harrisburg, PA 17112. Agenda items will include a demonstration of the newborn screening data system, discussion of cytomegalovirus, presentation of Early Hearing Detection and Intervention—Pediatric Audiology Links to Service reports by the critical congenital heart disease and cystic fibrosis subcommittees, and updates on newborn blood spot screening panels, education of the Legislature and timeliness of newborn screening.

For additional information or for persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so should

contact Lani Culley or Arthur Florio, Public Health Program Administrators, Division of Newborn Screening and Genetics at (717) 783-8143. Speech and/or hearing impaired persons use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-528. Filed for public inspection March 25, 2016, 9:00 a.m.]

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices

Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; and terms and conditions of participation) and 7 CFR 246.12 (relating to food delivery systems), the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective April 1, 2016, through June 30, 2016, the Maximum Allowable Prices the Department of Health will pay Type 1 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.....	\$1.25
Beans/Peas—Dry—16 oz.....	\$2.18
Canned Fish—Pink Salmon.....	\$2.20
Canned Fish—Sardines.....	\$1.50
Canned Fish—Tuna.....	\$1.29
Cereal (per oz.).....	\$0.33
Cheese, 16 oz.....	\$7.31
Eggs.....	\$2.85
Infant Cereal—8 oz.....	\$2.25
Infant Fruits, 100%—4 oz.....	\$0.77
Infant Vegetables, 100%—4 oz.....	\$0.77
Infant Meats, 100%—2.5 oz.....	\$1.06
Juice—11.5/12 oz.....	\$2.36
Juice—48 oz.....	\$3.05
Juice—64 oz.....	\$3.89
Kosher Cheese—16 oz.....	\$8.40
Kosher Lowfat and 2% Milk—quart.....	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon.....	\$3.27
Kosher Whole Milk—quart.....	\$1.80
Kosher Whole Milk—1/2 gallon.....	\$3.37
Milk, Dry—9.6 oz.....	\$4.27
Milk, Dry—25.6 oz.....	\$9.55
Milk, Evaporated—12 oz.....	\$1.53
Milk, Lowfat and 2%—quart.....	\$1.36
Milk, Lowfat and 2%—1/2 gallon.....	\$2.49
Milk, Lowfat and 2% Lactose Free—quart.....	\$2.32
Milk, Lowfat and 2% Lactose Free—1/2 gallon...	\$3.89
Milk, Whole—quart.....	\$1.45
Milk, Whole—1/2 gallon.....	\$2.49
Milk, Whole Lactose Free—quart.....	\$2.47
Milk, Whole Lactose Free—1/2 gallon.....	\$3.79
Peanut Butter—16-18 oz.....	\$3.29

<i>Description</i>	<i>Maximum Allowable Price</i>
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.29
Soy Beverage—8th Continent 64 oz.	\$3.49
Tofu—16 oz.	\$2.57
Whole Grain—Bread, 16 oz.	\$3.49
Whole Grain—Bread, 24 oz.	\$3.95
Whole Grain—Brown Rice, 16 oz.	\$1.80
Whole Grain—Brown Rice, 24 oz.	\$3.32
Whole Grain—Oats, 16 oz.	\$2.44
Whole Grain—Oats, 24 oz.	\$5.39
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.57
Whole Wheat Pasta	\$1.37
Yogurt Nonfat	\$2.90
Yogurt Lowfat	\$2.90
Yogurt Wholefat	\$2.90
Boost RTF Formula—8 oz.	\$1.69
EnfaCare RTF Formula—32 oz.	\$7.30
EnfaCare w/Iron Powder Formula—12.8 oz.	\$16.70
Nutramigen Concentrate Formula—13 oz.	\$7.39
Nutramigen RTF Formula—32 oz.	\$9.69
Nutramigen w/Enflora Powder Formula— 12.6 oz.	\$24.50
Pediasure RTF Formula—8 oz.	\$1.93
Pediasure w/Fiber RTF Formula—8 oz.	\$1.99
Pediasure Sidekicks RTF Formula—8 oz.	\$1.85
Similac Advance Concentrate Formula—Blue— 13 oz.	\$4.95
Similac Advance RTF Formula—Blue—32 oz.	\$7.45
Similac Advance Powder Formula—Blue— 12.4 oz.	\$15.56
Similac Expert Care Alimentum RTF Formula— 32 oz.	\$9.99
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$28.39
Similac Expert Care for Diarrhea RTF Formula— 32 oz.	\$7.69
Similac Expert Care NeoSure RTF Formula— 32 oz.	\$8.15
Similac Expert Care NeoSure Powder Formula— 13.1 oz.	\$16.99
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs.	\$22.49
Similac Go & Grow Powder—Sensitive—1.38 lbs..	\$22.59
Similac for Spit Up RTF Formula—Green— 32 oz.	\$7.65
Similac for Spit Up Powder Formula—Green— 12.0 oz.	\$15.69
Similac Sensitive RTF Formula—Orange— 32 oz.	\$7.29
Similac Sensitive Powder Formula—Orange— 12.0 oz.	\$15.59
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$5.11
Similac Soy Isomil RTF Formula—Pink—32 oz. ...	\$7.59
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$15.89
Similac Total Comfort Powder Formula—Purple— 12.0 oz.	\$16.09

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective, the Competitive Prices April 1, 2016, through June 30, 2016, for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.19
Beans/Peas—Dry—16 oz.	\$1.98
Canned Fish—Pink Salmon	\$2.19
Canned Fish—Sardines	\$1.43
Canned Fish—Tuna	\$1.19
Cereal (per oz.)	\$0.31
Cheese, 16 oz.	\$6.84
Eggs	\$2.79
Infant Cereal—8 oz.	\$2.24
Infant Fruits, 100%—4 oz.	\$0.74
Infant Vegetables, 100%—4 oz.	\$0.74
Infant Meats, 100%—2.5 oz.	\$1.05
Juice—11.5/12 oz.	\$2.29
Juice—48 oz.	\$3.00
Juice—64 oz.	\$3.59
Kosher Cheese—16 oz.	\$7.79
Kosher Lowfat Milk—1/2 gallon	\$3.15
Kosher Whole Milk—1/2 gallon	\$3.19
Milk, Lowfat—1/2 gallon	\$2.35
Milk, Whole—1/2 gallon	\$2.42
Peanut Butter—16-18 oz.	\$3.20
Whole Grain—Bread, 16 oz.	\$3.35
Whole Grain—Brown Rice, 16 oz.	\$1.69
Whole Grain—Oats, 16 oz.	\$2.39
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.43
Whole Wheat Pasta	\$1.35
Similac Advance Concentrate Formula—Blue— 13 oz.	\$4.95
Similac Advance Powder Formula—Blue— 12.4 oz.	\$15.56
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$5.11
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$15.89

Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective April 1, 2016, through June 30, 2016, the Maximum Allowable Prices the Department of Health will pay Type 2 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.	\$1.35
Beans/Peas—Dry—16 oz.	\$2.26
Canned Fish—Pink Salmon	\$2.26
Canned Fish—Sardines	\$1.59
Canned Fish—Tuna	\$1.35
Cereal (per oz.)	\$0.34
Cheese, 16 oz.	\$7.33
Eggs	\$2.95

<i>Description</i>	<i>Maximum Allowable Price</i>
Infant Cereal—8 oz.	\$2.35
Infant Fruits, 100%—4 oz.	\$0.80
Infant Vegetables, 100%—4 oz.	\$0.80
Infant Meats, 100%—2.5 oz.	\$1.12
Juice—11.5/12 oz.	\$2.51
Juice—48 oz.	\$3.19
Juice—64 oz.	\$4.18
Kosher Cheese—16 oz.	\$8.40
Kosher Lowfat and 2% Milk—quart	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon	\$3.27
Kosher Whole Milk—quart	\$1.80
Kosher Whole Milk—1/2 gallon	\$3.37
Milk, Dry—9.6 oz.	\$4.46
Milk, Dry—25.6 oz.	\$9.65
Milk, Evaporated—12 oz.	\$1.63
Milk, Lowfat and 2%—quart	\$1.42
Milk, Lowfat and 2%—1/2 gallon	\$2.52
Milk, Lowfat and 2% Lactose Free—quart	\$2.42
Milk, Lowfat and 2% Lactose Free—1/2 gallon ...	\$4.09
Milk, Whole—quart	\$1.50
Milk, Whole—1/2 gallon	\$2.59
Milk, Whole Lactose Free—quart	\$2.56
Milk, Whole Lactose Free—1/2 gallon	\$4.19
Peanut Butter—16-18 oz.	\$3.49
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.35
Soy Beverage—8th Continent 64 oz.	\$3.59
Tofu—16 oz.	\$2.62
Whole Grain—Bread, 16 oz.	\$3.55
Whole Grain—Bread, 24 oz.	\$4.00
Whole Grain—Brown Rice, 16 oz.	\$1.95
Whole Grain—Brown Rice, 24 oz.	\$3.39
Whole Grain—Oats, 16 oz.	\$2.55
Whole Grain—Oats, 24 oz.	\$5.89
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.59
Whole Wheat Pasta	\$1.64
Yogurt Nonfat	\$2.95
Yogurt Lowfat	\$2.95
Yogurt Wholefat	\$2.95
Boost RTF Formula—8 oz.	\$1.75
EnfaCare RTF Formula—32 oz.	\$7.44
EnfaCare w/Iron Powder Formula—12.8 oz.	\$16.74
Nutramigen Concentrate Formula—13 oz.	\$7.45
Nutramigen RTF Formula—32 oz.	\$9.79
Nutramigen w/Enflora Powder Formula— 12.6 oz.	\$24.55
Pediasure RTF Formula—8 oz.	\$1.99
Pediasure w/Fiber RTF Formula—8 oz.	\$2.05
Pediasure Sidekicks RTF Formula—8 oz.	\$1.94
Similac Advance Concentrate—Blue Formula— 13 oz.	\$5.00
Similac Advance RTF—Blue Formula—32 oz. ...	\$7.55
Similac Advance Powder—Blue Formula— 12.4 oz.	\$15.68
Similac Expert Care Alimentum RTF Formula— 32 oz.	\$10.09
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$28.79
Similac Expert Care for Diarrhea RTF Formula— 32 oz.	\$7.79
Similac Expert Care NeoSure RTF Formula— 32 oz.	\$8.27
Similac Expert Care NeoSure Powder Formula— 13.1 oz.	\$17.19
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs.	\$22.55

