

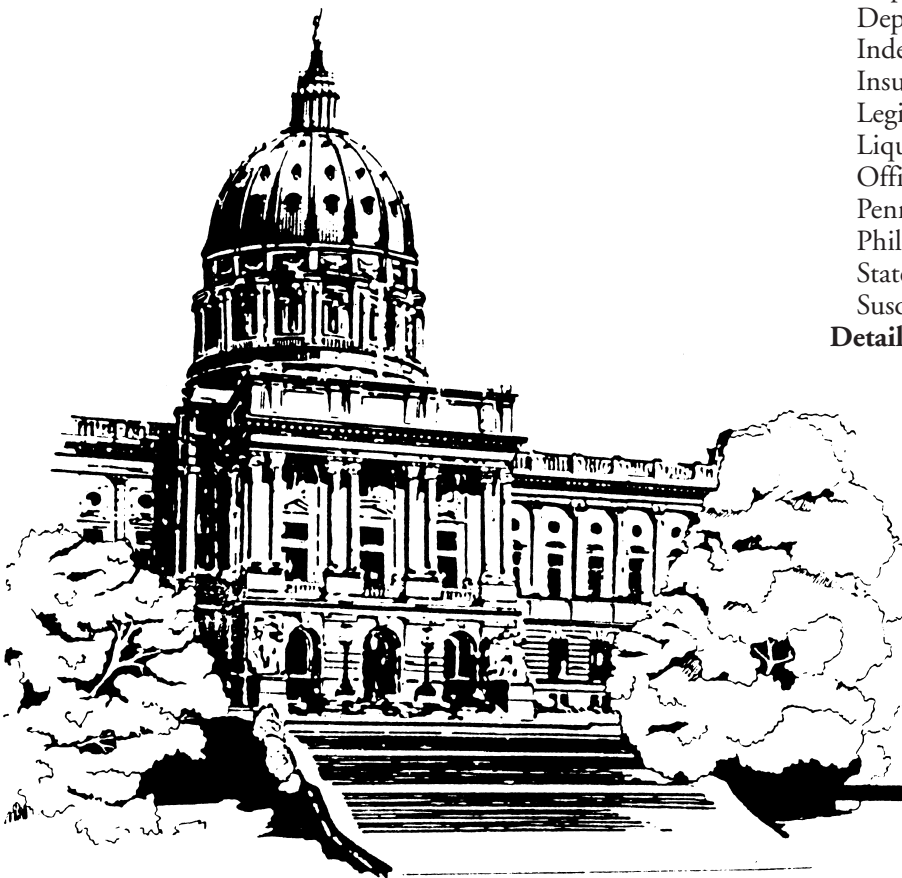
PENNSYLVANIA BULLETIN

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Agencies in this issue

The Governor
The Courts
Department of Banking and Securities
Department of Education
Department of Environmental Protection
Department of General Services
Department of Health
Department of Transportation
Independent Regulatory Review Commission
Insurance Department
Legislative Reference Bureau
Liquor Control Board
Office of Open Records
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
State Employees' Retirement Board
Susquehanna River Basin Commission

Detailed list of contents appears inside.



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

No. 494, January 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.

| | |
|---|--|
| 4 Pa. Code (Administration) | 201 Pa. Code (Rules of Judicial Administration) |
| Proposed Rules | Adopted Rules |
| 245 354 | 19 330 |
| 247 354 | |
| Statement of Policy | 210 Pa. Code (Appellate Procedure) |
| 9 22, 219 | Adopted Rules |
| | 3 8 |
| 12 Pa. Code (Commerce, Trade and Local Government) | 9 8 |
| Proposed Rules | 231 Pa. Code (Rules of Civil Procedure) |
| 31 221 | Adopted Rules |
| 25 Pa. Code (Environmental Protection) | 200 332 |
| Adopted Rules | Proposed Rules |
| 806 17 | Part II 332 |
| 40 Pa. Code (Liquor) | 255 Pa. Code (Local Court Rules) |
| Adopted Rules | Unclassified 209 |
| 1 352 | |
| 13 352 | |

THE GOVERNOR

Notice of Veto

December 29, 2015

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

Pursuant to Article IV, Section 16 of the Pennsylvania Constitution, I am returning this appropriation bill, House Bill 1460 Printer's Number 2626, to your chamber.

This bill leaves much work to be accomplished for us to properly serve the citizens of the Commonwealth. I am disapproving the unbalanced nature of this budget and its cuts to education funding. At the same time, I will direct emergency funding for key services. I take this action to ensure that the money owed to the schools through December 31, is distributed as quickly as possible.

This General Appropriation bill cuts \$95 million from schools, instead of making historic investments as agreed to in Senate Bill 1073 Printer's Number 1459. It does not balance the budget, but rather increases the deficit. I am disapproving large portions of this General Appropriation bill to prevent a fiscally irresponsible budget that increases the deficit while cutting education funding. Furthermore, this legislation leaves this Commonwealth with a \$2.3 billion structural deficit, which will increase even more in future years. This bill will also lead to more credit downgrades and fiscal instability in Pennsylvania.

Unfortunately, I am compelled to veto some or all of the funding for several meritorious programs in order to maintain the Commonwealth's financial integrity. I look forward to completing the job with the General Assembly, so these programs, along with our children's education, can be funded in an adequate and responsible manner. Now, it is time to get back to work to fund our schools and fix our deficit.

For these reasons, I return the bill to your chamber partially approved and signed. The bill is approved with the exception of the items listed below:
Section 202. Executive Offices.

For the Public Employee Retirement Commission.
State appropriation 962,000

This item is disapproved in its entirety.

For the Pennsylvania Commission on Crime and Delinquency.
State appropriation 4,433,000

This item is approved in the sum of \$4,017,000.

For violence prevention programs.
State appropriation 4,569,000

This item is approved in the sum of \$3,872,000.

For child advocacy centers.
State appropriation 1,000,000

This item is disapproved in its entirety.

Section 208. Department of Agriculture.

For agricultural excellence programs.
State appropriation 1,100,000

This item is disapproved in its entirety.

| | |
|---|------------|
| For agricultural research. State appropriation | 1,587,000 |
| This item is disapproved in its entirety. | |
| For agricultural promotion, education and exports. State appropriation | 250,000 |
| This item is disapproved in its entirety. | |
| For hardwoods research and promotion. State appropriation | 350,000 |
| This item is disapproved in its entirety. | |
| For development and operation of an open livestock show, including cattle, swine, sheep and horses. State appropriation | 177,000 |
| This item is disapproved in its entirety. | |
| For planning and staging of an open dairy show. State appropriation | 177,000 |
| This item is disapproved in its entirety. | |
| *** | |
| For transfer from the General Fund to the Agricultural College Land Scrip Fund restricted account. State appropriation | 50,549,000 |
| This item is disapproved in its entirety. | |
| *** | |
| For the Animal Health Commission. State appropriation | 5,350,000 |
| This item is disapproved in its entirety. | |
| For the Pennsylvania Veterinary Laboratory System. State appropriation | 5,309,000 |
| This item is disapproved in its entirety. | |
| For payments to Pennsylvania fairs. State appropriation | 4,000,000 |
| This item is disapproved in its entirety. | |
| Section 209. Department of Community and Economic Development. | |
| *** | |
| For the purpose of marketing to attract tourists to this Commonwealth. State appropriation | 7,014,000 |
| This item is approved in the sum of \$4,264,000. | |
| *** | |
| For tourism promotion related to accredited zoos. State appropriation | 550,000 |
| This item is disapproved in its entirety. | |
| For the Pennsylvania Infrastructure Technology Assistance Program. State appropriation | 1,750,000 |
| This item is disapproved in its entirety. | |
| For Super Computer Center projects. State appropriation | 500,000 |
| This item is disapproved in its entirety. | |
| For powdered metals. State appropriation | 100,000 |
| This item is disapproved in its entirety. | |

| | |
|---|---------------|
| For a rural leadership training program. State appropriation | 100,000 |
| This item is disapproved in its entirety. | |
| Section 211. Department of Conservation and Natural Resources. | |
| *** | |
| For heritage and other parks. State appropriation | 2,250,000 |
| This item is disapproved in its entirety. | |
| Section 212. Department of Corrections. | |
| *** | |
| For the State correctional institutions. State appropriation | 1,895,427,000 |
| This item is approved in the sum of \$956,026,000. | |
| Section 215. Department of Education. | |
| *** | |
| For payment of basic education funding to school districts. State appropriation | 5,630,079,000 |
| This item is approved in the sum of \$2,532,539,000. | |
| *** | |
| For mobile science and math education programs. State appropriation | 2,114,000 |
| This item is disapproved in its entirety. | |
| *** | |
| For job training and education programs. State appropriation | 10,500,000 |
| This item is disapproved in its entirety. | |
| *** | |
| For payment of approved operating expenses of community colleges. State appropriation | 226,450,000 |
| This item is approved in the sum of \$215,667,000. | |
| *** | |
| For regional community college services. State appropriation | 3,000,000 |
| This item is disapproved in its entirety. | |
| For community education councils. State appropriation | 2,425,000 |
| This item is approved in the sum of \$2,300,000. | |
| Section 216. State System of Higher Education. | |
| *** | |
| For the State System of Higher Education, including the Chancellor's Office. State appropriation | 433,389,000 |
| This item is approved in the sum of \$412,751,000. | |
| Section 217. Thaddeus Stevens College of Technology. | |
| *** | |
| For the Thaddeus Stevens College of Technology. State appropriation | 12,949,000 |
| This item is approved in the sum of \$12,332,000. | |
| Section 218. Pennsylvania Higher Education Assistance Agency. | |
| *** | |

| | |
|---|-------------|
| For payment of education assistance grants. State appropriation | 362,132,000 |
| This item is approved in the sum of \$305,235,000. | |
| For Pennsylvania Internship program grants. State appropriation | 450,000 |
| This item is approved in the sum of \$350,000. | |
| *** | |
| For matching payments for student aid funds. State appropriation | 13,121,000 |
| This item is approved in the sum of \$12,496,000. | |
| For institutional assistance grants to be allotted by the Pennsylvania Higher Education Assistance Agency. State appropriation | 25,608,000 |
| This item is approved in the sum of \$24,389,000. | |
| For higher education for the disadvantaged. State appropriation | 2,358,000 |
| This item is approved in the sum of \$2,246,000. | |
| For higher education for blind and deaf students. State appropriation | 49,000 |
| This item is approved in the sum of \$47,000. | |
| For the Horace Mann Bond-Leslie Pinckney Hill Scholarship and for outreach and recruitment activities at Lincoln and Cheyney Universities related to the scholarship. This appropriation also contains funds for the continuation of support to students currently receiving equal opportunity professional education awards. State appropriation | 561,000 |
| This item is approved in the sum of \$534,000. | |
| For the Cheyney University Keystone Academy. State appropriation | 1,601,000 |
| This item is approved in the sum of \$1,525,000. | |
| Section 219. Department of Environmental Protection. | |
| *** | |
| For sewage facilities grants. State appropriation | 900,000 |
| This item is disapproved in its entirety. | |
| Section 221. Department of Health. | |
| *** | |
| For diabetes programs. State appropriation | 102,000 |
| This item is disapproved in its entirety. | |
| *** | |
| For screening of newborns. State appropriation | 5,327,000 |
| This item is approved in the sum of \$5,227,000. | |
| *** | |
| For regional cancer institutes. State appropriation | 600,000 |
| This item is disapproved in its entirety. | |
| *** | |
| For tuberculosis screening and treatment. State appropriation | 893,000 |
| This item is approved in the sum of \$876,000. | |
| *** | |

| | |
|--|---------------|
| For services to children with special needs. State appropriation | 1,582,000 |
| This item is approved in the sum of \$1,551,000. | |
| For adult cystic fibrosis and other chronic respiratory illnesses. State appropriation | 765,000 |
| This item is approved in the sum of \$450,000. | |
| For diagnosis and treatment for Cooley's anemia. State appropriation | 102,000 |
| This item is approved in the sum of \$100,000. | |
| For hemophilia services. State appropriation | 978,000 |
| This item is approved in the amount of \$949,000. | |
| For lupus programs. State appropriation | 102,000 |
| This item is disapproved in its entirety. | |
| For sickle cell anemia services, including camps for children with sickle cell anemia. State appropriation | 1,285,000 |
| This item is approved in the sum of \$1,200,000. | |
| For regional poison control centers. State appropriation | 714,000 |
| This item is disapproved in its entirety. | |
| For trauma prevention. State appropriation | 469,000 |
| This item is disapproved in its entirety. | |
| For epilepsy support services. State appropriation | 561,000 |
| This item is disapproved in its entirety. | |
| For biotechnology research. State appropriation | 6,018,000 |
| This item is disapproved in its entirety. | |
| For Tourette's syndrome. State appropriation | 153,000 |
| This item is disapproved in its entirety. | |
| For amyotrophic lateral sclerosis support services. State appropriation | 357,000 |
| This item is disapproved in its entirety. | |
| Section 222. Department of Human Services. | |
| *** | |
| For primary health care and preventive services for eligible medical assistance recipients in the fee-for-service delivery system. State appropriation | 433,012,000 |
| This item is approved in the sum of \$428,035,000. | |
| *** | |
| For medical assistance payments—capitation plans. For provision of outpatient services and inpatient hospital services to eligible persons enrolled in an approved capitation plan. State appropriation | 3,919,202,000 |
| This item is approved in the sum of \$1,959,601,000. | |
| *** | |
| For medical assistance payments—obstetrics and neonatal services. State appropriation | 3,681,000 |
| This item is disapproved in its entirety. | |
| *** | |

| | |
|---|-------------|
| For long-term care. State appropriation | 969,860,000 |
| This item is approved in the sum of \$968,083,000. | |
| *** | |
| For medical assistance payments—hospital-based burn centers. State appropriation | 3,782,000 |
| This item is disapproved in its entirety. | |
| *** | |
| For medical assistance payments—critical access hospitals. State appropriation | 5,676,000 |
| This item is disapproved in its entirety. | |
| *** | |
| For medical assistance payments to academic medical centers. State appropriation | 22,081,000 |
| This item is approved in the sum of \$19,681,000. | |
| Section 224. Department of Labor and Industry. | |
| *** | |
| For transfer from the General Fund to the Vocational Rehabilitation Fund for work of the State Board of Vocational Rehabilitation. State appropriation | 45,673,000 |
| This item is approved in the sum of \$45,473,000. | |
| *** | |
| For Assistive Technology Financing. State appropriation | 470,000 |
| This item is approved in the sum of \$400,000. | |
| For Assistive Technology Demonstration and Training. State appropriation | 470,000 |
| This item is approved in the sum of \$399,000. | |
| *** | |
| For New Choices/New Options. State appropriation | 500,000 |
| This item is disapproved in its entirety. | |
| Section 225. Department of Military and Veterans Affairs. | |
| *** | |
| For the Civil Air Patrol. State appropriation | 100,000 |
| This item is disapproved in its entirety. | |
| Section 231. Pennsylvania Emergency Management Agency. | |
| *** | |
| For search and rescue programs. State appropriation | 250,000 |
| This item is disapproved in its entirety. | |
| For local municipal emergency relief. State appropriation | 3,000,000 |
| This item is disapproved in its entirety. | |
| Section 235. Pennsylvania eHealth Partnership Authority. | |
| *** | |
| For transfer from the General Fund to the Pennsylvania eHealth Partnership Fund. State appropriation | 1,850,000 |
| This item is approved in the sum of \$1,500,000. | |

Section 261. Senate.

Salaries, wages and other personnel expenses of employees of the Chief Clerk and all necessary expenditures to be allocated and disbursed at the direction of the President pro tempore.
 State appropriation 2,604,000

This item is approved in the sum of \$784,000.

Salaries, wages and other personnel expenses of employees of the Senate and expenses of the office of the President pro tempore, including member lodging rental, to be disbursed at the direction of the President pro tempore.
 State appropriation 10,918,000

This item is approved in the sum of \$10,418,000.

Incidental expenses for payment of salaries, wages, other personnel expenses, maintenance and other expenses of the Senate.
 State appropriation 2,738,000

This item is approved in the sum of \$688,000.

The above appropriations for incidental expenses shall be paid prior to the payment of such expenses on warrant of the State Treasurer in favor of the Chief Clerk upon the presentation of requisitions for the same provided that the total amount of requisitions for advancements, less the total amount of expenditures made as certified by such officer to the State Treasurer, shall not exceed the amount of the bond of the officer having control of the disbursement from the funds advanced.

Miscellaneous expenses:

Mileage and expenses, Senators: In addition to the annual allocation for expenses authorized by law for each member of the Senate, each member shall receive an annual allocation in an amount established by the Senate Committee on Management Operations for actual expenses incurred for lodging and meals while away from home on official legislative business, official postage and all other expenses incidental to legislative duties as provided for in the Financial Operating Rules of the Senate. Upon presentation of requisitions by the Chief Clerk for such expenses, such requisitions shall be paid on warrant of the State Treasurer directly to and in favor of the persons designated in such requisitions as entitled to receive such payments.
 State appropriation 1,270,000

This item is approved in the sum of \$320,000.

Legislative purchasing and expenses: For furniture, technology improvements, restorations, security enhancements, North Office Building modernization, equipment, renovations, personnel expenses and other expenses.
 State appropriation 6,886,000

This item is approved in the sum of \$1,726,000.

Upon presentation of requisitions by the Chief Clerk against the appropriations for legislative purchasing and expenses, such shall be paid on warrant of the State Treasurer directly to and in favor of the persons designated in such requisitions as entitled to receive such payments.

Expenses of the Committee on Appropriations (R) and the Committee on Appropriations (D): For investigating schools, colleges, universities, correctional institutions, mental hospitals, medical and surgical hospitals, homes and other institutions and agencies supported, in whole or in part, by appropriations from the State Treasury in analyzing reports, expenditures and the general operation and administration of the institutions and agencies, in examining and analyzing requests of the same and

of the various departments, boards and commissions of the Commonwealth, and for the collection of data from other states, attending seminars and conferences and in cooperating and exchanging information with legislative budget and financial committees of other states, and for the necessary travel expenses, and all other expenses deemed necessary by the chairman (R) or the chairman (D), as appropriate, or for salary, wages and other personnel expenses deemed appropriate by the respective caucus staff administrator in compiling data and information connected with the work of the Senate in compiling comparative costs and other fiscal data and information for the use of the committee and the Senate during legislative sessions and during the interim between legislative sessions to the discharge of such duties. The committee, upon authorization of the majority chairman, shall have the authority to examine and inspect all properties, equipment, facilities, files, records and accounts of any State office, department, institution, board, committee, commission or agency or any institution or agency supported, in whole or in part, by appropriation from the State Treasury and to administer oaths. The Committee on Appropriations may issue subpoenas under the hand and seal of the majority chairman to compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony touching matters properly being inquired into by the committee and to cause the deposition of witnesses either residing within or without the State to be taken in the manner prescribed by law for taking depositions in civil actions. Upon presentation of requisitions by the Chief Clerk for such expenses, such shall be paid on warrant of the State Treasurer directly to and in favor of the persons designated in such requisition as entitled to receive such compensation or expenses. The sum appropriated shall be divided equally by the State Treasurer and shall be deposited in separate accounts for the Committee on Appropriations (R) and the Committee on Appropriations (D).
 State appropriation 2,560,000

This item is approved in the sum of \$1,790,000.

Caucus Operations Account (R) and the Caucus Operations Account (D): For payment of salaries, wages and all other incidental expenses incurred in hiring personnel and staff for services which, in the opinion of the Floor Leader (R) or the Floor Leader (D) as may be appropriate, may be required or arise during legislative sessions and during the interim between legislative sessions and for the payment of all other expenses, including member lodging rental, related to the performance of Senate duties and responsibilities. Upon presentation of requisitions by the Chief Clerk, such shall be paid on warrant of the State Treasurer directly to and in favor of the persons designated in such requisition as entitled to receive such compensation or expenses. The entire sum appropriated shall be divided by the State Treasurer in amounts to be determined by a unanimous vote of the Executive Committee of the Senate Committee on Management Operations or in the absence of a unanimous vote of the Executive Committee then by a majority vote of the Senate Committee on Management Operations and such amounts shall be deposited into the Caucus Operations (R) and Caucus Operations (D) Accounts.
 State appropriation 62,304,000

This item is approved in the sum of \$42,214,000.

Section 262. House of Representatives.

For caucus operations. For allocation in such amounts as may be designated by the Legislative Management Committee (R) and the Legislative Management Committee (D) for payment of salaries, wages and all other compensation and necessary expenses incurred in hiring personnel and staff for services in the furtherance of the operations of the House of Representatives as may be appropriate, required or arise during legislative sessions and during the interim between legislative sessions. Of the sum appropriated, the State Treasurer shall deposit \$45,506,000 in the Caucus Operations Account (D) and \$53,421,000 in the Caucus Operations Account (R). Upon presentation of requisitions by the Chief Clerk of the House for such compensation or expenses, such shall be paid on warrant of the State Treasurer directly to and in favor of the persons designated in such requisitions as entitled to receive such compensation or expenses. An accounting, together with supporting documents whenever possible, shall be filed in the Office of the Chief Clerk of such expenses since the filing of the prior account.

State appropriation 98,927,000

This item is approved in the sum of \$90,177,000. Of the sum appropriated, the State Treasurer shall deposit \$41,481,000 in the Caucus Operations Account (D) and \$48,696,000 in the Caucus Operations Account (R).

For the operation of the Speaker's Office.

State appropriation 1,757,000

This item is approved in the sum of \$437,000.

Bipartisan Management Committee, Chief Clerk, Comptroller and the Commonwealth Emergency Medical System.

State appropriation 14,402,000

This item is approved in the sum of \$14,232,000.

Mileage: Representatives, officers and employees.

State appropriation 361,000

This item is approved in the sum of \$311,000.

Postage: Chief Clerk and Legislative Journal.

State appropriation 2,712,000

This item is approved in the sum of \$2,682,000.

For contingent expenses (R) and (D). The sum appropriated shall be allocated to the officers and members in the same manner and proportion as appropriations for contingent expenses contained in section 252 of the act of July 4, 2004 (P. L.1837, No.7A), known as the General Appropriation Act of 2004.

State appropriation 688,000

This item is approved in the sum of \$678,000.

The above appropriations for postage and for contingent expenses shall be paid prior to the payment of such expenses on warrant of the State Treasurer in favor of the officers above named upon the presentation of their requisitions for the same, provided that the total amount of requisitions for advancements, less the total amount of expenditures made as certified by such officers to the State Treasurer, shall not exceed the amount of the bond of the officer having control of the disbursement from the funds advanced.

Miscellaneous expenses:

Incidental expenses.

State appropriation 4,921,000

This item is approved in the sum of \$1,531,000.

Expenses—Representatives: In addition to annual reimbursement for expenses heretofore authorized by law for each member of the House of Representatives, each member shall be entitled to reimbursement for actual expenses, not exceeding the sum of \$12,500 annually, incurred for lodging and meals while away from home on official legislative business, home office expenses, official postage, staff and all other expenses incidental to legislative duties.

State appropriation 4,127,000

This item is approved in the sum of \$1,177,000.

Legislative printing and expenses.

State appropriation 10,363,000

This item is approved in the sum of \$9,833,000.

For the payment of the expenses of the Committee on Appropriations (R) of the House of Representatives in investigating schools, colleges, universities, correctional institutions, mental hospitals, medical and surgical hospitals, homes and other institutions and agencies supported, in whole or in part, by appropriations from the State Treasury in analyzing reports, expenditures and the general operation and administration of the institutions and agencies in examining and analyzing requests of the same and of the various departments, boards and commissions of the Commonwealth, and for the collection of data from other states, attending seminars and conferences, and in cooperating and exchanging information with legislative budget and financial committees of other states, and any office expenses necessary to serve the committee and its chairman, and for the necessary clerical assistance and other assistance, travel expenses and all other expenses deemed necessary by the chairman in compiling data and information connected with the work of the committee in compiling comparative cost and other fiscal data and information for the use of the committee and the House of Representatives during legislative sessions and during the interim between legislative sessions to the discharge of such duties. The committee shall have the authority to examine and inspect all properties, equipment, facilities, files, records and accounts of any State office, department, institution, board, committee, commission or agency or any institution or agency supported, in whole or in part, by appropriation from the State Treasury and to administer oaths. The sum appropriated shall be paid on warrant of the State Treasurer in favor of the chairman of the committee on the presentation of his requisition for the same. The Chairman of the Committee on Appropriations (R) shall, not later than 30 days after the termination of his term of office or until his successor is elected and also within 30 days after the adjournment of any regular or special session, file an account, together with supporting documents whenever possible, in the office of the Committee on Appropriations (R), of the committee's expenses since the filing of the prior account.

State appropriation 3,129,000

This item is approved in the sum of \$2,659,000.

For the payment of the expenses of the Committee on Appropriations (D) of the House of Representatives in investigating schools, colleges, universities, correctional institutions, mental hospitals, medical and surgical hospitals, homes and other institutions and agencies supported, in whole or in part, by appropriations from the State Treasury in analyzing reports, expenditures, and the general operation and administration of the institutions and agencies in examining and analyzing requests of the same and of the various departments, boards and commissions of the Commonwealth and for the collection of data from other states, attending seminars and conferences, and in cooperating and exchanging information with legislative budget and financial committees of other states, and any office expenses necessary to serve the committee and its

chairman, and for the necessary clerical assistance, and other assistance, travel expenses and all other expenses deemed necessary by the chairman in compiling data and information connected with the work of the committee in compiling comparative cost and other fiscal data and information for the use of the committee and the House of Representatives during legislative sessions and during the interim between legislative sessions to the discharge of such duties. The committee shall have the authority to examine and inspect all properties, equipment, facilities, files, records and accounts of any State office, department, institution, board, committee, commission or agency or any institution or agency supported, in whole or in part, by appropriation from the State Treasury and to administer oaths. The sum appropriated shall be paid on warrant of the State Treasurer in favor of the chairman of the Committee on Appropriations (D) on the presentation of his requisition for the same. The chairman of the Committee on Appropriations (D) shall, not later than 30 days after the termination of his term of office or until his successor is elected and also within 30 days after the adjournment of any regular or special session, file an account, together with supporting documents whenever possible, in the office of the Committee on Appropriations (D) of the House of Representatives, of his expenses since the filing of the prior account.

State appropriation 3,129,000

This item is approved in the sum of \$1,869,000.

The Committee on Appropriations may issue subpoenas under the hand and seal of the Majority Chairman to compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony touching matters properly being inquired into by the committee and to cause the deposition of witnesses either residing within or without the State to be taken in the manner prescribed by law for taking depositions in civil actions.

For the payment to the Special Leadership Account (R) for payment of salaries, wages and all other incidental expenses incurred in hiring personnel and staff or for services, which, in the opinion of the Floor Leader, may be required or arise during legislative sessions and during the interim between legislative sessions and for the payment of all other expenses related to the performance of his duties and responsibilities. The sum appropriated shall be paid on warrant of the State Treasurer in favor of the Floor Leader on the presentation of his requisition for the same. The Floor Leader shall, not later than 30 days after the termination of his term of office or until his successor is elected and also within 30 days after the adjournment of any regular or special session, file an account, together with supporting documents whenever possible, in the office of the Floor Leader, of such expenses since the filing of the prior account.

State appropriation 5,869,000

This item is approved in the sum of \$5,029,000.

Section 271. Legislative Reference Bureau.

For the *Pennsylvania Bulletin* and *Pennsylvania Code* and related expenses.

State appropriation 811,000

This item is approved in the sum of \$801,000.

Section 272. Legislative Budget and Finance Committee.

For the salaries, wages and all necessary expenses for the work of the Legislative Budget and Finance Committee.

State appropriation 1,750,000

This item is approved in the sum of \$1,413,000.

Section 273. Legislative Data Processing Committee.

For salaries, wages, other personnel expenses, operating costs, contracts, equipment, software, other incidental expenses and costs associated with the operation of the Legislative Data Processing Center, including an allocation of \$2,309,000 to each of the Senate Republican and Democratic Caucus computer services departments for the payment of operating costs, contracts, equipment, software, other incidental expenses and costs at the direction of the respective caucus staff administrator, and an allocation of \$5,355,000 to each of the House of Representatives Republican and Democratic Caucus Computer Services Accounts for the payment of operating costs, contracts, equipment, software, other incidental expenses and costs to be disbursed at the direction of the Speaker of the House of Representatives and the Minority Leader of the House of Representatives, and an allocation of \$400,000 to each of the Senate Republican and Democratic caucuses for committee and contingent expenses to be allocated in amounts determined by unanimous agreement of the executive committee of the Senate Committee on Management Operations and an allocation of \$400,000 to each of the House of Representatives Republican and Democratic Caucuses for costs associated with caucus operations to be disbursed at the direction of the Speaker of the House of Representatives and the Minority Leader of the House of Representatives.

State appropriation 21,643,000

This item is approved in the sum of \$9,763,000. The allocations within this line item appropriation are approved in the following amounts: \$1,039,050 to each of the Senate Republican and Democratic Caucus computer services departments; \$2,409,750 to each of the House of Representatives Republican and Democratic Caucus Computer Services Accounts; \$180,000 to each of the Senate Republican and Democratic caucuses for committee and contingent expenses; and, \$180,000 to each of the House of Representatives Republican and Democratic Caucuses for costs associated with caucus operations.

Section 274. Joint State Government Commission.

For the salaries, wages and all necessary expenses for the work of the Joint State Government Commission.

State appropriation 1,475,000

This item is approved in the sum of \$1,010,000.

Section 275. Local Government Commission.

For the salaries, wages and all expenses necessary for the work of the Local Government Commission.

State appropriation 1,111,000

This item is approved in the sum of \$965,000.

Section 276. Joint Legislative Air and Water Pollution Control and Conservation Committee.

For the salaries and expenses of the Joint Legislative Air and Water Pollution Control and Conservation Committee.

State appropriation 515,000

This item is approved in the sum of \$405,000.

Section 277. Legislative Audit Advisory Commission.

THE GOVERNOR

For the salaries, wages and all expenses necessary for the work of
the Legislative Audit Advisory Commission.
State appropriation 247,000

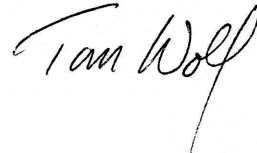
This item is approved in the sum of \$127,000.

Section 283. Legislative Reapportionment Commission.

For the Legislative Reapportionment Commission.
State appropriation 707,000

This item is approved in the sum of \$177,000.

Sincerely,



Governor

[Pa.B. Doc. No. 16-64. Filed for public inspection January 15, 2016, 9:00 a.m.]

GOVERNOR'S OFFICE

Proclamation

Veto Message—House Bill No. 1460, Printer's No. 2626

January 16, 2016

Pursuant to Section 15 of Article IV of the Constitution of Pennsylvania, House Bill No. 1460, Printer's No. 2626, which I approved in part and disapproved in part, has been returned to the House of Representatives. In doing so, I have complied with the procedure for returning a bill under Section 15 of Article IV of the Constitution of Pennsylvania.

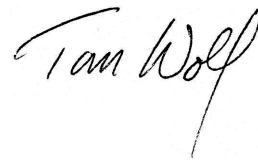
In the event that delivery is considered ineffective under Section 15 of Article IV of the Constitution of Pennsylvania, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, have caused this Proclamation to issue and, in compliance with the provisions of Section 15 of Article IV of the Constitution of Pennsylvania, do hereby give notice that I have filed in the Office of the Secretary of the Commonwealth, with my objections thereto, a copy of the disapproved portions of the following bill passed by both houses of the General Assembly at the Regular Session of 2015:

House Bill No. 1460, Printer's No. 2626, entitled "An act to provide from the General Fund for the expenses of the Executive and Judicial Departments, the State Government Support Agencies and the General Assembly of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2015, to June 30, 2016, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2015; to provide appropriations from the State Lottery Fund, the Tobacco Settlement Fund, the Aviation Restricted Account, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Account Guaranteed Savings Program Fund, the Banking Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund, the Oil and Gas Lease Fund, the Home Improvement Account, the Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund, the Insurance Regulation and Oversight Fund, the Pennsylvania Racehorse Development

Restricted Receipt Account, the Justice Reinvestment Fund and the Multimodal Transportation Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2015, to June 30, 2016; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2015, to June 30, 2016, for the proper operation of several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund money; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2015; and to provide for the additional appropriation of Federal and State funds from the General Fund and the State Lottery Fund for the Executive Department of the Commonwealth for the fiscal year July 1, 2014, to June 30, 2015, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2014.”

Given under my hand and the Great Seal of the Commonwealth, at the City of Harrisburg, this sixteenth day of January, in the year of our Lord two thousand and sixteen, and of the Commonwealth the two hundred and fortieth.

By the Governor



Governor

PEDRO CORTÉS,
Secretary of the Commonwealth

[Pa.B. Doc. No. 16-65. Filed for public inspection January 15, 2016, 9:00 a.m.]

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 19]

Amendment of Rule 1922 of the Rules of Judicial Administration Relating to Counsel Fees; No. 453 Judicial Administration Doc.

Order

Per Curiam

And Now, this 29th day of December, 2015, pursuant to this Court's authority under Article V, Section 10 of the Pennsylvania Constitution, Pennsylvania Rule of Judicial Administration No. 1922 is amended to read as follows. The amendments to Pa.R.J.A. No. 1922 are promulgated in order to establish standards and procedures governing the eligibility of a judicial officer for reimbursement of reasonable counsel fees incurred in a criminal or disciplinary matter in which the judicial officer has been successfully defended.

In the exercise of its discretion, the Court has determined that immediate promulgation of these amendments to Rule 1922 is warranted in the interests of justice and efficient administration. See Pa.R.J.A. No. 103(a)(3).

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

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

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 19. MISCELLANEOUS ADMINISTRATIVE PROVISIONS

CRIMINAL AND DISCIPLINARY MATTERS AGAINST JUDGES

Rule 1922. Counsel fees.

(A) Purpose.

The purpose of this rule is to establish standards and procedures under which the Court Administrator shall determine whether a judge may be reimbursed for the expense of attorney's fees incurred in connection with a criminal matter or a disciplinary matter.

[(A)] (B) Criminal matters.

(1) **Mandatory requirements.** A judge may be reimbursed for legal fees paid in the defense of a criminal action only if the following criteria are met:

Official Note: See *Yurgosky v. Commonwealth of Pa., Administrative Office of Pa. Courts*, 554 Pa. 533, 722 A.2d 631 (1998).

[(1)] (a) Notice must be given to the Administrative Office of Pennsylvania Courts within a reasonable time after the charges are filed.

[(2)] (b) The criminal charges must arise directly from the judge's performance of his or her official duties.

[(3)] (c) The judge must be acquitted of the crimes charged or the charges must have been dismissed or *nolle prossed*.

Official Note: Reimbursement of counsel fees is not permitted in cases resolved through participation in pre-trial diversionary programs, through negotiated pleas, or by participation in Accelerated Rehabilitative Disposition (ARD) programs. See *Yurgosky*, 554 Pa. at 545 n.15, 722 A.2d at 637 n.15.

[(4)] (d) The legal expenses must be reasonable and necessary.

(2) Decision of the Court Administrator.

(a) **Standard.** If the mandatory requirements prescribed by paragraph (1) have been met, a request for reimbursement of attorney's fees may be approved only if the Court Administrator determines that the judge's conduct giving rise to the criminal charges did not prejudice the proper administration of justice or bring the judicial office into disrepute.

Official Note: This is the same standard prescribed by Pa. Const. art. V, § 18(d)(1), for determining whether a judge may be subject to discipline.

(b) **Factors to be considered.** In making his or her determination under subparagraph (a), the Court Administrator shall consider the following:

(I) Whether the criminal charges made against the judge had a reasonable basis in law and fact.

(II) The quantity and quality of the evidence supporting the criminal charges made against the judge.

(III) Whether the conduct giving rise to the criminal charges might properly subject the judge to discipline under Pa. Const. art. V, § 18(d)(1), irrespective of whether the judge's conduct prejudiced the proper administration of justice or brought the judicial office into disrepute.

(IV) Whether other criminal or disciplinary charges have been or are reasonably anticipated to be commenced against the judge arising out of the same conduct involved in the criminal matter and, if so, the nature and disposition of those proceedings.

(c) Procedural requirements.

(I) Under no circumstances shall the Court Administrator act upon a request for reimbursement of counsel fees incurred by a judge in a criminal matter until he or she has determined that all possible criminal and disciplinary issues related to the matters involved in the criminal case have been finally concluded in all fora having proper jurisdiction over the judge and a full evaluation of any such additional criminal or disciplinary matter has been made.

(II) A judge who seeks reimbursement of attorney's fees in a criminal matter shall be required to waive confidentiality so that the Judicial Conduct Board and other proper authorities are able to share with the Court Administrator all information relating to actual or potential disciplinary action against the judge. If the judge does not waive

confidentiality, the Court Administrator shall deny the judge's request for reimbursement.

(III) In determining under this part whether a judge should be reimbursed attorney's fees incurred in the successful defense against criminal charges, the Court Administrator may rely upon the same information that was available to the Judicial Conduct Board and other proper authority and may consider the evaluation of that information and its determination by the Judicial Conduct Board or other proper authority, as well as any determination made by the Court of Judicial Discipline or other tribunal.

[(B)] (C) *Disciplinary matters.*

(1) **Mandatory requirements.** A judge may be reimbursed for legal fees paid in the defense of a judicial disciplinary matter only if the following criteria are met:

[(1)] (a) Notice must be given to the Administrative Office of Pennsylvania Courts within a reasonable time after the charges are filed.

[(2)] (b) The allegations of judicial misconduct must arise directly from the judge's performance of his or her official duties.

[(3)] (c) The judge must be acquitted of the misconduct charges, or the charges must have been dismissed or *nolle prossed*.

Official Note: This does not include any rehabilitative or other diversionary programs, or resolution through a "letter of counsel."

[(4)] (d) The legal expenses must be reasonable and necessary.

(2) **Decision of the Court Administrator.**

(a) **Standard.** If the mandatory requirements prescribed by paragraph (1) have been met, a request for reimbursement of attorney's fees may be approved only if the Court Administrator determines that the judge's conduct giving rise to the disciplinary matter did not prejudice the proper administration of justice or bring the judicial office into disrepute.

Official Note: This is the same standard prescribed by Pa. Const. art. V, § 18(d)(1), for determining whether a judge may be subject to discipline.

(b) **Factors to be considered.** In making his or her determination under subparagraph (a), the Court Administrator shall consider the following:

(I) Whether the disciplinary charges made against the judge had a reasonable basis in law and fact.

(II) The quantity and quality of the evidence supporting the disciplinary charges made against the judge.

(III) Whether the conduct giving rise to the disciplinary matter might properly subject the judge to discipline under Pa. Const. art. V, § 18(d)(1), irrespective of whether the judge's conduct prejudiced the proper administration of justice or brought the judicial office into disrepute.

(IV) Whether criminal or other disciplinary charges have been or are reasonably anticipated to be commenced against the judge arising out of the same conduct involved in the disciplinary matter and, if so, the nature and disposition of those proceedings.

(c) **Procedural requirements.**

(I) Under no circumstances shall the Court Administrator act upon a request for reimbursement of counsel fees incurred by a judge in a disciplinary matter until he or she has determined that all possible criminal and disciplinary issues have been finally concluded in all fora having jurisdiction over the judge and a full evaluation of all such criminal or disciplinary matters has been made.

(II) A judge who seeks reimbursement of attorney's fees shall be required to waive confidentiality so that the Judicial Conduct Board and other proper authorities are able to share with the Court Administrator all information relating to actual or potential disciplinary action against the judge. If the judge does not waive confidentiality, the Court Administrator shall deny the judge's request for reimbursement.

(III) In determining under this part whether a judge should be reimbursed attorney's fees incurred in the successful defense against disciplinary charges, the Court Administrator may rely upon the same information that was available to the Judicial Conduct Board and other proper authorities and may consider the evaluation of that information by the Judicial Conduct Board or other proper authority, as well as any determination made by the Court of Judicial Discipline or other tribunal.

[(C) The] (D) Subject to review and approval by the Supreme Court, the Court Administrator shall establish and periodically revise a maximum hourly rate for counsel fee reimbursement and shall develop policies necessary to implement the provisions of this Rule.

[(D)] (E) If a claim for reimbursement is denied in whole or in part, a judge shall have the right to be heard by a hearing examiner designated by the Court Administrator. The hearing examiner shall issue findings of fact and conclusions of law. **Findings of fact by the hearing examiner shall be made based on the standard of preponderance of the evidence.** Appeals from the decision of a hearing examiner shall be as provided by law.

Official Note: See *Yurgosky*, 554 Pa. at 546, 722 A.2d at 637; 42 Pa.C.S. § 763(a)(1).

Comment

In disciplinary matters, judges should contact the Administrative Office of Pennsylvania Courts before retaining counsel if a Notice of Full Investigation by the Judicial Conduct Board has not been issued.

[Pa.B. Doc. No. 16-66. Filed for public inspection January 15, 2016, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL [231 PA. CODE CH. 200]

Damages for Delay

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 238. Damages for Delay in an Action for Bodily Injury, Death or Property Damage.

* * * * *

Addendum to Explanatory Comment (2016)

The prime rate as set forth in the first edition of the *Wall Street Journal* for a particular year is the basis for calculating damages for delay under Pa.R.C.P. No. 238 as revised November 7, 1988. The prime rate published in the first edition of the *Wall Street Journal* for each of the years specified is as follows:

| <i>Date of Publication</i> | <i>Prime Rate Percentage</i> |
|----------------------------|------------------------------|
| January 4, 2016 | 3 1/2 |
| January 2, 2015 | 3 1/4 |
| January 2, 2014 | 3 1/4 |
| January 2, 2013 | 3 1/4 |
| January 3, 2012 | 3 1/4 |
| January 3, 2011 | 3 1/4 |
| January 4, 2010 | 3 1/4 |
| January 2, 2009 | 3 1/4 |
| January 2, 2008 | 7 1/4 |
| January 2, 2007 | 8 1/4 |
| January 3, 2006 | 7 1/4 |
| January 3, 2005 | 5 1/4 |
| January 2, 2004 | 4 |
| January 2, 2003 | 4 1/4 |
| January 2, 2002 | 4 3/4 |
| January 2, 2001 | 9 1/2 |
| January 3, 2000 | 8 1/2 |
| January 4, 1999 | 7 3/4 |
| January 2, 1998 | 8 1/2 |

Official Note: The prime rate for the years 1980 through 1997 may be found in the Addendum to the Explanatory Comment published in the *Pennsylvania Bulletin*, volume 33, page 634 (2/1/03) and on the web site of the Civil Procedural Rules Committee at <http://www.pacourts.us>.

By the Civil Procedural Rules Committee

PETER J. HOFFMAN,
Chair

[Pa.B. Doc. No. 16-67. Filed for public inspection January 15, 2016, 9:00 a.m.]

PART II. ORPHANS' COURT RULES [231 PA. CODE PART II]

Proposed Rescission of Rules 15.1 through 15.9 and Replacement with the New Rules of Chapter XV

The Orphans' Court Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the rescission of Rules 15.1 through 15.9 and the replacement of these rules with new Chapter XV rules governing Adoptions for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being re-published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

Lisa M. Rhode, Counsel
Orphans' Court Procedural Rules Committee
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 6200
P. O. Box 62635
Harrisburg PA 17106-2635
FAX 717-231-9555

e-mail: orphanscourtproceduralrules@pacourts.us

All communications in reference to the proposal should be received by March 16, 2016. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Orphans' Court
Procedural Rules Committee*

JOHN F. MECK, Esq.,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

RULE 15. [ADOPTIONS] (Reserved)

(Editor's Note: Rule 15 of the Orphans' Court Rules, which appears in 231 Pa. Code pages 15-1 to 15-11, serial pages (366185)—(366195), is proposed to be reserved.)

Rules 15.1—15.9. (Reserved).

CHAPTER XV. ADOPTIONS

| Rule | |
|--------|---|
| 15.1. | Local Rules. |
| 15.2. | Definitions |
| 15.3. | Notice of Hearing to Terminate Parental Rights; Method and Time. |
| 15.4. | Certification filed with the Clerk maintaining the dependency docket. |
| 15.5. | Separate Petition for Each Child. |
| 15.6. | Termination Petitions filed where an Agency is not Involved. |
| 15.7. | Voluntary Relinquishment to Agency. |
| 15.8. | Voluntary Relinquishment to Adult Intending to Adopt Child. |
| 15.9. | Alternative Procedure for Relinquishment by Confirmation of Consent to Adoption. |
| 15.10. | Involuntary Termination of Parental Rights. |
| 15.11. | Notice of Right to File Statement of Medical, Personal and/or Social History Information. |
| 15.12. | Court Review and Approval of Contact Agreement. |
| 15.13. | Adoption. |
| 15.14. | Registration of Foreign Adoption Decree. |

- 15.15. Petition for Adoption of a Foreign Born Child.
- 15.16. Notice and Service in Subsequent Petitions regarding Contact Agreements.
- 15.17. Petition to Modify a Contact Agreement.
- 15.18. Petition to Enforce a Contact Agreement.
- 15.19. Petition to Discontinue a Contact Agreement.
- 15.20. Collection of Documents and Maintenance of Court File.
- 15.21. Privacy; Withholding the Court File from Inspection.
- 15.22. Dissemination and Release of Information in the Court File.

Rule 15.1. Local Rules.

The practice and procedure with respect to adoptions shall be as provided by Act of Assembly and the Rules under this Chapter XV. Local rules may be adopted in accordance with Rule 1.5 further regulating the practice and procedure with respect to adoptions, provided that such local rules shall not be inconsistent with these Rules and the Adoption Act, 23 Pa.C.S. § 2101 *et seq.*

Explanatory Comment: In Philadelphia County, jurisdiction over adoptions, terminations of parental rights, birth records and related proceedings is exercised through the family court division of the Philadelphia Court of Common Pleas. 20 Pa.C.S. § 713. In all other counties, family court judges who have adjudicated a child dependent, conducted permanency hearings, or other dependency proceedings may be assigned to the orphans' court division for purposes of hearing petitions to terminate parental right or adopt a dependent child. 42 Pa.C.S. § 6351(i). *See e.g.*, Administrative Order re: Assignment of Judges Admin. Dkt. No. ____ of 1998 (Allegheny Cty. dated November 17, 1998); Administrative Order re: Assignment of Judges, Admin. Dkt. No. 210 of 1996 (Allegheny Cty. dated October 11, 1996).

Rule 15.2. Definitions.

In addition to the terms and definitions provided in Rule 1.3, the following words and phrases when used in this Chapter XV shall have the following meanings:

“Adopted Child” or “Adopted Individual”—Any individual for whom a decree of adoption has been entered in accordance with 23 Pa.C.S. § 2902 after a hearing, or in accordance with the laws of another country or state of a similar import;

“Adoptee”—An individual as defined in 23 Pa.C.S. § 2102;

“Agency”—An entity or organization providing adoption services as defined in 23 Pa.C.S. § 2102 or 23 Pa.C.S. § 2732, as applicable;

“Authorized Representative”—An individual as defined in 23 Pa.C.S. § 2911 trained by the Department to handle certain requests for identifying information and to search for the subject of the request as necessary;

“Birth Relative”—An individual as identified in 23 Pa.C.S. § 2732;

“Clerk”—the clerk or department as defined in 23 Pa.C.S. § 2102;

“Contact Agreement”—A voluntary written agreement between a Prospective Adoptive Parent and a birth relative that is executed and approved by the court in accordance with 23 Pa.C.S. §§ 2731 *et seq.* and provides for continuing post-adoption contact or communication between the adopted child and the birth relative or between the adoptive parent and the birth relative;

“Court”—the division of the Court of Common Pleas conducting any proceeding under the Adoption Act;

“Department”—The Department of Human Services of the Commonwealth;

“Intermediary”—Any person or agency arranging an adoption placement as defined in 23 Pa.C.S. § 2102;

“Minor”—A person who has not attained eighteen (18) years of age;

“Prospective Adoptive Parents”—Individuals with whom the adoptee has been placed for the purpose of adoption or who have filed a report of intention to adopt under 23 Pa.C.S. § 2531;

“Presumptive Father”—the man married to the child's mother at any time during the one year period prior to the child's birth;

“Putative Father”—An alleged birth father of a child conceived or born out of wedlock whose parental status has not been legally established; and

“Statement of medical, personal and/or social history information”—the information concerning an adopted individual or the birth family of an adopted individual as set forth in 23 Pa.C.S. §§ 2102, 2911. The Rules in this Chapter use the term “statement of medical, personal and/or social history information” because the Adoption Act refers to these statements in varying ways. Compare 23 Pa.C.S. §§ 2503(e), 2504(d), 2511(c) with 23 Pa.C.S. §§ 2923, 2934.

Rule 15.3. Notice of Hearing to Terminate Parental Rights; Method and Time.

(a) *Contents of Notice; Service of Notice and Copies to Others.*

(1) For a petition filed under Rule 15.7 (relating to Voluntary Relinquishment to Agency) or Rule 15.8 (relating to Voluntary Relinquishment to Adult), notice shall be in the form and served upon the individuals as provided in 23 Pa.C.S. § 2503(b).

(2) For a petition filed under Rule 15.9 (relating to Alternative Procedure for Relinquishment), notice shall be in the form provided in 23 Pa.C.S. § 2513(b) and served upon the individuals as provided in 23 Pa.C.S. § 2504(b).

(3) For a petition filed under Rule 15.10 (relating to Involuntary Termination), notice shall be in the form and served upon the individuals as provided in 23 Pa.C.S. § 2513(b).

(b) *Method of Notice.*

(1) For a proceeding under Rule 15.7 (relating to Voluntary Relinquishment to Agency), Rule 15.8 (relating to Voluntary Relinquishment to Adult), or Rule 15.9 (relating to confirming consent as an Alternative Procedure for Relinquishment), every person whose parental rights are sought to be terminated in the proceeding shall be provided with notice of the hearing by personal service or by registered or certified mail. Any other person entitled to receive a copy of the notice scheduling the hearing, pursuant to 23 Pa.C.S. §§ 2503(b) or 2504(b), may receive notice by hand delivery or by first-class United States mail, postage prepaid, to the person's residence, location where he or she is known to be staying, or business where he or she is known to be currently employed.

(2) For a proceeding under Rule 15.10 (relating to Involuntary Termination), every person entitled to notice as provided in 23 Pa.C.S. § 2513(b) shall be provided with notice of the hearing by personal service or by registered or certified mail.

(3) Delivery of the registered or certified mail must be restricted to the addressee only, and a return receipt must be requested.

(4) If service is not obtainable upon the person whose parental rights are sought to be terminated because the person's whereabouts are unknown after reasonable investigation, personal service is refused or unsuccessful, the registered or certified mail is returned undelivered, or the identity of the person is unknown, then notice by publication shall be given as directed by the court, upon motion in accordance with P.R.C.P. No. 430. Publication shall include the contents of the notice required by 23 Pa.C.S. § 2503(b) or 23 Pa.C.S. § 2513(b), as applicable, but shall not include notice of the opportunity for a birth relative of the child to enter into a Contact Agreement with the Prospective Adoptive Parents, once identified.

(5) Once service has been obtained upon the person whose parental rights are sought to be terminated in a manner as provided above, any subsequent legal paper or notice, including notice of a continued or rescheduled hearing, may be served by hand delivery or by first-class United States mail, postage prepaid, to the person's last known residence, location where he or she is known to be staying, business where he or she is known to be currently employed, or person's counsel of record, if represented.

(c) *Time for Notice.* Notice of the hearing shall be provided at least ten (10) days prior to the date of the hearing for proceedings under Rules 15.7, 15.8, 15.9, 15.10, and for a proceeding under Rule 15.13 if, as part of the hearing, the petitioner seeks for the court, pursuant to 23 Pa.C.S. §§ 2711(b) or 2714, to dispense with the consent of the birth parent or putative father whose parental rights have not been terminated in a prior proceeding.

Explanatory Comment: See Pa.R.C.P. 76 that certified mail is the equivalent of registered mail and Pa.R.C.P. 402 regarding service upon a designated agent to effectuate personal service. See also Pa.R.C.P. 430 regarding a motion for alternative service if service cannot be accomplished by personal service or registered or certified mail.

Rule 15.4. Certification filed with the Clerk maintaining the dependency docket.

(a) Within seven (7) days of the filing of a petition to terminate parental rights under Rules 15.7, 15.8, 15.9, or 15.10, or a petition to adopt under Rule 15.13, the county agency shall file a praecipe with the clerk of the court where the child was declared dependent using the caption of the dependency proceeding, notifying that clerk of the name of the petition filed and the date of filing in substantially the form approved by the Supreme Court.

(b) Within seven (7) days of receiving the court's disposition of the petitions described in paragraph (a), the county agency shall file a praecipe with the clerk of the court where the child was declared dependent using the caption of the dependency proceeding, notifying that clerk of the disposition of the petition and the date of the order in substantially the form approved by the Supreme Court.

(c) If a notice of appeal from an order described in paragraph (b) is filed, then within seven (7) days of service of the notice of appeal, the county agency shall file a praecipe with the clerk of the court where the child was declared dependent using the caption of the dependency proceeding, notifying that clerk of the appeal and the date of filing in substantially the form approved by the Supreme Court.

(d) Within seven (7) days of receiving the appellate court's disposition of the appeal described in paragraph (c), the county agency shall file a praecipe with the clerk

of the court where the child was declared dependent using the caption of the dependency proceeding, notifying that clerk of the disposition of the appeal and the date of the decision in substantially the form approved by the Supreme Court.

Explanatory Comment: This Rule was added in 2013. The purpose of the Rule was to provide a procedure for collecting data concerning children who have been declared dependent under the Juvenile Act and placed in the custody of the county agency. The information is entered into the Common Pleas Case Management System-Dependency Module to comply with reporting requirements and to monitor dependent children in the foster care system. Unlike a "notice," as used in Rule 15.3, the county agency is not required to serve the praecipe upon the parties to the dependency, termination, or adoption proceeding. The definition of "county agency" as used in this Rule is that contained in Pa.R.J.C.P. 1120.

Pursuant to Rule 1.8 (Forms), the Supreme Court has approved forms for statewide practice to comply with the requirements of this Rule. These forms can be found in the Appendix to these Rules.

Rule 15.5. Separate Petition for Each Child.

Separate petitions must be filed for each minor who is the subject of a proceeding under Rule 15.7 (relating to Voluntary Relinquishment to Agency), Rule 15.8 (relating to Voluntary Relinquishment to Adult), Rule 15.9 (relating to confirming consent as an Alternative Procedure for Relinquishment), Rule 15.10 (relating to Involuntary Termination of Parental Rights), Rule 15.12 (relating to Court Review and Approval of Contact Agreement), Rule 15.13 (relating to Adoption), Rule 15.17 (relating to a Petition to Modify a Contact Agreement), Rule 15.18 (relating to a Petition to Enforce a Contact Agreement), and Rule 15.19 (relating to a Petition to Discontinue a Contact Agreement).

Explanatory Comment: A separate petition must be filed for each minor who is the subject of any one of the above mentioned proceedings for the following reasons: (i) privacy concerns as the court file for a particular minor should not include information about the minor's sibling or half-sibling; (ii) better and more accurate data collection, especially if siblings do not share the same birth parents; and (iii) facilitating appellate proceedings if an appeal is taken as to only one of the involved minors. The court in its discretion may consolidate separate petitions for any hearing.

Rule 15.6. Termination Petitions filed where an Agency is not Involved.

Except in cases involving an agency, no petition for termination shall be granted unless a Report of Intention to Adopt under 23 Pa.C.S. § 2531 or an adoption petition under Rule 15.13 has been filed.

Rule 15.7. Voluntary Relinquishment to Agency.

(a) *Petition.* A petition under 23 Pa.C.S. § 2501 to relinquish parental rights and duties with respect to a child who has been in the care of an agency shall contain the following averments:

(1) the name, address, age, racial background and religious affiliation of each petitioner;

(2) the information required in subparagraph (1) as to any parent who is not a petitioner, including the birth father, presumptive father and putative father of a child born out of wedlock, or the reasons why the court should find that such information is not essential;

(3) the marital status of the mother as of the time of birth of the child and during one year prior thereto, and her maiden name;

(4) the name, age, date of birth, place of birth, racial background, sex, and religious affiliation of the child;

(5) the name and address of the agency having care of the child;

(6) the date when the child was placed with the agency;

(7) the reasons for seeking relinquishment;

(8) whether each petitioner has been informed of counseling services concerning the termination of parental rights and the alternatives thereto and provided with a list of qualified counselors and counseling services;

(9) whether each petitioner has received any counseling concerning the termination of parental rights and the alternatives thereto and, if so, the name of the organization or qualified counselor providing such counseling services;

(10) whether notice of the opportunity for a birth relative of the child, including the petitioner, to enter into a Contact Agreement with the Prospective Adoptive Parents, once identified, has been provided to the petitioner; and

(11) that each petitioner understands the petition, has considered the alternatives, and has executed the petition voluntarily to promote what the petitioner believes to be in the child's best interests.

(b) *Exhibits.* The petition shall have attached to it the following exhibits:

(1) Notice signed by each petitioner and received by the agency to relinquish and transfer custody of the child to the agency.

(2) A birth certificate or certification of registration of birth of the child.

(3) A verified statement from a representative of the agency, counsel for the agency, or counsel representing any other party that notice was provided to the petitioner birth parent regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided either by first-class, United States mail, postage prepaid, to the last known address or by hand delivery, and the date(s) that such notice was given. A copy of the notice shall accompany this verified statement.

(4) If, as part of the hearing on the petition, the parental rights of a presumptive father or putative father could be terminated pursuant to 23 Pa.C.S. § 2503(d), and if notice of the opportunity to enter into a Contact Agreement has been provided to the presumptive father or putative father in advance of the petition's filing, a verified statement from a representative of the agency, counsel for the agency, or counsel representing any other party that notice was provided to the presumptive father or putative father regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided either by first-class, United States mail, postage prepaid, to the last known address or by hand delivery, and the date(s) that such notice was given, or the reasons why such notice cannot be given. A copy of the notice shall accompany this verified statement.

(5) The joinder or consent of the agency having care of the child, including its consent to accept custody of the child until such time as the child is adopted.

(c) *Hearing and Decree.*

(1) Notice of the hearing on the petition shall be provided in accordance with 23 Pa.C.S. § 2503(b), and in accordance with 23 Pa.C.S. § 2503(d) if the rights of a presumptive father or putative father are to be terminated as part of the same proceeding, and shall be served in accordance with Rule 15.3. A birth parent, presumptive father, or putative father may not waive the right to receive notice of the hearing.

(2) On or before the hearing, the court shall be presented with a verified certificate of service stating that notice of the hearing in regards to the petition was given to the petitioner and all others entitled to a copy of the notice in accordance with 23 Pa.C.S. § 2503 and Rule 15.3.

(3) If as part of hearing on the petition, the parental rights of a presumptive father or putative father could be terminated pursuant to 23 Pa.C.S. § 2503(d), and if notice of the opportunity to enter into a Contact Agreement was not provided to the subject presumptive father or putative father prior to the petition's filing, then on or before the hearing, the court shall be presented with a verified statement from a representative of the agency, counsel for the agency, or counsel representing any other party that notice was provided to the subject presumptive father or putative father regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided either by first-class, United States mail, postage prepaid, to the last known address or by hand delivery, and the date(s) that such notice was given. A copy of the notice shall accompany this verified statement.

Explanatory Comment: Section 2733(c) of the Adoption Act requires the agency, the intermediary or an attorney for a party to provide notice of the opportunity to enter into a Contact Agreement to the Prospective Adoptive Parents, a birth parent, and, in some instances, a child. Notice to a birth relative who is not a birth parent is not statutorily required, although birth relatives may enter into and become parties to a Contact Agreement.

The verified statement under subparagraph (b)(4) is required to be attached to the petition as an exhibit if the court will be asked to terminate the rights of the putative father as part of the hearing on the birth parent's voluntary relinquishment petition. If notice of the opportunity to enter into a Contact Agreement was not provided to a birth parent, presumptive father or putative father because the individual could not be located, the person submitting the verified statement shall explain the efforts made to locate the subject person. Upon review of the verified statement and evidence presented at the hearing, if any is requested by the court, the court will make a determination as to whether additional efforts to provide this notice must be made.

Rule 15.8. Voluntary Relinquishment to Adult Intending to Adopt Child.

(a) *Petition.* A petition under 23 Pa.C.S. § 2502 to relinquish parental rights with respect to a child who has been in the exclusive care of Prospective Adoptive Parent(s) shall contain the following averments:

(1) the name, address, age, racial background and religious affiliation of each petitioner;

(2) the information required in subparagraph (1) as to any parent who is not a petitioner, including the birth father, presumptive father, and putative father of a child

born out of wedlock, or the reasons why the court should find that such information is not essential;

(3) the marital status of the mother as of the time of birth of the child and during one year prior thereto, and her maiden name;

(4) the name, age, date of birth, place of birth, racial background, sex, and religious affiliation of the child;

(5) the name and address of the Prospective Adoptive Parents;

(6) the date when the child was placed with the Prospective Adoptive Parents;

(7) the date when the Report of Intention to Adopt was filed;

(8) the reasons for seeking relinquishment;

(9) whether each petitioner has been informed of counseling services concerning the termination of parental rights and the alternatives thereto and provided with a list of qualified counselors and counseling services;

(10) whether each petitioner has received any counseling concerning the termination of parental rights and the alternatives thereto and, if so, the name of the organization or qualified counselor providing such counseling services;

(11) whether the opportunity for a birth relative of the child, including the petitioner, to enter into a Contact Agreement with the Prospective Adoptive Parents has been provided to the petitioner; and

(12) that each petitioner understands the petition, has considered the alternatives, and has executed the petition voluntarily to promote what the petitioner believes to be in the child's best interests.

(b) *Exhibits.* The petition shall have attached to it the following exhibits:

(1) A birth certificate or certification of registration of birth of the child.

(2) A verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that notice was provided to the petitioner birth parent regarding the opportunity to enter into a Contact Agreement, that such notice was provided either by first-class, United States mail, postage prepaid, to the last known address or by hand delivery, and the date(s) that such notice was given. A copy of the notice shall accompany this verified statement.

(3) If, as part of the hearing on the petition, the parental rights of a presumptive father or putative father could be terminated pursuant to 23 Pa.C.S. § 2503(d), and if notice of the opportunity to enter into a Contact Agreement has been provided to the presumptive father or putative father in advance of the petition's filing, a verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that notice was provided to the presumptive father or putative father regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided either by first-class, United States mail, postage prepaid, to the last known address or by hand delivery, and the date(s) that such notice was given, or the reason(s) why such notice cannot be given. A copy of the notice shall accompany this verified statement.

(4) The signed consents of the Prospective Adoptive Parents to accept custody of the child until such time as the adoption is completed.

(c) *Hearing and Decree.*

(1) Notice of the hearing on the petition shall be provided in accordance with 23 Pa.C.S. § 2503(b), and in accordance with 23 Pa.C.S. § 2503(d) if the rights of a presumptive father or putative father are to be terminated as part of the same proceeding, and shall be served in accordance with Rule 15.3. A birth parent, presumptive father, or putative father may not waive the right to receive notice of the hearing.

(2) On or before the hearing, the court shall be presented with a verified certificate of service stating that notice of the hearing in regards to the petition was given to the petitioner and all others entitled to a copy of the notice in accordance with 23 Pa.C.S. § 2503 and Rule 15.3.

(3) If as part of hearing on the petition, the parental rights of a presumptive father or putative father could be terminated pursuant to 23 Pa.C.S. § 2503(d), and if notice of the opportunity to enter into a Contact Agreement was not provided to the subject presumptive father or putative father prior to the petition's filing, then on or before the hearing, the court shall be presented with a verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that notice was provided to the subject presumptive father or putative father regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided either by first-class, United States mail, postage prepaid, to the last known address or by hand delivery, and the date(s) that such notice was given. A copy of the notice shall accompany this verified statement.

Explanatory Comment: For additional information about notice of the opportunity to enter into a Contact Agreement as required to be averred in subparagraph (a)(11) and the verified statement to be attached as an Exhibit under subparagraphs (b)(2), (b)(3), or (c)(3) of this Rule, see the Explanatory Comment to Rule 15.7.

Rule 15.9. Alternative Procedure for Relinquishment by Confirmation of Consent to Adoption.

(a) *Petition.* A petition under 23 Pa.C.S. § 2504 to confirm the consent to adoption given by a birth parent, presumptive father, or putative father relinquishing parental rights and agreeing to have the child placed for adoption shall contain the following averments:

(1) the name, address, age, racial background and religious affiliation of the consenter;

(2) the information required in subparagraph (1) as to any parent who has not signed a consent to adoption, including the birth father, presumptive father, and putative father of a child born out of wedlock, or the reasons why the court should find that such information is not essential;

(3) the marital status of the mother as of the time of birth of the child and during one year prior thereto;

(4) the name, age, date of birth, place of birth, racial background, sex, and religious affiliation of the child;

(5) the date when the consent to adoption was executed by the consenter and that the consent was executed in accordance with 23 Pa.C.S. §§ 2711(c) and 2712;

(6) the number of days that have elapsed since the consent to adoption was executed by the consenter;

(7) whether the consenter was informed of counseling services concerning the termination of parental rights and

the alternatives thereto and provided with a list of qualified counselors and counseling services;

(8) whether the consenter received counseling concerning the termination of parental rights and the alternatives thereto and, if so, the name of the organization or qualified counselor providing such counseling services;

(9) whether the petitioner, counsel for the petitioner, or the agency or intermediary in those cases where the agency or intermediary is not the petitioner, has received any writing from the consenter revoking or attempting to revoke the previously executed consent to adoption; and

(10) whether notice of the opportunity for a birth relative of the child, including the consenter, to enter into a Contact Agreement with the Prospective Adoptive Parents, once identified, has been provided to the consenter.

(b) *Exhibits.* The petition shall have attached to it the following exhibits:

(1) The original consent(s) to adoption.

(2) A birth certificate or certification of registration of birth of the child.

(3) A verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that notice was provided to the consenter regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided either by first-class, United States mail, postage prepaid, to the last known address or by hand delivery, and the date(s) that such notice was given. A copy of the notice shall accompany this verified statement;

(4) If, as part of the hearing on the petition, the parental rights of a presumptive father or putative father could be terminated pursuant to 23 Pa.C.S. § 2504(c), and if notice of the opportunity to enter into a Contact Agreement has been provided to the presumptive father or putative father in advance of the petition's filing, a verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that notice was provided to the presumptive father or putative father regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided either by first-class, United States mail, postage prepaid, to the last known address or by hand delivery, and the date(s) on which such notice was given, or the reasons why such notice cannot be given. A copy of the notice shall accompany this verified statement.

(5) The signed consents of the adults or agency to accept custody of the child until such time as the adoption is completed.

(c) *Hearing and Decree.*

(1) Notice of the hearing on the petition shall be in the form specified in 23 Pa.C.S. § 2513(b) and shall be provided and served in accordance with 23 Pa.C.S. § 2504(b) and Rule 15.3. A birth parent, presumptive father or putative father may not waive the right to receive notice of the hearing.

(2) On or before the hearing, the court shall be presented with a verified certificate of service stating that notice of the hearing in regards to the petition was provided in the form specified in 23 Pa.C.S. § 2513(b) and given to the consenter and all others entitled to a copy of the notice in accordance with 23 Pa.C.S. § 2504(b) and Rule 15.3.

(3) If as part of hearing on the petition, the parental rights of a presumptive father or putative father could be terminated pursuant to 23 Pa.C.S. § 2504(b), and if notice of the opportunity to enter into a Contact Agreement was not provided to the subject presumptive father or putative father prior to the petition's filing, then on or before the hearing, the court shall be presented with a verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that notice was provided to the subject presumptive father or putative father regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided either by first-class, United States mail, postage prepaid, to the last known address or by hand delivery, and the date(s) that such notice was given. A copy of the notice shall accompany this verified statement.

Explanatory Comment: For additional information about notice of the opportunity to enter into a Contact Agreement as required to be averred in subparagraph (a)(10) and the verified statement to be attached as an Exhibit under subparagraphs (b)(3), (b)(4), or (c)(3) of this Rule, see the Explanatory Comment to Rule 15.7.

Rule 15.10. Involuntary Termination of Parental Rights.

(a) *Petition.* A petition for involuntary termination of parental rights under 23 Pa.C.S. §§ 2511–2512 shall contain the following averments:

(1) the name and address of the petitioner(s);

(2) the basis for the standing asserted by the petitioner(s);

(3) the name, age, date of birth, place of birth, racial background, sex, and religious affiliation of the child;

(4) the name, address, age, racial background and religious affiliation of the birth parents, including the birth father, presumptive father, and putative father of a child born out of wedlock;

(5) whether a claim for paternity has been filed under 23 Pa.C.S. § 5103 (relating to claim of paternity);

(6) the marital status of the mother as of the time of birth of the child and during one year prior thereto, and her maiden name;

(7) the date when the child was placed in the care of the petitioner;

(8) the date when the child was removed from the parent who is the subject of the petition, if different than the date of placement with the petitioner;

(9) specific facts setting forth why the child was voluntarily placed in the custody of an entity or individual or involuntarily removed from the parent;

(10) a reference to the applicable subsection(s) of 23 Pa.C.S. § 2511(a) providing the ground(s) for termination and specific facts supporting the termination of parental rights pursuant to the subsection(s) referenced;

(11) whether either parent of the child is entitled to benefits under the Servicemembers Civil Relief Act of 1940, as amended (50 App. U.S.C.A. 501 *et seq.*);

(12) one of the following:

(A) that the parent who is the subject of the petition has been informed of the opportunity for a birth relative of the child, including the subject birth parent, to enter into a Contact Agreement with the Prospective Adoptive Parents, once identified;

(B) that such notice will be given to the subject birth parent by the agency or intermediary or counsel representing a party, or

(C) the reason(s) why such notice cannot be given;

(13) that the petitioner(s) will assume custody of the child until such time as the child is adopted and if the petitioner is an individual, whether such individual petitioner has a present intent to adopt and;

(14) that each petitioner understands the petition and believes its filing to best serve the developmental, physical and emotional needs and welfare of the child.

(b) *Exhibits.* The petition shall have attached to it the following exhibits:

(1) A birth certificate or certification of registration of birth of the child.

(2) The signed consent of the petitioner to accept custody of the child until such time as the adoption is completed.

(3) If notice of the opportunity to enter into a Contact Agreement has been provided to the subject birth parent in advance of the petition's filing, a verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that notice was provided to the subject birth parent regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided either by first-class, United States mail, postage prepaid, to the last known address or by hand delivery, and the date(s) that such notice was given. A copy of the notice shall accompany this verified statement.

(c) *Counsel for Minor Birth Parent.*

(1) When the termination of parental rights is sought of a birth parent who has not attained the age of 18 years, unless the court finds the minor birth parent is already adequately represented, the court shall appoint counsel to represent the minor birth parent. The appointment of counsel may be provided for in the preliminary decree attached to the petition for involuntary termination of parental rights.

(2) The decree appointing counsel shall give the name, date of birth and address (if known) of the individual whom counsel is to represent and the proceedings and period of time for which counsel shall act.

(d) *Hearing and Decree.*

(1) Notice of the hearing on the petition shall be provided and served in accordance with 23 Pa.C.S. § 2513(b) and Rule 15.3. A birth parent, presumptive father, or putative father may not waive the right to receive notice of the hearing.

(2) On or before the hearing, the court shall be presented with a verified certificate of service stating that notice of the hearing in regards to the petition was given to the petitioner and all others entitled to a copy of the notice in accordance with 23 Pa.C.S. § 2503 and Rule 15.3.

(3) If notice of the opportunity to enter into a Contact Agreement was not provided to the subject birth parent prior to the petition's filing, then on or before the hearing, the court shall be presented with a verified statement from a representative of the agency or intermediary, counsel for the agency or intermediary, or counsel representing any other party that notice was provided to the subject birth parent regarding the opportunity of a birth relative to enter into a Contact Agreement, that such

notice was provided either by first-class, United States mail, postage prepaid, to the last known address or by hand delivery, and the date(s) that such notice was given. A copy of the notice shall accompany this verified statement.