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Go & Grow Powder—Sensitive—1.38 lbs..	\$22.69
Similac for Spit Up RTF Formula—Green— 32 oz.	\$7.75
Similac for Spit Up Powder Formula—Green— 12.0 oz.	\$15.99
Similac Sensitive RTF Formula—Orange—32 oz..	\$7.50
Similac Sensitive Powder Formula—Orange— 12.0 oz.	\$15.79
Similac Soy Isomil Concentrate—Pink Formula— 13 oz.	\$5.29
Similac Soy Isomil RTF—Pink Formula—32 oz...	\$7.79
Similac Soy Isomil Powder—Pink Formula— 12.4 oz.	\$16.19
Similac Total Comfort Powder Formula—Purple— 12.0 oz.	\$16.19

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2016, through June 30, 2016, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.20
Beans/Peas—Dry—16 oz.	\$2.10
Canned Fish—Pink Salmon	\$2.25
Canned Fish—Sardines	\$1.49
Canned Fish—Tuna	\$1.27
Cereal (per oz.)	\$0.32
Cheese, 16 oz.	\$6.86
Eggs	\$2.89
Infant Cereal—8 oz.	\$2.30
Infant Fruits, 100%—4 oz.	\$0.79
Infant Vegetables, 100%—4 oz.	\$0.79
Infant Meats, 100%—2.5 oz.	\$1.10
Juice—11.5/12 oz.	\$2.42
Juice—48 oz.	\$3.07
Juice—64 oz.	\$3.85
Kosher Cheese—16 oz.	\$7.89
Kosher Lowfat Milk—1/2 gallon	\$3.19
Kosher Whole Milk—1/2 gallon	\$3.25
Milk, Lowfat—1/2 gallon	\$2.39
Milk, Whole—1/2 gallon	\$2.45
Peanut Butter—16-18 oz.	\$3.30
Whole Grain—Bread, 16 oz.	\$3.39
Whole Grain—Brown Rice, 16 oz.	\$1.79
Whole Grain—Oats, 16 oz.	\$2.49
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.45
Whole Wheat Pasta	\$1.60
Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.00
Similac Advance Powder Formula—Blue— 12.4 oz.	\$15.68

<i>Description</i>	<i>Competitive Prices</i>
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$5.29
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$16.19

Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective April 1, 2016, through June 30, 2016, the Maximum Allowable Prices the Department of Health will pay Type 3 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.	\$1.37
Beans/Peas—Dry—16 oz.	\$2.35
Canned Fish—Pink Salmon	\$2.30
Canned Fish—Sardines	\$1.65
Canned Fish—Tuna	\$1.40
Cereal (per oz.)	\$0.36
Cheese, 16 oz.	\$7.35
Eggs	\$3.05
Infant Cereal—8 oz.	\$2.40
Infant Fruits, 100%—4 oz.	\$0.85
Infant Vegetables, 100%—4 oz.	\$0.85
Infant Meats, 100%—2.5 oz.	\$1.17
Juice—11.5/12 oz.	\$2.56
Juice—48 oz.	\$3.30
Juice—64 oz.	\$4.27
Kosher Cheese—16 oz.	\$8.40
Kosher Lowfat and 2% Milk—quart	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon	\$3.30
Kosher Whole Milk—quart	\$1.80
Kosher Whole Milk—1/2 gallon	\$3.37
Milk, Dry—9.6 oz.	\$4.55
Milk, Dry—25.6 oz.	\$9.75
Milk, Evaporated—12 oz.	\$1.70
Milk, Lowfat and 2%—quart	\$1.47
Milk, Lowfat and 2%—1/2 gallon	\$2.62
Milk, Lowfat and 2% Lactose Free—quart	\$2.49
Milk, Lowfat and 2% Lactose Free—1/2 gallon ...	\$4.19
Milk, Whole—quart	\$1.57
Milk, Whole—1/2 gallon	\$2.69
Milk, Whole Lactose Free—quart	\$2.66
Milk, Whole Lactose Free—1/2 gallon	\$4.25
Peanut Butter—16-18 oz.	\$3.59
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.45
Soy Beverage—8th Continent 64 oz.	\$3.76
Tofu—16 oz.	\$2.72
Whole Grain—Bread, 16 oz.	\$3.63
Whole Grain—Bread, 24 oz.	\$4.07
Whole Grain—Brown Rice, 16 oz.	\$2.09
Whole Grain—Brown Rice, 24 oz.	\$3.59
Whole Grain—Oats, 16 oz.	\$2.70
Whole Grain—Oats, 24 oz.	\$6.11
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.64
Whole Wheat Pasta	\$2.17
Yogurt Nonfat	\$3.00
Yogurt Lowfat	\$3.00

<i>Description</i>	<i>Maximum Allowable Price</i>
Yogurt Wholefat	\$3.00
Boost RTF Formula—8 oz.	\$1.79
EnfaCare RTF Formula—32 oz.	\$7.74
EnfaCare w/Iron Powder Formula—12.8 oz.	\$17.51
Nutramigen Concentrate Formula—13 oz.	\$7.49
Nutramigen RTF Formula—32 oz.	\$9.89
Nutramigen w/Enflora Powder Formula— 12.6 oz.	\$24.65
Pediasure RTF Formula—8 oz.	\$1.99
Pediasure w/Fiber RTF Formula—8 oz.	\$2.11
Pediasure Sidekicks RTF Formula—8 oz.	\$2.06
Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.15
Similac Advance RTF Formula—Blue—32 oz. ...	\$7.65
Similac Advance Powder Formula—Blue— 12.4 oz.	\$16.47
Similac Expert Care Alimentum RTF Formula—32 oz.	\$10.29
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$29.19
Similac Expert Care for Diarrhea RTF Formula—32 oz.	\$7.99
Similac Expert Care NeoSure RTF Formula— 32 oz.	\$8.44
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$17.39
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs.	\$23.29
Similac Go & Grow Powder— Sensitive— 1.38 lbs.	\$23.10
Similac for Spit Up RTF Formula—Green— 32 oz.	\$7.89
Similac for Spit Up Powder Formula—Green— 12.0 oz.	\$16.39
Similac Sensitive RTF Formula—Orange—32 oz..	\$7.99
Similac Sensitive Powder Formula—Orange— 12.0 oz.	\$15.99
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$5.39
Similac Soy Isomil RTF Formula—Pink—32 oz. ...	\$7.99
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$16.39
Similac Total Comfort Powder Formula—Purple— 12.0 oz.	\$16.59

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2016, through June 30, 2016, the Competitive Prices for WIC authorization for Type 3 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.29
Beans/Peas—Dry—16 oz.	\$2.12
Canned Fish—Pink Salmon	\$2.29
Canned Fish—Sardines	\$1.54

<i>Description</i>	<i>Competitive Prices</i>
Canned Fish—Tuna	\$1.30
Cereal (per oz.)	\$0.34
Cheese, 16 oz.	\$6.88
Eggs	\$2.99
Infant Cereal—8 oz.	\$2.35
Infant Fruits, 100%—4 oz.	\$0.82
Infant Vegetables, 100%—4 oz.	\$0.82
Infant Meats, 100%—2.5 oz.	\$1.15
Juice—11.5/12 oz.	\$2.47
Juice—48 oz.	\$3.29
Juice—64 oz.	\$4.00
Kosher Cheese—16 oz.	\$8.30
Kosher Lowfat Milk—1/2 gallon	\$3.29
Kosher Whole Milk—1/2 gallon	\$3.35
Milk, Lowfat—1/2 gallon	\$2.49
Milk, Whole—1/2 gallon	\$2.52
Peanut Butter—16-18 oz.	\$3.40
Whole Grain—Bread, 16 oz.	\$3.45
Whole Grain—Brown Rice, 16 oz.	\$2.05
Whole Grain—Oats, 16 oz.	\$2.65
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.58
Whole Wheat Pasta	\$2.10
Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.15
Similac Advance Powder Formula—Blue— 12.4 oz.	\$16.47
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$5.39
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$16.39

Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

Maximum Allowable Prices

Effective April 1, 2016, through June 30, 2016, the Maximum Allowable Prices the Department of Health will pay Type 1 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.	\$1.28
Beans/Peas—Dry—16 oz.	\$2.20
Canned Fish—Pink Salmon	\$2.27
Canned Fish—Sardines	\$1.60
Canned Fish—Tuna	\$1.35
Cereal (per oz.)	\$0.34
Cheese, 16 oz.	\$7.45
Eggs	\$2.95
Infant Cereal—8 oz.	\$2.32
Infant Fruits, 100%—4 oz.	\$0.79
Infant Vegetables, 100%—4 oz.	\$0.79
Infant Meats, 100%—2.5 oz.	\$1.10
Juice—11.5/12 oz.	\$2.45
Juice—48 oz.	\$3.14
Juice—64 oz.	\$3.95
Kosher Cheese—16 oz.	\$8.40
Kosher Lowfat and 2% Milk—quart	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon	\$3.27
Kosher Whole Milk—quart	\$1.80

<i>Description</i>	<i>Maximum Allowable Price</i>
Kosher Whole Milk—1/2 gallon	\$3.37
Milk, Dry—9.6 oz.	\$4.43
Milk, Dry—25.6 oz.	\$9.65
Milk, Evaporated—12 oz.	\$1.59
Milk, Lowfat and 2%—quart	\$1.40
Milk, Lowfat and 2%—1/2 gallon	\$2.52
Milk, Lowfat and 2% Lactose Free—quart	\$2.42
Milk, Lowfat and 2% Lactose Free—1/2 gallon	\$3.99
Milk, Whole—quart	\$1.52
Milk, Whole—1/2 gallon	\$2.59
Milk, Whole Lactose Free—quart	\$2.55
Milk, Whole Lactose Free—1/2 gallon	\$3.89
Peanut Butter—16-18 oz.	\$3.40
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.35
Soy Beverage—8th Continent 64 oz.	\$3.55
Tofu—16 oz.	\$2.61
Whole Grain—Bread, 16 oz.	\$3.55
Whole Grain—Bread, 24 oz.	\$3.99
Whole Grain—Brown Rice, 16 oz.	\$1.95
Whole Grain—Brown Rice, 24 oz.	\$3.39
Whole Grain—Oats, 16 oz.	\$2.52
Whole Grain—Oats, 24 oz.	\$5.49
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.59
Whole Wheat Pasta	\$1.47
Yogurt Nonfat	\$2.95
Yogurt Lowfat	\$2.95
Yogurt Wholefat	\$2.95
Boost RTF Formula—8 oz.	\$1.70
EnfaCare RTF Formula—32 oz.	\$7.40
EnfaCare w/Iron Powder Formula—12.8 oz.	\$16.94
Nutramigen Concentrate Formula—13 oz.	\$7.43
Nutramigen RTF Formula—32 oz.	\$9.75
Nutramigen w/Enflora Powder Formula— 12.6 oz.	\$24.80
Pediasure RTF Formula—8 oz.	\$2.04
Pediasure w/Fiber RTF Formula—8 oz.	\$2.05
Pediasure Sidekicks RTF Formula—8 oz.	\$1.89
Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.00
Similac Advance RTF Formula—Blue—32 oz.	\$7.49
Similac Advance Powder Formula—Blue— 12.4 oz.	\$15.89
Similac Expert Care Alimentum RTF Formula— 32 oz.	\$10.09
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$28.79
Similac Expert Care for Diarrhea RTF Formula— 32 oz.	\$7.79
Similac Expert Care NeoSure RTF Formula— 32 oz.	\$8.29
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$17.29
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs.	\$23.17
Similac Go & Grow Powder— Sensitive— 1.38 lbs.	\$23.00
Similac for Spit Up RTF Formula—Green— 32 oz.	\$7.69
Similac for Spit Up Powder Formula—Green— 12.0 oz.	\$16.19
Similac Sensitive RTF Formula—Orange—32 oz.	\$7.59
Similac Sensitive Powder Formula—Orange— 12.0 oz.	\$15.89
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$5.21

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Soy Isomil RTF Formula—Pink—32 oz.	\$7.79
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$16.35
Similac Total Comfort Powder Formula—Purple— 12.0 oz.	\$16.59

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2016, through June 30, 2016, the Competitive Prices for WIC authorization for Type 1 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.20
Beans/Peas—Dry—16 oz.	\$2.10
Canned Fish—Pink Salmon	\$2.25
Canned Fish—Sardines	\$1.48
Canned Fish—Tuna	\$1.30
Cereal (per oz.)	\$0.32
Cheese, 16 oz.	\$6.91
Eggs	\$2.89
Infant Cereal—8 oz.	\$2.29
Infant Fruits, 100%—4 oz.	\$0.78
Infant Vegetables, 100%—4 oz.	\$0.78
Infant Meats, 100%—2.5 oz.	\$1.09
Juice—11.5/12 oz.	\$2.35
Juice—48 oz.	\$3.06
Juice—64 oz.	\$3.66
Kosher Cheese—16 oz.	\$7.89
Kosher Lowfat Milk—1/2 gallon	\$3.19
Kosher Whole Milk—1/2 gallon	\$3.25
Milk, Lowfat—1/2 gallon	\$2.49
Milk, Whole—1/2 gallon	\$2.55
Peanut Butter—16-18 oz.	\$3.29
Whole Grain—Bread, 16 oz.	\$3.39
Whole Grain—Brown Rice, 16 oz.	\$1.79
Whole Grain—Oats, 16 oz.	\$2.45
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.50
Whole Wheat Pasta	\$1.40
Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.00
Similac Advance Powder Formula—Blue— 12.4 oz.	\$15.89
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$5.21
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$16.35

Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.

Maximum Allowable Prices

Effective April 1, 2016, through June 30, 2016, the Maximum Allowable Prices the Department of Health will pay Type 2 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.	\$1.35
Beans/Peas—Dry—16 oz.	\$2.30
Canned Fish—Pink Salmon	\$2.30
Canned Fish—Sardines	\$1.72
Canned Fish—Tuna	\$1.40
Cereal (per oz.)	\$0.36
Cheese, 16 oz.	\$7.55
Eggs	\$3.05
Infant Cereal—8 oz.	\$2.46
Infant Fruits, 100%—4 oz.	\$0.81
Infant Vegetables, 100%—4 oz.	\$0.81
Infant Meats, 100%—2.5 oz.	\$1.17
Juice—11.5/12 oz.	\$2.56
Juice—48 oz.	\$3.33
Juice—64 oz.	\$4.24
Kosher Cheese—16 oz.	\$8.40
Kosher Lowfat and 2% Milk—quart	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon	\$3.27
Kosher Whole Milk—quart	\$1.80
Kosher Whole Milk—1/2 gallon	\$3.37
Milk, Dry—9.6 oz.	\$4.50
Milk, Dry—25.6 oz.	\$9.75
Milk, Evaporated—12 oz.	\$1.65
Milk, Lowfat and 2%—quart	\$1.44
Milk, Lowfat and 2%—1/2 gallon	\$2.62
Milk, Lowfat and 2% Lactose Free—quart	\$2.50
Milk, Lowfat and 2% Lactose Free—1/2 gallon	\$4.15
Milk, Whole—quart	\$1.57
Milk, Whole—1/2 gallon	\$2.69
Milk, Whole Lactose Free—quart	\$2.60
Milk, Whole Lactose Free—1/2 gallon	\$4.21
Peanut Butter—16-18 oz.	\$3.56
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.40
Soy Beverage—8th Continent 64 oz.	\$3.75
Tofu—16 oz.	\$2.68
Whole Grain—Bread, 16 oz.	\$3.59
Whole Grain—Bread, 24 oz.	\$4.05
Whole Grain—Brown Rice, 16 oz.	\$1.99
Whole Grain—Brown Rice, 24 oz.	\$3.69
Whole Grain—Oats, 16 oz.	\$2.88
Whole Grain—Oats, 24 oz.	\$5.99
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.64
Whole Wheat Pasta	\$1.74
Yogurt Nonfat	\$3.00
Yogurt Lowfat	\$3.00
Yogurt Wholefat	\$3.00
Boost RTF Formula—8 oz.	\$1.76
EnfaCare RTF Formula—32 oz.	\$7.74
EnfaCare w/Iron Powder Formula—12.8 oz.	\$17.08
Nutramigen Concentrate Formula—13 oz.	\$7.49
Nutramigen RTF Formula—32 oz.	\$9.85
Nutramigen w/Enflora Powder Formula— 12.6 oz.	\$25.20
Pediasure RTF Formula—8 oz.	\$2.06
Pediasure w/Fiber RTF Formula—8 oz.	\$2.09
Pediasure Sidekicks RTF Formula—8 oz.	\$1.97
Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.25
Similac Advance RTF Formula—Blue—32 oz.	\$7.59