Explanatory Comment: If the petitioner is an agency, Prospective Adoptive Parents need not have been identified prior to the agency's filing of a petition to involuntarily terminate parental rights. In circumstances where an agency is the petitioner, an averment of a present intent to adopt the child is not required.

Section 2733(c) of the Adoption Act requires the agency or intermediary, counsel representing the agency or intermediary, or counsel representing any other party to provide notice to the Prospective Adoptive Parents, birth parents, and, in some instances, a child of the opportunity to enter into a Contact Agreement. Notice to birth relatives who are not the birth parents is not mandated by the statute, although birth relatives may enter into and become parties to a Contact Agreement.

It is understood that County Agencies may be encouraged early in the process, even during dependency proceedings, to give notice to a birth parent of the opportunity to enter into a Contact Agreement. Requiring the verified statement to set forth the specific date(s) as to when notice was given is only to further ensure that the particular notice was given and not to suggest that providing this notice is time sensitive and expires after a certain time.

The verified statement under subparagraphs (b)(3) and (d)(3) is not required if reasons are set forth in the petition, and the court determines that such notification need not or cannot be given. If notice of the opportunity to enter into a Contact Agreement was not provided to a birth parent, putative father or presumptive father because the individual could not be located, the person submitting the verified statement shall explain the efforts made to locate the subject person. Upon review of the verified statement and evidence presented at the hearing, if any is requested by the court, the court will make a determination as to whether additional efforts to provide this notice must be made.

Rule 15.11. Notice of Right to File Statement of Medical, Personal and/or Social History Information.

The clerk, in accordance with Rule 4.6, shall transmit the decree of termination to the parent whose rights are terminated or to counsel for that parent, if represented. In that mailing, the clerk shall include instructions advising the parent of his or her continuing right to file with the clerk and with the Department medical and personal and/or social history information and to update the information filed, whether or not the medical condition is in existence or discoverable at the time of adoption. The instructions shall also inform the birth parent that any information that he or she provides will be retained and disclosed only to those allowed to have non-identifying information in accordance with Subchapter B of Chapter 29 of the Adoption Act, 23 Pa.C.S. §§ 2911 *et. seq.*, and further that identifying information as to that birth parent will not be disclosed unless he or she has signed and placed in the court file an authorization or consent form permitting release.

Explanatory Comment: The clerk may include in the mailing to the birth parent or birth parent's counsel any forms promulgated by the Department, any forms promulgated by the Department of Health, and any forms

adopted by Local Rule, including forms authorizing the release of information, withholding authorization to release information, or revoking any prior authorization to release information.

Rule 15.12. Court Review and Approval of Contact Agreement.

(a) *Time and Filing.* A proposed, executed agreement for post-adoption contact and/or communication signed by the Prospective Adoptive Parents and any birth relatives (“the proposed agreement”) must be appended to a petition requesting the court to approve the proposed agreement.

(1) If Prospective Adoptive Parents have been identified by the time of the hearing terminating parental rights of the parent whose birth relative is a party to the proposed agreement, the proposed agreement may be presented by separate petition to the same court that has or will conduct the hearing on the petition to terminate parental rights.

(2) If Prospective Adoptive Parents are identified after the time of the hearing to terminate parental rights, the proposed agreement shall be presented by separate petition to the court that will be presented with the adoption petition.

(3) The petition to approve the proposed agreement may be filed by the agency or intermediary, any party to the proposed agreement, or by the guardian *ad litem* appointed to represent the proposed adoptee.

(b) *Petition to Approve a Contact Agreement.* A petition to approve the proposed agreement under 23 Pa.C.S. § 2735 shall contain averments setting forth the following specific and material facts, to the extent known to the petitioner:

(1) the age and birth date of the adoptee;

(2) if the adoptee has attained twelve (12) years of age, whether the adoptee signed a written consent agreeing to the proposed agreement or signed the proposed agreement as evidence of his or her consent;

(3) whether the adoptee has been represented by a guardian *ad litem*;

(4) whether a guardian *ad litem* is required to be appointed under 23 Pa.C.S. § 2733(b), and if so, whether such guardian *ad litem* has been appointed for any minor sibling of the adoptee;

(5) the length of time that the adoptee has been under the care, custody and control of an individual other than a birth parent, even if such individual is other than the Prospective Adoptive Parents;

(6) the circumstances under which the adoptee became freed for adoption, including the name of the judge who terminated parental rights if the petition and proposed agreement are not being presented to the court that heard the termination of parental rights petition or confirmation of consent petition;

(7) the length of time that the adoptee has been in the care and custody of the Prospective Adoptive Parents;

(8) whether the proposed agreement will impact the adoptee’s adjustment to the home, school and community of the Prospective Adoptive Parents;

(9) the names of any other persons who are not parties to the proposed agreement but who routinely would be present when the birth relatives who are parties to the

proposed agreement have contact or communications with the adoptee and the adoptee’s interaction and relationship with such other persons;

(10) the willingness and ability of the signatory birth relatives to respect and appreciate the bond between adoptee and Prospective Adoptive Parents;

(11) the willingness and ability of the Prospective Adoptive Parents to respect and appreciate the bond between adoptee and the birth relatives who are parties to the proposed agreement; and

(12) that each petitioner has read and understands the petition and believes its filing and the proposed agreement to be in the best interests of the adoptee.

(c) *Exhibits.* The petition shall have attached to it the following exhibits:

(1) A copy of the proposed agreement signed by Prospective Adoptive Parents and the involved birth relatives;

(2) Adoptee’s signed consent if required under 23 Pa.C.S. § 2734; and

(3) Affidavits of all parties to the proposed agreement affirmatively stating that the proposed agreement was entered into knowingly and voluntarily and is not the product of coercion, fraud or duress. The Affidavits may be executed jointly or separately.

(d) *Service of Petition.*

(1) The petitioner shall mail a copy of the petition with exhibits and a notice that any responsive pleading must be filed with the clerk within ten (10) days from the date indicated on the petition or notice letter, whichever is later, to the following:

(A) all parties to the proposed agreement or their counsel, if represented;

(B) the individual or entity having custody of the adoptee at the time of the petition’s filing;

(C) the adoptee if he or she signed a separate written consent agreeing to the proposed agreement or signed the proposed agreement as evidence of his or her consent, or his or her attorney if acting as counsel, or his or her guardian *ad litem* if one has been appointed; and

(D) any sibling who signed a separate written consent agreeing to the proposed agreement or signed the proposed agreement as evidence of his or her consent, or his or her attorney if acting as counsel, or his or her guardian *ad litem* if one has been appointed.

(2) A certificate of service shall be appended to the petition or filed separately and contemporaneously with the filing of the petition, stating the date that a copy of the petition with exhibits and accompanied with the notice for filing a timely responsive pleading was mailed by first-class, United States mail, postage prepaid, to those listed above in subparagraphs (1)(A)—(1)(D), as applicable.

(e) *Guardian ad litem.* Upon its own motion, or if requested by the petitioner or by any previously appointed guardian *ad litem*, the court shall appoint a new guardian *ad litem* or reappoint any prior guardians *ad litem* for any or all of the following:

(1) the adoptee if one is not currently serving; and

(2) any minor siblings of the adoptee entitled to be represented by a guardian *ad litem* pursuant to 23 Pa.C.S. § 2733(b).

(f) *Court Review and Approval; Necessity of a Hearing and Notice of the Hearing.*

(1) If, upon a review of the petition and the attached exhibits, the court determines that the proposed agreement is in the best interest of the adoptee, the court may issue a decree approving the proposed agreement attached to the petition, but not less than ten (10) days after the date of service, unless all of those entitled to notice under subparagraph (d)(1) of this Rule have waived in writing the notice required herein.

(2) The court shall schedule and conduct a closed hearing under any one of the following circumstances:

(A) upon a review of the petition and the attached exhibits, the court does not find that the proposed agreement is in the best interest of the adoptee;

(B) any person receiving notice of the filing of the petition under subparagraph (d)(1) files with the clerk a responsive pleading to the petition; or

(C) for any other reason within the court's discretion.

(3) *Notice of the Hearing.* The petitioner shall provide notice of the scheduled hearing to the same parties entitled to notice under subparagraph (d)(1) of this Rule and any other individual or entity that the court directs to receive notice.

(A) Notice of the hearing need not comport with the requirements of Rule 15.3, and notice of the hearing may be sent by first-class United States mail, postage prepaid, by electronic mail, or by whatever other means will effectively inform everyone entitled to notice of the date, time, and place of the hearing and the necessity of their presence at the hearing.

(B) A certificate of service attested by the petitioner shall be presented to the court at the time of the hearing. The certificate of service shall indicate the method of notice and shall have attached thereto a copy of the notice, any affidavit by one who made personal service, any receipt cards for service sent by registered or certified mail, and any electronic receipt confirmation from anyone receiving notice electronically.

(g) *Court Decree.* The court shall review and grant or deny the petition to approve the proposed agreement on or before the date when the decree of adoption is entered in accordance with 23 Pa.C.S. § 2902.

Explanatory Comment: Although agreements providing for post-adoption communication or contact may be negotiated and entered without anyone seeking judicial approval, the court will enforce and provide remedies only for those agreements that receive court approval on or before the date when the adoption is finalized. See 23 Pa.C.S. §§ 2735(c), 2738(c)(2).

Discussions about post-adoption contact and/or communication agreements should begin as early as possible, especially once all the necessary parties are identified. To this end, the courts can review and approve a proposed agreement for post-adoption contact and/or communication at any time after termination of parental rights and prior to finalization of the adoption. If practical, a hearing on the petition to approve a proposed, executed agreement may be conducted immediately following a hearing to terminate parental rights by the same judge who presided over the termination hearing. The Rule above establishes where the petition to approve the proposed agreement may be filed depending upon whether Prospective Adoptive Parents have been identified by the time of the parental rights termination hearing.

Section 2735 of the Adoption Act, 23 Pa.C.S. § 2735, does not indicate who is responsible for filing the petition seeking court approval of the proposed agreement for post-adoption contact and/or communication. The Orphans' Court Procedural Rules Committee decided not to require a particular party to file the requisite petition in all instances, but rather, to allow the individuals to the proposed agreement and the agency or intermediary facilitating the negotiation and development of the proposed agreement to determine who should be responsible for drafting and filing the petition depending upon the resources and circumstances of all those involved.

Section 2735 of the Adoption Act, 23 Pa.C.S. § 2735, does not require a hearing in order for the court to approve the proposed agreement, and the Orphans' Court Procedural Rules Committee decided not to impose an evidentiary hearing requirement in all instances. Nevertheless, given that a minor cannot attest to a notary that he or she executed or consented to a proposed agreement voluntarily, knowingly, without coercion, fraud or duress, best practices would be for the court to conduct its own inquiry whenever an adoptee or any of the adoptee's minor siblings signed a separate consent agreeing to the proposed agreement or signed the proposed agreement as evidence of such consent. At such hearing, the court can ensure that any individual who is a minor consented to or signed the proposed agreement voluntarily and fully understands the terms of the proposed agreement. Because section 2738(c)(3) of the Adoption Act, 23 Pa.C.S. § 2738(c)(3), requires an adoptee who has attained twelve (12) years of age to consent to the proposed agreement, best practice would be to conduct an evidentiary hearing in these situations.

The court must find, either by reviewing the petition and exhibits or by conducting an evidentiary hearing, that the proposed agreement, as submitted, is in the adoptee's best interests. Since the statute does not indicate the appropriate standard of proof, this question will have to be determined by developing case law. Section 2734 does specify that the proposed agreement may not be enforced unless the adoptee who has attained twelve (12) years of age at the time of the agreement's execution consents to the proposed agreement, thereby suggesting that a proposed agreement cannot be found to be in the best interests of an adoptee who has attained twelve (12) years of age and refuses to consent to the proposed agreement.

If the court finalizing the adoption will be different from the court that approved the Contact Agreement, the Contact Agreement must be filed with the clerk of the court that signs and enters the adoption decree under 23 Pa.C.S. §§ 2902, 2907. Neither the statute nor these Rules impose that obligation on any one of the signatories to the Contact Agreement, except as provided in Rules 15.13 below.

Rule 15.13. Adoption.

(a) *Petition.* A petition for adoption under 23 Pa.C.S. § 2701 shall contain the following averments:

(1) the name, current address, any other addresses for the past five years, marital status, age, occupation, racial background and religious affiliation of the petitioners;

(2) the name of the adoptee as it appears on the birth certificate;

(3) the relationship, if any, of the petitioners to the adoptee;

(4) whether the adoptee has resided with the petitioners, and if so, the length of time that adoptee has so resided with the petitioners;

(5) the intermediary's name and address, if any;

(6) whether the home study and preplacement report under 23 Pa.C.S. § 2530, the Report of an Intention to Adopt under 23 Pa.C.S. § 2531, and the Report of Intermediary under 23 Pa.C.S. § 2533 have been filed;

(7) if there is no intermediary, if no Report of the Intermediary has been or will be filed, or if the adoptee has attained eighteen (18) years of age, all vital statistics and other information required in the Report of the Intermediary, so far as is applicable;

(8) whether a birth certificate or certification of registration of birth of the adoptee is attached to the petition as an exhibit, and if not attached, the reasons why it is not attached, the efforts made to obtain the birth certificate or certification of registration of birth, and the evidence available to establish a date and place of birth of the adoptee;

(9) whether all the consents required by 23 Pa.C.S. § 2711 are attached to the petition as exhibits;

(10) whether the criminal history records information and child abuse clearance certificate for each Prospective Adoptive Parent prepared in accordance with and as required by 23 Pa.C.S. § 6344(b) are attached to the petition as exhibits;

(11) whether there are any court orders that remain in effect as of the date of filing of the petition for adoption and which:

(A) terminate parental rights of any birth parent, presumptive father, or putative father of the adoptee;

(B) establish rights of guardianship or custody of the adoptee in any person or entity other than the birth parent; or

(C) establish or set forth any special conditions concerning placement, custody or guardianship, and adoption of the adoptee;

(12) whether there has been compliance with the Interstate Compact on the Placement of Children if the adoptee was born in the United States but outside of the Commonwealth of Pennsylvania;

(13) if any of the reports or exhibits listed in subparagraphs (a)(6) or (a)(12) have not been filed or are not attached to the petition, specific averments explaining why such reports have not been filed or exhibits have not been attached and the reasons showing cause why the court may enter a decree of adoption under 23 Pa.C.S. § 2901, notwithstanding the absence of all legal requirements having been met;

(14) whether notice of the opportunity for the Prospective Adoptive Parents to enter into a Contact Agreement with an adoptee's birth relatives has been provided to the Prospective Adoptive Parents and to the adoptee if required by 23 Pa.C.S. § 2733(c);

(15) if an agreement for post-adoption contact and/or communication has been negotiated and executed by the Prospective Adoptive Parents and one of more birth relatives, an averment of one of the following, as applicable:

(A) the date of the order and the name of the court approving the Contact Agreement and that that the Contact Agreement and court order are attached as exhibits to the petition; or

(B) a petition to approve the proposed, executed agreement for post-adoption contact and/or communication has been submitted and is pending before the court or is being filed under a separate petition simultaneously with the filing of this petition;

(16) whether the adoptee will retain his or her given birth name or the proposed new name of the adoptee if a name change is desired;

(17) that the petitioners desire to have the relationship of parent and child established between the petitioners and the adoptee; and

(18) that each petitioner has read and understands the petition and believes its filing to be in the adoptee's best interests.

(b) *Exhibits.* Unless the petition contains averments explaining why an exhibit is not attached, the petition shall have attached to it the following exhibits:

(1) A birth certificate or certification of registration of birth of the child.

(2) The consents required by 23 Pa.C.S. §§ 2711, as applicable.

(3) Unless previously filed, the Report of the Intermediary with the exhibits required under 23 Pa.C.S. § 2534.

(4) The criminal history records information and child abuse clearance certificate for each Prospective Adoptive Parent prepared in accordance with and as required by 23 Pa.C.S. § 6344(b).

(5) Certified copies of any court orders referenced in subparagraph (a)(11) above.

(6) If the adoptee was born in the United States but outside of the Commonwealth of Pennsylvania, written approval of compliance by Interstate Compact on the Placement of Children.

(7) A verified statement from a representative of the agency or intermediary, counsel representing the agency or intermediary, or counsel representing any other party that notice was provided to the Prospective Adoptive Parents and to the adoptee if required by 23 Pa.C.S. § 2733(c) regarding the opportunity to enter into a Contact Agreement. The statement should include the names and addresses of the parties to whom notice was given, that service was provided either by first-class, United States mail, postage prepaid, to the last known address or by hand delivery, and the date(s) that such notice was provided. A copy of the actual notice shall accompany this verified statement.

(8) If previously approved, the Contact Agreement and the court order approving the Contact Agreement.

(c) *Notice or Consent—Parents of Child.*

(1) Notice of the hearing on the petition for adoption shall be given to the birth parent, putative father, and presumptive father as provided by Rule 15.3 unless the parental rights of such birth parent, putative father, or presumptive father have been terminated in a prior proceeding.

(2) If, as part of the adoption hearing, the petitioners are seeking court approval for a proposed, executed agreement for post-adoption contact and/or communication, then in accordance with subparagraph (d)(1) of Rule 15.12 the petitioners shall mail a copy of the petition for approval with exhibits to the individuals and entities therein listed, shall file a certificate of service as provided in subparagraph (d)(2) of Rule 15.12, and shall provide

notice of the adoption hearing to these individuals and entities as provided in subparagraph (f)(3) of Rule 15.12.

(d) *Investigation.* A petition for adoption shall be subject to investigation as prescribed by local rules. The investigation report shall cover the matters alleged in the petition, any other matters that may affect the welfare of the child, and the information required by 23 Pa.C.S. §§ 2535 and 2724.

(e) *Hearing.* The court shall schedule a hearing to allow for testimony pursuant to 23 Pa.C.S. §§ 2721—2724. See 23 Pa.C.S. §§ 2721—2724. Petitioner(s) and the adoptee shall appear at the hearing. After a hearing, if the court determines that the adoption can be granted, the court shall enter a decree conforming to the requirements of 23 Pa.C.S. §§ 2901—2902, 2904. See 23 Pa.C.S. §§ 2901—2902, 2904.

(1) If the petition for adoption contains averments requesting that the court waive a statutory requirement of the Adoption Act, the court shall determine if the petitioner has shown cause for failing to meet the statutory requirement and has demonstrated that the adoptee's needs and welfare nevertheless will be best served by entering a decree of adoption.

(2) At the hearing on the petition for adoption, there shall be offered in evidence a report, verified by the petitioners and counsel, setting forth the amount of fees and expenses paid or to be paid to counsel, and any other fees, costs and expenses paid or to be paid to an Intermediary or any other person or institution, in connection with the adoption. The court may request an itemization of any of the amounts reported.

(f) *Adult—Change of Name.* When the person to be adopted is over the age of 18 years and desires to assume the surname of the adopting parents, evidence showing compliance with the law relating to change of name must be introduced before a decree will be made.

Explanatory Comment: The court, in its discretion, can dispense with any statutory requirement of the Adoption Act for cause shown. See 23 Pa.C.S. 2901. As a result, if petitioner is unable to satisfy all the prerequisites or attach all the exhibits required by the Adoption Act, the petition for adoption should not be dismissed summarily. Rather, the petitioner should be afforded an opportunity to demonstrate why a statutory requirement has not or cannot be met and why the proposed adoptee's best interest is nevertheless served by granting the adoption petition. *In re Adoption of R.B.F. and R.C.F.*, 569 Pa. 269, 803 A.2d 1195 (2002). If, upon reviewing the petition's averments as to why a statutory requirement should be waived, the court determines that cause has been demonstrated, the court can grant the relief requested and dispense with the relevant statutory requirement without conducting a hearing. However, if the court is not inclined to grant the relief requested waiving the relevant statutory requirement, the petitioner is entitled to a hearing and an opportunity to present evidence in support of the averments in the petition. See *In re Adoption of R.B.F. and R.C.F.*

Subparagraph (c)(1) of this Rule applies if a parent's parental rights are being terminated as part of the hearing on the adoption petition. In such cases, the birth parent whose rights are being terminated must receive notice of the adoption hearing in accordance with Rule 15.3. On the other hand, a birth parent does not need to be notified of the adoption hearing if [i] the birth parent previously consented to the adoption and his or her consent was confirmed by the court as provided in 23

Pa.C.S. § 2504 and Rule 15.9; [ii] the birth parent previously relinquished his or her parental rights as provided in 23 Pa.C.S. §§ 2501, 2502 and Rule 15.7 or Rule 15.8 as applicable; or [iii] the birth parent's parental rights were involuntarily terminated by the court as provided in 23 Pa.C.S. § 2511 *et seq.* and Rule 15.10.

Rule 15.14. Registration of Foreign Adoption Decree.

(a) Adopting parents may petition the court in the county of their residence to register a foreign adoption decree so that it will be given full and final effect in this Commonwealth. The petition and final decrees shall be in substantially the form approved by the Supreme Court. See Appendix of Forms to these Rules.

(1) As part of the Petition to Register Foreign Adoption Decree, an adopted child's name may be changed from that appearing on the foreign adoption decree if the adopted child has not yet attained twelve (12) years of age.

(b) A foreign adoption decree previously registered or otherwise finalized by a court of this Commonwealth or of any other state may not be registered subsequently in another court of this Commonwealth.

(c) If the court determines that the foreign adoption decree can be registered, the court shall sign the final decree and shall direct the clerk to enter the date of the foreign adoption decree and identify the foreign court on the docket. The clerk shall send Form No. HD01273F, Certificate of Adoption of a Foreign-Born Child, and Form No. HD01275F, Statement of Citizenship and Residency, to the Department of Health, Division of Vital Records, along with a copy of U.S. Government Form N-560, Certificate of Citizenship, and/or a copy of the child's United States passport, if either or both documents have been provided by the adopting parents. The clerk shall issue to the adopting parents a certificate of adoption in accordance with 23 Pa.C.S. § 2907.

(d) If the court determines that the foreign adoption decree cannot be registered, the adopting parents shall proceed as applicable under the provisions set forth in the Adoption Act, 23 Pa.C.S. §§ 2101 *et seq.*, Pa.O.C. Rule 15.15 (specific to the adoption of a foreign born child), and local rules.

(e) Adopting parents who are eligible to register the foreign adoption decree under this Rule may, for any reason, proceed under Rule 15.15.

Explanatory Comment: Pursuant to 23 Pa.C.S. § 2908(b), as amended by Act 96 of 2006, a set of forms, consisting of a Petition to Register Foreign Adoption Decree, Final Decrees approving and denying the Petition, and detailed Instructions for the pro se petitioners are set forth in the Appendix to these Rules.

The petition should be filed with the clerk, except in Philadelphia County, where it should be filed with the Clerk of the Family Court Division. The petition and accompanying documents, including the final decree, are confidential and should be impounded and withheld from public inspection as provided in the Adoption Act, 23 Pa.C.S. §§ 2906, 2907, 2908(f), and 2911—2937 and Pa.O.C. Rule 15.21.

The clerk shall make available to petitioner(s) the necessary Department of Health, Division of Vital Records forms: Form No. HD01273F, Certificate of Adoption of a Foreign-Born Child; and Form No. HD01275F, Statement of Citizenship and Residency.

A change of name from that appearing on the foreign adoption decree is permitted without the need to comply with the procedures of 54 Pa.C.S. § 702 if the child is younger than twelve (12) years of age. Cf. 23 Pa.C.S. § 2711(a)(1). If the foreign born adopted child is twelve (12) years of age or older, then the child and parent(s) would need to follow the procedures set forth in 54 Pa.C.S. § 702 and would not be foreclosed by 54 Pa.C.S. § 702(b)(5)(ii) because the name change petition would not be in connection with any adoption proceeding as the foreign adoption is full and final and therefore completed.

A foreign born child who has been issued an IR-2, IR-3 or IH-3 United States Visa has had the adoption proceeding fully completed in the foreign country and the foreign adoption decree only needs to be registered here to be given the full force and effect of an adoption decree issued by this Commonwealth. However, situations may arise that necessitate proceeding under Rule 15.15 even though the foreign born child has been issued an IR-2, IR-3 or IH-3 United States Visa, such as the inclusion of an incorrect birth year on the foreign adoption decree, or other personal family reasons. Proceeding under Rule 15.15 is permitted; Pa.O.C. Rule 15.14 is not the exclusive means to obtain a Pennsylvania adoption decree and birth certificate for a foreign born adopted child.

Only one court, whether in this Commonwealth or another state, should exercise jurisdiction over the foreign adoption decree. Thus, if the foreign adoption decree has been registered or otherwise finalized in another state court, the adopting parents need not and should not register the foreign adoption decree in this Commonwealth under this Rule. In similar fashion, if the foreign adoption decree has been registered in this Commonwealth, and thereafter, another petitioner in this Commonwealth seeks to adopt this adopted individual, the subsequent proceeding will be a standard proceeding under the applicable provisions of the Adoption Act, 23 Pa.C.S. § 2101 *et seq.* Such a situation could occur when the adopted child is to be adopted by a step-parent after divorce or death of the original adopting parents, or when, after termination of parental rights, the adopted child is to be adopted by Prospective Adoptive Parents different than the original adopting parents.

If the court determines that the foreign adoption is not a full and final adoption because the foreign born child has been issued an IH-4 or IR-4 Visa, the adopting parent(s) shall proceed under subdivision (d) of this Rule. See also Rule 15.15.

Notice of the opportunity to enter into a Contact Agreement is not required to be given to the birth parent(s) of a foreign born adopted child if such adopted child has been issued an IR-2, IR-3, IH-2, or IH-3 United States Visa because the adoption was completed in the native country of the foreign born adopted child pursuant to the laws and rules of that country. Under this Rule 15.14, the court is merely registering the foreign adoption decree, which evidences a completed adoption, and giving it the full force and effect of a Pennsylvania adoption.

Rule 15.15. Petition for Adoption of a Foreign Born Child.

(a) *General Rule.* Prospective Adoptive Parents or adopting parents who are residents of the Commonwealth may petition the court in any county as provided in 23 Pa.C.S. § 2302 to proceed with an adoption of their foreign born adoptee or adopted child who has entered the United States pursuant to an IR-2, IR-3, IH-3, IR-4 or IH-4 United States Visa.

(b) *Required Documents.* The following documents shall be filed in the following order with the clerk:

- (1) Preliminary Decree;
- (2) Final Decree;
- (3) Petition for Adoption of a Foreign Born Child;
- (4) Copy of United States Visa;
- (5) Reports of investigations, home studies, preplacement and postplacement;
- (6) Copy of birth certificate of foreign born adoptee or adopted child (if available), with translation;
- (7) Copy of any other relevant foreign decrees and/or documents with translations;
- (8) Consents of any person and/or agency having custody and/or legal and/or physical rights to the adoptee or adopted child;
- (9) Report of Intermediary (if an intermediary was involved);
- (10) Verifications signed by petitioners, intermediary and translator(s) stating that facts set forth are true and correct, copies are true and correct copies of originals, that the English translation of foreign documents is accurate, and that false statements are subject to the penalties of 18 Pa.C.S. § 4904;

(11) Pennsylvania Department of Health, Division of Vital Records Form No. HD01273F, Certificate of Adoption of a Foreign-Born Child with Parts 1 and 2 (and Part 3, if applicable) completed;

(12) Pennsylvania Department of Health, Division of Vital Records Form No. HD01275F, Statement of Citizenship and Residency; and

(13) A copy of U. S. Government Form N-560, Certificate of Citizenship, and/or a copy of the adoptee's or adopted child's United States passport, if either or both documents are available.

(c) *Form of Documents.* The Preliminary Decree, Final Decree, Petition for Adoption of a Foreign Born Child, Report of Intermediary (if applicable), and verifications referenced in subparagraph (b)(10) above shall be in substantially the form approved by the Supreme Court. See Appendix of Forms to these Rules.

(d) *Judicial Review and Hearing.*

(1) *Scope of Review.* The petition and accompanying documents filed under this Rule shall be subject to review by the court as prescribed by the Pennsylvania Adoption Act, 23 Pa.C.S. § 2101 *et seq.*, Pennsylvania Orphans' Court Rules and local rules.

(2) *Home Study and Investigation.* The court may rely in whole or in part upon a home study containing information required by 23 Pa.C.S. § 2530(b) and an investigative report containing information required by 23 Pa.C.S. § 2535(b) previously commissioned in the foreign adoption proceeding without regard to when such reports were prepared. The court may in its discretion require additional reports and investigations to be made in accordance with the Pennsylvania Adoption Act, Pennsylvania Orphans' Court Rules and local rules.

(3) *Original Documents, Decrees and Translations.* All original documents, decrees and translations must be available for review by the court upon request.

(4) *Pre-adoption Requirements.* In order to grant an adoption, the court must be satisfied that the pre-adoption requirements set forth in 23 Pa.C.S. §§ 2530—2535 have been met. If the Prospective Adoptive Parents

or adopting parents were Pennsylvania residents at the time that the United States Visa was issued to the foreign born child, the court may accept an IH or IR United States Visa as proof that the pre-adoption requirements have been met.

(5) *Proof that the Child is an Orphan.* In order to grant an adoption, the court must be satisfied that the adoptee is an orphan. The court may accept the IH or IR United States Visa of the adoptee or adopted child as proof that the foreign born child is an orphan.

(6) *Hearing.* The court shall schedule a hearing to allow for testimony pursuant to 23 Pa.C.S. §§ 2721—2724. Petitioners and the adoptee or adopted child shall appear at the hearing. The court may in its discretion require the presence of additional persons, including a representative of the intermediary.

(e) *Disclosure of Fees and Costs.* At the hearing on the petition for adoption, there shall be offered in evidence a report, verified by the petitioners and counsel, setting forth the amount of fees, expenses, and costs paid or to be paid to counsel, and any other fees, costs and expenses paid or to be paid to an intermediary and/or any other person or agency in connection with the adoption of the foreign born adoptee or adopted child. The court may request an itemization of any of the amount(s) reported.

(f) *Final Decree.* After the hearing, the court shall determine if the adoption of the foreign born adoptee or adopted child can be granted, and if so, the court shall enter a decree as provided in 23 Pa.C.S. § 2902.

(g) *Clerk of the Appropriate Court.* Upon the filing of a decree granting the adoption under this Rule, the clerk shall enter the decree and date of the decree on the docket. The clerk shall send Form No. HD01273F, Certificate of Adoption of a Foreign-Born Child, and Form No. HD01275F, Statement of Citizenship and Residency, to the Department of Health, Division of Vital Records, along with a copy of U. S. Government Form N-560, Certificate of Citizenship, and/or a copy of the adoptee's or adopted child's United States passport, if either or both documents have been provided by the Prospective Adoptive Parent(s) or adopting parent(s). The clerk shall issue to the Prospective Adoptive Parent(s) or adopting parent(s) a certificate of adoption in accordance with 23 Pa.C.S. § 2907.

(h) *Only One Court May Assume Jurisdiction.* Prospective Adoptive Parent(s) or adopting parent(s) shall not proceed under this Rule if the foreign adoption has been registered or otherwise finalized by a court of this Commonwealth or any other state.

Explanatory Comment: Pursuant to 23 Pa.C.S. § 2908(e), as amended by Act 96 of 2006, a set of forms, consisting of a Petition for Adoption of a Foreign Born Child, Report of Intermediary, Verification of Translator, Preliminary Decree, and Final Decree are set forth in the Appendix to these Rules.

In most instances, the adopting parent(s) of a foreign born adopted child who has entered the United States with an IR-2, IR-3 or IH-3 United States Visa will not need to proceed under Pa.O.C. Rule 15.15, but can register the foreign adoption decree pursuant to Rule 15.14. Situations may arise, though, that necessitate proceeding under this Rule, such as the inclusion of an incorrect birth year on the foreign adoption decree, or other personal family reasons. In these situations, adopting parent(s) of a foreign born adopted child entering the United States with an IR-2, IR-3, or IH-3 United States Visa may proceed under Rule 15.15; however, adopting

parent(s) should be advised by counsel of the additional costs, additional documentation required, and the delay caused by the need for a hearing.

If a foreign born adoptee has entered the United States with an IH-4 or IR-4 United States Visa, the Prospective Adoptive Parent(s) must proceed under Rule 15.15 because the adoption of their foreign born adoptee was not finalized in the country of the adoptee's birth.

If the foreign born adoptee or adopted child has been issued a United States Visa, regardless of the type of Visa issued (e.g., IR-2, IH-2, IR-3, IH-3, IR-4 or IH-4), the birth parents of the foreign born child do not need to receive notice of the opportunity to enter into a Contact Agreement. Efforts to locate parents in a foreign country and notify them of the opportunity to enter into a post-adoption contact and/or communication agreement are both impractical and costly. If the foreign born adoptee or adopted child is entering the country with a United States Visa, then it has been established to the satisfaction of the Department of Homeland Security, United States Citizenship and Immigration Services that the foreign born child is an orphan; thus, the child has no legal parents to receive notice. See Rule 15.15(d)(5).

Only one state court, whether in this Commonwealth or another state, should exercise jurisdiction over the registration of the foreign adoption decree or the completion of the adoption initiated in the native country of the foreign born child. Thus, if the adoption has been finalized or the foreign adoption decree has been registered in another state court or in another court within this Commonwealth, the adopting parents need not and should not proceed under this Rule. In similar fashion, if the adoption of the foreign born adopted child has been finalized in this Commonwealth, and thereafter, another petitioner seeks to adopt this adopted individual, the subsequent proceeding will be a standard proceeding under the applicable provisions of the Adoption Act, 23 Pa.C.S. § 2101 *et seq.* Such a situation could occur when the adopted individual is to be adopted by a step-parent after divorce or death of the original adopting parents, or when, after termination of parental rights, the adopted child is to be adopted by Prospective Adoptive Parents different than the adopting parents.

The documents referenced in Rule 15.15 should be filed with the clerk, except in Philadelphia County, where they should be filed with the Clerk of the Family Court Division. The petition and accompanying documents under this Rule, including the decree granting the adoption, are confidential and should be impounded and withheld from public inspection as provided in the Adoption Act, 23 Pa.C.S. §§ 2906, 2907, 2908(f), and 2911—2937 and Rule 15.21.

The clerk shall make available to the petitioners the necessary Department of Health, Division of Vital Records forms: Form No. HD01273F, Certificate of Adoption of a Foreign-Born Child; and Form No. HD01275F, Statement of Citizenship and Residency.

Rule 15.16. Notice and Service in Subsequent Petitions regarding Contact Agreements.

(a) The petitioner shall mail a copy of any petition to modify, enforce, or discontinue the Contact Agreement and a notice that a responsive pleading must be filed with the clerk within twenty (20) days from the date indicated on the petition or notice letter, whichever is later, to the following:

- (1) all parties to the Contact Agreement;

(2) the adopted child who is the subject of the Contact Agreement if he or she has attained twelve (12) years of age at the time of the petition's filing;

(3) any sibling of the adopted child who has continuing contact or communication with the adopted child under the terms of the Contact Agreement; and

(4) all counsel who entered an appearance for any party, including appearing as counsel or the guardian *ad litem* for the adopted child, in the proceeding to approve the Contact Agreement or who have filed an entry of an appearance in the current proceeding.

(b) A certificate of service shall be appended to the petition or filed separately and contemporaneously with the filing of the petition, stating the date that a copy of the petition and the notice for filing a timely responsive pleading was mailed by first-class, United States mail, postage prepaid, to those listed above in subparagraphs (a)(1)—(a)(4), as applicable.

Rule 15.17. Petition to Modify a Contact Agreement.

(a) *General rule.* By filing a petition under 23 Pa.C.S. § 2737 with the court that entered the adoption decree, the adopting parents or the adopted child, if he or she has attained twelve (12) years of age, may seek to modify the Contact Agreement.