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Advance Powder Formula—Blue—12.4 oz.	\$15.99
Similac Expert Care Alimentum RTF Formula—32 oz.	\$10.19
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$29.29
Similac Expert Care for Diarrhea RTF Formula—32 oz.	\$8.19
Similac Expert Care NeoSure RTF Formula—32 oz.	\$8.34
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$17.39
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs.	\$23.40
Similac Go & Grow Powder— Sensitive—1.38 lbs.	\$23.19
Similac for Spit Up RTF Formula—Green—32 oz.	\$7.79
Similac for Spit Up Powder Formula—Green—12.0 oz.	\$16.39
Similac Sensitive RTF Formula—Orange—32 oz.	\$7.69
Similac Sensitive Powder Formula—Orange—12.0 oz.	\$15.99
Similac Soy Isomil Concentrate Formula—Pink—13 oz.	\$5.39
Similac Soy Isomil RTF Formula—Pink—32 oz.	\$7.89
Similac Soy Isomil Powder Formula—Pink—12.4 oz.	\$16.50
Similac Total Comfort Powder Formula—Purple—12.0 oz.	\$16.89

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2016, through June 30, 2016, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.23
Beans/Peas—Dry—16 oz.	\$2.13
Canned Fish—Pink Salmon	\$2.29
Canned Fish—Sardines	\$1.62
Canned Fish—Tuna	\$1.32
Cereal (per oz.)	\$0.34
Cheese, 16 oz.	\$7.00
Eggs	\$2.99
Infant Cereal—8 oz.	\$2.42
Infant Fruits, 100%—4 oz.	\$0.80
Infant Vegetables, 100%—4 oz.	\$0.80
Infant Meats, 100%—2.5 oz.	\$1.15
Juice—11.5/12 oz.	\$2.50
Juice—48 oz.	\$3.16
Juice—64 oz.	\$3.90
Kosher Cheese—16 oz.	\$8.00
Kosher Lowfat Milk—1/2 gallon	\$3.25

<i>Description</i>	<i>Competitive Prices</i>
Kosher Whole Milk—1/2 gallon	\$3.35
Milk, Lowfat—1/2 gallon	\$2.55
Milk, Whole—1/2 gallon	\$2.59
Peanut Butter—16-18 oz.	\$3.39
Whole Grain—Bread, 16 oz.	\$3.49
Whole Grain—Brown Rice, 16 oz.	\$1.90
Whole Grain—Oats, 16 oz.	\$2.65
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.55
Whole Wheat Pasta	\$1.70
Similac Advance Concentrate Formula—Blue—13 oz.	\$5.25
Similac Advance Powder Formula—Blue—12.4 oz.	\$15.99
Similac Soy Isomil Concentrate Formula—Pink—13 oz.	\$5.39
Similac Soy Isomil Powder Formula—Pink—12.4 oz.	\$16.50

Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties.

Maximum Allowable Prices

Effective April 1, 2016, through June 30, 2016, the Maximum Allowable Prices the Department of Health will pay Type 3 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.	\$1.44
Beans/Peas—Dry—16 oz.	\$2.40
Canned Fish—Pink Salmon	\$2.49
Canned Fish—Sardines	\$1.75
Canned Fish—Tuna	\$1.50
Cereal (per oz.)	\$0.37
Cheese, 16 oz.	\$7.70
Eggs	\$3.15
Infant Cereal—8 oz.	\$2.80
Infant Fruits, 100%—4 oz.	\$0.98
Infant Vegetables, 100%—4 oz.	\$0.98
Infant Meats, 100%—2.5 oz.	\$1.27
Juice—11.5/12 oz.	\$2.63
Juice—48 oz.	\$3.46
Juice—64 oz.	\$4.33
Kosher Cheese—16 oz.	\$8.40
Kosher Lowfat and 2% Milk—quart	\$1.87
Kosher Lowfat and 2% Milk—1/2 gallon	\$3.37
Kosher Whole Milk—quart	\$1.80
Kosher Whole Milk—1/2 gallon	\$3.40
Milk, Dry—9.6 oz.	\$4.60
Milk, Dry—25.6 oz.	\$9.85
Milk, Evaporated—12 oz.	\$1.72
Milk, Lowfat and 2%—quart	\$1.59
Milk, Lowfat and 2%—1/2 gallon	\$2.72
Milk, Lowfat and 2% Lactose Free—quart	\$2.53
Milk, Lowfat and 2% Lactose Free—1/2 gallon ...	\$4.25
Milk, Whole—quart	\$1.74
Milk, Whole—1/2 gallon	\$2.79
Milk, Whole Lactose Free—quart	\$2.69
Milk, Whole Lactose Free—1/2 gallon	\$4.29

<i>Description</i>	<i>Maximum Allowable Price</i>
Peanut Butter—16-18 oz.	\$3.68
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.50
Soy Beverage—8th Continent 64 oz.	\$3.90
Tofu—16 oz.	\$2.75
Whole Grain—Bread, 16 oz.	\$3.65
Whole Grain—Bread, 24 oz.	\$4.10
Whole Grain—Brown Rice, 16 oz.	\$2.45
Whole Grain—Brown Rice, 24 oz.	\$3.79
Whole Grain—Oats, 16 oz.	\$3.00
Whole Grain—Oats, 24 oz.	\$6.11
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.70
Whole Wheat Pasta	\$2.77
Yogurt Nonfat	\$3.05
Yogurt Lowfat	\$3.05
Yogurt Wholefat	\$3.05
Boost RTF Formula—8 oz.	\$1.89
EnfaCare RTF Formula—32 oz.	\$8.04
EnfaCare w/Iron Powder Formula—12.8 oz.	\$17.51
Nutramigen Concentrate Formula—13 oz.	\$7.99
Nutramigen RTF Formula—32 oz.	\$9.95
Nutramigen w/Enflora Powder Formula— 12.6 oz.	\$25.50
Pediasure RTF Formula—8 oz.	\$2.30
Pediasure w/Fiber RTF Formula—8 oz.	\$2.30
Pediasure Sidekicks RTF Formula—8 oz.	\$2.35
Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.58
Similac Advance RTF Formula—Blue—32 oz.	\$7.79
Similac Advance Powder Formula—Blue— 12.4 oz.	\$17.49
Similac Expert Care Alimentum RTF Formula— 32 oz.	\$10.39
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$30.19
Similac Expert Care for Diarrhea RTF Formula— 32 oz.	\$8.49
Similac Expert Care NeoSure RTF Formula— 32 oz.	\$8.54
Similac Expert Care NeoSure Powder Formula— 13.1 oz.	\$17.49
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs.	\$23.45
Similac Go & Grow Powder—Sensitive—1.38 lbs.	\$23.50
Similac for Spit Up RTF Formula—Green— 32 oz.	\$8.19
Similac for Spit Up Powder Formula—Green— 12.0 oz.	\$17.39
Similac Sensitive RTF Formula—Orange—32 oz.	\$8.09
Similac Sensitive Powder Formula—Orange— 12.0 oz.	\$16.99
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$5.85
Similac Soy Isomil RTF Formula—Pink—32 oz.	\$8.04
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$17.49
Similac Total Comfort Powder Formula—Purple— 12.0 oz.	\$17.49

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC partici-

pants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2016, through June 30, 2016, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.40
Beans/Peas—Dry—16 oz.	\$2.15
Canned Fish—Pink Salmon	\$2.48
Canned Fish—Sardines	\$1.68
Canned Fish—Tuna	\$1.48
Cereal (per oz.)	\$0.35
Cheese, 16 oz.	\$7.20
Eggs	\$3.09
Infant Cereal—8 oz.	\$2.76
Infant Fruits, 100%—4 oz.	\$0.95
Infant Vegetables, 100%—4 oz.	\$0.95
Infant Meats, 100%—2.5 oz.	\$1.25
Juice—11.5/12 oz.	\$2.60
Juice—48 oz.	\$3.37
Juice—64 oz.	\$4.20
Kosher Cheese—16 oz.	\$8.40
Kosher Lowfat Milk—1/2 gallon	\$3.35
Kosher Whole Milk—1/2 gallon	\$3.39
Milk, Lowfat—1/2 gallon	\$2.58
Milk, Whole—1/2 gallon	\$2.70
Peanut Butter—16-18 oz.	\$3.59
Whole Grain—Bread, 16 oz.	\$3.55
Whole Grain—Brown Rice, 16 oz.	\$2.40
Whole Grain—Oats, 16 oz.	\$2.99
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.60
Whole Wheat Pasta	\$2.70
Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.58
Similac Advance Powder Formula—Blue— 12.4 oz.	\$17.49
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$5.85
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$17.49

Persons with a disability who require an alternative format of this listing (for example, large print, audiotape, Braille) should contact Perce Morgan, Department of Health, Bureau of WIC, 625 Forster Street, 7th Floor West, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-529. Filed for public inspection March 25, 2016, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Children’s Health Insurance Program; Children’s Health Advisory Council Meeting

The Department of Human Services has scheduled a meeting of the Children’s Health Advisory Council (Council) on Thursday, March 31, 2016, at 10 a.m. in Room 129, Health and Welfare Building, Harrisburg, PA. Sections 2301-A—2309-A of The Insurance Company Law of 1921 (40 P.S. §§ 991.2301-A—991.2309-A) charge the Council with the responsibilities of reviewing outreach activities and evaluating access and quality of services provided to children enrolled in the Children’s Health Insurance Program.

The public is invited to attend this meeting. Persons who need accommodations due to a disability who wish to attend the meeting should contact Donna Beer, (717) 346-1363 at least 24 hours in advance so that arrangements can be made.

THEODORE DALLAS,
Secretary

[Pa.B. Doc. No. 16-530. Filed for public inspection March 25, 2016, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Uniform Construction Code Review and Advisory Council Meeting; Correction

An error occurred in the notice published at 46 Pa.B. 1395 (March 12, 2016). The start time of the meeting was incorrect and is corrected as follows.

The Uniform Construction Code Review and Advisory Council will hold a meeting on Thursday, March 31, 2016, at 10 a.m. at the Department of Labor and Industry, 1st Floor, E-100 Conference Room, 651 Boas Street, Harrisburg, PA 17121.

Additional information concerning the meeting may be found on the Department of Labor and Industry web site at www.dli.pa.gov (select “Uniform Construction Code,” then “UCC Review & Advisory Council”).

Questions concerning this meeting may be directed to Penny Myers at (717) 783-6304.

KATHY M. MANDERINO,
Secretary

[Pa.B. Doc. No. 16-531. Filed for public inspection March 25, 2016, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Bureau of Maintenance and Operations; Access Routes Approval

Under 75 Pa.C.S. § 4908 (relating to operation of certain combinations on interstate and certain other highways), the Department of Transportation approved on March 10, 2016, the following access routes for use by the types of truck combinations as indicated:

1. (X) 96" wide twin trailers (28 1/2' maximum length of each trailer).
2. (X) 102" wide 53' long trailer.
3. (X) 102" wide 48' long trailer.
4. (X) 102" wide twin trailers (28 1/2' maximum length—each).
5. (X) 102" wide maxi-cube.

<i>Route Identification</i>	<i>Route Description</i>	<i>County</i>	<i>Length Miles</i>
SR 187	From Wyoming County line to SR 2010	Bradford	8.0
SR 2001	From Wyoming County line to SR 2002	Bradford	4.0
SR 2002	From SR 187 to T-432 (Morris Road)	Bradford	2.2
SR 2006	From SR 187 to SR 2001	Bradford	1.3
SR 2010	From SR 187 to SR 6	Bradford	0.8
SR 187	From SR 87 to Bradford County Line	Wyoming	2.9

The municipalities of Wilmont, Terry and Wyalusing Townships in Bradford County and North Branch Township in Wyoming County approved the access routes within their respective jurisdictions.

Questions should be directed to George Harpster at (717) 783-6473.

LESLIE S. RICHARDS,
Secretary

[Pa.B. Doc. No. 16-532. Filed for public inspection March 25, 2016, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, March 10, 2016, and announced the following:

Action Taken—Regulations Approved:

Board of Finance and Revenue #64-5: General Provisions; Tax and Other Appeal Proceedings (amends 61 Pa. Code by rescinding Chapter 701 and adding Chapters 702 and 703)

Environmental Quality Board #7-485: Additional RACT Requirements for Major Sources of NO_x and VOCs (amends 25 Pa. Code Chapters 121 and 129)

Pennsylvania Public Utility Commission #57-308: Paper Billing Fees (adds § 53.85 to 52 Pa. Code)

Approval Order

Public Meeting Held
March 10, 2016

Commissioners Voting: George D. Bedwick, Vice Chairperson; W. Russell Faber; Murray Ufberg, Esq.; Dennis A. Watson, Esq., dissenting

*Board of Finance and Revenue—
General Provisions; Tax and Other Appeal Proceedings
Regulation No. 64-5 (#3091)*

On March 10, 2015, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Board of Finance and Revenue (Board). This rulemaking amends 61 Pa. Code by rescinding Chapter 701 and adding Chapters 702 and 703. The proposed regulation was published in the May 16, 2015 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on January 14, 2016.

This final-form rulemaking deletes the Board's existing practice and procedure regulations and adds new practice and procedure regulations that are consistent with Act 52 of 2013.

We have determined this regulation is consistent with the statutory authority of the Board (72 P.S. 9703.1(m)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
March 10, 2016

Commissioners Voting: John F. Mizner, Esq., Chairperson; George D. Bedwick, Vice Chairperson; W. Russell Faber; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Environmental Quality Board—
Additional RACT Requirements for Major
Sources of NO_x and VOCs
Regulation No. 7-485 (#3052)*

On April 7, 2014, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends 25 Pa. Code Chapters 121 and 129. The proposed regulation was published in the April 19, 2014 *Pennsylvania Bulletin* with a 72-day public comment period. The final-form regulation was submitted to the Commission on January 14, 2016.

This regulation adds additional Reasonably Available Control Technology requirements and emission limitations for major stationary emission sources.

We have determined this regulation is consistent with the statutory authority of the EQB (35 P.S. § 4005(a)(1)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
March 10, 2016

Commissioners Voting: John F. Mizner, Esq., Chairperson; George D. Bedwick, Vice Chairperson; W. Russell Faber; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Pennsylvania Public Utility Commission—
Paper Billing Fees
Regulation No. 57-308 (#3087)*

On February 27, 2015, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking adds § 53.85 to 52 Pa. Code. The proposed regulation was published in the March 14, 2015 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on January 27, 2016.

This proposed rulemaking adds a new section that would prohibit a public utility from imposing a supplemental fee, charge or other rate for providing a paper bill for services provided by the public utility.

We have determined this regulation is consistent with the statutory authority of the PUC (66 Pa.C.S. §§ 501, 1301, 1501 and 1509) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

GEORGE D. BEDWICK,
Vice Chairperson

[Pa.B. Doc. No. 16-533. Filed for public inspection March 25, 2016, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meeting on April 21, 2016, will be held at 333 Market Street, 14th Floor, Harrisburg, PA at 9 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 at 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>
54-83	Pennsylvania Liquor Control Board Posting Requirements for Extension	3/10/16	4/21/16

JOHN F. MIZNER, Esq.,
Chairperson

[Pa.B. Doc. No. 16-534. Filed for public inspection March 25, 2016, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Watermark Logan, LLC

Watermark Logan, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at The Watermark at Logan Square in Philadelphia. The initial filing was received on March 10, 2016, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syenger@pa.gov.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-535. Filed for public inspection March 25, 2016, 9:00 a.m.]

Bankers Life and Casualty Company (BNLB-130438244); Rate Increase Filing for Several LTC Forms

Bankers Life and Casualty Company is requesting approval to increase the premium 15% on 421 policyholders with the following individual LTC policy form numbers: GR-N620, GR-N630, GR-N650 and GR-N680.

Unless formal administrative action is taken prior to June 9, 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. 16-536. Filed for public inspection March 25, 2016, 9:00 a.m.]

Federated Mutual Insurance Company (FEMC-130466230); Small Group Health—Off Exchange; Rate Filing

Federated Mutual Insurance Company submitted a rate filing to increase the premium rates for its Small Group Off Exchange Health Plans. The filing proposes an average rate increase of 23.3% (range of 2.3% to 32.9%) and will affect approximately 3,000 members. The proposed rate increase will generate approximately \$1.9 million of additional annual revenue and will be effective July 1, 2016.

Unless formal administrative action is taken prior to June 9, 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 Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, rmathur@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-537. Filed for public inspection March 25, 2016, 9:00 a.m.]

The Prudential Insurance Company of America (PRUD-130452589); Rate Increase Filing for Several LTC Forms

The Prudential Insurance Company of America is requesting approval to increase the premium 15% on 248 policyholders with the following individual LTC policy form numbers: GRP 113172 ED 05/2009 and GRP 113570 ED 05/2009.

Unless formal administrative action is taken prior to June 9, 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. 16-538. Filed for public inspection March 25, 2016, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the company's termination of the insureds' homeowners policy. The hearing 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 hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by the appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Miguel and Carmen Torres; File No. 16-188-193529; State Farm Fire & Casualty Insurance Company; Doc. No. P16-03-008; April 26, 2016, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence, or both. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues

presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-539. Filed for public inspection March 25, 2016, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition for Approval of Numbering Plan Area Relief Planning for the 717 Numbering Plan Area

Public Meeting held
March 10, 2016

Commissioners Present: Gladys M. Brown, Chairperson; Andrew G. Place, Vice Chairperson; Pamela A. Witmer; John F. Coleman, Jr.; Robert F. Powelson

Petition for Approval of Numbering Plan Area Relief Planning for the 717 NPA; Doc. No. P-2015-2510230

Order

By the Commission:

On October 23, 2015, the North American Numbering Plan Administrator (NANPA),¹ NeuStar, Inc., in its role as the neutral third party NPA Relief Planner for Pennsylvania, acting on behalf of the Pennsylvania telecommunications industry (industry) filed a petition with the Commission requesting approval of its plan to alleviate numbering exhaust for the 717 Numbering Plan Area ("NPA" or "area code"). According to the petition, the industry reached a consensus² to implement an all services distributed overlay for the geographic area covered by the 717 NPA, which would create a new area code to service the area.