(b) *Contents of petition to modify.* The petition to modify the Contact Agreement shall set forth specific averments to establish the following facts:

(1) the age and birth date of the adopted child;

(2) the date when the court approved the Contact Agreement and that such date was on or before the date of the adoption decree;

(3) whether the adopted child was then represented by a guardian *ad litem*;

(4) whether the adopted child either signed a separate written consent agreeing to the Contact Agreement or signed the Contact Agreement as evidence of his or her consent, or that the adopted child had not attained twelve (12) years of age at the time of the execution of the Contact Agreement;

(5) whether there are siblings of the adopted child who have continuing contact or communication with the adopted child under the terms of the Contact Agreement, and if so, the names, ages, and birth dates of such siblings, the names of the guardians *ad litem*, if any, and who such guardian *ad litem* represented;

(6) a description of the proposed modification; and

(7) the reasons why the proposed modification will serve the needs, welfare and best interest of the adopted child.

(c) *Decree.* After a hearing, if the court finds by clear and convincing evidence that modification of the Contact Agreement shall serve the needs, welfare and best interest of the adopted child, the court shall enter a decree so modifying the Contact Agreement as necessary.

Explanatory Comment: Section 2741(b) provides that a guardian *ad litem* may be appointed to represent siblings who have not attained eighteen (18) years of age in a proceeding to enforce or discontinue a Contact Agreement, but does not specifically mention a proceeding to modify a Contact Agreement. 23 Pa.C.S. § 2741(b)(1). However, the court has inherent powers to appoint a guardian *ad litem* whenever the court finds that the interest of a minor are not adequately represented by others who are *sui juris*.

The evidentiary standard of clear and convincing evidence is statutorily mandated. See 23 Pa.C.S. § 2737(b).

Rule 15.18. Petition to Enforce a Contact Agreement.

(a) *General Rule.* By filing a petition under 23 Pa.C.S. § 2738, any party to the Contact Agreement, a sibling or the adopted child who is the subject of the Contact Agreement may seek to enforce the terms of the Contact Agreement.

(b) *Contents of petition to enforce.* The petition to enforce the Contact Agreement shall set forth specific averments to establish the following facts:

(1) the age and birth date of the adopted child;

(2) the date when the court approved the Contact Agreement and that such date was on or before the date of the adoption decree;

(3) whether the adopted child was then represented by a guardian *ad litem*;

(4) whether the adopted child either signed a separate written consent agreeing to the Contact Agreement or signed the Contact Agreement evidencing his or her consent, or that the Adopted Child had not attained twelve (12) years of age at the time of the execution of the Contact Agreement;

(5) whether there are siblings of the adopted child who have continuing contact or communication with the adopted child under the terms of the Contact Agreement, and if so, the names, ages, and birth dates of such siblings, the names of the guardians *ad litem*, if any, and who such guardians *ad litem* represented;

(6) whether the party seeking enforcement is in substantial compliance with the terms of the Contact Agreement;

(7) the identity of the party who has breached the Contact Agreement and the nature and circumstances of the breach; and

(8) that enforcement of the Contact Agreement serves the needs, welfare and best interest of the Adopted Child.

(c) *Decree and Remedies.* After a hearing, if the court finds that the petitioner is in substantial compliance with the terms of the Contact Agreement and also finds by clear and convincing evidence that the Contact Agreement serves the needs, welfare and best interest of the adopted child, the court shall enter a decree directing specific performance of the Contact Agreement.

Explanatory Comment: The evidentiary standard of clear and convincing evidence is statutorily mandated. See 23 Pa.C.S. § 2738(d)(2). For purposes of determining where to file a petition to enforce a Contact Agreement, petitioner should consider 23 Pa.C.S. § 2738(a) and 23 Pa.C.S. § 2738(e)(2).

Rule 15.19. Petition to Discontinue a Contact Agreement.

(a) *General rule.* By filing a petition under 23 Pa.C.S. § 2739 with the court that entered the adoption decree, any party to the Contact Agreement or the adopted child if he or she has attained twelve (12) years of age may seek to discontinue the Contact Agreement.

(b) *Contents of petition to discontinue.* The petition to discontinue the Contact Agreement shall set forth specific averments to establish the following facts:

(1) the age and birth date of the adopted child;

(2) the date when the court approved the Contact Agreement and that such date was on or before the date of the adoption decree;

(3) whether the adopted child was then represented by a guardian *ad litem*;

(4) whether the Adopted Child either signed a separate written consent agreeing to the Contact Agreement or signed the Contact Agreement evidencing his or her consent, or that the Adopted Child had not attained twelve (12) years of age at the time of the execution of the Contact Agreement;

(5) whether there are siblings of the adopted child who have continuing contact or communication with the Adopted Child under the terms of the Contact Agreement, and if so, the names, ages, and birth dates of such siblings, the names of the guardians *ad litem*, if any, and who such guardian *ad litem* represented;

(6) the reasons why the petitioner seeks to discontinue the Contact Agreement; and

(7) why discontinuance of the Contact Agreement serves the needs, welfare and best interests of the adopted child.

(c) *Decree.* After a hearing, if the court finds by clear and convincing evidence that discontinuance of the Contact Agreement shall serve the needs, welfare and best interest of the adopted child, the court shall enter a decree discontinuing the Contact Agreement.

Explanatory Comment: The evidentiary standard of clear and convincing evidence is statutorily mandated. See 23 Pa.C.S. § 2739(b).

Rule 15.20. Collection of Documents and Maintenance of Court File.

(a) The clerk where parental rights were terminated and the clerk where the adoption decree is entered shall maintain as a permanent court file all court records pertaining to the adoption, including the docket, all petitions, exhibits, reports, notes of testimony, decrees and other filed legal papers.

(b) The clerk where parental rights were terminated and the clerk where the adoption decree is entered shall also accept the following items that shall then become part of the permanent court file:

(1) a statement of medical, personal and/or social history information filed by a birth parent, a survivor of a deceased birth parent, the adopted individual who is *sui juris*, the legal or natural guardian of a non-*sui juris* adopted individual, or the descendant of a deceased adopted individual;

(2) a form promulgated by the Department containing medical, personal or social history information completed by an individual named in subparagraph (1) above;

(3) an authorization or consent form signed by a birth parent permitting the release of identifying information, including but not limited to, any signed form promulgated by the Department to authorize the release of identifying information or any signed form promulgated by the Department of Health granting the issuance of a summary of the adopted individual's original birth record with identifying information about the birth parent;

(4) a form signed by a birth parent withholding the release of identifying information or revoking a prior authorization or consent given, including any such form promulgated by the Department or the Department of Health that is signed by the birth parent; and

(5) a notification from the Department given in accordance with 23 Pa.C.S. § 2915(c)(4) that an agency has closed and transferred its case records to another agency.

(c) In addition to the documents listed in paragraphs (a) and (b) above, the clerk where the adoption decree is entered shall also accept the following items that shall then become part of the permanent court file:

(1) an authorization or consent form signed by an adopted individual permitting the release of identifying information, or any form signed by an adopted individual withholding the release of identifying information or revoking a prior authorization or consent given, including any such form promulgated by the Department or the Department of Health that is signed by the adopted individual;

(2) requests for non-identifying or identifying information; and

(3) records or documents from an attorney who represented an individual in the adoption proceeding or who acted as counsel or as the guardian *ad litem* for the adoptee, the minor birth parent, or a minor sibling of the adoptee; provided that, the records and written documents concern the adopted individual, the birth family or the adopting family, such records and documents are in the format required by local rule, and the filing fee, if any, is paid.

(d) The clerk where parental rights were terminated shall copy and forward any statement of medical, personal and/or social history information and forms signed by a birth parent authorizing the release of identifying information, withholding the release of identifying information, or revoking previously given authorizations as follows:

(1) a completed and signed document in the form promulgated by the Department shall be forwarded to the Pennsylvania Adoption Information Registry ("PAIR"); and

(2) completed and signed documents in whatever form or format shall be forwarded to the clerk where the adoption decree has been entered, if the court entering the adoption decree is known or reasonably ascertainable from information in the court file of the court that terminated parental rights.

(e) All documents described in subparagraphs (b)(1), (b)(2), (b)(3), (b)(4), (c)(1), and (c)(3) shall be stamped with the date of receipt and an acknowledgement of receipt shall be sent to the individual or clerk who filed the document.

Explanatory Comment: In order to avoid confusion, the term "court file," rather than "court records," is being used to describe all documents that can be part of the court's file because "court records" is statutorily defined in 23 Pa.C.S. § 2911 to include only the petition, exhibits, reports, notes of testimony, decrees and other papers pertaining to the judicial proceeding.

The statute directs that notice of the filing of a statement of medical, personal and/or social history information shall be given to "the individual who is at least 21 years of age and whom the information is intended to benefit, if known or identified in its records." 23 Pa.C.S. § 2934(e)(2). Rule 15.22(c) provides the procedure for determining who is the person intended to be benefitted and how notice of the filing of this Statement shall be provided to that intended beneficiary. Because the procedure in Rule 15.22(c) requires the filing of an initial request for information and because all requests for

information are filed through the clerk where the adoption decree is entered, it is that court, and not the court that terminated parental rights, that shall review the statement of medical, personal and/or social history information, determining who is the individual intended to be benefitted and whether and how information is to be provided to that individual. The clerk where parental rights were terminated need only forward the statement of medical, personal and/or social history information to the clerk where the adoption decree is entered, if such court is known or can be readily identified from items in the court file, and to the Pennsylvania Adoption Information Registry ("PAIR") if the completed Statement is in the form promulgated by the Department.

PAIR has a website (www.pagov-pair.org) and is requesting that any statement of medical, personal and/or social history information be forwarded electronically in a .pdf format. The clerk shall forward the Statement to PAIR in a .pdf format as filed.

Notwithstanding the development of forms by the Department, the statute does not limit or restrict what statements and forms the clerk can accept from birth parents, adopted individuals or their statutorily permissible representatives. Thus, in keeping with the spirit of the statute, clerks are encouraged to accept any document that reveals medical, personal and/or social history information from a birth parent, adopted individual, his or her statutorily permissible representative, descendants of a deceased adopted individual, or survivors of a deceased birth parent. Likewise, clerks are encouraged to accept and maintain any form or statement that reasonably can be construed as providing authorization or consent to release identifying information, withholding such authorization or consent, or revoking a prior authorization or consent given. The local courts are also free to adopt, through the promulgation of local rules, their own forms for such uses. The Department has designed sample forms for the local courts to use or to modify for use.

Because requests for identifying information are permitted to be filed only with the clerk where the adoption decree is entered, only the clerk where the adoption decree is entered shall accept requests for non-identifying or identifying information and forms from the adopted individual authorizing the release of identifying information or withholding or revoking such authorization. *See* 23 Pa.C.S. § 2931(A). Despite the above sentence, the statute implies that the clerk where parental rights were terminated must accept and maintain as part of its court file an authorization or consent to release identifying information or any document withholding or revoking such authorization signed by a birth parent. *See* 23 Pa.C.S. §§ 2933(A)(2)—(4). For this reason, Rule 15.20(d)(2) requires the clerk where parental rights were terminated to forward any such signed authorization or consent form or any document withholding or revoking authorization or consent to the clerk where the adoption decree is entered, if known, thereby streamlining the efforts required by the court that entered the adoption decree if a request for non-identifying or identifying information is later filed.

Finally, attorneys representing a party to an adoption proceeding or representing a child thereto either as counsel or as a guardian *ad litem* are permitted to forward their records and information only to the clerk where the adoption decree is entered. 23 Pa.C.S. § 2916. In this age of document management and given the judiciary's limited financial and physical resources, the attorney representing an agency may not deposit his or her records with the court as the agency already has

record-keeping requirements imposed by the Department. *See* 23 Pa.C.S. § 2915. Moreover, the court, by local rule, may adopt procedures for attorneys forwarding documents to be retained in the court file, e.g., on a disc, CD-ROM, or other electronic format. The court may charge reasonable fees for the acceptance and retention of an attorney's records. *See* 23 Pa.C.S. § 2913 ("Any court . . . may charge reasonable fees for services provided under this chapter.")

Rule 15.21. Privacy; Withholding the Court File from Inspection.

(a) All court records and all other documents in the court file, including but not limited to, completed statement of medical, personal and/or social history information, signed authorization or consent forms, signed forms withholding or revoking authorization, requests for identifying or non-identifying information, and attorney records shall be withheld from inspection except as provided by 23 Pa.C.S. § 2931 *et seq.* and Rule 15.22.

(b) Except as provided in (d) below, the docket, court records, and all other documents in the court file shall be closed.

(c) Certificates of adoption shall be issued as provided in 23 Pa.C.S. § 2907, reciting that the court has granted the adoption, but not disclosing the names of the birth parents or the name of the adopted individual before adoption.

(d) No decision under the Adoption Act of any hearing judge or an appellate court publicly reported or in any other way made available to the public by the court shall disclose the identity of the individual parties.

Rule 15.22. Dissemination and Release of Information in the Court File.

(a) One seeking non-identifying or identifying information or contact shall file a written request with the clerk where the adoption decree was entered and the written request shall contain the following information to the extent known:

(1) the name of the court that entered the adoption decree and the date of the adoption decree;

(2) the requester's relationship to the adoption proceeding as the adopted individual, the adopting parents, the adopted individual's legal guardian, a descendant of the adopted individual, a birth parent, a parent of a birth parent, or a birth sibling of the adopted individual; and

(A) If the requester is the adopted individual, the adopted individual's birth date and that he or she has attained eighteen (18) years of age.

(B) If the requester is an adopting parent, the adopted individual's birth date and that the adopted individual has not attained eighteen (18) years of age or has attained eighteen (18) years of age and been adjudicated incapacitated, including attaching a certified copy of the court decree of incapacity, or that the adopted individual is deceased, including attaching a copy of the death certificate.

(C) If the requester is a legal guardian of the adopted individual, the adopted individual's birth date and that the adopted individual has not attained eighteen (18) years of age or has attained eighteen (18) years of age and been adjudicated incapacitated, including attaching a certified copy of the court decree of incapacity.

(D) If the requester is a descendant of the adopted individual, a statement that the adopted individual is deceased, including attaching a copy of the death certificate.

(E) If the requester is a birth parent, the adopted individual's birth date and that the adopted individual has attained twenty-one (21) years of age.

(F) If the requester is a parent of a birth parent, the adopted individual's birth date, that the adopted individual has attained twenty-one (21) years of age, and that the birth parent either consents to the request for information or contact, has been adjudicated incapacitated, or is deceased, including attaching a signed copy of the birth parent's consent, a certified copy of the court decree of incapacity, or a copy of the death certificate, as applicable.

(G) If the requester is related to the adopted individual as a sibling through either one or both of the birth parents, the birth dates of both the adopted individual and the requester, that both the adopted individual and the requester have attained twenty-one (21) years of age, and that either the requester remained in the custody of his or her parent and that this birth parent consents to the request for information or contact, has been adjudicated incapacitated, or is deceased, including attaching a signed copy of the birth parent's consent, a certified copy of the court decree of incapacity, or a copy of the death certificate, as applicable, or that the requester was adopted out of the birth family or did not remain in the custody of the birth parent, including a certified copy of the requester's adoption decree or the court order granting legal or physical custody of the requester to another.

(3) a general description of the individual who is the subject of the request explaining the subject's relationship to the adoption proceeding as the adopted individual, a birth parent, a parent of a birth parent, or a birth sibling of the adopted individual. In addition:

(A) If the subject of the request is a parent of a birth parent, the adopted individual's birth date, that the adopted individual has attained twenty-one (21) years of age, and that the birth parent either consents to the request for information or contact, has been adjudicated incapacitated, or is deceased, including attaching a signed copy of the birth parent's consent, a certified copy of the court decree of incapacity, or a copy of the death certificate, as applicable.

(B) If the subject of the request is related to the adopted individual as a sibling through either one or both of the birth parents, the birth dates of both the adopted individual and his or her birth sibling, that both the adopted individual and the birth sibling have attained twenty-one (21) years of age, and that either the birth sibling remained in the custody of his or her parent and that this birth parent consents to the request for information or contact, has been adjudicated incapacitated, or is deceased, including attaching a signed copy of the birth parent's consent, a certified copy of the court decree of incapacity, or a copy of the death certificate, as applicable, or that the birth sibling was adopted out of the birth family or did not remain in the custody of the birth parent, including a certified copy of the birth sibling's adoption decree or the court order granting legal or physical custody of the birth sibling to another.

(b) Upon a review of the request for non-identifying or identifying information or contact, the court shall determine if it is the proper court to handle the request, if the requester is permitted to seek the requested information or contact by 23 Pa.C.S. § 2931(a), and if the request inquires about an individual who can be the subject of the request per 23 Pa.C.S. § 2931(b).

(1) If the court cannot affirmatively answer all three of the above questions, the court shall notify the requester that his or her request for information is denied and the reasons for its denial.

(2) If the court affirmatively answers all three of the above questions, the court shall proceed under paragraphs (c) and (d) below, as applicable.

(c) If the request is for only non-identifying information, the court shall ensure the records and documents from the court file that are to be made available to the requester are sufficiently redacted so as to not reveal the identity of the subject of the request or compromise the confidentiality of the relationship between the adopted individual and his or her birth parent(s), and once such information is redacted, the requested records and documents shall be made available to the requester as provided by local rule or practice.

(d) If the request is for identifying information or contact, the court shall determine if the court file includes an unrevoked authorization or consent from the individual who is the subject of the request.

(1) If so, the court shall grant the request and the requested records and documents shall be made available to the requester as provided by local rule or practice, except as provided in subparagraph (3) below;

(2) If not, the court shall appoint an Authorized Representative and the Authorized Representative shall handle the request and shall either respond to the requester or report to the court if the Authorized Representative believes one of the circumstances described in subparagraph (3) below exists.

(3) The court shall not grant a request and shall not provide identifying information under either of the following circumstances:

(A) dissemination of the requested identifying information will compromise the identify or confidentiality of an individual who has not authorized release of the identifying information, and after appointing an Authorized Representative, the Authorized Representative reports to the court that such individual either cannot be located, or after being located, refuses to consent to the release of such identifying information; or

(B) dissemination of the requested identifying information could cause physical or emotional harm to the requestor or others, as determined by the court either with or without the assistance of a report from the Authorized Representative, and in such cases, the court shall issue an order to this effect setting forth the basis of its findings.

(e) Anyone requesting an original birth record or a summary of the original birth record shall be directed to contact the Department of Health.

(f) Upon the filing of a statement of medical, personal and/or social history information, or a statement updating such information, or if either is received from the clerk where parental rights were terminated, the clerk where the adoption decree is entered shall send notice as follows:

(1) if the statement contains information about a birth parent, notice of its filing shall be sent to the adopted individual, the adopting parents, the legal guardian of an incapacitated adopted individual, or descendants of a deceased adopted individual, only if such person, at any time prior, had filed a request for non-identifying or identifying information that was approved by the court or

was then denied by the court due only to the age of the requester or the age of the subject of the request; or

(2) if the statement contains information about the adopted individual, notice of its filing shall be sent to the birth parents, any legal guardian of a birth parent, the parents of a deceased birth parent, and in limited circumstances to a birth sibling, but only if such person, at any time prior, had filed a request for non-identifying or identifying information that was approved by the court or was then denied by the court due only to the age of the requester or the age of the subject of the request.

(3) Notice under this subparagraph (f) shall be provided to the individual at the address listed on the request for non-identifying or identifying information or at the last updated address in the court file.

(4) Notice shall inform the individuals that a statement of medical, personal and/or social history information or a statement updating such information has been received, the date of its filing, and that the information contained in the statement may be provided either in redacted form or with identifying information upon the filing of new request for non-identifying or identifying information.

(5) If a new request for non-identifying or identifying information is thereafter filed, the request shall contain the information required in paragraph (a) and shall be processed as provided in paragraphs (b), (c), and (d), as applicable.

(g) The court may permit reasonable fees to be charged for the filing, handling, and processing of any request for non-identifying or identifying information, and the fees may vary depending upon the time and efforts involved, the extent of information made available to the requester, whether an Authorized Representative is appointed by the court, and the extent of any search required.

Explanatory Comment: The handling of requests for non-identifying information, identifying information and/or contact will largely be dictated by local rule, custom and practice.

Judges, law clerks, or court personnel experienced in adoptions should handle and address requests for non-identifying information and only an appointed Authorized Representative duly trained by the Department should handle and address all requests for identifying information. The statute has very specific rules as to who may request non-identifying and identifying information and the age or existence of one individual may change the requester's right to have the request answered. *See* 23 Pa.C.S. § 2931(a). Further, the statute is specific about who can be the subject of a request. *See* 23 Pa.C.S. § 2931(b). Consequently, requests for non-identifying and identifying information or contact should be reviewed by those trained in the law or otherwise well versed in this statute.

If the court believes that a request for identifying information or contact could cause physical or emotional harm to the requestor or others, the court shall issue an order to this effect that can be appealed by the requestor in accordance with 23 Pa.C.S. § 2936(b) and R.A.P. 341 *et seq.*

Section 2934, 23 Pa.C.S. § 2934, requires the court, agency, or Pennsylvania Adoption Information Registry ("PAIR") to provide notice of the filing of a statement of medical, personal and/or social history information "to the individual who is at least 21 years of age and whom the information is intended to benefit." The statutory section fails to further define who is the person intended to be benefitted or how such person is to be determined.

Moreover, once filed, the statement of medical, personal and/or social history information becomes part of the court file subject to impounding and confidentiality as provided in Rule 15.21 and 23 Pa.C.S. § 2931 *et seq.* For this reason, the statement of medical, personal and/or social history information or a statement updating this information should not be shared or disseminated by the clerk absent a later filed request for such information approved by the court, or upon other order of court. The notification procedure in Rule 15.22(f) is an attempt to comply with 23 Pa.C.S. § 2934(e)(2) while, at the same time, complying with other statutory provisions, such as section 2931(a) which narrowly defines the individuals who may request non-identifying and identifying information, sections 2925(c) and 2935 which require the court to maintain confidentiality in conducting a search, and section 2933 which requires any court-appointed Authorized Representative to be specially trained by the Department before conducting searches. *Compare* 23 Pa.C.S. § 2934 *with* 23 Pa.C.S. §§ 2925(c), 2931(a), 2933, 2935. The clerk and its deputy personnel have no legal training in determining who may request non-identifying and identifying information and no specialized training from the Department in conducting searches while maintaining confidentiality. For these reasons, while the agency and PAIR may proceed differently in determining who is intended to be benefitted from the filing of a statement of medical, personal and/or social history information or a statement updating such information, the clerk, the court, and its personnel shall proceed in a more cautious fashion, providing only notice of the filing of any such statement to an individual who previously has requested and been given information from the court file or whose request was denied only because of the age of the requester or the age of the individual who was the subject of the request. Even then, information from the most recently filed statement will not be released or disseminated, but will only be provided if a new request for non-identifying or identify information is filed by the requester in accordance with Rule 15.22(a).

EXPLANATORY REPORT

Background

These proposed rules seek to implement legislative amendments to the Adoption Act, 23 Pa.C.S. §§ 2101—2938, enacted since the last revision of Rule 15. Additionally, the proposed rules seek to provide procedures effectuating precedent of the Supreme Court that impact the filing of parental rights termination petitions and consideration of adoption petitions. *See In re Adoption of R.B.F. and R.C.F.*, 803 A.2d 1195 (Pa. 2002); *In re Adoption of L.J.B.*, 18 A.3d 1098 (Pa. 2011); *In re T.S.M.*, 71 A.3d 251 (Pa. 2013). A majority of the new rules and substantial revisions to currently existing rules have been occasioned by the Act of October 27, 2010, P.L. 961 ("Act 101") having an effective date of April 25, 2011. This bill is colloquially referred to as "Act 101," a reference to the law's enactment number.

In part, Act 101 amended the Adoption Act to provide an option for prospective adoptive parents and birth relatives to enter into voluntary, but legally enforceable, agreements so that adopted children can have ongoing communication or contact with their birth family, if desirable, and if desired by all the involved parties.

Act 101 also amended the Adoption Act to allow for the collection of a birth parent's social history in addition to personal and medical history and to permit attorneys to forward their records and information to the court for maintenance as part of the court record.

Lastly, Act 101 expanded both the class of individuals who can request information about others related to the adoption and expanded the class of individuals who can be the subject of an informational request. The Act provides extensive procedures for the handling of such informational requests by the court that finalized the adoption, the agency that coordinated the adoption, or its successor. Under prior law, these searches were permissible. Act 101 now mandates that when a proper request for identifying information or contact is received and no authorization to release such information is on file, the entity receiving the request must search for the person from whom information or contact is sought, advise that person of the request, and ask that person to consent to the release of identifying information or permit contact. Only an authorized representative trained by the Department of Human Services (“Department”) is to perform these searches and contact the person who is the subject of the request.

With In re Adoption of R.B.F. and R.C.F., the Supreme Court held that Section 2901 of the Adoption Act, 23 Pa.C.S. § 2901, permits a prospective adoptive parent to demonstrate why in a particular case he or she cannot meet a statutory requirement of the Adoption Act. In that case, the Court instructed that where the petitioner has failed to satisfy all of the statutory requirements for adoption, the petition for adoption should not be summarily dismissed; rather, the petitioner should be afforded an opportunity to demonstrate why the particular statutory requirement cannot be met, why the court should dispense with this statutory requirement, and why the proposed adoptee’s best interest is nevertheless served by granting the adoption. To effectuate this precedent, the Committee proposes to expand upon the averments that can be contained in an adoption petition. Under the proposed amendment to current Rule 15.5 (proposed new Rule 15.13), if a statutory requirement under the Adoption Act cannot be met, the petitioner can include in the adoption petition averments explaining why the statutory requirement has not been met and why it is nonetheless in the child’s best interest for the judge to grant the petition. The proposed amendment to this Rule also provides for a hearing at which time the court will consider whether cause has been shown to dispense with a statutory requirement and whether to grant the adoption petition notwithstanding.

Prior Publications

Earlier versions of these proposed new adoption rules have been published previously for comment. The first publication of these rules appeared in 41 Pa.B. 2932 (June 11, 2011). A revised version of these rules appeared in 43 Pa.B. 6321 (October 26, 2013).

Recommendation

The proposed amendments and new rules fall into the following two categories:

Rules derived from existing rules, but which have been so substantially modified that it was decided in Committee to simply rescind and replace the current rules. A majority of these rules govern parental rights termination petitions, the adoption petition, and providing notice of the hearing on these petitions.

The proposed new rules require publication in every instance where the identity or whereabouts of an alleged birth parent is unknown. The Committee is of the opinion that a standardized practice is needed statewide. *See* Proposed Rule 15.3.

Similarly, the proposed new rules eliminate the ability for a birth parent to waive notice of the hearing, an option that is present in the current rules. *See* Proposed Rules 15.7(c)(1), 15.8(c)(1), and 15.9(c)(1).

Lastly, except in the context of registering a foreign adoption decree or finalizing the adoption of a foreign born child, these rules require parental rights termination petitions and the adoption petition to contain an averment and include an exhibit so that the court can ensure birth parents, prospective adoptive parents, and proposed adoptees (in certain instances) received notice of the opportunity of birth relatives to enter into agreements for post-adoption contact or communication.

There is a proposed new Rule 15.9 to address the statutory alternative procedure for confirmed consent created in Section 2504 of the Adoption Code, 23 Pa.C.S. § 2504.

Additionally, there are new rules implementing Act 101’s provisions regarding the court’s approval of voluntary post-adoption contact agreements and the procedure by which the court may modify, enforce, or discontinue such court-approved voluntary post-adoption contact agreements. In response to several comments from prior publications, the Committee reviewed Sections 2735, 2736, 2737, 2738 and 2739 of the Adoption Act and it could not locate a mandate that only the court finalizing the adoption consider and approve the agreement for post-adoption communication or contact. Section 2735 provides in subsection (a) that the agreement shall be filed with the court finalizing the adoption of the child, but requiring the agreement to be filed with the court finalizing the adoption does not necessarily equate to this court being the only court that can approve the agreement. Subsection (b) sets forth criterion for the court to consider in deciding whether to approve the agreement; however, in this subsection, “the court” is not defined or limited to the court finalizing the adoption. In Sections 2737 and 2739, the statute expressly provides that proceedings to modify or discontinue a post-adoption contact or communication agreement shall be commenced in the court finalizing the adoption. Subsection (e) of section 2738 provides that the court approving the agreement shall have continuing jurisdiction over its enforcement. If such court was statutorily required to always be and only could be the court finalizing the adoption, then this subsection would have referred to that court as the court finalizing the adoption. Therefore, it appears that a court other than the court finalizing the adoption may consider and approve the post-adoption contact or communication agreement.

The Committee’s proposal that the court terminating parental rights be able to consider and approve proposed post-adoption contact or communication agreements was based on several considerations. First, the judge terminating parental rights will have more familiarity with the situation involving the birth family and the reasons for the child’s removal from the home and, therefore, this judge will be better able to determine if continuing post-adoption contact and communication serves the child’s best interests. Second, in multi-county adoptions, the birth parent will have fewer resources to travel and attend a hearing before a judge in a county outside of his or her residence. Third, unless proposed agreements are presented and considered by the court near the time of termination, the whereabouts of some birth parents may become uncertain, making it more difficult to locate and provide them with notice of an upcoming hearing. Finally, there is a risk that after parental rights are terminated that prospective adoptive parents will no longer wish to

have a court approve a previously negotiated post-adoption contact and/or communication agreement.

There are new rules concerning confidentiality in order to implement Act 101's provisions for releasing information in the court file, including requests for non-identifying information, identifying information and/or for contact. The search and contact provisions of Section 2932 and 2933 of the Adoption Act pose special problems for the court system. The proposed rules are predicated upon an understanding that the county Orphans' Courts (and Family Court in Philadelphia) can delegate the responsibility for search and contact to private adoption agencies, individuals, or the county children and youth service agencies as long as the delegate has successfully completed a standardized Department training program.

Section 2932, 2933, and 2934 impose certain time deadlines for responding to requests for information and contact. The Committee does not propose to incorporate such deadlines in these proposed rules. The Committee assumes the handling of requests for information will be completed expeditiously and consistent with other important judicial responsibilities concerning terminations of parental rights, adoptions hearings, fast track appeals, and other priorities related to children and youth.

Section 2934, 23 Pa.C.S. § 2934, requires the court, agency, or Pennsylvania Adoption Information Registry ("PAIR") to provide notice of the filing of a statement of medical, personal or social history information "to the individual who is at least 21 years of age and whom the information is intended to benefit." This statutory section fails to further define who is the person intended to be benefitted or how such person is to be determined. Moreover, once filed, the statement of medical, personal or social history information becomes part of the court file subject to impounding and confidentiality as provided in Rule 15.21 and 23 Pa.C.S. § 2931 *et seq.* For this reason, the statement of medical, personal or social history information or a statement updating this information should not be shared or disseminated by the clerk absent a later filed request for such information approved by the court. The notification procedure in Rule 15.22(f) is an attempt to comply with 23 Pa.C.S. § 2934(e)(2) while, at the same time, complying with other statutory provisions, such as Section 2931(a), which narrowly defines the individuals who may request non-identifying and identifying information, Sections 2925(c) and 2935, which require the court to maintain confidentiality in conducting a search, and Section 2933, which requires any court-appointed authorized representative to be specially trained by the Department before conducting searches. *Compare* 23 Pa.C.S. § 2934 with 23 Pa.C.S. §§ 2925(c), 2931(a), 2933, 2935.

[Pa.B. Doc. No. 16-68. Filed for public inspection January 15, 2016, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that Joseph J. Lodge (# 35351) having been suspended from the practice of law in the State of Arizona for a period of six months and one day, the Supreme Court of Pennsylvania issued an Order

dated December 22, 2015 suspending Joseph J. Lodge from the practice of law in this Commonwealth for a period of six months and one day effective January 22, 2016. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 16-69. Filed for public inspection January 15, 2016, 9:00 a.m.]

SUPREME COURT

Practice of Law by Attorneys Employed in the Unified Judicial System of Pennsylvania; No. 454 Judicial Administration Doc.

Order

Per Curiam

And Now, this 29th day of December, 2015, pursuant to Article V, Section 10 of the Constitution of Pennsylvania, *It Is Ordered* as follows.

An attorney employed in the Unified Judicial System shall be prohibited from appearing as counsel (except in a *pro se* capacity) in the division/section of the court in which the attorney is employed. Further, in courts that have no formally established divisions or sections, or for an attorney who is not employed within a division or section, the attorney is prohibited (except as to *pro se* matters) from appearing as counsel in the court itself. *See* 42 Pa.C.S. § 2502(a) ("Except as otherwise prescribed by general rule, an attorney at law who is an employee of a court shall not appear as counsel in such court."); Pa.R.A.P. 3121 (prohibiting the practice of law by appellate court staff except in limited circumstances); and *In Re: Practice of Law by and Qualifications of Law Clerks Employed in the Unified Judicial System of Pennsylvania*, No. 438 Judicial Administration Docket (December 11, 2014) (restricting the practice of law by judicial law clerks).

Any outside employment or commercial activities by attorneys employed in the Unified Judicial System, including the practice of law, must be permitted by, and must be approved in accordance with, the Rules of Professional Conduct, the Code of Conduct for Employees of the Unified Judicial System, and any other applicable personnel policies.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective January 1, 2017, for all current and future attorneys employed in the Unified Judicial System.

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

[Pa.B. Doc. No. 16-70. Filed for public inspection January 15, 2016, 9:00 a.m.]

RULES AND REGULATIONS

Title 40—LIQUOR

LIQUOR CONTROL BOARD

[40 PA. CODE CHS. 1 AND 13]

Discount Pricing Practices

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P. S. § 2-207(i)), amends §§ 1.1 and 13.102 (relating to definitions; and discount pricing practices).

Summary

Section 13.102 formerly limited a licensee to a “happy hour” period of no more than 2 consecutive hours per business day. The amendments to § 13.102 are necessary so that the Board’s regulations pertaining to happy hour limitations are consistent with the Liquor Code (47 P. S. §§ 1-101—10-1001). In particular, the act of June 28, 2011 (P. L. 55, No. 11) (Act 11) and the act of December 22, 2011 (P. L. 530, No. 113) (Act 113) allow a licensee to have up to 4 hours of discounted drinks in 1 day, but no more than 14 hours per week. In addition, the amendments to the Liquor Code place a burden on the licensees to post a notice of happy hours at least 7 days prior to the happy hour.

Affected Parties

As of October 9, 2015, there were approximately 15,915 actively licensed retail licensees who are affected by Acts 11 and 113.

Paperwork Requirements

This final-form rulemaking is not expected to affect legal, accounting or consulting procedures and should not require additional reporting, recordkeeping or other paperwork. Act 11 requires the posting of a notice of the licensee’s happy hours. Section 13.102 does not place additional reporting or paperwork requirements on licensees.

Fiscal Impact

This final-form rulemaking is not expected to have fiscal impact on the regulated community or State and local governments.

Effective Date

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

Public Comments

Comments about the final-form rulemaking may be submitted to Rodrigo Diaz, Executive Deputy Chief Counsel, or Norina Blynn, Assistant Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 21, 2015, the Board submitted a copy of the notice of proposed rulemaking, published at 45 Pa.B. 2478 (May 23, 2015), to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Liquor Control Committee and the Senate Committee on Law and Justice for review and comment.

Under section 5(c) of the Regulatory Review Act, the Board shall submit to IRRC and the House and Senate

Committees copies of comments received during the public comment period, as well as other documents when requested. The Board has considered comments from IRRC, which are in a separate comment and response document.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on December 9, 2015, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 10, 2015, and approved the final-form rulemaking.

Findings

The Board finds that:

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

(2) The amendments to the Board’s regulations in the manner provided in this order are necessary and appropriate for the administration of the Liquor Code.

(3) The amendments made to this final-form rulemaking do not enlarge the purpose of the proposed rulemaking published at 45 Pa.B. 2478.

Order

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

(a) The regulations of the Board, 40 Pa. Code Chapters 1 and 13, are amended by amending §§ 1.1 and 13.102 to read as set forth in Annex A.

(*Editor’s Note:* The amendments to § 1.1 were not included in the proposed rulemaking published at 45 Pa.B. 2478.)

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

(c) This order shall become effective upon publication in the *Pennsylvania Bulletin*.

TIM HOLDEN,
Chairperson

(*Editor’s Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 45 Pa.B. 7350 (December 26, 2015).)