The Federal Communications Commission (FCC), which has plenary jurisdiction over numbering issues in the United States,³ mandates that states must implement timely area code relief, i.e., add a new area code, when the area codes within their boundaries are about to exhaust their supply of NXX codes.⁴ The Commission,

¹ The NANPA is the entity that allocates numbering resources and monitors the viability of area codes to determine when all of the numbers available in the area code are nearing exhaust. The Industry Numbering Committee Guidelines provide that when an area code is nearing exhaust, the NANPA, which then becomes the NPA Relief Planner, convenes a meeting of the industry to discuss relief alternatives. NPA Code Relief Planning & Notification Guidelines, INC97-0404-016, reissued Nov. 8, 1999, at § 5.5. If the industry reaches a consensus, then its consensus plan is filed with the Commission and the Commission has an opportunity to take action at that point. NPA Code Relief Planning & Notification Guidelines, INC97-0404-016, reissued Nov. 8, 1999, at § 5.6.

² A consensus is established when substantial agreement has been reached. Substantial agreement means more than a simple majority, but not necessarily unanimity. CLC Principles and Procedures, May 1998, at § 6.8.8.

³ 47 U.S.C. § 251(e)(1).

⁴ See In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission

therefore, is now faced with the decision of deciding when a new area code must be added and in what form that area code should be added. Because we need input from consumers, the industry and other interested parties involved regarding this difficult decision, we will now direct that the consensus relief plan for the 717 NPA shall not be implemented at this time. Rather, the Commission will hold public input hearings to receive testimony from consumers. In addition, we will seek comments as outlined in Section III below. After review of the testimony and comments, we will issue a decision on the 717 NPA relief plan.

Discussion

I. FCC Requirements Regarding Area Code Relief

The proliferation of new area codes is not the result of the unavailability of numbers for end-users. When there are no more NXX codes available to assign to telephone companies, then new area codes need to be opened. Thus, new area codes are needed when existing area codes exhaust their supply of NXX codes.⁵ The system for allocating numbering resources was designed in 1947 to accommodate a monopoly system. In recent years, however, a combination of several factors has created an unprecedented demand for NXX codes leading to the exhaustion of existing area codes and the proliferation of new area codes to fill the void.

According to FCC regulations, new area codes can be introduced to relieve the shortage of NXX codes in an area code through the use of any of the following three methods:

1. A geographic area code split, which occurs when the geographic area served by an area code is split into two or more geographical parts;
2. An area code boundary realignment, which occurs when the boundary lines between two adjacent area codes are shifted to allow the transfer of some numbers from one area code to the other;
3. An area code overlay, which occurs when a new area code is introduced to serve the same geographic area as an existing area code.

See 47 CFR 52.19(c)(1)—(3).

Although the NANPA notifies the industry when an area code needs relief planning and conducts the relief planning meeting, it is a neutral third party that does not express an opinion on any proposed relief alternative. Additionally, the industry is encouraged to participate in the creation of the relief alternatives and is free to present any plans during the relief planning meeting.

II. NANPA's NPA Relief Planning for the 717 NPA

A. The Relief Planning Meeting for the 717 NPA

Between 1940 and 1990, Pennsylvania had a total of only four area codes (412, 814, 717 and 215). The 717 area code is one of Pennsylvania's original four area codes. Today, Pennsylvania has ten active area codes (215, 610,⁶ 267, 484,⁷ 717, 570,⁸ 412, 724,⁹ 878¹⁰ and 814).

Regarding Area Codes 412, 610, 215, 717; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Memorandum Opinion and Order and Order on Reconsideration, 13 FCC Red 190029 (1998).

⁵ Telephone numbers consist of 10 digits. The first three digits make up the area code, and the second three digits make up the NXX code. Each NXX code contains 10,000 numbers and each area code contains approximately 792 NXX codes.

⁶ In 1994, the original 215 NPA in southeastern Pennsylvania was geographically split and the 610 NPA was introduced.

⁷ By Order entered May 21, 1998 at Docket No. P-00961061, the Commission directed that the 215 and 610 NPAs, or area codes, in the southeastern portion of this

The April NRUF (Number Resource Utilization Forecast) and NPA Exhaust Analysis April 2015 Update (2015 NRUF Report) indicated that the 717 NPA will exhaust during the third quarter of 2018.¹¹ Based upon the projected exhaust date, NANPA notified the Commission and the Industry on July 7, 2015, that NPA relief needed to be addressed. The Industry met via conference call on September 15, 2015, to discuss various relief alternatives. Pursuant to the NPA Relief Planning Guidelines, NANPA distributed an Initial Planning Document (IPD) to the Industry prior to the relief planning meeting. The IPD contained descriptions, maps, general facts and assumptions, and the projected lives of an all-services distributed overlay relief alternative, referred to in the IPD as Alternative #1, and one two-way geographic split alternative, referred to as Alternative #2.

During the relief planning meeting, the Industry members evaluated the two relief alternatives, described more fully below:¹²

- Alternative #1—All Services Distributed Overlay: A new NPA code would be assigned to the same geographic area as the existing 717 NPA. Alternative #1 has a projected life of sixty-seven (67) years.
- Alternative #2—Two-Way Geographic Split: In a two-way geographic split, the exhausting NPA is split into two geographic areas and a new NPA is assigned to one of the areas formed by the split. For Alternative #2, the proposed split boundary line runs along rate center boundaries in a west-to-east direction. The boundary line runs north of Dry Run, Chambersburg, Fayetteville, Biglerville, York Springs, Dillsburg, Dover, Manchester, Elizabethville, Manheim, Lititz, Ephrata and Denver. The northern portion, referred to in the IPD as Area A, would have a projected NPA life of seventy-one (71) years to exhaust and the southern portion, Area B, would have a projected NPA life of sixty-two (62) years to exhaust.

B. Industry's Current Consensus to Recommend an Overlay

At the September 15th meeting, the participants discussed the attributes of the relief alternatives and reached consensus to recommend to the Commission Alternative #1, the all services distributed overlay plan, as the preferred method of relief for the 717 NPA. All existing customers would retain the 717 area code and would not have to change their telephone numbers. Consistent with FCC regulations, the relief plan would require ten-digit dialing for all calls within and between the 717 NPA and the new NPA. The industry recommends that all local and toll calls between the 717 NPA and the new NPA be dialed as 10-digits, or permissively as 1+10 digits at each service provider's discretion. All local and toll calls originating in the 717 NPA or the new NPA and terminating in other NPAs (NPAs other than the 717 or new NPA) must be dialed as 1+10 digits. Operator services calls would require customers to dial 0+10 digits.

Commonwealth receive individual overlay NPAs so as to address the prevailing NXX code shortage problem. The 215 NPA received the 267 overlay NPA and the 610 NPA received the 484 overlay NPA, respectively.

⁸ The 570 NPA was a geographic split of the 717 NPA and was activated on April 8, 1999.

⁹ By Order entered July 15, 1997, at P-00961027, the Commission directed that the original 412 NPA in western Pennsylvania be geographically split with the new 724 NPA. The Pittsburgh metropolitan area would retain the 412 NPA with the surrounding communities transferring to the new 724 NPA. The new 724 NPA was activated on February 1, 1998. The 878 NPA was activated on April 11, 2013.

¹⁰ The 412 NPA was declared to be in jeopardy on October of 1999, by the NANPA. On January 19, 2000, an industry consensus was reached to institute an all services multiple overlay. Therefore, on August 17, 2001, the 878 NPA was activated and overlays both the 412 and the 724 geographic areas.

¹¹ See also October 2015 NRUF Report. This report indicates that the exhaust date for the 717 NPA is still the third quarter of 2018.

¹² The area code relief alternatives are available at the Commission's website at Docket No. P-2015-2510230.

The following table illustrates the recommended dialing plan:

<i>Type of Call</i>	<i>Call Terminating in</i>	<i>Dialing Plan</i>
Local & Toll Calls	Overlay Home NPAs (HNPA)	10 digits (NPA-NXX-XXXX)*
Local & Toll Calls	Foreign NPA (FNPA) outside of overlay	1+10 digits (1+NPA-NXX-XXXX)
Operator Services (Credit card, collect, third party)	HNPA or FNPA	0+10 digits (0+NPA-NXX-XXXX)

* 1+10 digit dialing for all HNPA and FNPA calls permissible at each service provider's discretion.

When the 717 NPA exhausts, all Central Office (CO) code assignments will be made from the new overlay area code. Industry participants also reached consensus to recommend to the Commission a thirteen-month schedule for implementation of the overlay. The recommended schedule is as follows:

Recommended Implementation Schedule for All Services Distributed Overlay

<i>Event</i>	<i>Timeframe</i>
Network Preparation Period	6 months
Permissive 10-Digit Dialing and Customer Education Period (Calls within 717 NPA can be dialed using 7 or 10 digits) Mandatory dialing begins at the end of the Permissive Dialing Period	6 months
First Code Activation after end of Permissive dialing period (Effective date for codes from the new NPA)	1 month (after Mandatory Dialing Date)
Total Implementation Interval	13 months

The Industry states that adhering to the proposed timeframe will avoid the denial or delay of service to telecommunications providers' customers due to the unavailability of CO codes.

III. *Comments and Testimony Sought By the Commission*

The FCC has adamantly maintained that state commissions cannot engage in number conservation measures to the exclusion of, or as a substitute for, timely area code relief.¹³ Therefore, when Pennsylvania's area codes are about to exhaust their supply of NXX codes, the Commission must implement timely area code relief, i.e., add a new area code. When faced with the need to implement new area codes, the Commission must decide two very important issues. First, the Commission must decide how to implement the new area code (i.e., a geographic split or an overlay). Second, the Commission must determine when the new area code needs to be implemented. Therefore, we are seeking written comments from interested parties regarding what form of area code relief should be implemented upon exhaust of the 717 NPA and the timeframe for the implementation.

In addition to the submission of any written comments to the Commission's Secretary's Bureau on the relief plan, the Commission believes that public input hearings would also be a useful tool to assist in making this decision. Therefore, the Commission hereby directs that public input hearings be held within the 717 geographic region so that oral testimony related to the appropriate form of relief for the 717 NPA can be received from interested parties as well. The locations and times for the public input hearings will be established by the Office of Administrative Law Judge as an administrative law judge will be assigned to this matter for the purpose of facilitating the hearings. A transcript of the hearings will be made and then certified to the Commission which will make the final decision on this matter.

A. *Form of Area Code Relief for the 717 NPA*

According to the FCC, state commissions must add new area codes when the existing area codes exhaust or are about to exhaust all their NXX codes. Consequently, the

critical element for deciding when to add new area codes is to know when the area code will exhaust all of its NXX codes. State commissions have no involvement in predicting or projecting the exhaust dates for area codes. The FCC has delegated this responsibility to the NANPA.

The NANPA projects exhaust dates for area codes by averaging the past rate of assignment of NXX codes and using that to estimate the future rate at which NXX codes will be assigned. Because these variables are so fluid, projecting accurate exhaust dates is difficult. Thus, with constantly changing information such as this, it is difficult to determine when Pennsylvania's area codes will exhaust and thereby require the addition of new area codes to ensure that all telecommunications carriers have numbering resources.

Once NANPA has determined that area code relief is necessary, state commissions are faced with the task of deciding what form that relief should take. The Commission is seeking comments on the two relief alternatives submitted by the NANPA to the industry and is open to suggestions regarding any other potential alternatives for providing relief to the 717 NPA.

Pennsylvania has experienced both area code splits and overlays. There have been a total of five overlays since 1999 (484, 267 and 878 have been implemented and 835 and 445 were activated but later rescinded). Prior to 1999, three geographic splits have been implemented (610, 570 and 724). There are benefits and disadvantages to either method.

With the imposition of an overlay, existing land-based telephone customers are not likely to have to change telephone numbers. Therefore, customers will not need to change their advertising and stationery. However, the FCC requires that ten digits be used to dial all numbers in the overlaid area when an overlay is implemented. Thus, seven-digit dialing is no longer permissible or valid. New NXX numbers from the new area code are assigned to carriers that do not have numbers available in a given

¹³ In the Matter of Numbering Resource Optimization, CC Docket Nos. 99-200, 96-98, NSD File No. L-99-101 (2000).

rate center. Therefore, the first three digits of a ten-digit telephone number around the corner or down the block might be from the new area code. Eventually, a single customer might have two different area codes for telephone lines serving his or her home or place of business if the existing carrier has run out of numbers in an NXX assigned to the old area code.

On the other hand, implementation of a geographic split involves dividing an existing area code into two or more parts, with one part retaining the old area code and other(s) receiving the new area code(s). Callers are presently able to continue using seven-digit dialing for calls made within the area code boundaries. Customers in the area retaining the old area code are minimally impacted. Customers in the new area code, however, must change their area codes. Businesses must revise their stationery and their advertising. Commercial customers may not be able to retain “vanity numbers,” upon which they have spent advertising dollars. Callers, particularly at the border of the old and new area codes are temporarily inconvenienced. They often must dial eleven digits to make calls that were previously seven-digit numbers. Although local calling areas actually have not changed and calls that were local before the area code split remain local calls, even if they cross into the new area code, people are initially disconcerted and distrusting of the concept of an eleven-digit local call. Indeed, local calling areas do not change no matter which method of area code relief is implemented.

Specifically, the Commission is interested in the specific circumstances of the 717 NPA and whether these circumstances favor the implementation of one form of relief over the other. To that end, we seek testimony at public input sessions and will receive written comments from the industry or other interested parties. We ask parties that are submitting comments to keep in mind the following factors when advocating for a particular form of area code relief: (1) what form of area code relief would create longer lasting NPAs for the 717 region and (2) what form of area code relief is the least disruptive to consumers.

B. Implementation Schedule and Activation of the Relief Plan Chosen for the 717 NPA

While a state commission may not utilize numbering optimization measures in lieu of implementing timely area code relief, a state commission may minimize the consumer impact of traditional area code relief by not implementing new area codes sooner than necessary. Accordingly, we would like to hear testimony or receive comments from interested parties on the timeframe for when area code relief must be implemented and ultimately activated to relieve the 717 NPA. The current overlay relief plan proposed by the industry allows thirteen months for full implementation of the new NPA. According to this timeline, six months are devoted to network preparation, six months are devoted to “permissive” ten-digit dialing, and one month is devoted to “mandatory” ten-digit dialing. The Commission’s experience with area code overlays is that they can be fully implemented within six months. Consequently, the Commission questions whether a thirteen-month timeline is absolutely necessary for implementation of an overlay for the 717 NPA.

We also seek testimony or comment on the following questions regarding implementation of a split to relieve the 717 NPA:

- What is the shortest amount of time this type of relief can be implemented?

- Would a 6-month timeframe for implementation of a split be feasible?
- What aspect of implementing a split is the most significant for the industry and how long does this take to complete?

Also, in the past, in Southeastern Pennsylvania, the Commission had ordered that additional proposed overlays (835 over 610/484 and 445 over 215/267) not be implemented until three months prior to total exhaustion of the underlying NPAs. Thus, the Commission posits the following questions:

- Is a similar situation possible for the 717 NPA?
- Could the industry undertake to implement an overlay for the 717 NPA but not actually activate that new overlay NPA until total exhaust of the 717 NPA?
- Could the requirement of ten-digit dialing be suspended until the new overlay NPA were fully activated?

Additionally, we would like testimony or comments from interested parties on the timeframe for when area code relief must be implemented to relieve the 717 NPA.

Conclusion

The policy of the Commission is to ensure that numbering resources are made available on an equitable, efficient and timely basis in Pennsylvania while ensuring that the impact of proliferating new area codes on consumers is as minimal as possible. In view of the well-documented disruption to customers caused by changes in their area code, it is in the public interest for us to seek testimony and/or comments from consumers, the industry and other interested parties involved regarding this decision; *Therefore,*

It Is Ordered That:

1. The Petition for Approval of Numbering Plan Area Relief Planning for the 717 NPA filed by the North American Numbering Plan Administrator is being held in abeyance pending receipt of comments and any further proceedings, as necessary.
2. The industry consensus recommendation set forth in the petition for an all services distributed overlay relief plan for the 717 NPA is deferred, pending receipt of comments.
3. The Office of Administrative Law Judge will establish dates, times and locations for the public input hearings so that oral testimony related to the form of relief for the 717 NPA can be received from interested parties.
4. The Secretary’s Bureau shall cause notice of the time, place, and subject of the hearings be published in the newspapers of general circulation in the counties and areas of the hearings.
5. A copy of the press release regarding the public input hearings shall be posted on the Commission’s website at <http://www.puc.state.pa.us>.
6. A copy of this order shall be published both in the *Pennsylvania Bulletin* and on the Commission’s website.
7. Comments, as requested by this Order, be filed with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, no later than forty-five (45) days after this Order is published in the *Pennsylvania Bulletin*.
8. A copy of this Order shall be served on the Office of Consumer Advocate, the Office of Small Business Advo-

cate and Wayne Milby and Beth Sprague of the North American Numbering Plan Administrator.

9. A copy of this order shall be served upon the Office of Administrative Law Judge and the Office of Communications.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-540. Filed for public inspection March 25, 2016, 9:00 a.m.]

Petition for Finding

P-2015-2501386. Keystone Cab Service, Inc., EZ Taxi, LLC, United Cab, LLC, Good Cab, LLC, Amigo Taxi, LLC, Diamond Taxi, LLC and Dollar Taxi, LLC. Joint petition of Keystone Cab Service, Inc., EZ Taxi, LLC, United Cab, LLC, Good Cab, LLC, Amigo Taxi, LLC, Diamond Taxi, LLC and Dollar Taxi, LLC for a finding that the present use of 515 South 13th Street, City of Harrisburg (Parcel No. 02-042-018) as a vehicle storage and vehicle parts storage lot is reasonably necessary for the convenience or welfare of the public.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before April 11, 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 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 Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: Keystone Cab Service, Inc.; EZ Taxi, LLC; United Cab, LLC; Good Cab, LLC; Amigo Taxi, LLC; Diamond Taxi, LLC; Dollar Taxi, LLC

Through and By Counsel: John W. Sweet, Esquire, The Sweet Firm, 620 South 13th Street, Harrisburg, PA 17103, (610) 248-7186, fax (717) 234-4432, jwsweet1980@gmail.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-541. Filed for public inspection March 25, 2016, 9:00 a.m.]