Fiscal Note: Fiscal Note 54-69 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 40. LIQUOR

PART I. LIQUOR CONTROL BOARD

CHAPTER 1. GENERAL PROVISIONS

§ 1.1. Definitions.

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

Alcohol—Absolute alcohol, ethyl alcohol, cane spirits, Cuban spirits, grain spirits, fruit spirits, high wines and other spirits by whatever name or designation given.

Board—The Liquor Control Board of the Commonwealth.

Examiner—An individual learned in the law appointed by the Governor under the Liquor Code.

Liquor Code—The Liquor Code (47 P. S. §§ 1-101—10-1001).

Pecuniary interest—An interest that sounds in the attributes of proprietorship. There is a rebuttable presumption of a pecuniary interest when a person receives 10% or more of the proceeds of the licensed business or when control is exercised by one or more of the following:

- (i) Employing a majority of the employees of the licensee.
- (ii) Independently making day-to-day decisions about the operation of the business.
- (iii) Having final authority to decide how the licensed business is conducted.

Retail licensee—A licensee that holds a hotel license, a restaurant liquor license, an eating place retail dispenser license, a club license or a catering club license.

CHAPTER 13. PROMOTION

Subchapter C. SOLICITATION FOR THE PURCHASE OF ALCOHOLIC BEVERAGES

§ 13.102. Discount pricing practices.

(a) *General.* Retail licensees may discount the price of alcoholic beverages for not more than 4 consecutive or nonconsecutive hours in a day and not more than 14 hours in a week. Retail licensees may not engage in discount pricing practices between 12 midnight and the legal closing hour. Retail licensees shall post on the licensed premises notice of happy hours. The notice shall be posted so that it is readily visible to the public. The notice shall be posted no less than 7 days prior to the happy hour. Retail licensees may not engage in the following discount pricing practices unless specifically excepted in subsection (b):

(1) The sale or serving, or both, of more than one drink of liquor, wine, or malt or brewed beverages at any one time to any one person, for the price of one drink.

(2) The sale or serving, or both, of an increased volume of one drink of liquor, wine, or malt or brewed beverages without a corresponding and proportionate increase in the price for the drink.

(3) The sale or serving, or both, of an unlimited or indefinite amount of liquor, wine, or malt or brewed beverages for a set price.

(4) The pricing of alcoholic beverages in a manner which permits the price to change within a happy hour period.

(b) *Exceptions.* Nothing in subsection (a) prohibits:

(1) The sale or serving, or both, of an unlimited or indefinite amount of liquor, wine, or malt or brewed beverages for a fixed price for catered events which have been arranged at least 24 hours in advance.

(2) The offering for sale of one specific type of alcoholic beverage or drink per day or a portion thereof at a reduced price, if the offering does not violate subsection (a) and if the price of the drink does not change during the offering. For purposes of this section, a specific type of alcoholic beverage means either a specific registered brand of malt or brewed beverages, a type of wine, a type of distilled spirits or a mixed drink. Examples of permissible drink discounts are found in Board Advisory Notice 16.

(3) Events conducted under the authority of subsection (b) may not be counted against the 4-hour daily or the 14-hour weekly limitation on happy hours in subsection (a).

[Pa.B. Doc. No. 16-71. Filed for public inspection January 15, 2016, 9:00 a.m.]

PROPOSED RULEMAKING

STATE EMPLOYEES' RETIREMENT BOARD

[4 PA. CODE CHS. 245 AND 247]

Member Purchases of Credit for Previous State Service and Re-election of Benefit Option

The State Employees' Retirement Board (Board) proposed to amend § 245.4 (relating to member purchases of credit for previous State service) and add § 247.5a (relating to re-election of benefit option) to read as set forth in Annex A.

A. Effective Date

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

B. Contact Persons

For further information contact Jay Pagni, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 237-0236; Sharon S. Smith, Legislative Specialist, (717) 237-0227; or M. Catherine Nolan, Assistant Counsel, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 237-0392.

C. Statutory Authority

This proposed rulemaking is being made under the authority of 71 Pa.C.S. § 5902(h) (relating to administrative duties of the board).

D. Background and Purpose

Part XXV of 71 Pa.C.S. (relating to State Employees' Retirement Code) (Retirement Code) permits members of the State Employees' Retirement System (SERS) and the Public School Employees' Retirement System (PSERS) who have elected multiple service to purchase credit for previous State service that is uncredited because membership in SERS was optional at the time it was rendered. The proposed amendment to § 245.4 expressly requires that a member who elects to purchase previous State service credit shall purchase credit for all service simultaneously. Partial purchases of previous optional State service are not allowed. The proposed amendment also extends the time to pay for period by payroll deductions from the customary 3 years to 6 years.

The Board has long interpreted the Retirement Code to require that the purchase be comprehensive and Commonwealth Court affirmed SERS' interpretation in *Susan Shinkman v. State Employees' Retirement Board*, 958 A.2d 613 (Pa. Cmwlth. 2008). Therefore, this proposed amendment maintains the status quo except in that it extends the payroll deduction payment period for the flexibility of the member.

Proposed § 247.5a pertains to a member's limited right to re-elect a benefit option. The Retirement Code permits retired members who selected a retirement benefit payment option with a joint and survivor annuity to select a new benefit payment option under certain circumstances. Specifically, the Retirement Code provides that if the designated survivor annuitant predeceases the member or the member divorces or marries after retirement, the member has the right to re-elect an option. The Retirement Code does not expressly state the time within which the member may exercise the re-election right.

The absence of a time limitation would allow a member to delay changing the option indefinitely and could result in the payment of a larger total benefit. When a member re-elects a benefit option, the member's benefit and any survivor annuity is recomputed to be actuarially equivalent to the value of the benefit remaining at the time of the recomputation. The recomputation often produces a lower monthly annuity payment to the member. By delaying the option change, the member can postpone the benefit payment reduction and could secure a larger total benefit that would be payable otherwise. In addition, the Retirement Code is silent as to whether a member who experiences multiple triggering events has a single right to change the initial benefit option or whether re-election options may accumulate, potentially allowing a member to accumulate opportunities to change the option selection, thereby further enhancing the member's benefit beyond the statutory maximum.

Proposed § 247.5a provides the right to re-elect an option remains valid until the earlier of 7 years from the triggering event or upon the occurrence of a subsequent triggering event.

Proposed § 247.5a provides the right to re-elect an option remains valid until the earlier of 7 years from the triggering event or upon the occurrence of a subsequent triggering event.

E. Benefits, Costs and Compliance

Benefits

This proposed rulemaking makes SERS' regulation regarding purchasing service credit for previous optional State service consistent with SERS' long-standing interpretation of the Retirement Code and with Commonwealth Court precedent, and eases members' payment terms. It also sets forth reasonable limitations, clarifying a member's ability to select a new benefit payment option.

Costs

The proposed rulemaking maintains the status quo, except with regard to the extended payment period. The extended payment period has no impact on the service purchase cost or applicable interest. Therefore, these proposed amendments have no associated cost.

Compliance Costs

The proposed rulemaking will not impose additional compliance costs on State employees or employers.

F. Sunset Review

A sunset review is not applicable.

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 6, 2016, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House State Government Committee and the Senate Finance Committee. 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 Regula-

tory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

H. *Public Comments*

Those who could be affected by the proposed amendment to § 245.4 include a mandatory member of SERS or multiple service member of PSERS who has previous optional State service that is uncredited. Also, potentially affected by proposed § 247.5a is a SERS member who elects a retirement benefit payment option with a joint and survivor annuity.

Written comments. Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to Jay Pagni, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716. Comments submitted by facsimile will not be accepted. The Board must receive comments, suggestions or objections by February 23, 2016.

Electronic comments. Comments may be submitted by e-mail to the Board at jpagni@pa.gov and must be received by the Board by February 23, 2016. A subject heading of the proposed rulemaking and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, comments should be retransmitted to ensure receipt.

DAVID R. FILLMAN,
Chairperson

Fiscal Note: 31-14. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 4. ADMINISTRATION
PART X. STATE EMPLOYEES' RETIREMENT BOARD
CHAPTER 245. CONTRIBUTIONS

§ 245.4. Member [**contributions for the purchase**] **purchases** of credit for previous State service [**or to become a full coverage member**].

[*Multiple service election.* A school employe and a member of the Public School Employees' Retirement

System may, if he elects multiple service, apply for and receive credit for total previous State service, provided he makes the required member contributions for the purchase of previous State service, regardless of the amount of State service previously credited, if any.]

(a) A State employee who is a member of the System or a school employee who is member of the Public School Employees' Retirement System who has timely elected multiple service may receive service credit for all uncredited previous State service, provided the member applies for and makes the required contributions for all uncredited State service, regardless of the amount of State service previously credited.

(b) The member may make the required contributions through payroll deductions over a period of not more than 6 years.

CHAPTER 247. BENEFITS

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

§ 247.5a. Re-election of benefit option.

(a) A member who has filed an application for benefits and who has designated a survivor annuitant has the right to re-elect a benefit option and to nominate a beneficiary or a new survivor annuitant if, after filing the application, the designated survivor annuitant predeceases the member, the member is awarded a divorce or the member becomes married, provided the member files a timely application for option change with the Board.

(b) The member's right to re-elect a benefit option remains valid for 7 years from the date of the death, divorce or marriage that triggered the right or until the occurrence of a subsequent triggering event, whichever occurs first. Upon the occurrence of a subsequent triggering event, a superseding right to re-elect shall begin.

(c) Upon the member's timely filing of an application for option change, the member's annuity shall be recomputed to be actuarially equivalent to the annuity in effect immediately prior to the recomputation.

[Pa.B. Doc. No. 16-72. Filed for public inspection January 15, 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 January 5, 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

Holding Company Acquisitions

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Action</i> |
|-------------|---|---------------|
| 12-31-2015 | Riverview Financial Corporation Halifax Dauphin County Application for approval to acquire 100% of The Citizens National Bank of Meyersdale, Meyersdale. | Effective |

Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Action</i> | | | | | | |
|------------------|--|------------------|-------------------|--------|------------|-----------------|-----------------|-----------|
| 12-30-2015 | Brown Brothers Harriman and Company New York New York Merger of Brown Brothers Harriman and Company, Philadelphia, with and into Brown Brothers Harriman and Company, New York, NY. | Effective | | | | | | |
| 12-31-2015 | Riverview Bank Marysville Perry County Merger of The Citizens National Bank of Meyersdale, Meyersdale, with and into Riverview Bank, Marysville. As a result of the merger, the following branch offices of The Citizens National Bank of Meyersdale became branch offices of Riverview Bank: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">1026 Main Street</td> <td style="width: 50%;">135 Center Street</td> </tr> <tr> <td>Berlin</td> <td>Meyersdale</td> </tr> <tr> <td>Somerset County</td> <td>Somerset County</td> </tr> </table> | 1026 Main Street | 135 Center Street | Berlin | Meyersdale | Somerset County | Somerset County | Effective |
| 1026 Main Street | 135 Center Street | | | | | | | |
| Berlin | Meyersdale | | | | | | | |
| Somerset County | Somerset County | | | | | | | |

Branch Applications

De Novo Branches

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Location of Branch</i> | <i>Action</i> |
|-------------|---|---|---------------|
| 12-21-2015 | Meridian Bank Malvern Chester County | 100 East State Street Media Delaware County | Opened |
| 12-28-2015 | Somerset Trust Company Somerset Somerset County | 1513 Scalp Avenue Johnstown Cambria County | Opened |

Branch Consolidations

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Location of Branch</i> | <i>Action</i> |
|-------------|--|--|---------------|
| 12-30-2015 | First Citizens Community Bank Mansfield Tioga County | <i>Into:</i> 1 Pearl Street Wellsboro Tioga County <i>From:</i> 11798 Route 6 (201 Weis Plaza) Wellsboro Tioga County | Approved |

CREDIT UNIONS**Consolidations, Mergers and Absorptions**

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Action</i> |
|-------------|--|---------------|
| 12-30-2015 | Healthcare First Credit Union Johnstown Cambria County | Filed |

Application for approval to merge Altoona Regional Health System Federal Credit Union, Altoona, with and into Healthcare First Credit Union, Johnstown.

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. 16-73. Filed for public inspection January 15, 2016, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of February 2016

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of February, 2016, is 5%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which such individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 2.61 to which was added 2.50 percentage points for a total of 5.11 that by law is rounded off to the nearest quarter at 5%.

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 16-74. Filed for public inspection January 15, 2016, 9:00 a.m.]

DEPARTMENT OF EDUCATION**Proposed Grant Application by the Department of Education under Part B of the Individuals with Disabilities Education Act for Federal Fiscal Year 2016**

Public comment is invited regarding the Department of Education's (Department) proposed grant application under Part B of the Individuals with Disabilities Education Act (IDEA-B). The annual grant application provides assurances that the Commonwealth's policies and procedures in effect are consistent with the Federal requirements to ensure that a free appropriate public education is made available to all children with a disability from 3 to 21 years of age, including children who have been suspended or expelled from school. The current IDEA-B policies and procedures are available on the Department's web site at <http://www.education.pa.gov> (under "K-12," select "Special Education," under "Funding Sources," select a link under "IDEA-B Policies and Procedures—Pennsylvania").

Section 300.165 of 34 CFR (relating to public participation) requires states to provide notice and opportunity for public comment to ensure reasonable opportunities for participation by local agencies, representatives of the class of individuals affected by this program and other interested institutions, organizations and individuals in the planning for the provision of special education and related services. Each state must publish the proposed IDEA-B grant application. Copies of the proposed IDEA-B grant application for 2016 is available on the Department's web site at <http://www.education.pa.gov> (under

“K-12,” select “Special Education,” under “Funding Sources,” select “Proposed 2016 IDEA-B Application”). Alternative formats of the documents (for example, Braille, large print, CD) can be made available to members of the public upon request. Public comment is welcomed in alternative formats such as Braille, recorded comments and telephone comments for individuals with disabilities. Individuals who are disabled and wish to submit comments by telephone should contact Beth Runkle, (717) 783-2311.

Written public comment will be accepted beginning February 8, 2016, until April 22, 2016. The written comments should be directed to Patrick Scanlon, Special Education Adviser, Bureau of Special Education, Department of Education, 333 Market Street, 7th Floor, Harrisburg, PA 17126-0333.

Additionally, opportunity for verbal testimony will be held by the Department’s Bureau of Special Education for individuals wishing to present verbal testimony on the proposed IDEA-B application and the current State plan. One written copy of verbal testimony at the time of presentation would be appreciated. Presentations should be limited to 15 minutes.

Dates, locations and times for verbal testimony regarding the proposed grant application and current policies and procedures are as follows:

| | |
|----------------|---|
| March 29, 2016 | PaTTAN—King of Prussia 200 Anderson Road King of Prussia, PA 19406 (3 p.m.—6 p.m.) |
| March 30, 2016 | PaTTAN—Harrisburg 6340 Flank Drive Harrisburg, PA 17112 (3 p.m.—6 p.m.) |
| March 31, 2016 | PaTTAN—Pittsburgh 3190 William Pitt Way Pittsburgh, PA 15238 (3 p.m.—6 p.m.) |

To schedule an opportunity to present verbal testimony or for persons with a disability who require an accommodation to participate in the proceedings contact Beth Runkle at (717) 783-2311 no later than March 18, 2016.

Following receipt of all written and verbal comments, the Department will consider all comments and make any necessary modifications to the proposed grant application before submission of the 2016 IDEA-B grant application to the Secretary of the United States Department of Education.

PEDRO A. RIVERA,
Secretary

[Pa.B. Doc. No. 16-75. Filed for public inspection January 15, 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

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed No.)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|--|---|---|----------------------------|
| PA0028282 (Sewage) | Eagles Mere Borough Authority Wastewater Treatment Plants Carl Rider Road Eagles Mere, PA 17731 | Sullivan County Eagles Mere Borough | Unnamed Tributary to Doubles Run, Unnamed Tributary to Mackeys Run, Unnamed Tributary to Outlet and The Outlet (10-B and 10-D) | Y |

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed No.)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|---|---|---|----------------------------|
| PA0253260 (Sewage) | Berdine SRSTP 559 Zediker Station Road Washington, PA 15301 | Washington County South Strabane Township | Unnamed Tributary of Chartiers Creek (20-F) | Y |

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|--|--------------------------------------|--------------------------------------|----------------------------|
| PA0022373 (Sewage) | Lakeview Joint Sewer Authority WWTP PO Box 87 3271 S Main Street Sandy Lake, PA 16145-0087 | Mercer County Sandy Lake Borough | Sandy Creek (16-G) | No |

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

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

PA0055468, Sewage, SIC Code 6515, **H.D. Holdings, LLC**, P. O. Box 74, Bally, PA 19503. Facility Name: Pleasant Run MHP STP. This existing facility is located in New Hanover Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage. This public notice is for the revision of a draft permit.

The receiving stream(s), Deep Creek, is located in State Water Plan watershed 3-E and is classified for Migratory Fishes and 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 .0053 MGD.

| Parameters | Mass Units (lbs/day) | | Minimum | Concentrations (mg/L) | | Instant. Maximum |
|-----------------------------|----------------------|------------------|---------|-----------------------|------------------|---------------------|
| | Average Monthly | Daily Maximum | | Average Monthly | Daily Maximum | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.5 | XXX | 1 |
| CBOD ₅ | XXX | XXX | XXX | 25 | XXX | 50 |
| Total Suspended Solids | XXX | XXX | XXX | 30 | XXX | 60 |
| Fecal Coliform (No./100 ml) | XXX | XXX | XXX | 200 | XXX | 1,000 |
| | | | | Geo Mean | | |
| Total Nitrogen | XXX | XXX | XXX | Report | Report | XXX |
| Ammonia-Nitrogen | XXX | XXX | XXX | 10.0 | XXX | 20 |
| Total Phosphorus | XXX | XXX | XXX | 4.0 | XXX | 6.0 |

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

- I. Other Requirements
 - A. No Stormwater
 - B. Necessary Property Rights
 - C. Proper Sludge Disposal
 - D. Abandon STP when Public Sewer Become Available
 - E. Chlorine Minimization
 - F. Small Stream Discharge
 - G. Notification of Designation of Responsible Operator
 - H. Remedial Measures if Public Nuisance
 - I. TMDL/WLA Analysis
 - J. Instantaneous Maximum
 - K. Twice per Month Sampling Frequency

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect

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

Application No. PA0261521, Concentrated Animal Feeding Operation (CAFO), **Wingert Farms (Wingert Farms CAFO)**, 5497 Shade Lane, Alexandria, PA 16611.

Wingert Farms has submitted an application for an Individual NPDES permit for an existing CAFO known as Wingert Farms CAFO, located in Porter Township, **Huntingdon County**.

The CAFO is situated near Frankstown Branch Juniata River and Unnamed Stream in Watershed 11-A, which is classified for Warm Water Fishes and Migratory Fishes. The CAFO is designed to maintain an animal population of approximately 1,839.63 animal equivalent units (AEUs) consisting of 1,000 dairy cows, 495 dairy heifers and 495 dairy calves. Manure is handled as solid and liquid. The liquid manure will be stored in an above ground slurry store and a new circular concrete tank at the Rishel site. Prior to operation of the manure storage facilities, the design engineer will be required to submit certification that the facilities were constructed in accordance with appropriate PA Technical Guide Standards. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

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

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

PA0009253, Industrial Waste, SIC Code 3795, **BAE Systems Land & Armaments**, PO Box 15512, York, PA 17405-1512. Facility Name: BAE Systems Land & Armaments. This existing facility is located in West Manchester Township, **York County**.

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

The receiving stream(s), Codorus Creek and Unnamed Tributary to Codorus Creek, are located in State Water Plan watershed 7-H and are classified for Warm Water Fishes, Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 102 are based on a design flow of 0.071 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | <i>Minimum</i> | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|------------------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</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 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| UV Intensity (mW/cm ²) | XXX | XXX | Report | XXX | XXX | XXX |
| CBOD ₅ | XXX | XXX | XXX | 25 | XXX | 50 |
| Total Suspended Solids | XXX | XXX | XXX | 30 | XXX | 60 |
| Fecal Coliform (CFU/100 ml) | XXX | XXX | XXX | 200 | XXX | 1,000 |
| | | | | Geo Mean | | |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 | XXX | 10,000 |
| | | | | Geo Mean | | |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | XXX | XXX | XXX | 23 | XXX | 46 |
| Nov 1 - Apr 30 | XXX | XXX | XXX | Report | XXX | XXX |
| Total Phosphorus | Report | Report Total | XXX | 2.0 | XXX | 4.0 |
| | | Monthly | | | | |
| Total Kjeldahl Nitrogen | 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 | | | | |
| | | Monthly | | | | |

The proposed effluent limits for Outfall 002 are based on a design flow of 0.0288 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | <i>Minimum</i> | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|---------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</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 |
| Tetrachloroethylene | XXX | XXX | XXX | 0.0008 | 0.0016 | 0.002 |

The proposed effluent limits for Outfall 003 are based on a design flow of 0.144 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | <i>Minimum</i> | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|---------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</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 |
| Tetrachloroethylene | XXX | XXX | XXX | 0.0008 | 0.0016 | 0.002 |

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

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | <i>Minimum</i> | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|-------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | | <i>Average Monthly</i> | <i>Daily Maximum</i> | |
| pH (S.U.) | XXX | XXX | XXX | XXX | Report | XXX |
| Total Suspended Solids | XXX | XXX | XXX | XXX | Report | XXX |
| Oil and Grease | XXX | XXX | XXX | XXX | Report | XXX |
| Total Kjeldahl Nitrogen | XXX | XXX | XXX | XXX | Report | XXX |
| Total Iron | XXX | XXX | XXX | XXX | Report | XXX |

The proposed effluent limits for Outfall 005 are based on a design flow of N/A MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | <i>Minimum</i> | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|-------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | | <i>Average Monthly</i> | <i>Daily Maximum</i> | |
| pH (S.U.) | XXX | XXX | XXX | XXX | Report | XXX |
| Total Suspended Solids | XXX | XXX | XXX | XXX | Report | XXX |
| Oil and Grease | XXX | XXX | XXX | XXX | Report | XXX |
| Total Kjeldahl Nitrogen | XXX | XXX | XXX | XXX | Report | XXX |
| Total Iron | XXX | XXX | XXX | XXX | Report | XXX |

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

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | Instant. Maximum |
|-------------------------|-----------------|-------|---------|----------------------|---------------|------------------|
| | Average Monthly | Daily | Minimum | Average Monthly | Daily Maximum | |
| pH (S.U.) | XXX | XXX | XXX | XXX | Report | XXX |
| Total Suspended Solids | XXX | XXX | XXX | XXX | Report | XXX |
| Oil and Grease | XXX | XXX | XXX | XXX | Report | XXX |
| Total Kjeldahl Nitrogen | XXX | XXX | XXX | XXX | Report | XXX |
| Total Iron | XXX | XXX | XXX | XXX | Report | XXX |

The proposed effluent limits for Outfall 007 are based on a design flow of N/A MGD.

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | Instant. Maximum |
|-------------------------|-----------------|-------|---------|----------------------|---------------|------------------|
| | Average Monthly | Daily | Minimum | Average Monthly | Daily Maximum | |
| pH (S.U.) | XXX | XXX | XXX | XXX | Report | XXX |
| Total Suspended Solids | XXX | XXX | XXX | XXX | Report | XXX |
| Oil and Grease | XXX | XXX | XXX | XXX | Report | XXX |
| Total Kjeldahl Nitrogen | XXX | XXX | XXX | XXX | Report | XXX |
| Total Iron | XXX | XXX | XXX | XXX | Report | XXX |

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

- Stormwater Monitoring Requirements
- Chemical Additives
- Groundwater Cleanup

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.

PA0024431, Sewage, SIC Code 4952, **Dillsburg Area Authority**, 98 West Church Street, Dillsburg, PA 17019. Facility Name: Dillsburg Borough STP. This existing facility is located in Carroll 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), Dogwood Run, is located in State Water Plan watershed 7-E and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.53 MGD.

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | Instant. Maximum |
|--|-----------------|---------------|---------|----------------------|----------------|------------------|
| | Average Monthly | Daily Maximum | 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 | 5.0 | XXX | XXX | XXX |
| UV Intensity ($\mu\text{w}/\text{cm}^2$) | XXX | XXX | Report | XXX | XXX | XXX |
| CBOD ₅ | 319 | 510 | XXX | 25 | 40 | 50 |
| | | Wkly Avg | | | | |
| BOD ₅ | | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |
| Total Suspended Solids | 383 | 574 | XXX | 30 | 45 | 60 |
| | | Wkly Avg | | | | |
| Total Suspended Solids | | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | 1,000 |
| | | | | Geo Mean | | |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 | XXX | 10,000 |
| | | | | Geo Mean | | |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | 32 | XXX | XXX | 2.5 | XXX | 5.0 |
| Nov 1 - Apr 30 | 96 | XXX | XXX | 7.5 | XXX | 15 |
| Total Phosphorus | 25 | XXX | XXX | 2.0 | XXX | 4.0 |

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

| Parameters | Mass (lbs) | | Minimum | Concentration (mg/l) | |
|----------------------|------------|--------|---------|----------------------|---------|
| | Monthly | Annual | | Monthly Average | Maximum |
| Ammonia—N | Report | Report | XXX | Report | XXX |
| Kjeldahl—N | Report | XXX | XXX | Report | XXX |
| Nitrate-Nitrite as N | Report | XXX | XXX | Report | XXX |
| Total Nitrogen | Report | Report | XXX | Report | XXX |
| Total Phosphorus | Report | Report | XXX | Report | XXX |
| Net Total Nitrogen | Report | 27,945 | XXX | XXX | XXX |
| Net Total Phosphorus | Report | 3,726 | XXX | XXX | XXX |

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

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

- Chesapeake Bay Nutrient Monitoring Requirements
- Whole Effluent Toxicity Testing Requirements
- Stormwater Monitoring Requirements

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

The EPA Waiver is not in effect.

PA0081957, Industrial/GWCU, SIC Code 3534, **CBS Corporation**, 20 Stanwix Street, Pittsburgh, PA 15222. Facility Name: Former Westinghouse Elevator Plant. This existing facility is located in Cumberland Township, **Adams County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of groundwater from a groundwater remediation treatment system.

The receiving stream(s), Unnamed Tributary to Rock Creek, is located in State Water Plan watershed 13-D 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 .023 MGD.

| Parameters | Mass Units (lbs/day) | | Minimum | Concentrations (mg/L) | | Instant. Maximum |
|-----------------------------------|----------------------|---------------|---------|-----------------------|---------|------------------|
| | Average Monthly | Daily Maximum | | Daily Maximum | Maximum | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | 9.0 | XXX |
| 1,1,1-Trichloroethane (µg/L) | XXX | XXX | XXX | 200 | XXX | XXX |
| 1,1,2-Trichloroethane (µg/L) | XXX | XXX | XXX | 0.59 | XXX | XXX |
| 1,2-Dichloroethane (µg/L) | XXX | XXX | XXX | 0.38 | XXX | XXX |
| 1,1-Dichloroethylene (µg/L) | XXX | XXX | XXX | 0.06 | XXX | XXX |
| cis-1,2-Dichloroethylene (µg/L) | XXX | XXX | XXX | 70 | XXX | XXX |
| trans-1,2-Dichloroethylene (µg/L) | XXX | XXX | XXX | 100 | XXX | XXX |
| Tetrachloro-ethylene (µg/L) | XXX | XXX | XXX | 0.69 | XXX | XXX |
| Trichloroethylene (µg/L) | XXX | XXX | XXX | 2.5 | XXX | XXX |

The proposed effluent limits for Outfall 002 are based on a design flow of .082 MGD.

| Parameters | Mass Units (lbs/day) | | Minimum | Concentrations (mg/L) | | Instant. Maximum |
|-----------------------------------|----------------------|---------------|---------|-----------------------|---------|------------------|
| | Average Monthly | Daily Maximum | | Daily Maximum | Maximum | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | 9.0 | XXX |
| 1,1,1-Trichloroethane (µg/L) | XXX | XXX | XXX | 200 | XXX | XXX |
| 1,1,2-Trichloroethane (µg/L) | XXX | XXX | XXX | 0.6 | XXX | XXX |
| 1,2-Dichloroethane (µg/L) | XXX | XXX | XXX | 0.38 | XXX | XXX |
| 1,1-Dichloroethylene (µg/L) | XXX | XXX | XXX | 0.06 | XXX | XXX |
| cis-1,2-Dichloroethylene (µg/L) | XXX | XXX | XXX | 70 | XXX | XXX |
| trans-1,2-Dichloroethylene (µg/L) | XXX | XXX | XXX | 100 | XXX | XXX |
| Tetrachloro-ethylene (µg/L) | XXX | XXX | XXX | 0.69 | XXX | XXX |
| Trichloroethylene (µg/L) | XXX | XXX | XXX | 2.7 | XXX | XXX |

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

- QBELs Below Quantitation Limits
- Groundwater Cleanup—Volatile Organic Compounds

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

PA0038920, Sewage, SIC Code 4952, **Burnham Borough Authority**, 200 1st Avenue, Burnham, PA 17009-1640. Facility Name: Burnham Borough STP. This existing facility is located in Burnham Borough, **Mifflin 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), Kishacoquillas Creek, is located in State Water Plan watershed 12-A and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .64 MGD.

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | <i>Minimum</i> | <i>Concentrations (mg/L)</i> | | <i>Instant. Maximum</i> |
|---|-----------------------------|---------------------|----------------|------------------------------|-----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Total Annual</i> | | <i>Average Monthly</i> | <i>Weekly Average</i> | |
| Flow (MGD) | Report | Report Daily Max | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| DO | XXX | XXX | 5.0 | XXX | XXX | XXX |
| TRC | XXX | XXX | XXX | 0.5 | XXX | 1.6 |
| CBOD ₅ | 133.0 | 200.0 | XXX | 25.0 | 40.0 | 50 |
| | | Wkly Avg | | | | |
| BOD ₅ Raw Sewage Influent | Report | XXX | XXX | Report | XXX | XXX |
| TSS Raw Sewage Influent | Report | XXX | XXX | Report | XXX | XXX |
| TSS | 160.0 | 240.0 | XXX | 30.0 | 45.0 | 60 |
| | | Wkly Avg | | | | |
| 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 | | | | | | |
| Nov 1 - Apr 30 | Report | XXX | XXX | Report | XXX | XXX |
| May 1 - Oct 31 | 70.0 | XXX | XXX | 14.0 | XXX | XXX |
| Total Phosphorus | Report | XXX | XXX | Report | 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>Monthly</i> | <i>Concentrations (mg/L)</i> | | <i>Instant. Maximum</i> |
|-----------------------------------|-----------------------------|---------------|----------------|------------------------------|----------------|-------------------------|
| | <i>Monthly</i> | <i>Annual</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 ³ | Report | 11,689 | XXX | XXX | XXX | XXX |
| Net Total Phosphorus ³ | Report | 1,559 | 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.

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.

PA0044521, Sewage, SIC Code 4952, **Franklin County Gen Authority**, 5540 Coffey Avenue, Chambersburg, PA 17201-4127. Facility Name: Franklin County Gen Authority WTP. This existing facility is located in Letterkenny Township, **Franklin County**.

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

The receiving stream(s), Dennis Creek, is located in State Water Plan watershed 13-C and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .008 MGD.

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | <i>Minimum</i> | <i>Concentrations (mg/L)</i> | | <i>Maximum</i> |
|-----------------------------|-----------------------------|----------------------|----------------|------------------------------|-------------------------|----------------|
| | <i>Total Monthly</i> | <i>Daily Maximum</i> | | <i>Average Monthly</i> | <i>Maximum Instant.</i> | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| | Avg Mo | | | | | |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | 9.0 | XXX |
| DO | XXX | XXX | 5.0 | XXX | XXX | XXX |
| TRC | XXX | XXX | XXX | 0.5 | XXX | 1.0 |
| CBOD ₅ | XXX | XXX | XXX | 25 | XXX | 50 |
| TSS | XXX | XXX | XXX | 30 | 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 |

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>Monthly</i> | <i>Concentrations (mg/L)</i> | | <i>Instant. Maximum</i> |
|----------------------|-----------------------------|---------------|----------------|------------------------------|----------------|-------------------------|
| | <i>Monthly</i> | <i>Annual</i> | | <i>Monthly Average</i> | <i>Maximum</i> | |
| Ammonia—N | Report | XXX | 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 |

* 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.

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.

PA0085138, Sewage, SIC Code 8661, **Five Forks Brethren In Christ Church**, 9244 Five Forks Road, Waynesboro, PA 17268-9612. Facility Name: Five Forks Brethren In Christ Church. This existing facility is located in Quincy Township, **Franklin County**.

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

The receiving stream(s), Unnamed Tributary to West Branch Antietam Creek, is located in State Water Plan watershed 13-C and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .002 MGD.

| <i>Parameters</i> | <i>Mass Units (lbs/day)</i> | | <i>Minimum</i> | <i>Concentrations (mg/L)</i> | | <i>Instant. Maximum</i> |
|-----------------------------|-----------------------------|----------------------|----------------|------------------------------|----------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | | <i>Average Monthly</i> | <i>Maximum</i> | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | 9.0 | XXX |
| DO | XXX | XXX | 5.0 | XXX | XXX | XXX |
| TRC | XXX | XXX | XXX | 0.5 | XXX | 1.6 |
| BOD ₅ | XXX | XXX | XXX | 25 | XXX | 50 |
| TSS | XXX | XXX | XXX | 30 | 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 |

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.

PA0247669, Sewage, SIC Code 6552, **John E Groninger Inc.**, PO Box 36, Mexico, PA 17056-36. Facility Name: Arch Rock Development STP. This existing facility is located in Fermanagh Township, **Juniata County**.

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

The receiving stream(s), Horning Run, is located in State Water Plan watershed 12-A 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 .04 MGD.

| Parameters | Mass Units (lbs/day) | | Minimum | Concentrations (mg/L) | | Instant. Maximum |
|-----------------------------|----------------------|---------------|---------|-----------------------|---------|------------------|
| | Average Monthly | Daily Maximum | | Average Monthly | Maximum | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | 9.0 | XXX |
| DO | XXX | XXX | 5.0 | XXX | XXX | XXX |
| TRC | XXX | XXX | XXX | 0.5 | XXX | 1 |
| CBOD ₅ | XXX | XXX | XXX | 25 | XXX | 50 |
| TSS | XXX | XXX | XXX | 30 | XXX | 60 |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | 1,000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | Geo Mean 2,000 | XXX | 10,000 |
| Nitrate-Nitrite as N | Report | XXX | XXX | Report | XXX | XXX |
| Total Nitrogen | Report | Report | XXX | Report | XXX | XXX |
| | | Total Annual | | | | |
| Ammonia-Nitrogen | Report | XXX | XXX | Report | XXX | XXX |
| Total Kjeldahl Nitrogen | Report | XXX | XXX | Report | XXX | XXX |
| Total Phosphorus | Report | Report | XXX | Report | XXX | XXX |
| | | Total Annual | | | | |

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

The EPA Waiver is in effect.

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

PA0238929, Sewage, SIC Code 8800, **Douglas E & Michele Gnora Roesch**, 925 Saint James Street, Pittsburgh, PA 15232-2114. This existing facility is located in North East Township, **Erie County**.

Description of Proposed Activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, an unnamed tributary to Lake Erie, is located in State Water Plan watershed 15 and is classified for cold water fishes, migratory fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.000225 MGD.

| Parameters | Mass (lb/day) | | Minimum | Concentration (mg/l) | | Instant. Maximum |
|-----------------------------|-----------------|--------|---------|----------------------|--------|------------------|
| | Average Monthly | Report | | Average Monthly | Report | |
| Flow (GPD) | Report | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Total Residual Chlorine | XXX | XXX | XXX | Report | XXX | XXX |
| BOD ₅ | XXX | XXX | XXX | 10 | XXX | 20 |
| Total Suspended Solids | XXX | XXX | XXX | 10 | XXX | 20 |
| Fecal Coliform (CFU/100 ml) | XXX | XXX | XXX | 200 | XXX | XXX |
| | | | | Geo Mean | | |

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

- Prohibition of Stormwater Discharges
- Right of Way
- Department Revocation of Permit/Abandonment of the Treatment System
- Submittal of an Annual Maintenance & Discharge Monitoring Reports
- Chlorine Minimization

- Solids Handling
- Septic Tank Pumping Requirement

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

The EPA Waiver is in effect.