Petition for Finding

P-2015-2513669. Keystone Cab Service, Inc., EZ Taxi, LLC, United Cab, LLC, Good Cab, LLC, Amigo Taxi, LLC, Diamond Taxi, LLC and Dollar Taxi, LLC. Joint petition of Keystone Cab Service, Inc., EZ Taxi, LLC, United Cab, LLC, Good Cab, LLC, Amigo Taxi, LLC, Diamond Taxi, LLC and Dollar Taxi, LLC for a finding that the present use of 1119 Cumberland Street, City of Harrisburg (Parcel No. 07-073-014) as a vehicle storage and vehicle parts storage lot is reasonably necessary for the convenience or welfare of the public.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before April 11, 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 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 Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: Keystone Cab Service, Inc.; EZ Taxi, LLC; United Cab, LLC; Good Cab, LLC; Amigo Taxi, LLC; Diamond Taxi, LLC; Dollar Taxi, LLC

Through and By Counsel: John W. Sweet, Esquire, The Sweet Firm, 620 South 13th Street, Harrisburg, PA 17103, (610) 248-7186, fax (717) 234-4432, jwsweet1980@gmail.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-542. Filed for public inspection March 25, 2016, 9:00 a.m.]

Pro Forma Transaction

A-2016-2534000. XO Communications Services, Inc. Application of XO Communications Services, Inc. for approval of a pro forma transaction whereby XO Communications Services, Inc. will convert from a Delaware corporation to a Delaware limited liability company, resulting in a name change from XO Communications Services, Inc. to XO Communications Services, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before April 11, 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.

Applicant: XO Communications Services, Inc.

Through and By Counsel: Edward A. Yorkgitis, Jr., Esquire, Denise N. Smith, Esquire, Kelley Drye & Warren, LLP, 3050 K Street, NW, Suite 400, Washington, DC 20007

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-543. Filed for public inspection March 25, 2016, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by April 11, 2016. Docu-

ments 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-2016-2531858. ASAP Transport, LLC (4413 Malta Street, Philadelphia, PA 19124) persons in paratransit service, from points in the City and County of Philadelphia, to all correctional facilities in Pennsylvania, and return.

A-2016-2532999. SPL Logistics, LLC (518 Deborah Court, Warrington, Bucks County, PA 18976) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in the Counties of Bucks, Chester, Delaware and Montgomery, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-2016-2529851. New Taxi, LLC (2304 Walnut Street, Harrisburg, PA 17103) for the right to begin to transport, as a common carrier, by motor vehicle, persons, in call or demand service, in the Counties of Dauphin and Cumberland; which is to be a transfer of all rights authorized under the certificate issued at A-6318521 to Dollar Taxi, LLC, subject to the same limitations and conditions. *Attorney:* John W. Sweet, Esquire, 620 South 13th Street, Harrisburg, PA 17103.

A-2016-2529857. OK Taxi, LLC (2304 Walnut Street, Harrisburg, PA 17103) for the right to begin to transport, as a common carrier, by motor vehicle, persons, in call or demand service, in the City of Harrisburg and within an airline distance of 10 statute miles of the limits of the City of Harrisburg, which is to be a transfer of all rights authorized under the certificate issued at A-00122492 to Amigo Taxi, LLC, subject to the same limitations and conditions. *Attorney:* John W. Sweet, Esquire, 620 South 13th Street, Harrisburg, PA 17103.

A-2016-2529890. Best Taxi, LLC (2304 Walnut Street, Harrisburg, PA 17103) for the right to begin to transport, as a common carrier, by motor vehicle, persons, in call or demand service, from points in the City of Harrisburg and within an airline distance of 20 statute miles of the limits of the City of Harrisburg, which is to be a transfer of all rights authorized under the certificate issued at A-639925 to Diamond Taxi, LLC, subject to the same limitations and conditions. *Attorney:* John W. Sweet, Esquire, 620 South 13th Street, Harrisburg, PA 17103.

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-2016-2532991. Joel Sicherman, t/a Bestdarnmovers (210 Division Street, Kingston, Luzerne County, PA 18704) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

Application of the following for the approval of the right and privilege to *discontinue/abandon* operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-2016-2532995. William M. Goetz, t/a Franklin Livery Service (1339 Otter Street, Franklin, PA 16323) for the discontinuance of service and cancellation of his certificate, as a common carrier, by motor vehicle, at A-00110773, authorizing the transportation of persons in limousine service, between points in Clarion County, and in the County of Venango, limited to service for licensed funeral directors to and from funeral homes.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-544. Filed for public inspection March 25, 2016, 9:00 a.m.]

Transfer of Control

A-2016-2534121. DSCI Holdings Corporation, DSCI, LLC and U. S. TelePacific Corporation. Application of DSCI Holdings Corporation, DSCI, LLC and U. S. TelePacific Corporation for approval of the transfer of control of DSCI, LLC to U. S. TelePacific Corporation.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before April 11, 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: DSCI Holdings Corporation; DSCI, LLC; U. S. TelePacific Corporation

Through and By Counsel: Michael Gruin, Esquire, Stevens & Lee, Harrisburg Market Square, 17 North Second Street, 16th Floor, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-545. Filed for public inspection March 25, 2016, 9:00 a.m.]

**PUBLIC SCHOOL
EMPLOYEES'
RETIREMENT BOARD**

Hearing Scheduled

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimant's request concerning the indicated account.

The hearing will be held before a hearing officer at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

June 1, 2016 Deborah A. Kennedy 1 p.m.
(Purchase of Service)

Persons with a disability who wish to attend the previously listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Lori Koch, Assistant to the Executive Director at (717) 720-4606 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the

requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matter will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

GLEN R. GRELL,
Executive Director

[Pa.B. Doc. No. 16-546. Filed for public inspection March 25, 2016, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth’s Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, so individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/ Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended, or Existing</i>	<i>Action Taken</i>
Timothy Wentzel— Quint T Egg Farm 3819 Powells Valley Road Halifax, PA 17032	Dauphin County/ Jefferson Township	194.56	Layers	New	Approved
Jodie Brubaker 1681 Hossler Road Manheim, PA 17545	Lancaster County/ Rapho Township	184.93	Broilers	Amended	Approved
Walmoore Holsteins, Inc.— Unit 2 2196 Gap Newport Pike Cochranville, PA 19330	Chester County/ Londonderry Township	262.5	Cattle	Amended	Approved
Larry Dean Martin 62 Eisenhower Road Myerstown, PA 17067	Berks County/ Tulpehocken Township	246.33	Broilers	Existing	Rescind
Dean Puderbaugh 412 Hemlock Hollow Road Benton, PA 17814	Columbia County/ Pine Township	713.42	Swine	Existing	Rescind
Rohrer Farms, LLC— Organic Farm 154 Penn Valley Road Lititz, PA 17543	Lancaster County/ Penn Township	423.6	Layers/Pullets	New	Approved
Star Rock Dairy, Inc. and Star Rock Farms, LLC— Heindel Farm 13845 Ted Wallace Road Brogue, PA 17309	York County/ Chanceford Township	272.25	Cattle	New	Approved

<i>Ag Operation Name, Address</i>	<i>County/ Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended, or Existing</i>	<i>Action Taken</i>
Bellaire Farms, LLC 0 Bellaire Road Elizabethtown, PA 17022	Lancaster County/ Mount Joy Township	262.55	Broilers	New	Approved
David Buch 20 Buch Road Ephrata, PA 17522	Lancaster County/ West Earl Township	142.93	Broilers	New	Approved

RUSSELL C. REDDING,
Chairperson

[Pa.B. Doc. No. 16-547. Filed for public inspection March 25, 2016, 9:00 a.m.]

STATE ETHICS COMMISSION

Public Meeting

Under 65 Pa.C.S. §§ 1101—1113 (relating to Public Official and Employee Ethics Act) (act) the State Ethics Commission (Commission) is required to hold at least two public hearings each year to seek input from persons and organizations who represent any individual subject to the provisions of the act and from other interested parties.

The Commission will conduct a public meeting in Room 307, Finance Building, Harrisburg, PA on April 7, 2016,

at 9 a.m. for purposes of receiving input and for the conduct of other Commission business. Public officials, public employees, organizations and members of the general public may attend.

Persons seeking to testify or present any statement, information or other comments in relation to the act, the regulations of the Commission or agency operations should contact Heather Mulhollan at (717) 783-1610 or (800) 932-0936. Written copies of any statement should be provided at the time of the meeting.

ROBERT P. CARUSO,
Executive Director

[Pa.B. Doc. No. 16-548. Filed for public inspection March 25, 2016, 9:00 a.m.]