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

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900

WQM Permit No. WQG02091512, Sewage, **Chalfont-New Britian Township Joint Sewer Authority**, 1645 Upper State Road, Doylestown, PA 18901-2624.

This proposed facility is located in New Britian Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a low pressure sewer system.

WQM Permit No. 4615412, Sewage, **Telford Borough Authority**, 122 Penn Avenue, Telford, PA 18969.

This proposed facility is located in Telford Borough, **Montgomery County**.

Description of Action/Activity: Construction and operation of a low pressure sewer system.

WQM Permit No. 1501401, Sewage, Amendment, **Aqua Pennsylvania Wastewater Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010.

This proposed facility is located in Penn Township, **Chester County**.

Description of Action/Activity: Addition of a flow equalization tank.

WQM Permit No. WQG02091513, Sewage, **Hilltown Township Water & Sewer Authority**, 316 Highland Park Drive, Sellersville, PA 18960.

This proposed facility is located in Hilltown Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a sewer extension.

WQM Permit No. 1507413, Sewage, Amendment, **East Whiteland Township**, 209 Conestoga Road, Frazer, PA 19355.

This proposed facility is located in East Whiteland Township, **Chester County**.

Description of Action/Activity: Construction and operation of a new pump station to replace the existing pump station.

WQM Permit No. 0987403, Sewage, Amendment, **The Municipal Authority of the Borough of Morrisville**, 35 Union Street, Morrisville, PA 19067.

This proposed facility is located in Morrisville Borough, **Bucks County**.

Description of Action/Activity: Replacement of 3 existing tertiary sand filters with cloth media filters.

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

WQM Permit No. 5415401, Industrial, **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: Replace an existing packaged treatment plant system with an Amphidrone treatment system.

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

WQM Permit No. 6711402, Amendment No. 2, Sewerage, **York Township Water & Sewer Authority**, 190 Oak Road, Dallastown, PA 17313.

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

Description of Proposed Action/Activity: Seeking permit approval for the installation of a dual shaft grinder in the existing pump station for pump protection at the Marlborough Pump Station.

WQM Permit No. 2813401, Amendment No. 1, Sewerage, **Washington Township Municipal Authority**, 11102 Buchanan Trail East, Waynesboro, PA 17268.

This proposed facility is located in Washington Township, **Franklin County**.

Description of Proposed Action/Activity: Seeking permit approval for the Blue Ridge Summit Pump Station Modifications.

WQM Permit No. 3615403, Sewage, **Turkey Hill, LP**, 257 Centerville Road, Lancaster, PA 17603.

This proposed facility is located in Drumore Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a proposed WWTP to serve a convenience store, gas station with parking and associated utilities and a Tractor Supply store.

WQM Permit No. 0615407, Sewage, **Borough of Kutztown**, 45 Railroad Street, Kutztown, PA 19530.

This proposed facility is located in Kutztown Borough, **Berks County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of the Edge of Kutztown Pump Station.

WQM Permit No. 3605414, Amendment No. 1, Sewage, **Salisbury Township**, 5581 Old Philadelphia Pike, Gap, PA 17527-9791.

This proposed facility is located in Salisbury Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of the addition of an influent screen, the Raptor micro strainer at the site of its existing 0.58 mgd capacity wastewater treatment plant. The proposed unit is designed to remove debris from the influent stream to enhance the performance of its existing Aqua Biological Nutrient Removal (BNR) treatment facility.

WQM Permit No. 2882419, Amendment No. 1, Sewage, **Saint Thomas Township Municipal Authority**, 175 Saint Thomas Edenville Road, Saint Thomas, PA 17252.

This proposed facility is located in Saint Thomas Township, **Franklin County**.

Description of Proposed Action/Activity: Seeking permit approval for the disinfection system modification. Replace the existing chlorine gas injection facilities with a sodium hypochlorite dosing system.

WQM Permit No. 3696408, Amendment No. 6, Sewage, **City of Lancaster**, 120 North Duke Street, PO Box 1599, Lancaster, PA 17608-1599.

This proposed facility is located in Lancaster Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking permit approval for DO Control and BNR System Upgrades. This project will enable the City to improve total nitrogen removal at the AWWTP within the existing tankage. The project generally consists of modifications to the existing secondary treatment mechanical, electrical and process control equipment.

WQM Permit No. WQG01281502, Sewage, **Robert & Shelly Bricker**, 4302 Jacks Mill Road, Chambersburg, PA 17202.

This proposed facility is located in Hamilton Township, **Franklin County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a single family sewage treatment system to serve their new 4 bedroom residence located on Jacks Mill Road.

WQM Permit No. 3115202, CAFO, **Tyler Snider Swine CAFO**, 22357 Mountain Foot Road, Neelyton, PA 17239.

This proposed facility is located in Dublin Township, **Huntingdon County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a swine finisher barn with a concrete manure storage facility under the barn.

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

WQM Permit No. 0215412, Sewage, **Findlay Township Municipal Authority**, P O Box 409, Clinton, PA 15026.

This proposed facility is located in Findlay Township, **Allegheny County**.

Description of Proposed Action/Activity: Construction of a new wastewater treatment facility on site adjacent to existing.

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> |
|-------------------------|--|---------------|----------------------|--|
| PAI015115009 | City of Philadelphia—Department of Public Property 1515 Arch Street Philadelphia, PA 19102 | Philadelphia | City of Philadelphia | Schuylkill River WWF |
| PAI011515029 | Grays Investment Properties, LP 1595 Paoli Pike, Suite 202 West Chester, PA 19380 | Chester | Willistown Township | Unnamed Tributary to Little Valley Creek |
| PAI012315011 | IMC Construction 3 Great Valley Parkway, Suite 200 Malvern, PA 19355 | Delaware | Radnor Township | Ithans Creek CWF-WF |

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> |
|-------------------------|--|---------------|--------------------------|-------------------------------------|
| PAI023915029 | Jay H. King, Jr. Cedar Point West Associates, LP 16515 Pottsville Pike, Suite A Hamburg, PA 19526 | Lehigh | South Whitehall Township | Cedar Creek (HQ-CWF, MF) |
| PAI023915025 | Glenn Blank Beit Simcha Messianic Fellowship—New Fellowship & Community House 3131 Chew St. Allentown, PA 18104 | Lehigh | Lower Macungie Township | Little Lehigh Creek (HQ-CWF, MF) |

Northampton County Conservation District, 14 Gracedale Avenue Greystone Bldg., Nazareth, PA 18064-9211

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|---------------------|--------------------------------|
| PAI024815015 | Douglas J. Plotts Moravian College 1200 Main Street Bethlehem, PA 18018 | Northampton | City of Bethlehem | Monocacy 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> |
|-----------------|--|---------------|--|---|
| PAI030515002 | Pennsylvania Turnpike Commission PO Box 67676 Harrisburg, PA 17106-7676 | Bedford | Snake Spring Township and West Providence Township | Raystown Branch/ Unnamed Tribs./ Cove Creek/ Clear Creek/ Black Valley Creek (Designated Use of Water: TSF, MF/WWF, MF/EV, MF/TSF, MF, WWF/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> |
|-------------------------|---|---------------|---|--|
| PAI041415017 | Pennsylvania State University 139J Physical Plant University Park, PA 16802 | Centre | State College Borough and College Township | Fox Hollow Run—CWF Thompson Run— HQ-CWF |

VII. List of NOIs for NPDES and/or Other General Permit Types

PAG-12 CAFOs

CAFO Notices of Intent Received

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

PAG123569, CAFO, Huber Villa Farm, 5158 Tuscarora Path, Loysville, PA 17047.

This proposed facility is located in Northeast Mason Township, **Perry County**.

Description of Size and Scope of Proposed Operation/Activity: 916.28 AEU/Swine.

The receiving stream, UNT Bixler Run, is in watershed 7-A, and classified for: CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 100-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

PAG123699, CAFO, **Blue Berry Hill Farm**, 2950 Centennial Rd, Hanover, PA, 17331.

This proposed facility is located in Mount Pleasant Township, **Adams County**.

Description of Size and Scope of Proposed Operation/Activity: 560.03 AEU/Swine.

The receiving stream, South Branch Conewago Creek, is in watershed 7-F, and classified for: WWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 100-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

PAG123812, CAFO, **JoBo Holstein Farm**, 200 Tall Oaks Rd, Gettysburg, PA 17325.

This proposed facility is located in Mount Pleasant Township, **Adams County**.

Description of Size and Scope of Proposed Operation/Activity: 1,602.11 AEU/Dairy.

The receiving stream, UNT Swift Run, is in watershed 7-F, and classified for: WWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

PAG123811, CAFO, **Longacre Farms**, 19879 Path Valley Rd, Dry Run PA, 17720.

This proposed facility is located in Fannett Township, **Franklin County**.

Description of Size and Scope of Proposed Operation/Activity: 576.82 AEU/Swine.

The receiving stream, UNT Dry Run, is in watershed 13-C, and classified for: CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 100-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

PAG123821, CAFO, **Kimberly Schlappich Duck Farm**, 1345 Main Street, Mohrsville, PA 19541.

This proposed facility is located in Centre Township, **Berks County**.

Description of Size and Scope of Proposed Operation/Activity: 148.1 AEU/Ducks.

The receiving stream, Irish Creek, is in watershed 3-B, and classified for: WWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 100-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

PAG123818, CAFO, **Philadelphia Park Casino Racetrack**, 3001 Street Rd, Bensalem, PA 19020.

This proposed facility is located in Bensalem Township, **Bucks County**.

Description of Size and Scope of Proposed Operation/Activity: 1,500 AEU/Horses.

The receiving stream, UNT Neshaminy Creek, is in watershed 2-F, and classified for: WWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

PAG123819, CAFO, **Hard Earned Acres**, 1317 Ritner Highway, Shippensburg, PA 17257.

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

Description of Size and Scope of Proposed Operation/Activity: 1,039 AEU/Dairy.

The receiving stream, UNT Bulls Head Branch, is in watershed 7-B, and classified for: CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

PAG123820, CAFO, Dan Landis Farm, 2590 Shumaker Rd, Manheim, PA 17545.

This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: 593.36 AEU/Poultry.

The receiving stream, Brubaker Run, is in watershed 7-G, and classified for: TSF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 100-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

PAG123814, CAFO, We King Farm, 6028 Guinter Road, Greencastle, PA 17225.

This proposed facility is located in Antrim Township, **Franklin County**.

Description of Size and Scope of Proposed Operation/Activity: 470.47 AEU/Swine/Beef.

The receiving stream, Conococheague Creek, is in watershed 13-C, and classified for: WWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 100-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

STATE CONSERVATION COMMISSION

PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

APPLICATIONS

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

| <i>Agricultural Operation Name and Address</i> | <i>County</i> | <i>Total Acres</i> | <i>Animal Equivalent Units</i> | <i>Animal Type</i> | <i>Special Protection Waters (HQ or EV or NA)</i> | <i>Renewal/New</i> |
|---|---------------|--------------------|--------------------------------|---------------------|---|--------------------|
| L&T Pullets 80 Creek Road East Berlin, PA 17316 | York | 7 | 170.96 | Poultry— Pullets | 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. Com-

ments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period. Following the comment period, the Department will make a final determination regarding the proposed

permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 3615516, Minor Amendment, Public Water Supply.

| | |
|-----------------------|---|
| Applicant | Conestoga MHP, Inc. |
| Municipality | Conestoga Township |
| County | Lancaster |
| Responsible Official | Jerry E. Shultz, President 252 Willow Valley Drive Lancaster, PA 17602 |
| Type of Facility | Public Water Supply |
| Consulting Engineer | Charles A. Kehew II, P.E. James R. Holley & Associates, Inc. 18 South George Street York, PA 17401 |
| Application Received: | 12/21/2015 |
| Description of Action | New corrosion control treatment system including caustic soda for pH adjustment and blended phosphate as a corrosion inhibitor. |

Permit No. 5015510, Public Water Supply.

| | |
|-----------------------|---|
| Applicant | Bloomfield Borough Water Authority |
| Municipality | Bloomfield Borough |
| County | Perry |
| Responsible Official | Edward T. Albright Jr, Chairman PO Box 293 New Bloomfield, PA 17068 |
| Type of Facility | Public Water Supply |
| Consulting Engineer | N Peter Fleszar, P.E. Glace Associates, Inc. 3705 Trindle Road Camp Hill, PA 17011 |
| Application Received: | 12/24/2015 |

| | |
|-----------------------|--|
| Description of Action | Well No. 3 and associated treatment system including sodium hypochlorite disinfection system, a pyrophosphate corrosion control system, a 300,000-gallon storage tank and a booster pumpstation. |
|-----------------------|--|

Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Permit No. 0415508, Public Water Supply.

| | |
|---------------------------|--|
| Applicant | Robert Borland, Owner Whispering Woods 116 Minteer Road Butler, PA 16001 |
| [Township or Borough] | New Sewickley Township |
| Responsible Official | Robert Borland, Owner Whispering Woods 116 Minteer Road Butler, PA 16001 |
| Type of Facility | Whispering Woods water system |
| Consulting Engineer | Nittany Engineering & Associates, LLC Suite 1 2836 Earlstown Road Centre Hall, PA 16828 |
| Application Received Date | December 28, 2015 |
| Description of Action | Installation of an iron and manganese treatment system. |

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

Permit No. 2515506, Public Water Supply

| | |
|---------------------------|---|
| Applicant | West Springfield Mobile Home Park |
| Township or Borough | Springfield Township |
| County | Erie |
| Responsible Official | Jerrel R. Culver |
| Type of Facility | Public Water Supply |
| Consulting Engineer | Mark J. Corey, P.E. Mark J. Corey & Associates P. O. Box 268 Harborcreek, PA 16421 |
| Application Received Date | December 8, 2015 |
| Description of Action | PWS permit modification for an existing residential MHP. |

Permit No. 2515507, Public Water Supply

| | |
|----------------------|---|
| Applicant | Summit Township Water Authority |
| Township or Borough | Waterford Township |
| County | Erie |
| Responsible Official | John Troutman |
| Type of Facility | Public Water Supply |
| Consulting Engineer | August E. Maas, P.E. Hill Engineering, Inc. 8 Gibson Street North East, PA 16428 |

Application Received Date December 10, 2015
 Description of Action Construct new groundwater well supply—Moore Road Well No. 3.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 4015515MA, Minor Amendment.

Applicant **Hazleton City Authority**
 400 E. Arthur Gardner Parkway
 Hazleton, PA 18201

[Township or Borough] City of Hazleton
Luzerne County

Responsible Official Mr. Randy Cahalan
 Hazleton City Authority
 400 E. Arthur Gardner Parkway
 Hazleton, PA 18201

Type of Facility Public Water Supply

Consulting Engineer John G. Synoski, PE
 Hazleton City Authority
 400 E. Arthur Gardner Parkway
 Hazleton, PA 18201

Application Received Date 12/12/2015

Description of Action This application proposes the abandonment of the following sources: Oberson Hudsonale, Well 1 Banes Run, Well 2 Barnes Run, Valmont East Well, Valmont West Well, Crystal Ridge Well, and Schaffers Run Lehigh.

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

Permit No. 2615509MA, Minor Amendment.

Applicant **Municipal Authority of Westmoreland County**
 124 Park & Pool Road
 New Stanton, PA 15672

[Township or Borough] South Huntingdon Township

Responsible Official Municipal Authority of Westmoreland County
 124 Park & Pool Road
 New Stanton, PA 15672

Type of Facility Water system

Consulting Engineer Municipal Authority of Westmoreland County
 124 Park & Pool Road
 New Stanton, PA 15672

Application Received Date December 8, 2015

Description of Action Installation of approximately 2,500 of 8-inch diameter waterline along Skyline Drive.

Permit No. 0216501MA, Minor Amendment.

Applicant **Coraopolis Water and Sewer Authority**
 1012 Fifth Avenue
 Coraopolis, PA 15108

[Township or Borough] Coraopolis Borough

Responsible Official Raymond McCutcheon, Authority Manager
 Coraopolis Water and Sewer Authority
 1012 Fifth Avenue
 Coraopolis, PA 15108

Type of Facility Water system

Consulting Engineer Lennon, Smith, Souleret Engineering, Inc.
 846 Fourth Avenue
 Coraopolis, PA 15108

Application Received Date January 4, 2016

Description of Action Installation of approximately 1,900 feet of 10-inch diameter waterline and appurtenances along Fleming Street.

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

Application No. 4311501-MA2, Minor Amendment.

Applicant **Reynolds Water Company**

Township or Borough Pymatuning Township

Responsible Official Bradley Gosser

Type of Facility Public Water Supply

Consulting Engineer Thomas L. Thompson, P.E.
 Gannett Fleming, Inc.
 554 South Erie Street
 Mercer, PA 16137

Application Received Date December 7, 2015

Description of Action Add aluminum sulfate and soda ash to permitted treatment chemicals. Ammonia feed duration modification.

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: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

WA 61-886A, Water Allocations. **Sandycreek Township General Authority**, 878 Pone Lane, Franklin, PA 16323, Sandycreek Township, **Venango County**. Water Allocation Permit application requesting the right to purchase 0.2 MGD from the General Authority of the City of Franklin.

WA 25-817A, Water Allocations. **North East Township**, P. O. Box 249, 10300 West Main Road, North East, PA 16428, North East Township, **Erie County**. Water Allocation Permit application requesting the right to purchase 1.125 MGD from North East Borough.

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:

Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Lot 3 of the Hoey's Run Plan of Lots, 525 Locust Place, Borough of Sewickley, **Allegheny County**. American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668 on behalf of Hoey's Run, LLC, 336 Fourth Avenue, Pittsburgh, PA 15222 has submitted a Notice of Intent to Remediate to meet the Site Specific standard concerning site soils contaminated with 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, ethylbenzene, naphthalene, toluene, and total xylene. The NIR indicated future use of the property is to be residential. Notice of the NIR was published in the Tribune-Review on December 22, 2015.

MUNICIPAL WASTE GENERAL PERMIT

Application(s) Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.

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 Number WMGM027. Zwicky Processing & Recycling, Inc., 220 Buena Vista Road, PA 19522.

General Permit No. WMGM027. The renewal application is for: (1) processing, storage and beneficial use of organic, nonorganic residuals with a Btu value of at least 5,000/lb for use as alternative fuels; (2) processing (that is, crushing, grinding, screening, mixing and storage) and beneficial use of clean, uncontaminated rock, stone, gravel, brick, block, concrete and used asphalt for use as a construction material solely by Zwicky.) Zwicky Processing & Recycling Inc. requested the Department to make the above necessary revisions for the renewal of WMGM027 to reflect the changes to their operation.

The original approval of WMGM027 was for: (1) processing (that is, shredding, grinding, screening, mixing, decomposition and storage) and beneficial use of wood waste (clean and uncontaminated land clearing, grubbing and excavation waste, yard waste and residual and municipal wood scrap) to produce mulch for landscaping purposes; (2) processing (that is, shredding, grinding, screening, mixing and storage prior to beneficial use) and beneficial use of leaf and yard waste, food processing residuals and spent mushroom substrate to produce compost; (3) processing, storage and beneficial use of organic, nonorganic residuals with a Btu value of at least 5,000/lb for use as alternative fuels; (4) processing (that is, shredding, grinding, screening and storage prior to beneficial use) and beneficial use of compost, drinking water treatment plant sludge, biomass fuel ash, waste gypsum, foundry sand and SMS with nonwaste soils to produce topsoil for landscaping purposes; and (5) processing (that is, crushing, grinding, screening, mixing and storage) and beneficial use of clean, uncontaminated rock, stone, gravel, brick, block, concrete and used asphalt for use as a construction material solely by Zwicky. The Department determined the renewal to be administratively complete on October 7, 2015.

Written comments concerning the 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 WMGM027" 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. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

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

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

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25

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

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

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

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

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

45-00005B: Sanofi Pasteur Inc. (Discovery Drive, Swiftwater, PA 18370-0187) for the installation and operation of Influenza Vaccine Manufacturing process equipment at the existing facility located in Pocono Twp., **Monroe County**.

45-00005C: Sanofi Pasteur Inc. (Discovery Drive, Swiftwater, PA 18370-0187) for the installation and operation of two (2) 49.00 MMbtus/hr natural gas fired boilers to support Influenza Vaccine Manufacturing operations at the existing facility located in Pocono Twp., **Monroe County**.

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

Contact: Mark R. Gorog, P.E., Environmental Engineer Manager—Telephone: 412-442-4150

PA-65-00986B: Tiger Door, LLC (1181 Garden Street, Greensburg, PA 15601) for manufacturing of doors in an existing industrial park in Hempfield Township, **Westmoreland County**. This a minor facility plan approval application.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

20-302B: ITU AbsorbTech, Inc. (818 West Spring St., Titusville, PA 16354) for the installation of a stripper washer extractor, and modifications to the wastewater treatment system at their facility in the City of Titusville, **Crawford County**.

43-305F: Champion Carrier Corporation (2755 Kirila Road, Hermitage, PA 16148) for the installation of a four (4) paint booths with panel filters at their facility in the City of Hermitage, **Mercer County**.

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

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

Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920

15-0151: Pacer Industries, Inc. (200 Red Road, Coatesville, PA 19320), for an increase in the production of depolymerized natural rubber (DPR) at its existing grinding wheel manufacturing facility, which is located in Valley Township, **Chester County**.

DEP previously exempted the DPR production process at the facility from Plan Approval and Operating Permit requirements under Requests for Determination of Changes of Minor Significance and Exemption from Plan Approval/Operating Permit (RFDs) No. 1196 and 2283, based on the uncontrolled volatile organic compound (VOC) emissions from the DPR production process being less than the exemption level of 2.7 tons/yr. However, Pacer Industries, Inc., seeks to increase the production of DPR such that the uncontrolled VOC emissions will exceed 2.7 tons/yr, which requires a Plan Approval.

The potential pre-control VOC emission rate for the DPR production process (based on one batch per day) is approximately 17.5 tons/yr. However, Pacer Industries, Inc., operates an integral water-cooled condenser and associated thermal oxidizer to reduce the potential post-control VOC emission rate to approximately 0.3 ton/yr.

The Plan Approval will include a requirement that Pacer Industries, Inc., meet one of the following restrictions (though DEP reserves the right to review these based on the results of testing required under the Plan Approval):

- A VOC emission concentration of less than or equal to 20 ppmv, dry basis, as methane, corrected to 3% oxygen (O₂), averaged on an hourly basis, as measured at the outlet of the associated thermal oxidizer.

- A minimum overall VOC control efficiency for the condenser of, and the thermal oxidizer associated with, the DPR production process of 98.0%.

The Plan Approval will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702

67-05005J: Brunner Island, LLC (835 Hamilton Street, Suite 150, Allentown, PA 18101-2400) for the addition of the following annual NO_x emission limits (TPY = tons during any consecutive 12-month period) at its Brunner Island Steam Electric Station located in East Manchester Township, **York County**:

- (a) Facility = 14,254.00 TPY;
- (b) Unit No. 1 (Source ID 031A) = 3,751.00 TPY;

- (c) Unit No. 2 (Source ID 032) = 4,261.00 TPY; and
- (d) Unit No. 3 (Source ID 033A) = 8,186.00 TPY.

The proposed activity does not involve the construction of any new air contamination sources or the installation of any new air pollution control devices. There are no increases in facility emissions as a result of the proposed activity. The facility is a Title V facility. Based on the above findings, the Department proposes to issue a plan approval for the proposed activity. This plan approval (P.A. No. 67-05005J) will supersede and replace P.A. No. 67-05005H. The requirements established in the plan approval will be incorporated into the facility's Title V Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450(a)(5).

OPERATING PERMITS

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

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

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

46-00031: Glaxo SmithKline LLC. (1250 South College Rd, Collegeville, PA 19426), located in Upper Providence Township, **Montgomery County**. This action is a renewal of the Title V Operating Permit. The facility is primarily involved in pharmaceutical research and development. Glaxo SmithKline operates boilers, generators and other lab equipment. The renewal incorporates plan approval 46-0031D for the case by case Boiler MACT requirements. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting. The operation is subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64 and NSPS regulations.

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

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

62-00012, NRG REMA, LLC/Warren Generating Station (121 Champion Way, Ste 200, Canonsburg, PA 15317-5817) The Department intends to re-issue a Title V Operating Permit to operate an electricity generating facility, located in Conewango Township, **Warren County**. The facility uses a Combustion Turbine to generate electricity during peak demand periods. The permit includes the requirements from the Federal and State Clean Air Interstate Rule (CAIR).

This facility is also now subject to the following Federal requirements which are incorporated into the operating permit:

Subpart AAAAA—Transport Rule (TR) NO_x Annual Trading Program

Subpart BBBBB—Transport Rule (TR) NO_x Ozone Season Trading Program

Subpart CCCCC—Transport Rule (TR) SO_x Group 1 Trading Program

The potential emissions from this facility, if it were operated non-stop for the entire year, are as follows. (All values are in tons/year.) PM₁₀ = 13.2, SO_x = 31.2, NO_x = 400.0, VOC = 2.3, CO = 84.0, CO_{2e} = 195,919.0, HAPs = 1.7.

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

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

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

23-00096: County of Delaware George W. Hill Correctional Facility (500 Cheyney Road, Thornton, PA 19373) for the renewal permit to operate seven (7) diesel-fired engines and various small natural gas-fired hot water heaters at the correctional facility located in Concord Township, **Delaware County**. The renewal permit is for a non-Title V (State Only) facility. The facility caps Nitrogen Oxide (NO_x) to less than 25 tons per year each; therefore the facility is a Synthetic Minor. The requirements of 40 CFR Part 60 Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines apply to a new diesel fired engine on site (Source ID 112-911 Tower Generator). The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00221: Bucks County Courier Times, (2 Geoffrey Drive, Fairless Hills, PA 19030-4310) located in Falls Township, **Bucks County** for the issuance of an initial State Only (Synthetic Minor) Operating Permit No. 09-00221 for its newspaper production facility. The facility's air emission sources consist of; one offset lithographic print press, one stationary reciprocating internal combustion engine to power one emergency generator, and two degreasers. The Volatile Organic Compound emissions from the sources will not exceed 10.50 tons per year. The operating permit also contains work practice standards, monitoring and recordkeeping requirements, and operating restrictions designed to keep the sources and facility operating within all applicable air quality requirements.

46-00285: Montgomery County Crematory, LLC (516 Fayette Street, Conshohocken, PA 19428; Attn: Mr. William L. Ciavarelli) for a non-Title V Facility, State-Only Natural Minor Operating Permit in Conshohocken Borough, **Montgomery County**. Montgomery County Crematory operates a 175 lb/hr Matthews Human Cremation Unit at an existing funeral home. There are no other significant sources of emissions at this facility. The following are potential emissions from the human cremation unit: 2.68 TPY of PM, PM₁₀, and PM_{2.5}; 0.96 TPY of SO_x; 3.83 TPY of CO; 1.15 TPY of NO_x; and 1.15 TPY of VOC. Emissions of PM are expected to be less than 0.08 grains per dry standard cubic feet, corrected to 7 percent O₂. Emissions of SO_x are expected to be less than 500 ppmv. The permit will contain monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702

67-05031: Wayneco, Inc., (800 Hanover Road, York, PA 17408) to issue a State Only Operating Permit for a wood kitchen cabinet manufacturing facility in Jackson Township, **York County**. The 2014 actual emissions were 2.5 tons of VOC. The Operating Permit will include emission

limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from the 25 Pa. Code § 129.77 regulation for Sealant Primers.

28-05050: Strait Steel, Inc. (P. O. Box 370, Greencastle, PA 17225) to issue a State Only Operating Permit for the structural steel fabrication facility located in Antrim Township, **Franklin County**. The actual emissions from the facility in 2015 are estimated to not exceed 20.5 tons VOC; 17.1 tons PM₁₀; 17.1 tons PM_{2.5}; 7.2 tons xylene; 2.2 tons toluene; and 9.4 tons total HAPs. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart XXXXXX—National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories (Source ID 201).

28-05048: Wipro Enterprises, Inc. (1101 Sheffler Drive, Chambersburg, PA 17201) for the hydraulic cylinder manufacturing and painting facility in Chambersburg Borough, **Franklin County**. The estimated actual annual emissions from the sources are 0.48 ton CO, 0.58 ton NO_x, 0.08 ton PM, 0.003 ton SO_x, 9.30 tons VOC, and 3.03 tons total HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

Contact: and Tom Joseph, Permitting Chief—Telephone: 412-442-5226

65-00073: Hanson Aggregates BMC, Inc./Latrobe Asphalt Plant (100 Quarry Lane, Ligonier, PA 15658) for the operation of a hot mix asphalt facility located in Ligonier Township, **Westmoreland County**. The subject facility consists of one hot mix asphalt plants rated at 300 tons per hour. The facility is not to exceed the following limits: 100 tpy CO; 100 tpy NO_x; 100 tpy SO_x; 50 tpy VOC; 100 tpy PM and 25 tpy combined HAPs. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. Proposed SOOP includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements.

65-00807: Hanson Aggregates BMC, Inc./Whitney Quarry (Armel Hollow Road, Latrobe, PA 15650) for the processing of crushed limestone into various construction aggregate products, bituminous asphalt, concrete and general construction purposes located in Unity Township, **Westmoreland County**. The operation of the facility's air contamination source consisting 4 crushers, 3 triple deck screens, feed hopper, 17 transfer belts, 5 bins, stockpiles, and unloading/loading of trucks. Emissions are controlled through the use of wet dust suppression and a water truck. The potential emissions are estimated at 20.51 tpy PM and 8.17 tpy PM₁₀. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. Proposed SOOP includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements.

56-00025: New Enterprise Stone & Lime Company/Bakersville Quarry (Route 31 Somerset, PA 15501) for the operation of a sand and lime processing facility located in Jefferson Township, **Somerset County**. The subject facility consists of nine crushers, eight screens, water spray systems, two baghouses and various transfer conveyors and stockpiles. The facility has the potential to emit: 99 tpy PM and 99 tpy PM₁₀. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. Proposed SOOP includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements.

56-00294: New Enterprise Stone & Lime Company/Somerset Blacktop Plant (1715 Water Level Road, Somerset, PA 15501) for the operation of an asphalt facility located in Jefferson Township, **Somerset County**. The facility is limited to the following: 99 tpy NO_x, 99 tpy CO, 99 tpy SO_x, 99 tpy PM₁₀, 49 tpy VOC, 9 tpy single HAP and 24 tpy all combined HAPs. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. Proposed SOOP includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements.

11-00516: Gamesa Wind US, LLC/Ebensburg Plant (100 Commerce Drive, Ebensburg, PA 15931) State Only Operating Permit is for the wind turbine rotor blade manufacturing facility. Gamesa is limited to 99 tpy NO_x, 49 tpy VOC, 9 tpy of a single HAP and 24 tpy aggregated group of HAPs. The facility must maintain a 12-month rolling total of quantities of each VOC and/or HAP containing material used, facility wide VOCs and HAPs emitted, and the quantity of natural gas purchased. The facility is required to submit an annual facility-wide emissions report (AIMS Report) by March 1st each year for the previous calendar year. The facility must conduct weekly inspections around the plant periphery during daylight hours, while the plant is in operation, to observe for the presence of any odorous air contaminants, fugitive emissions, and additional operation requirements, monitoring requirements, and recordkeeping requirements for the facility located in Cambria Township, **Cambria County**.

03-00173: Armstrong Terminal, Inc./Schenley Terminal (1 Railroad Street, Schenley, PA 15682) for the operation of barge unloading and bulk commodity storage located in Gilpin Township, **Armstrong County**. The subject facility consists of a single dock for unloading barges with one clam shell crane. Material is transferred via a 400 ton per hour hopper and conveyor belt into the building; to trucks; or to an outside stockpile. The estimates the projected emissions of: 9 tpy PM and 5 tpy PM₁₀. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. Proposed SOOP includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards 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 the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review must be made by contacting Phil Bouse at 412-442-4000 or pbouse@pa.gov.

65-00065: Hanson Aggregates BMC, Inc./Lower Burrell Plant (200 Industrial Blvd., New Kensington, PA 15068) for the processing of natural sand and gravel for

construction aggregates in the City of Lower Burrell, **Westmoreland County**. The operation of the facility's air contamination sources consist of an excavator, 5 conveyors, stockpiles, and haulroads. Emissions are controlled through the use of wet dust suppression and a water truck. The potential emissions are estimated at: 29.67 tpy PM and 7.43 tpy PM₁₀. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. Proposed SOOP includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements.

04-00698: Hanson Aggregates BMC, Inc./Thaddus Carr Dredge Plant (2200 Springfield Pike, Conneville, PA 15425) for the processing of natural sand and gravel for construction aggregates located in the Townships of Aliquippa, Baden and Hopewell, **Beaver County**. Sand and gravel is obtained via dredging the Ohio River. The operation of the facility's air contamination source consisting: crushing, screening, transferring, and unloading/loading of barges. The facility utilizes diesel engines to operate equipment on the barges. Each primary engine is limited to operate 5,000 hours per year and each secondary engine is limited to operate 2,500 hours per year. The potential emissions are estimated at: 48.61 tpy NO_x, 12.62 tpy CO, 0.41 tpy SO_x, 1.67 tpy VOC, 8.62 tpy PM and 2.48 tpy PM₁₀. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. Proposed SOOP includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements.

65-00143: Hanson Aggregates BMC, Inc./Torrance Quarry (311 Quarry Road, Blairsville, PA 15717) for processing crushed limestone into various construction aggregate products, bituminous asphalt, concrete and general construction purposes located in Derry Township, **Westmoreland County**. The operation of the facility's air contamination source consisting 4 crushers, 4 triple deck screens, 5 feed hopper, 21 transfer belts, a sand screw, 6 stockpiles, and unloading/loading of trucks. Emissions are controlled through the use of wet dust suppression and a water truck. The potential emissions are estimated at: 67.38 tpy PM and 20.59 tpy PM₁₀. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. Proposed SOOP includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements.

65-00927: Hoover Stone Quarry, LLC/Saltsburg Plant (3497 Route 981, Saltsburg, PA 15681) for the surface mining operation of shale and sandstone located in Loyalhanna Township, **Westmoreland County**. The operation of the facility's air contamination source consisting primary and secondary crusher, 2-single deck screens, 1-triple deck screen, feed hopper, 5 transfer belts, stockpiles, and unloading/loading of trucks. The potential emissions are estimated at: 59.3 tpy PM and 18.5 tpy PM₁₀. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. Proposed SOOP includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements.

65-00657: Tresco Paving Corporation/TPC Salem Plant (Route 66 Slickville County Rd, Export, PA 15632) for the operation of a hot mix asphalt facility located in Salem Township, **Westmoreland County**. The subject facility consists of two asphalt plants: 120 tons per hour

batch mix and a 400 ton per hour drum mix; 400 tons per hour rap processing plant and a concrete plant. The facility has the potential to emit: 71 tpy CO; 18 tpy NO_x; 8 tpy SO_x; 15 tpy VOC; 5 tpy HAP; and 29 tpy PM. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. Proposed SOOP includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements.

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

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

62-00153: Whirley Industries, Inc., 6 Harmar Street Facility (618 4th Avenue, Warren, PA 16365-4923) The Department intends to re-issue the Natural Minor Operating Permit to operate a printing and silk screening operation located at 6 Harmar Street, Warren City, **Warren County**.

The Emergency Power Generator at this facility is now subject to the requirements of 40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. These requirements have been attached to this source.

The potential VOC emissions from this facility are limited by Plan Approval Number 62-153A to no more than 34.1 tons/year. Emissions of all other criteria pollutants, if all sources were operated 8,760 hours per year are as follows: Particulate Matter = 0.63 TPY (tons per year), CO = 3.3 TPY, CO_{2e} = 9,986 TPY, NO_x = 7.8 TPY, and SO₂ = 0.05 TPY.

PLAN APPROVALS

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

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

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

46-0036K: DIV-AR Property, L.P. (2750 Morris Rd., Worcester, PA 19446) to increase the combined permitted hours for four (4) existing diesel fuel-fired electric generating engines at their facility in Worcester Township, **Montgomery County**. The engines will also be modified with oxidation catalysts to reduce the emissions of CO and VOC. As a result of potential emissions of NO_x and VOC, the facility is not a Title V facility. The Plan Approval will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S.

§§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

Coal Applications Received

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

30841317 and NPDES No. PA0213527. Consol Pennsylvania Coal Company LLC, (1000 CONSOL Energy Drive, Canonsburg, PA 15317). To revise the permit for the Enlow Fork Mine in Richhill Township, **Greene County**, Morris Township, **Washington County** and related NPDES permit for the construction of the 2 East Mains Dewatering Borehole. Surface Acres Proposed 3.3. No additional discharges. The application was considered administratively complete on December 24, 2015. Application received August 3, 2015.

30950701 and NPDES No. PA0215619. The Monongalia County Coal Company, (46226 National Road, Saint Clairsville, OH 43950). To transfer the permit for the Hughes Hollow Slurry Impoundment in Wayne and Gilmore Townships, **Greene County** and related NPDES permit to transfer from Consolidation Coal Company to The Monongalia County Coal Company. No discharges. The application was considered administratively complete on December 30, 2015. Application received August 7, 2015.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

Permit No. 32100103 and NPDES No. PA0263061, KMP Associates, Inc., 3756 Route 981, Saltsburg, PA 15681, permit renewal for reclamation only of a bituminous surface and auger mine in Young Township, **Indiana County** affecting 37 acres. Receiving streams: Harpers Run classified for the following uses: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 21, 2015.

Permit No. 11000103 and NPDES No. PA0235067, T.J. Mining, Inc., P. O. Box 370, Carrolltown, PA 15722, permit renewal for the continued operation and restoration of a bituminous surface mine in Cresson Township, **Cambria County**, affecting 84 acres. Receiving streams: unnamed tributaries to/and Burgoon Run classified for the following uses: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 22, 2015.

Permit No. 56110110 and NPDES No. PA0263389, Coal Loaders, Inc., 210 East Main Street, Ligonier, PA 15658, revision of an existing bituminous surface mine to change the land use from woodland to wildlife habitat in Quemahoning Township, **Somerset County**, affecting 81.6 acres. Receiving streams: unnamed tributary to/and Higgins Run classified for the following uses: high quality cold water fishes. The first downstream potable water supply intake from the point of discharge is Greater Johnstown Water Authority and Cambria Somerset Authority. Application received: December 23, 2015.

Permit No. 56900112 and NPDES No. PA0598976, Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, permit renewal for the continued operation and restoration of a bituminous surface mine in Summit Township, **Somerset County** affecting 650 acres. Receiving streams: Stony Batter Run, Shaffer Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 24, 2015.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

43850105 and NPDES Permit No. PA0108758, Grove City Materials, LP (3340 U. S. Route 422, Grove City, PA 16127) Renewal of an existing bituminous surface mine and associated NPDES permit in Pine &

Mercer Townships, **Mercer & Butler Counties**, affecting 103.0 acres. Receiving streams: Two unnamed tributaries to Swamp Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: December 23, 2015.

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

Permit No. 54040201R2. Reading Anthracite Company, (PO Box 1200, Pottsville, PA 17901), renewal of an existing anthracite coal refuse reprocessing, refuse disposal and preparation plant operation in Butler, Union and West Mahanoy Townships, **Schuylkill County** affecting 1,108.9 acres, receiving stream: Shenandoah Creek, classified for the following use: cold water fishes. Application received: December 8, 2015.

Permit No. 54840201R6. Wheelabrator Culm Services, Inc., (4 Liberty Lane West, Hampton, NH 03842), renewal of an existing anthracite coal refuse reprocessing and refuse disposal operation in Mahanoy Township and Shenandoah Borough, **Schuylkill County** affecting 208.8 acres, receiving streams: Shenandoah Creek to Mahanoy Creek, classified for the following use: cold water fishes. Application received: December 9, 2015.

Permit No. 54-305-030GP12R. Wheelabrator Culm Services, Inc., (4 Liberty Lane West, Hampton, NH 03842), 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. 54840201 in Mahanoy Township and Shenandoah Borough, **Schuylkill County**. Application received: December 9, 2015.

NPDES Permit No. PA0225606. Stouidt's Ferry Preparation Co., Inc., (PO Box 279, St. Clair, PA 17970), NPDES Permit for discharge of treated mine drainage from an anthracite river dredge operation in Upper Providence Township, **Montgomery County** affecting 44.5 acres, receiving stream: Schuylkill River, classified for the following use: cold water fishes. Application received: December 10, 2015.

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

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

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

4876SM20. Glenn O. Hawbaker, Inc. (1952 Waddle Road, State College, PA 16803) Revision to add 8.0 acres in Pittsfield Township, **Warren County**, affecting a total of 102.3 acres. Receiving streams: Brokenstraw Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: December 22, 2015.

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

26840402 and NPDES Permit No. PA0588075. Hanson Aggregates, BMC, Inc. (2200 Springfield Pike, Connellsville, PA 15425). Revision application for the addition of underground mining to an existing noncoal surface and underground mine, located in Connellsville Township, **Fayette County**, affecting an additional 255.4 acres to the 1,128 surface and underground noncoal mine. Receiving streams: unnamed tributaries to the following streams: Connell Run, Whites Run, Youghiogheny River, Tates Run, and Laurel Run, classified for the following use: CWF. The potable water supplies with intake within 10 miles downstream from the point of discharge: North Fayette Municipal Authority and Municipal Authority of Westmoreland Co. Application received: December 23, 2015.

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

Permit No. 58150810 and NPDES Permit No. PA0225592. Timberland Resources, LLC, (28 Rainbow Ridge Road, Windsor, NY 13865), commencement operation and restoration of a bluestone quarry operation and NPDES permit for discharge of treated mine drainage in Great Bend Township, **Susquehanna County** affecting 6.4 acres, receiving stream: Dubois Creek and unnamed tributary to Salt Lick Creek/Susquehanna River Watershed, classified for the following uses: cold water fishes, HQ—cold water fishes and migratory fishes. Application received: December 28, 2015.

Permit No. 58070817. John Spencer, (3076 Underhill Road, Laceyville, PA 18623-8057), Stage I & II bond release of a quarry operation in Auburn Township, **Susquehanna County** affecting 5.0 acres on property owned by John Spencer. Application received: December 11, 2015.

Permit No. 58020830. HB Williams, Inc., (5553 S. Weston Road, Kingsley, PA 18826), Stage I & II bond release of a quarry operation in Brooklyn Township, **Susquehanna County** affecting 1.0 acre on property owned by Donna L. Williams. Application received: December 9, 2015.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

Effluent Limits for Coal Mining Activities

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

| <i>Parameter</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
|----------------------------------|---------------------------|---------------------------------|----------------------------------|
| Iron (Total) | 3.0 mg/l | 6.0 mg/l | 7.0 mg/l |
| Manganese (Total) | 2.0 mg/l | 4.0 mg/l | 5.0 mg/l |
| Suspended solids | 35 mg/l | 70 mg/l | 90 mg/l |
| pH* | | greater than 6.0; less than 9.0 | |
| Alkalinity greater than acidity* | | | |

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Effluent Limits for Noncoal Mining Activities

The limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal NPDES Draft Permits

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

NPDES No. PA0263079 (Mining Permit No. 56100105), Wilson Creek Energy, LLC, 1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541, renewal of an NPDES permit for discharge of water resulting from surface mining activities in Black Township, **Somerset County**, affecting 149.3 acres. Receiving stream(s): Wilson Creek & Coxes Creek, classified for the following use: warm water fishes. This receiving stream is included in the Coxes Creek TMDL. Application received: December 4, 2015.

The outfalls listed below discharge to Wilson Creek & Coxes Creek:

| <i>Outfall Nos.</i> | <i>New Outfall (Y/N)</i> |
|------------------------|--------------------------|
| 002 (Treatment Pond 2) | N |
| 003 (Treatment Pond 3) | N |
| 004 (Sediment Pond 1) | N |
| 005 (Sediment Pond 2) | N |
| 006 (Sediment Pond 3) | N |

The proposed effluent limits for the above listed outfall(s) are as follows:

| <i>Outfalls: 002 (All Weather Conditions)</i> | <i>30-Day</i> | <i>Daily</i> | <i>Instant.</i> |
|--|----------------|----------------|-----------------|
| <i>Parameter</i> | <i>Average</i> | <i>Maximum</i> | <i>Maximum</i> |
| Iron (mg/l) | 3.0 | 6.0 | 7.0 |
| Manganese (mg/l) | 2.0 | 4.0 | 5.0 |
| Aluminum (mg/l) | 2.0 | 4.0 | 5.0 |
| Total Suspended Solids (mg/l) | 35.0 | 70.0 | 90.0 |
| pH (S.U.): Must be between 6.0 and 9.0 standard units at all times | | | |
| Alkalinity must exceed acidity at all times | | | |

| <i>Outfalls: 003 (All Weather Conditions)</i> | <i>30-Day</i> | <i>Daily</i> | <i>Instant.</i> |
|--|----------------|----------------|-----------------|
| <i>Parameter</i> | <i>Average</i> | <i>Maximum</i> | <i>Maximum</i> |
| Iron (mg/l) | 3.0 | 6.0 | 7.0 |
| Manganese (mg/l) | 2.0 | 4.0 | 5.0 |
| Aluminum (mg/l) | 0.75 | 1.5 | 1.8 |
| Total Suspended Solids (mg/l) | 35.0 | 70.0 | 90.0 |
| pH (S.U.): Must be between 6.0 and 9.0 standard units at all times | | | |
| Alkalinity must exceed acidity at all times | | | |

| <i>Outfalls: 004 & 005 (Dry Weather Conditions)</i> | <i>30-Day</i> | <i>Daily</i> | <i>Instant.</i> |
|--|----------------|----------------|-----------------|
| <i>Parameter</i> | <i>Average</i> | <i>Maximum</i> | <i>Maximum</i> |
| Iron (mg/l) | 3.0 | 6.0 | 7.0 |
| Manganese (mg/l) | 2.0 | 4.0 | 5.0 |
| Aluminum (mg/l) | 2.0 | 4.0 | 5.0 |
| Total Suspended Solids (mg/l) | 35.0 | 70.0 | 90.0 |
| pH (S.U.): Must be between 6.0 and 9.0 standard units at all times | | | |
| Alkalinity must exceed acidity at all times | | | |

| <i>Outfalls: 006 (Dry Weather Conditions)</i> <i>Parameter</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|--|---------------------------|--------------------------|-----------------------------|
| Iron (mg/l) | 3.0 | 6.0 | 7.0 |
| Manganese (mg/l) | 2.0 | 4.0 | 5.0 |
| Aluminum (mg/l) | 0.75 | 1.5 | 1.8 |
| Total Suspended Solids (mg/l) | 35.0 | 70.0 | 90.0 |
| pH (S.U.): Must be between 6.0 and 9.0 standard units at all times | | | |
| Alkalinity must exceed acidity at all times | | | |

| <i>Outfalls: 004, 005, & 006 (≤10-yr/24-hr Precip. Event)</i> <i>Parameter</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|---|---------------------------|--------------------------|-----------------------------|
| Iron (mg/l) | N/A | N/A | 7.0 |
| Total Settleable Solids (ml/l) | N/A | N/A | 0.5 |
| pH (S.U.): Must be between 6.0 and 9.0 standard units at all times | | | |
| Alkalinity must exceed acidity at all times | | | |

Outfalls: 004, 005, & 006 (>10-yr/24-hr Precip. Event)
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times
Alkalinity must exceed acidity at all times

NPDES No. PA0125423 (Mining Permit No. 11813040), Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, renewal of an NPDES permit for continued reclamation and water treatment in Adams Township, **Cambria County**, affecting 750 acres. Receiving stream(s): Unnamed Tributary to South Fork Little Conemaugh River, classified for the following use(s): cold water fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: September 24, 2015.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to Babcock Creek:

| <i>Outfall No.</i> | <i>New Outfall (Y/N)</i> |
|---|--------------------------|
| 010 (Sedimentation Pond (SP-6) Outlet for vertical flow system (passive treatment)) | N |

The proposed effluent limits for the above listed outfall 001 are as follows:

| <i>Outfalls: (All Weather Conditions)</i> <i>Parameter</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|--|---------------------------|--------------------------|-----------------------------|
| Iron (mg/l) | 1.5 | 3.0 | 3.7 |
| Manganese (mg/l) | 1.0 | 2.0 | 2.5 |
| Aluminum (mg/l) | 0.75 | 0.75 | 0.75 |
| Total Suspended Solids (mg/l) | 35.0 | 70.0 | 90.0 |
| pH (S.U.): Must be between 6.0 and 9.0 standard units at all times | | | |
| Alkalinity must exceed acidity at all times | | | |

NPDES No. PA0235067 (Mining Permit No. 11000103), T.J. Mining, Inc., P. O. Box 370, Carrolltown, PA 15722-0370, renewal of an NPDES permit for discharge of water resulting from surface coal mining in Cresson Township, **Cambria County**, affecting 85.3 acres. Receiving streams: unnamed tributary to/and Burgoon Run, classified for the following use(s): Cold Water Fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: December 22, 2015.

The outfalls listed below discharge to unnamed tributary to/and Burgoon Run:

| <i>Outfall Nos.</i> | <i>New Outfall (Y/N)</i> |
|----------------------------|--------------------------|
| 001 (Treatment Facility 1) | N |
| 002 (Treatment Facility 2) | N |
| 003 (Sediment Pond 1) | N |
| 004 (Sediment Pond 2) | N |

The proposed effluent limits for the above listed outfalls are as follows:

| <i>Outfalls: 001-004 (All Weather Conditions)</i> <i>Parameter</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|---|---------------------------|--------------------------|-----------------------------|
| Iron (mg/l) | 2.6 | 5.2 | 6.5 |
| Manganese (mg/l) | 1.7 | 3.4 | 4.2 |
| Aluminum (mg/l) | 1.3 | 2.6 | 3.2 |
| Total Suspended Solids (mg/l) | 35.0 | 70.0 | 90.0 |
| pH (S.U.): Must be between 6.0 and 9.0 standard units at all times | | | |
| Alkalinity must exceed acidity at all times | | | |

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

NPDES No. PA0200174 (Mining permit no. 03910115), Allegheny Mineral Corp., P. O. Box 1022, Kittanning, PA 16201, renewal NPDES permit for a bituminous surface West Franklin Township, **Armstrong County**, affecting 468.8 acres. Receiving stream(s): Buffalo Creek and Chub Run, classified for the following use(s): HQ-TSF. Application received: March 28, 2014.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The treated wastewater outfall(s) listed below discharge to Buffalo Creek and Chub Run:

| <i>Outfall Nos.</i> | <i>New Outfall (Y/N)</i> | <i>Type</i> | |
|--|--------------------------|--------------------|-----------------|
| 001 | N | MDT | |
| 002 | N | MDT | |
| <i>Outfalls:</i> | <i>30-Day</i> | <i>Daily</i> | <i>Instant.</i> |
| <i>Parameter</i> | <i>Average</i> | <i>Maximum</i> | <i>Maximum</i> |
| Iron (mg/l) | 3.0 | 6.0 | 7.0 |
| Manganese (mg/l) | 1.0 | 2.0 | 2.5 |
| Aluminum (mg/l) | 0.5 | 1.0 | 1.5 |
| Total Suspended Solids (mg/l) | 35 | 70 | 90 |
| Osmotic Pressure | 50 | 50 | 50 |
| Total Dissolved Solids | | Monitor and Report | |
| Nickel | | Monitor and Report | |
| Selenium | | Monitor and Report | |
| Sulfate | | Monitor and Report | |
| pH (S.U.): Must be between 6.0 and 9.0 standard units at all times | | | |
| Alkalinity must exceed acidity at all times | | | |

| <i>Outfall Nos.</i> | <i>New Outfall (Y/N)</i> | <i>Type</i> | |
|-------------------------------|--------------------------|--------------------|-----------------|
| 003 | N | MDT | |
| <i>Outfalls:</i> | <i>30-Day</i> | <i>Daily</i> | <i>Instant.</i> |
| <i>Parameter</i> | <i>Average</i> | <i>Maximum</i> | <i>Maximum</i> |
| Iron (mg/l) | 3.0 | 6.0 | 7.0 |
| Manganese (mg/l) | 2.0 | 4.0 | 5.0 |
| Aluminum (mg/l) | 0.75 | 1.5 | 2.2 |
| Total Suspended Solids (mg/l) | 35 | 70 | 90 |
| Osmotic Pressure | 50 | 50 | 50 |
| Total Dissolved Solids | | Monitor and Report | |
| Nickel | | Monitor and Report | |
| Selenium | | Monitor and Report | |
| Sulfate | | Monitor and Report | |

The stormwater outfall(s) listed below discharge to Buffalo Creek and Chub Run:

| <i>Outfall Nos.</i> | <i>New Outfall (Y/N)</i> | <i>Type</i> |
|------------------------------|--------------------------|-------------------------------|
| 004, 005, 006, 007, 008, 009 | N | Stormwater Control Facilities |

The proposed effluent limits for the above listed outfall(s) are as follows: for precipitation events less than or equal to a 10 year/24 hour storm event.

The stormwater outfalls 004, 005, 006, 007, 008, 009 discharge to the respective streams as shown below and include the effluent limits as shown below.

| <i>Outfall No</i> | <i>New Outfall (Y/N)</i> | <i>Type</i> | <i>Discharge to</i> |
|-------------------|--------------------------|-------------|---------------------|
| 004 | N | SW | Buffalo Creek |
| 005 | N | SW | Chub Run |
| 006 | N | SW | Chub Run |
| 007 | N | SW | Buffalo Creek |
| 008 | N | SW | Buffalo Creek |
| 009 | N | SW | Buffalo Creek |

The proposed effluent limits for outfalls 005 and 006 are as follows: for dry weather discharges

| <i>Parameter</i> | <i>30 Day</i> | <i>Daily</i> | <i>Instant.</i> |
|------------------|----------------|----------------|-----------------|
| | <i>Average</i> | <i>Maximum</i> | <i>Maximum</i> |
| Iron (mg) | 3.0 | 6.0 | 7.0 |
| Manganese (mg/l) | 1.0 | 2.0 | 2.5 |
| Aluminum | 0.5 | 1.0 | 1.5 |

| <i>Parameter</i> | <i>30 Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|---|-----------------------|----------------------|-------------------------|
| Total Suspended Solids | 35 | 70 | 90 |
| Osmotic Pressure | 50 | 50 | 50 |
| pH (S.U.) Must be between 6.0 and 9.0 standard units at all times | | | |
| Alkalinity must exceed acidity at all times | | | |

The proposed effluent limits for outfalls 004, 007, 008 are as follows: for dry weather discharges

| <i>Parameter</i> | <i>30 Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|---|-----------------------|----------------------|-------------------------|
| Iron (mg) | 3.0 | 6.0 | 7.0 |
| Manganese (mg/l) | 2.0 | 4.0 | 5.0 |
| Aluminum | 0.75 | 1.5 | 2.2 |
| Total Suspended Solids | 35 | 70 | 90 |
| Osmotic Pressure | 50 | 50 | 50 |
| pH (S.U.) Must be between 6.0 and 9.0 standard units at all times | | | |
| Alkalinity must exceed acidity at all times | | | |

The proposed effluent limits for outfall 009 are as follows: for dry weather discharges

| <i>Parameter</i> | <i>30 Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|---|-----------------------|----------------------|-------------------------|
| Iron (mg) | 3.0 | 6.0 | 7.0 |
| Manganese (mg/l) | 2.0 | 4.0 | 5.0 |
| Aluminum | 0.75 | 1.5 | 2.2 |
| Total Suspended Solids | 35 | 70 | 90 |
| Osmotic Pressure | 50 | 50 | 50 |
| Total Dissolved Solids Sulfate | | Monitor and Report | |
| | | Monitor and Report | |
| pH (S.U.) Must be between 6.0 and 9.0 standard units at all times | | | |
| Alkalinity must exceed acidity at all times | | | |

The proposed effluent limits for outfalls 004, 005, 006, 007, 008 are as follows: for precipitation events less than or equal to a 10 year/24 hour storm event.

| <i>Parameter</i> | <i>30 Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|---|-----------------------|----------------------|-------------------------|
| Total Iron | N/A | N/A | 7.0 |
| Total Settleable Solids | N/A | N/A | 0.5(ml/l) |
| pH (S.U.) Must be between 6.0 and 9.0 standard units at all times | | | |
| Alkalinity must exceed acidity at all times | | | |

The proposed effluent limits for outfall 009 are as follows: for precipitation events less than or equal to a 10 year/24 hour storm event.

| <i>Parameter</i> | <i>30 Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|---|-----------------------|----------------------|-------------------------|
| Total Iron | N/A | N/A | 7.0 |
| Total Settleable Solids | N/A | N/A | 0.5ml/l) |
| Osmotic Pressure | 50 | 50 | 50 |
| Total Dissolved Solids Sulfate | | Monitor and Report | |
| | | Monitor and Report | |
| pH (S.U.) Must be between 6.0 and 9.0 standard units at all times | | | |
| Alkalinity must exceed acidity at all times. | | | |

Noncoal NPDES Draft Permits

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

NPDES No. PA0595829 on Surface Mining No. 13930301. H & K Group, Inc., (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for a shale, siltstone and sandstone quarry in Penn Forrest Township, **Carbon County**, affecting 14.9 acres. Receiving Stream: Stony Creek to Yellow Run, classified for the following use: EV. Application received: December 23, 2013.

Unless otherwise noted for a specific outfall, the proposed effluent limit for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to Stony Creek

| <i>Outfall No.</i> | <i>New Outfall Y/N</i> | <i>Type</i> |
|--------------------|------------------------|-------------|
| 002 | No | E & S* |

* O.D. if pumped discharge

E & S

| <i>Discharge Limitations (in mg/l)</i> | <i>Monitoring Requirements</i> | | | | <i>Sample Type</i> |
|--|--------------------------------|----------------------|------------------------------|------------------------------|--------------------|
| <i>Discharge Parameter</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> | <i>Measurement Frequency</i> | |
| Total Suspended Solids | 35.0 | 70.0 | 90.0 | 2/Month (minimum) | Grab |
| pH | 6.0—9.0 at all the time | | | 2/Month (minimum) | Grab |

O.D.

| <i>Discharge Limitations (in mg/l)</i> | <i>Monitoring Requirements</i> | | | | <i>Sample Type</i> |
|--|--------------------------------|----------------------|------------------------------|------------------------------|--------------------|
| <i>Discharge Parameter</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> | <i>Measurement Frequency</i> | |
| Total Suspended Solids | - | - | 35.0 | 2/Month (minimum) | Grab |
| Iron | - | - | 0.38 | 2/Month (minimum) | Grab |
| Manganese | - | - | 0.22 | 2/Month (minimum) | Grab |
| Aluminum | - | - | 0.50 | 2/Month (minimum) | Grab |
| Sulfates | - | - | 24.0 | 2/Month (minimum) | Grab |
| Average discharge rate 0.05 MGD | - | - | | Daily | Measured Flow |
| pH | 6.0—9.0 at all the times | | | 2/Month (minimum) | Grab |

NPDES Permit No. PA0595683 on Surface Mining Permit No. 7373SM1. H & K Group, Inc., (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for a shale, siltstone and sandstone quarry operation in Penn Forest Township, **Carbon County**, affecting 20.0 acres. Receiving stream: Stony Creek classified for the following use: EV. Application received: October 31, 2013.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to Stony Creek.

| <i>Outfall No.</i> | <i>New Outfall Y/N</i> | <i>Type</i> |
|--------------------|------------------------|-------------|
| 001 | No | E&S |

The proposed effluent limits for the above listed outfall are as follows:

| <i>Parameter</i> | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
|------------------------|----------------|-----------------------|----------------------|------------------------------|
| pH ¹ (S.U.) | 6.0 | | | 9.0 |
| Total Suspended Solids | | 35.0 | 70.0 | 90.0 |
| Iron (mg/l) | | 3.5 | 7.0 | |
| Manganese (mg/l) | | 2.0 | 4.0 | |

¹ The parameter is applicable at all times.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E17-495. Pennsylvania Department of Conservation and Natural Resources—Bureau of Facility Design and Construction, PO Box 8451, Harrisburg, PA 17105-8451. Little Medix Run Channel Realignment, Medix Grade Road Culvert Relocation, and Wilson Switchback Road Culvert Replacement, Goshen Township, **Clearfield County**. USACOE Baltimore District (The Knobs, PA Quadrangle Latitude: 41° 12' 47"; Longitude: 78° 22' 28").

The applicant is seeking authorization to (1) change Little Medix Run channel, (2) install, operate and maintain in-stream structures for grade control and aquatic habitat, (3) relocate, operate and maintain a box culvert to carry Medix Grade Road across realigned Little Medix Run, and (4) replace, operate and maintain an existing culvert that carries Wilson Switchback Road across Little Medix Run. Little Medix Run is designated as a High Quality—Cold Water and Migratory Fishery by Chapter 93 Rules and Regulations. The channel change of Little Medix Run shall be limited to maximum 65-linear feet that shall result in successful establishment of a stable realigned channel and overbank areas. Installation of in-stream grade control and habitat structures shall be limited to the 65-feet of realigned channel. The relocated box culvert to carry Medix Grade Road across Little Medix Run shall be constructed as a precast concrete box culvert minimally having a span of 17-feet, rise of 3-feet and length 92.5-feet with invert depression of 1-foot. The replacement box culvert to carry Wilson Switchback Road across Little Medix Run shall be constructed as pre-cast concrete box culvert minimally having a span of 11-feet, rise of 4-feet and length 28.5-feet with invert depression of 1-foot. Permanent project impact shall be limited to 249-feet of waterway and 0.04-acre of wetlands. Temporary project impacts shall be limited to 0.1-acre of wetlands. The project is located within the Moshannon State Forest at the intersection Medix Grade and Wilson Switchback Roads. All in-stream activities authorized by this permit shall be completed in dry work conditions by dam and pumping, fluming or diverting stream flow around the work area. The Department has deemed the 0.04-acre of permanent wetland impacts as de minus, for which the applicant shall not be required to mitigate. The Department has deemed the 65-feet of permanent stream impact as incidental for the box culvert relocation that shall not require mitigation, provided however a stable realigned channel and overbank areas are successfully achieved.

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

E26-374, J. D. & D. Enterprises, 100 Ross Street, Pittsburgh, PA 15219; Menallen Township and Franklin Township, **Fayette County**, ACOE Pittsburgh District.

The applicant is proposing to:

Place and maintain fill in approximately 1.81 acre of wetlands and 0.20 acre of floodway, for the purpose of constructing several new buildings, access roadways and parking areas, in association with an expansion of the Franklin Commercial Park, which is located at the intersection of Franklin Drive and Old Route 51 (T502) (Uniontown and New Salem* USGS topographic quad-

range; *Latitude: 39° 57' 30"; *Longitude: -79° 45' 2"; Sub-basin: 19C; Chapter 93 Type: WWF; USACE: Pittsburgh District), in Menallen and Franklin Townships, Fayette County. Replacement wetlands will be constructed, on-site, along an existing wetland (aka Wetland 1) and within the floodway of an unnamed tributary to Redstone Creek (aka Tributary 40018) (WWF).

Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

E43-362, Living Treasures Wild Animal Park, 268 Fox Road, New Castle, PA 16101. Living Treasures Wild Animal Park, in Liberty Township, **Mercer County**, ACOE Pittsburgh District (Harlansburg, Mercer and Slippery Rock, PA Quadrangles N: 41°, 07', 25"; W: 80°, 07', 40").

Applicant proposes to develop a 143 acre site for commercial use as an animal safari park that will house approximately 500 animals consisting of over 100 different species. The development includes the construction of an educational building, gift shop, associated utilities, parking areas, stormwater management facilities, animal housing structures, maintenance/storage areas, over 2 miles of gravel trails, bridges, aerial zip line course, fencing around the perimeter of the property, and fencing within the individual animal housing areas. The following activities are proposed:

1. To construct and maintain a 10' 10" long wooden bridge having a clear span of 20' and an underclearance of 3.26' across Black Run;
2. To construct and maintain two 8' long wooden pedestrian bridges each having a clear span of 15 feet and an underclearance of 2' across two tributaries to Black Run;
3. To permanently fill 0.763 acre of wetland (0.428 PEM, 0.187 PSS, 0.148 PFO) associated with the construction of the main building, parking areas, trails, bridges, zip line course and fences;
4. To temporarily impact 2.767 acres of wetland (1.192 PEM, 0.593 PSS, 0.982 PFO) associated with the construction of the trails, bridges, fences, storage areas and zip line course; and
5. To permanently impact 47' and temporarily impact 143' of Black Run (CWF) and two tributaries to Black Run (CWF) associated with the construction of the bridges.

Mitigation for project impacts include the creation of 3 separate replacement wetland areas totaling 1.802 acre (0.628 PEM, 0.555 PSS, 0.619 PFO) within the floodway of Black Run and the floodway of the two tributaries to Black Run at the site.

E43-364, SFT Properties, LLC, 104 Dogwood Court, Butler, PA 16001. Interstate Pipe and Supply, in Pine Township, **Mercer County**, ACOE Pittsburgh District (Grove City, PA Quadrangle N: 41°, 10', 14"; W: 80°, 03', 48").

Applicant proposes a commercial development consisting of a 15,000 sq ft office/warehouse building with approximately 3.04 acre parking lot/storage yard and all associated roadways, utilities, and stormwater management facilities. Project will permanently impact 0.312 acre of PEM wetland and temporarily impact 0.013 acre of PEM wetland during construction. Wetlands on this site are considered EV due to their association with tributaries to a wild trout stream (Wolf Creek). Mitigation

for project impacts is proposed in the form of the creation of 0.38 acre of new PSS wetland on-site and the enhancement of 0.62 acre of existing, on-site PEM wetland to PSS.

District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E5929-053: SWEPI LP, 2100 Georgetown Drive, Suite 400, Sewickley, PA 15143, Charleston and Covington Townships, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary road crossing using a wood mat bridge, a 12 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 380 square feet of a palustrine emergent (PEM) wetland (Cherry Flats, PA Quadrangle 41°45'10"N, 77°11'34"W);

2) A temporary road crossing using a wood mat bridge, a 12 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 3,617 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Cherry Flats, PA Quadrangle 41°44'57"N, 77°11'32"W);

3) A temporary road crossing using a 20 foot long, 12 inch diameter corrugated metal pipe, a 12 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 61 linear feet of an unnamed tributary to Elk Run (CWF) (Crooked Creek, PA Quadrangle 41°44'09"N, 77°11'25"W);

4) A temporary road crossing using a 20 foot long, 18 inch diameter corrugated metal pipe, a 12 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 62 linear feet of an unnamed tributary to Elk Run (CWF) and 877 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Cherry Flats, PA Quadrangle 41°44'03"N, 77°11'08"W);

5) A temporary road crossing using a 20 foot long, 18 inch diameter corrugated metal pipe, a 12 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 73 linear feet of an unnamed tributary to Elk Run (CWF) (Cherry Flats, PA Quadrangle 41°43'57"N, 77°11'08"W);

6) A temporary road crossing using a wood mat bridge, a 12 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 1,469 square feet of an exceptional value palustrine open water (EV-POW) wetland (Cherry Flats, PA Quadrangle 41°43'42"N, 77°11'03"W);

7) A temporary road crossing using 20 foot long, 42 inch diameter corrugated metal pipes, a 12 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 101 linear feet of Elk Run (CWF) (Cherry Flats, PA Quadrangle 41°43'41"N, 77°11'02"W);

8) A temporary road crossing using a wood mat bridge, a 12 inch diameter natural gas gathering line, and a 10 inch diameter waterline impacting 1,481 square feet of a palustrine emergent (PEM) wetland (Cherry Flats, PA Quadrangle 41°43'10"N, 77°10'31"W);

9) A temporary road crossing using a wood mat bridge impacting 202 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Cherry Flats, PA Quadrangle 41°43'06"N, 77°10'34"W);

The project will result in 297 linear feet of temporary stream impacts and 8,026 square feet (0.18 acre) of temporary wetland impacts all for the purpose of installing a natural gas gathering line and associated access roads in Charleston and Covington Township, Tioga County.

E5929-054: Howard Energy Partners, LLC, 512 Towne Plaza, Suite 120, Route 6, Tunkhannock, PA, 18657, Morris Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 769 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 78 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Morris, PA Quadrangle 41°34'04"N, 77°16'15"W);

2) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 86 linear feet of an unnamed tributary to Harrison Run (EV) (Morris, PA Quadrangle 41°33'49"N, 77°16'14"W);

3) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 85 linear feet of an unnamed tributary to Harrison Run (EV) (Morris, PA Quadrangle 41°33'47"N, 77°16'18"W);

The project will result in 171 linear feet of temporary stream impacts, 769 square feet (0.02 acre) of temporary wetland impacts, and 78 square feet (0.01 acre) of permanent wetland impacts all for the purpose of installing a natural gas gathering line in Morris Township, Tioga County.

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

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).

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed No.)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|---|---|---|----------------------------|
| PA0050521 (Sewage) | Green Lane—Marlboro STP 108 Gravel Pike Green Lane, PA 18054 | Montgomery County Green Lane Borough | Perkiomen Creek (3-E) | Yes |
| PA0011231 (Industrial) | MIPC, LLC 920 Cherry Tree Road Aston, PA 19014 | Delaware County Upper Chichester Township | Boozers Run a tributary at Marcus Hook Creek (3-G) | Yes |
| PA0244538 (Industrial) | Buchman's Inc. 105 Airport Road Pottstown, PA 19464-3438 | Montgomery County Limerick Township | Possum Hollow Run (3-D) | Yes |
| PA0026166 (Sewage) | Warminster Municipal Authority 415 Gibson Avenue, PO Box 2279 Warminster, PA 18974 | Bucks County Warminster Township | Tributary to Little Neshaminy Creek (2-F) | Yes |

Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3742.

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed No.)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|---|--|--|----------------------------|
| PA0209449 (Industrial) | GKN Sinter Metals Emporium Auto 1 Airport Road Emporium, PA 15834-2001 | Cameron County Emporium Borough | Driftwood Branch Sinnemahoning Creek and West Creek (8-A) | Y |
| PA0031852 (Sewage) | Central Columbia School District Wastewater Treatment Plant 4777 Old Berwick Road Bloomsburg, PA 17815-3515 | Columbia County South Centre Township | Unnamed Tributary to Susquehanna River (5-D) | Yes |
| PA0020800 (Sewage) | White Deer Township Municipal Authority Wastewater Treatment Plant PO Box 90 West Milton, PA 17886-0090 | Union County White Deer Township | Unnamed Tributary to West Branch Susquehanna River (10-C) | No |

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed No.)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|--|---|--|----------------------------|
| PA0038806 (Sewage) | Beautyline Park STP 258 Beautyline Drive Salix, PA 15952 | Cambria County Adams Township | Otto Run (18-E) | N |
| PA0096229 (Sewage) | Marianna W Bethlehem STP East End of Broad Street Marianna, PA 15345 | Washington County West Bethlehem Township | Tenmile Creek (19-B) | Y |

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|--|--|---|----------------------------|
| PA0221554 (Sewage) | Gateway Commerce Center 1605 Old Rte 18 Wampum, PA 16157 | Lawrence County New Beaver Borough | Beaver River (20-B) | Y |
| PA0239691 (Sewage) | Gayle F Smith SRSTP 13478 Old Lake Road East Springfield, PA 16411 | Erie County Springfield Township | Unnamed Tributary to Lake Erie (15) | Y |
| PA0024392 (Sewage) | Rouseville Borough STP 8 Main Street Rouseville, PA 16344 | Venango County Cornplanter Township | Oil Creek (16-E) | Y |
| PA0102431 (Sewage) | Cedar Acres MHP Old Route 108 New Castle, PA 16101 | Lawrence County Scott Township | Unnamed Tributary of Slippery Rock Creek (20-C) | Y |

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

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

NPDES Permit No. PA0266159, Sewage, **Greg & Christina Gress**, 8504 Cumberland Highway, Chambersburg, PA 17201.

This proposed facility is located in Letterkenny Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to Lehman Run in Watershed 7-B.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.

E31-232: Petersburg Borough Sewer Authority, PO Box 6, 316 King Street, Petersburg, PA 16669 in Petersburg Borough and Logan Township, **Huntingdon County**, U. S. Army Corps of Engineers, Baltimore District.

To place and maintain fill in 0.02 acre of Palustrine Scrub/Shrub (PSS) wetland, and to temporarily impact 0.02 acre of PSS wetland, and to place and maintain 1,996 cubic yards of fill in approximately 0.27 acre of the floodplain of Shavers Creek (HQ-CWF, MF) all for the purpose of constructing upgrades to the Petersburg Borough Sewer Authority waste water treatment plant. The wetland impacts are de minimus; therefore, wetland replacement is not required. The project is located at the current Petersburg wastewater treatment plant, located South of State Route 305 in Petersburg Borough and Logan Township, Huntingdon County, PA (Latitude: 40° 34' 6" N and Longitude: 78° 3' 0" W). The permit was issued on January 4, 2016.

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

NPDES Permit No. PA0255025, Cole Kenneth, 3630 Gibsonia Road, Gibsonia, PA 15044.

This proposed facility is located in Richland Township, **Allegheny 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. PA0264130, Sewage, SIC Code 8800, **Gary Slagle**, 76 E Division Road, North East, PA 16428.

This proposed facility is located in North East Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

NPDES Permit No. PA0210056, Sewage, SIC Code 6515, **Mary Russ**, 39 Amsterdam Road, Grove City, PA 16127-3441.

This existing facility is located in Liberty Township, **Mercer County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage. Monitoring frequency for Total Residual Chlorine (TRC), dissolved oxygen, and pH was relaxed from 1/day to 4/week from the draft permit to the final issued permit.

NPDES Permit No. PA0102288, Industrial, SIC Code 4953, **Casella Waste Management of PA Inc.**, 25 Green Hills Lane, Rutland, VT 05071-3804.

This existing facility is located in Sergeant Township, **McKean County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Industrial Waste.

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. WQG010049, Sewage, **John M. Kail**, 934 Sunstone Lane, Kennett Square, PA 19348.

This proposed facility is located in New Garden Township, **Chester County**.

Description of Action/Activity: Construction and operation of a 500 gpd sewage treatment plant.

WQM Permit No. 0998411, Sewage, Transfer, **Travis Spahr**, 1422 Hilltown Pike, Hilltown, PA 18927.

This proposed facility is located in Hilltown Township, **Bucks County**.

Description of Action/Activity: Permit transferred from John and Deborah Sedik to Travis Spahr.

WQM Permit No. 1503410, Sewage, Renewal, **Aqua Pennsylvania Wastewater Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3402.

This proposed facility is located in Newlin Township, **Chester County**.

Description of Action/Activity: Request approval to renew an existing WQM Permit for a sewage treatment plant that serves a 50 lot subdivision.

WQM Permit No. 4615409, Sewage, **Whitemarsh Township Authority**, 616 Germantown Pike, Lafayette Hill, PA 19444.

This proposed facility is located in Whitemarsh Township, **Montgomery County**.

Description of Action/Activity: Replacement of an 8 inch gravity sewers with a 10 & 12 inch sewers to accommodate increased flows.

WQM Permit No. 0915405, Sewage, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

This proposed facility is located in Richland Township **Bucks County**.

Description of Action/Activity: Replacement of an 8 inch PVC sewer with a 10 inch PVC sewer.

WQM Permit No. 0998424, Sewage, Amendment, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

This proposed facility is located in Richland Township, **Bucks County**.

Description of Action/Activity: Replacement of internal piping from 4" to 6" and replacement of the force main from 6" to 10".

WQM Permit No. WQG02151511, Sewage, **London Grove Township Municipal Authority**, 372 Rose Hill Road, Suite 300, West Grove, PA 19311.

This proposed facility is located in London Grove Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sewage pumping station and associated force main.

WQM Permit No. WQG02461509, Sewage, **Horsham Township Water & Sewer Authority**, 617 Horsham Road, Horsham, PA 19044.

This proposed facility is located in Horsham Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a low pressure sewer system.

WQM Permit No. 1509403, Sewage, **Transfer, Patrick Reilly & Paula Holzman**, 171 Creamery Road, Coatesville, PA 19320.

This proposed facility is located in West Caln Township, **Chester County**.

Description of Action/Activity: Permit transferred from Bruce Shepherd & Martin L. Lockhart to Patrick Reilly & Paula Holzman.

WQM Permit No. 1515403, Sewage, **Phillip & Frances Sanderson**, 4802 Sangamore Road, Bethesda, MD 20816.

This proposed facility is located in Schuylkill Township, **Chester County**.

Description of Action/Activity: Construction and operation of a small flow treatment plant.

WQM Permit No. 1596410, Sewage, Renewal, **Aqua Pennsylvania Wastewater Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010.

This proposed facility is located in Thornbury Township, **Chester County**.

Description of Action/Activity: Permit approval for renewal of the existing wastewater treatment system.

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

WQM Permit No. 3691414, Amendment No. 1, Sewerage, **Solanco School District**, 121 South Hess Street, Quarryville, PA 17566.

This proposed facility is located in Fulton Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit authorization for the replacement of chlorine disinfection with UV disinfection.

WQM Permit No. 0185405, Amendment No. 2, Sewerage, **Biglerville Borough Authority**, 33 Musselman Avenue, Biglerville, PA 17307.

This proposed facility is located in Biglerville Borough, **Adams County**.

Description of Proposed Action/Activity: Permit authorization for the replacement of existing chlorine contact tanks with open trench ultraviolet disinfection and improvement to the headworks.

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

WQM Permit No. 0215418, Sewage, **Kenneth Cole**, 3630 Gibsonia Road, Gibsonia, PA 15044.

This proposed facility is located in Richland Township, **Allegheny County**.

Description of Proposed Action/Activity: New Single Residence STP to replace existing treatment system.

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

WQM Permit No. WQG028316 A-1, Sewage, **Pleasant Township**, 8 Chari Lane, Warren, PA 16365.

This existing facility is located in Pleasant Township, **Warren County**.

Description of Proposed Action/Activity: Upgrade to existing pump station.

WQM Permit No. 2515413, Sewage, **Gary Slagle**, 76 East Division Road, North East, PA 16428.

This proposed facility is located in North East Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

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

| Permit # | Applicant Name & Address | County | Municipality | Receiving Water/Use |
|------------------------|--|---------|--------------------|--|
| PAI030714005 Issued | Ron McConnell Lexington One, Inc. 620 Howard Avenue Altoona, PA 16601 | Blair | Allegheny Township | Brush Run (WWF, MF) and Wetlands (EV) |
| PAI034415002 Issued | Mr. Asif Khatri Shalamar Investments, LP 171 Manhasset Drive Port Matilda, PA 16870 | Mifflin | Armagh Township | Laurel Creek (HQ-CWF) |

| <i>Permit #</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|------------------------|--|---------------|---------------------|---|
| PAI030115001 Issued | Stephen Haut Pine Cone Properties, LLC 1601 Lindsay Lot Road Shippensburg, PA 17257 | Adams | Menallen Township | Mountain Creek (LKA Dead Woman Hollow) (HQ-CWF) and Birch Run (HQ-CWF) |

Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Jefferson County Conservation District, 1514 Route 28, Brookville, PA 15825

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|----------------------|----------------------------|
| PAI063315002 | PennDOT District 10-0 2550 Oakland Avenue PO Box 429 Indiana, PA 15701 | Jefferson | Punxsutawney Borough | Mahoning Creek WWF |

Butler County Conservation District, 122 McCune Drive, Butler, PA 16001-6501

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------|--------------------------------|
| PAI061015002 | Freeport Area School District PO Box Drawer C 621 South Pike Road Freeport, PA 16229 | Butler | Buffalo Township | Little Buffalo Creek HQ-TSF |

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> |
|--|-------------------|---|----------------------------|---|
| City of Philadelphia Philadelphia County | PAG0201511517-2 | Temple University 1009 West Montgomery Avenue Philadelphia, PA 19122 | Delaware River 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> |
|---|-------------------|--|---|---|
| Upper Salford Township Montgomery County | PAG02004615048 | Advantage, LLC 105 East High Street Pottstown, PA 19464 | Perkiomen Creek TSF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Warminster Township Bucks County | PAG02000915057 | Envision Land Use, LLC 485 Devon Park Drive, Suite 106 Wayne, PA 19087 | Unnamed Tributary to Little Neshaminy Creek WWF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Hilltown Township Bucks County | PAG02000915078 | Hallmark Homes Group 865 Easton Road, Suite 205 Warrington, PA 18976 | East Branch Perkiomen TSF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Plumstead Township Bucks County | PAG02000914059(1) | Fieldstone Farms of Sladek Road, a PA Grantor Trust 865 Easton Road, Suite 250 Warrington, PA 18976 | Hickory Creek TSF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Warminster Township Bucks County | PAG02000915063 | 222 Norristown Road, LLC 1276 Meetinghouse Road Gwynedd, PA 19454 | Little Neshaminy Creek WWF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Upper Makefield Township Bucks County | PAG02000913062(2) | Zaveta Custom Homes, LLC 4030 Skyron Drive Doylestown, PA 18902 | Pidcock Creek WWF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Upper Southampton Township Bucks County | PAG02000912041 | Metro Impact, LLC 225 Worthington Mill Road Richboro, PA 18954 | Mill Creek WWF-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> |
|---|-------------------|--|---|--|
| Blythe Township Schuylkill County | PAG02005415012 | Guers Topsoil & Mulch Products, Inc. Attn: William Guers 110 North Valley Street New Philadelphia, PA 17959 | UNT to Schuylkill River (CWF, MF) | Schuylkill County Conservation District 570-622-3742 |

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> |
|---|---------------------------|--|------------------------------|---|
| Birdsboro Borough Berks County | PAG02000615 032 Issued | Jim Palumbo Birdsboro Power PA, LLC 72 Glenmaure Boulevard Moosic, PA 18507 | Schuylkill River/ WWF | Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657 |
| Upper Allen Township Cumberland County | PAG02002115031 Issued | Sanjay Patel 7965 Jonestown Road Harrisburg, PA 17112 | UNT to Cedar Run/ CWF-MF | Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717-240-7812 |

| <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> |
|---|--------------------------|---|---|--|
| Silver Spring Township Cumberland County | PAG02002115025 Issued | Classic Communities Douglas Haubert 2151 Linglestown Road, Suite 300 Harrisburg, PA 17110 | Hogestown Run/ CWF and Trindle Spring Run/CWF | Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717-240-7812 |
| Susquehanna Township Dauphin County | PAG02002215038 Issued | Monarch Development Group LLC 3909 Hartzdale Drive, Suite 901 Camp Hill, PA 17011 | Paxton Creek/WWF | Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100 |
| North Lebanon Township Lebanon County | PAG02003815028 Issued | James Hubbard 452 Ebenezer Road Lebanon, PA 17046 | UNT to Swatara Creek/WWF | Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 |

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701

| <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> |
|---|-------------------|--|--|---|
| Clearfield County Sandy Township | PAG02001715016 | Aqua Pennsylvania, Inc 665 South Dock St Sharon, PA 16146 | Gravel Lick Run, CWF | Clearfield County Conservation District 511 Spruce St., Ste 6 Clearfield, PA 16830 (814) 765-2629 |
| Jackson Township Butler County | PAG02001015033 | Singer Properties LP PO Box 97 Mars, PA 16046 | Connoquenessing Creek WWF | Butler County Conservation District 724-284-5270 |
| Adams Township Butler County | PAG02001015037 | Geyer Construction & Development Inc. 451 Denny Road Valencia, PA 16059 | UNT Glade Run WWF | Butler County Conservation District 724-284-5270 |
| Cranberry Township Butler County | PAG02001015044 | JT Butler LLC 543 Schoolhouse Road Johnstown, PA 15904 | UNT Sullivan Run WWF | Butler County Conservation District 724-284-5270 |
| Fox Township Elk County | PAG02002415006 | Kersey DPP LLC 9010 Overlook Blvd Brentwood, TN 37027 | Beaver Run CWF | Elk County Conservation District 814-776-5373 |
| City of Erie Erie County | PAG02002514031(1) | Bayfront Cobblestone LLC 1001 State Street Erie, PA 16501 | Lake Erie/ Presque Isle Bay WWF; WWF | Erie County Conservation District 814-825-6403 |
| Harborcreek Township Erie County | PAG02002515023 | Erie Water Works 240 West 12th Street Erie, PA 16501 | Lake Erie CWF, Six Mile Creek CWF | Erie County Conservation District 814-825-6403 |
| Waterford Township Erie County | PAG02002515026 | Woodland Hills LLC 13021 Flatts Road Erie, PA 16441 | UNT Lebeouf Creek TSF | Erie County Conservation District 814-825-6403 |
| City of Erie Erie County | PAG02002515030 | Erie Federal Credit Union 1959 East 36th Street Erie, PA 16510 | Mill Creek WWF; MF | Erie County Conservation District 814-825-6403 |
| Keating Township McKean County | PAG02004215002 | PA Electric Company 341 White Pond Drive Akron, OH 44320 | Potato Creek CWF, Pierce Brook CWF | McKean County Conservation District 814-887-4001 |

Central Office: Bureau of Abandoned Mine Reclamation, 400 Market Street, Floor 13, P O Box 9205, Harrisburg, PA 17106-9205

Facility Location:

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|----------------------------------|-------------------|---|--|---|
| Annin Township McKean County | PAG02-1042-15-006 | DEP-BAMR P. O. Box 69205 Harrisburg, PA 17106-9205 | Twomile Cr (CWF), Potato-Oswago Cr Watershed (16C), Allegheny River | DEP-BAMR P. O. Box 69205 Harrisburg, PA 17106-9205 717-783-1311 |

General Permit Type—PAG-03

Facility Location

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|--|-------------------|---|--|--|
| Montgomery Borough Lycoming County | PAG034828 A-1 | Vt Hackney Inc. 914 Saegers Station Road Montgomery, PA 17752-8501 | Unnamed Tributary to West Branch Susquehanna River—10-C | DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3742 |

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

Facility Location

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|--|--|--|
| Pittsburgh City Allegheny County | PAR206159 | Techs Ind Inc. 300 Mifflin Road Pittsburgh, PA 15207 | Streets Run—19-A | DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000 |
| Rices Landing Borough Greene County | PAR806244 | First Student Inc. 110 Perimeter Park Suite E Knoxville, TN 37922 | Unnamed Tributary of Pumpkin Run— 19-B | DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000 |
| Neville Township Allegheny County | PAR606143 | Metalico Pittsburgh Inc. 3100 Grand Avenue Pittsburgh, PA 15225 | Ohio River—20-G | DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000 |
| Black Township Somerset County | PAR226125 | William Richter & Son Lumber 577 Fox Road Rockwood, PA 15557 | Unnamed Tributary to Rhoades Creek— 19-F | DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000 |

General Permit Type—PAG-4

Facility Location

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|--|-------------------|---|---------------------------------------|--|
| New Garden Township Chester County | PAG040202 | John M. Kail 934 Sunstone Lane Kennett Square, PA 19348 | Unnamed Tributary to Broad Run 3-I | DEP Southeast Regional Office Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970 |

General Permit Type—PAG-10

| <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> |
|---|-------------------|---|--|--|
| Gilmore Township Greene County | PAG106188 | Columbia Gas Trans LLC 5151 San Felipe Suite 2400 Houston, TX 77056 | White Creek— 19-G/WWF | DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000 |
| Butler County | PAG108334 | ETC Northeast Pipeline LLC 7000 Stonewood Drive Wexford, PA 15090-7376 | Unnamed Tributary to Pine Run, Unnamed Tributary of Slippery Rock Creek, Unnamed Tributary to North Branch Bear Creek, Unnamed Tributary of North Branch Bear Creek, and Unnamed Tributary of South Branch Slippery Rock Creek—20-C and 17-C | DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942 |

General Permit Type—PAG-12

| <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> |
|--|-------------------|--|--|---|
| Terry Township Bradford County | PAG124809 | Knoebel Brothers Hog & Grain Farms, Inc. 113 Center School Road Elysburg, PA 17824-9142 | Unnamed Tributary of Susquehanna River—4-D | DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636 |

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> |
|---|---------------|------------------------|--------------|------------------------|---|------------------------------------|
| Leonard Hoover 6188A Old Route 22 Bernville, PA 19506 | Berks | 146.6 | 305.89 | Poultry (Broilers) | 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

Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 5015507, Public Water Supply.

| | |
|----------------------|---|
| Applicant | Liverpool Municipal Authority |
| Municipality | Liverpool Borough |
| County | Perry |
| Responsible Official | Harvey W. Cook, President PO Box 357 Liverpool, PA 17045 |
| Type of Facility | Installation of poly phosphate blend for Lead and Copper corrosion control. |

| | |
|---------------------|---|
| Consulting Engineer | Erin N. Threet, P.E. Herbert Rowland & Grubic, Inc. 130 Buffalo Road Lewisburg, PA 17837 |
|---------------------|---|

| | |
|----------------------------|------------|
| Permit to Construct Issued | 12/31/2015 |
|----------------------------|------------|

Operation Permit No. 0714502 MA issued to: **Greenfield Township Municipal Authority (GTMA) (PWS ID No. 4070058)**, Greenfield Township, **Blair County** on 12/24/2015 for facilities approved under Construction Permit No. 0714502 MA.

Operation Permit No. 2215503 MA issued to: **United Water Pennsylvania (PWS ID No. 7220015)**, Hummelstown Borough, **Dauphin County** on 12/30/2015 for facilities approved under Construction Permit No. 2215503 MA.

Operation Permit No. 0614503 MA issued to: **Borough of Shoemakersville (PWS ID No. 3060100)**, Shoemakersville Borough, **Berks County** on 12/30/2015 for facilities approved under Construction Permit No. 0614503 MA.

Operation Permit No. 0115501 issued to: **Pennsylvania American Water Company—Lake Heritage System (PWS ID No. 7010035)**, Straban Township, **Adams County** on 12/31/2015 for facilities approved under Construction Permit No. 0115501.

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

Permit No. 4915501MA—Operation—Public Water Supply.

| | |
|-----------------------|---|
| Applicant | Aqua Pennsylvania, Inc. |
| Township/Borough | Coal Township |
| County | Northumberland |
| Responsible Official | Patrick R. Burke, Director of Operations Aqua Pennsylvania, Inc. 204 E. Sunbury Street Shamokin, PA 17872 |
| Type of Facility | Public Water Supply |
| Consulting Engineer | Jonathan Morris, PE GHD 326 East 2nd Street Bloomsburg, PA 17815 |
| Permit Issued | January 5, 2016 |
| Description of Action | Operation of the 500,000 gallon Ferndale finished water storage tank following completion of minor repairs, repainting, disinfection and testing. |

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

Permit No. 2614508, Public Water Supply.
 Applicant **Municipal Authority of Westmoreland County**
 124 Park & Pool Road
 New Stanton, PA 15672

[Borough or Township] Unity Township
 County **Westmoreland**
 Type of Facility Charter Oaks #2 tank mixer & rehabilitation
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.
 1004 Ligonier Street
 PO Box 853
 Latrobe, PA 15650

Permit to Construct Issued December 28, 2015

Permit No. 2614509, Public Water Supply.
 Applicant **Municipal Authority of Westmoreland County**
 124 Park & Pool Road
 New Stanton, PA 15672

[Borough or Township] Hempfield Township
 County **Westmoreland**
 Type of Facility Greengate tank mixer & rehabilitation
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.
 1004 Ligonier Street
 PO Box 853
 Latrobe, PA 15650

Permit to Construct Issued December 28, 2015

Permit No. 2614510, Public Water Supply.
 Applicant **Municipal Authority of Westmoreland County**
 124 Park & Pool Road
 New Stanton, PA 15672

[Borough or Township] South Huntingdon Township
 County **Westmoreland**
 Type of Facility Reagentown #2 tank mixer & rehabilitation
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.
 1004 Ligonier Street
 PO Box 853
 Latrobe, PA 15650

Permit to Construct Issued December 28, 2015

Permit No. 2614511, Public Water Supply.
 Applicant **Municipal Authority of Westmoreland County**
 124 Park & Pool Road
 New Stanton, PA 15672

[Borough or Township] South Connellsville Borough

County **Fayette**
 Type of Facility Gibson #2 tank mixer & rehabilitation
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.
 1004 Ligonier Street
 PO Box 853
 Latrobe, PA 15650

Permit to Construct Issued December 28, 2015

Permit No. 2614519, Public Water Supply.
 Applicant **Municipal Authority of Westmoreland County**
 124 Park & Pool Road
 New Stanton, PA 15672

[Borough or Township] Hempfield Township
 County **Westmoreland**
 Type of Facility North Greensburg #1 tank mixer & rehabilitation
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.
 1004 Ligonier Street
 PO Box 853
 Latrobe, PA 15650

Permit to Construct Issued December 28, 2015

Permit No. 2614520, Public Water Supply.
 Applicant **Municipal Authority of Westmoreland County**
 124 Park & Pool Road
 New Stanton, PA 15672

[Borough or Township] Hempfield Township
 County **Westmoreland**
 Type of Facility Hempfield tank mixer & rehabilitation
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.
 1004 Ligonier Street
 PO Box 853
 Latrobe, PA 15650

Permit to Construct Issued December 28, 2015

Permit No. 0415505, Public Water Supply.
 Applicant **Center Township Water Authority**
 224 Center Grange Road
 Aliquippa, PA 15001

[Borough or Township] Potter Township
 County **Beaver**
 Type of Facility New temporary water treatment plant
 Consulting Engineer Lennon, Smith, Souleret Engineering, Inc.
 846 Fourth Avenue
 Coraopolis, PA 15108

Permit to Construct Issued December 24, 2015

Operations Permit issued to: **Pittsburgh Water & Sewer Authority**, Penn Liberty Plaza I, 1200 Penn Avenue, Pittsburgh, PA 15222, (PWSID #5020038) City of Pittsburgh, **Allegheny County** on December 23, 2015 for the operation of facilities approved under Construction Permit #0214524MA.

Operations Permit issued to: **Pittsburgh Water & Sewer Authority**, Penn Liberty Plaza I, 1200 Penn Avenue, Pittsburgh, PA 15222, (PWSID #5020038) City of Pittsburgh, **Allegheny County** on December 23, 2015 for the operation of facilities approved under Construction Permit #0215513MA.

Permit No. 3211503GWR-A1, Minor Amendment.
Public Water Supply.

| | |
|--------------------------|--|
| Applicant | Indiana County Municipal Services Authority 602 Kolter Drive Indiana, PA 15701 |
| [Borough or Township] | Pine Township |
| County | Indiana |
| Type of Facility | Water system |
| Consulting Engineer | Gibson-Thomas Engineering Co., Inc. 1004 Ligonier Street PO Box 853 Latrobe, PA 15650 |
| Permit to Operate Issued | December 23, 2015 |

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

Operation Permit issued to **Winslow Township, PWSID No. 6330020**, Winslow Township, **Jefferson County**. Permit Number 3313501-C issued December 10, 2015 for the operation of the Corrosion Control Inhibitor and Sodium Hypochlorite facilities. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on November 18, 2015.

Permit No., 6113502-MA1 Public Water Supply

| | |
|----------------------------|---|
| Applicant | City of Oil City |
| Township or Borough | Oil City |
| County | Venango |
| Type of Facility | Public Water Supply |
| Consulting Engineer | Ms. Christina J. Sporer, P.E. City of Oil City 21 Seneca Street Oil City, PA 16301 |
| Permit to Construct Issued | December 11, 2015 |

Transfer of Operation Permit issued to **Erie City Water Authority, PWSID No. 6250028**, Millcreek Township, **Erie County** on December 18, 2015. Action is for change in ownership; the potable water supplier will do business as Erie City Water Authority. The new permit number is 2588506-T1.

Transfer of Operation Permit issued to **Marion Township, PWSID No. 5100099**, Marion Township, **Butler County** on December 23, 2015. Action is for change in ownership; the potable water supplier will do business as Marion Township. The new permit number is 1073505-T1.

Transfer of Operation Permit issued to **Marion Township, PWSID No. 5100099**, Marion Township, **Butler County** on December 23, 2015. Action is for change in ownership; the potable water supplier will do business as Marion Township. The new permit number is 1011507-T1.

Operation Permit issued to **Knox Borough, PWSID No. 6160005**, Knox Borough, **Clarion County**. Permit Number A7703-MA2 issued December 22, 2015 for the request for a minor permit modification to remove the previously permitted Sodium Hydroxide (Caustic Soda) and Sodium Tripolyphosphate from the water treatment system.

Sourcewater Protection Program Approval issued to **Harmony Borough Water Authority**, 217 Mercer Street, Harmony, PA 16037, **PWSID No. 5100042**, Harmony Borough, **Butler County** on December 28, 2015.

Permit No., 1696501-MA1 Public Water Supply

| | |
|----------------------------|--|
| Applicant | West Freedom Water Association |
| Township or Borough | Perry Township |
| County | Clarion |
| Type of Facility | Public Water Supply |
| Consulting Engineer | Don A. Gilmore, P.E. Dakota Engineering Associates, Inc. 35 Wilson Street, Suite 300 Pittsburgh, PA 15223 |
| Permit to Construct Issued | December 21, 2015 |

Operation Permit issued to **Municipal Authority of the Borough of Union City, PWSID No. 6250064**, Union Township, **Erie County**. Permit Number 2514501 issued December 30, 2015 for the operation of the greensand filtration system, sodium hypochlorite feed system, corrosion control feed system and associated appurtenances. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on December 17, 2015.

Operation Permit issued to **West Freedom Water Association, Inc., PWSID No. 6160021**, Perry Township, **Clarion County**. Permit Number 1612503 issued December 30, 2015 for the operation of the chlorine contact transmission line as needed to achieve 4-log treatment of viruses. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on September 29, 2015.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P. L. 1535, as amended, 35 P. S. § 750.5

Northeast Region: Clean Water Program Manager; 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|---------------------------------------|---------------|
| City of Pottsville | P. O. Box 50, Pottsville, PA 17901 | Schuylkill |

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|---------------------------------------|---------------|
| Borough of Mount Carbon | P. O. Box 235, Pottsville, PA 17901 | |
| North Manheim Township | 303 Manheim Rd., Pottsville, PA 17901 | |

Plan Description: The Plan Update Revision (Plan) calls for the implementation of a Corrective Action Plan (CAP) to investigate the cause of and eliminate wet-weather surcharging conditions at the Greater Pottsville Area Sewer Authority's (Authority) West End and Mount Carbon Pumping Stations and investigate and propose time frames for the removal of cross-connections between the separated sanitary collection system and the existing stormwater collection system as described in Section II of the Plan. The CAP will be implemented in the three areas delineated in red as shown on Drawing 1 in the Plan.

The Plan also provides for the lifting the sewer connection prohibition throughout the Authority's service area with the exception of the three areas delineated in red as shown on Drawing 1 of the Plan. These three areas include all of Mount Carbon Borough and portions of the City of Pottsville and North Manheim Township. The sewer connection prohibition will remain in place in the three areas delineated in red as shown on Drawing 1 of the Plan. These three areas include all of Mount Carbon Borough and portions of the City of Pottsville and North Manheim Township. The sewer connection prohibition will remain in place in these three areas until infiltration/inflow is reduced to acceptable levels and surcharging at the West End and Mount Carbon Pump Stations is eliminated.

In recognition of the municipalities' and the Authority's commitment to fully implement the Plan and CAP, DEP has granted a sewer connection allocation of 64 Equivalent Dwelling Units (EDUs). This allocation shall be administered and disbursed by the Authority for use within the Borough of Mount Carbon and the portions of the City of Pottsville and North Manheim Township that will remain under a sewer connection prohibition.

Southcentral Region: Water Management 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> |
|----------------------------|---------------------------------------|---------------|
| Columbia Borough | 308 Locust Street, Columbia, PA 17512 | Lancaster |

Plan Description: The approved plan (C1-36002-ACT) provides for the rerouting of the Columbia Borough wastewater system from the Borough's treatment plant to the existing treatment facility owned and operated by Lancaster Area Sewer Authority (LASA). This will be accomplished by installing a 1,000 linear foot gravity sewer line from the Borough's collection system to a proposed pumping station along Route 441. A constructed force main will then extend approximately 3.85 miles down Route 441 before eventually discharging to the LASA wastewater plant located off of Blue Rock Road. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required

NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority, as appropriate.

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|------------------------------------|---------------|
| Fawn Grove Borough | PO Box 131, Fawn Grove, PA 17321 | York |

Plan Description: The approved plan (B1-67920-ACT) provides for the installation of a public sanitary sewer system to serve the residents of Fawn Grove Borough within fifteen years from approval of this Act 537 Plan. Until the sewer system is operational, an on-lot sewage management program (OLDS) will be established to help ensure the longevity of sewer systems throughout the Borough. After the public sewer system is operational, the OLDS program will continue to include those properties not served by public sewer. The Borough will also update its holding tank ordinance to meet DEP regulations. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority, as appropriate.

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|--|---------------|
| Tyrone Township | 5280 Old Harrisburg Road, York Springs, PA 17372 | Adams |

Plan Description: The approved plan (C1-01930-ACT) provides for the adoption and implementation of a township-wide on-lot sewage management program (OLDS) to serve those residents not connected to public sewer. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority, as appropriate.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P. L. 1535, as amended, 35 P. S. § 750.5

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

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|-------------------------------|--|---------------|
| Delaware and Walker Townships | 815 Quarry Rd., McAlisterville, PA 17049; 9698 William Penn Highway, Thompsettown, PA 17094 | Juniata |

Plan Description: The Request for an Exception to the Requirement to Revise the Official Plan for the L. Edward & Beverly G. Sausman subdivision, DEP Code No. A3-34902-126-1, APS Id 887548, consisting of the creation of one new single family residential building lot

to use an onlot sewage disposal system, is disapproved. A preliminary hydrogeologic study is required because the proposed subdivision is within 1/4 mile of water supplies documented to exceed 5 PPMs nitrate-nitrogen and onlot sewage disposal is proposed. Reference: Chapter 71, Section 71.55(a)(2), Chapter 71, Section 71.62(c)(2)(iii), and Delaware Township's Act 537 Sewage Facilities Plan. Therefore, sewage planning for the proposed subdivision may be reconsidered using a Component 2 Module with a preliminary hydrogeologic study. The project is located south of Baney Road, west of the junction with Delaware Hill Road.

**HAZARDOUS SITES CLEAN-UP UNDER THE
ACT OF OCTOBER 18, 1988**

Notice of Prompt Interim Response

**Quality Service Cleaners HSCA Site, Oxford
Borough, Chester County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), has initiated a prompt interim response at the Quality Service Cleaners Site (Site). This response has been initiated pursuant to Sections 501(a) and 505(b) of the HSCA (35 P. S. §§ 6020.501(a) and 6020-505(b)). The site is located at 642 Lincoln Street, Oxford Borough, Chester County, PA.

The Site consists of a former retail dry cleaning facility located on a 0.6 acre property, at 642 Lincoln Street (the property) and the resulting downgradient groundwater contaminant plume. The primary contaminant of concern is Tetrachloroethene (PCE). Other contaminants which are components of the Stoddard Solvent are present in soil and groundwater, including 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, and Benzene.

In December 2009, under a prospective purchaser agreement between the Department and Keystone Community Alliance—Oxford (KCA), KCA as the new owner of the property, agreed to remediate soils on the property to meet Act 2 standards protective for direct contact and the soil to groundwater pathway. In January 2015, KCA initiated excavation of contaminated soils beneath the former building. After excavating and transporting approximately 3,000 tons of contaminated soil, KCA determined that it was unable to complete the planned remediation and requested intervention by the HSCA Program. The excavation has remained open since that time. The prompt interim response was initiated in order to address the physical hazards associated with the open excavation and to prevent exacerbation of the existing groundwater contamination resulting from increased infiltration of precipitation through the open excavation. On December 29, 2015, the Department mobilized to remediate and to restore the Site to preconstruction grade. The actions at the Site include excavation, offsite shipment and proper treatment and/or disposal of contaminated soils, followed by backfilling and restoration of the Site to preconstruction grade. The Department has determined that these actions are protective of human health and the environment, comply with Applicable, Relevant and Appropriate Requirements (ARARs), are feasible and cost-effective. Other possible alternatives considered included No Action and Backfilling and Capping combined with Institutional Controls. The Department plans to complete these activities by March 2016.

This notice is being provided pursuant to Section 506(b) of HSCA. The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment. The administrative record is located at Department's office at 2 East Main Street, Norristown, PA 19401 and is available for review Monday through Friday from 8 a.m. until 4 p.m. Additional copies of the Administrative Record are available for review at the Oxford Borough Municipal Building, located at 401 Market Street, Oxford, PA.

The administrative record will be open for comment from January 16, 2016 until April 15, 2016. Persons may submit written comments into the record during this time only, by sending them to Dustin Armstrong at the Pennsylvania Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401, by email at darmstrong@pa.gov, or by delivering them to this office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing. The Department has scheduled the hearing on March 3, 2016 at 7:00 p.m. at the Oxford Borough Municipal Building, located at 401 Market Street, Oxford, PA. In the event of inclement weather, the hearing will be held on March 10, 2016. Persons wishing to present comments must register with Virginia Cain at 484-250-5808.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should call Virginia Cain at 484-250-5808 or through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

**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 circum-

stances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Bob Johnson Quarry, 1458 Herrickville Road, Herrick Township, **Bradford County**. Leidos Engineering, LLC, 6310 Allentown Blvd., Suite 110, Harrisburg, PA 17112, on behalf of Southwestern Energy, 917 State Route 92 North, Tunkhannock, PA 18657 submitted a Final Report concerning remediation of site soils contaminated with brine. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

Boger Concrete Accident/Farmers Pride, SR 343 and US 22, Bethel Township, **Lebanon County**, Environmental Compliance Management, 345 King Street, Myerstown, PA 17067, and EnviroTrac, 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Farmers Pride, Incorporated, dba Bell & Evans, 154 West Main Street, PO Box 39, Fredericksburg, PA 17026, submitted a Final Report concerning remediation of site soils and surface water contaminated with diesel fuel and hydraulic oil. The report is intended to document remediation of the site to meet the Non-Residential Statewide Health Standard.

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 has submitted a Remedial Investigation Report (RIR) concerning the remediation of site soils and groundwater contaminated with dissolved chlorinated solvents and metals. Notice of the RIR was published in the *Pittsburgh Post-Gazette* on October 26, 2015.

Mainland (site of former gas/auto service station) 641 Main Street, City of Johnstown, **Cambria County**. Tetra Tech, Inc., 661 Anderson Drive, Foster Plaza 7, Pittsburgh, PA 15220 on behalf of Mainland DG Johnstown I, LLC, 118, 16th Avenue South, Suite 230, Nashville, TN 37203 has submitted a Remedial Investigation/Risk Assessment Report/Cleanup Plan concerning site soils and groundwater contaminated with volatile organic compounds & metals. Notice of the RIR/RA/CP was published in the *Tribune-Democrat* on December 23, 2015.

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:

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

Danielle Hairston-Green Residence, 608 Muench Street, Harrisburg, PA 17102, City of Harrisburg, **Dauphin County**. Trimpi Associates, 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of State Farm Insurance PA Fire Claims, PO Box 106110, Atlanta, GA 30348-6110,

and Danielle Hairston-Green, 5410 Lodge Creek Drive, Houston, TX 77066-2539, 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 December 24, 2015.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit Issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401

General Permit No. WMGM020SE005. Covanta Metals Marketing LLC, Near Middle Drive, Portion of (“KIPC”) on a Portion of Lot No. 13-51-1, Fairless Hills, PA 19030. This application for Determination of Applicability is to approve the storage and processing of ferrous/nonferrous metal coated with ash residue, and ash residue recovered from municipal waste incineration facilities, at the Covanta Metals Management Facility located at the Keystone Industrial Port Complex, on a Portion of Lot No. 13051-1, near Middle Drive, Fairless Hills, PA, Falls Township, **Bucks County**. The determination of applicability was issued by the Southeast Regional Office on July 22, 2015.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit Issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401

Permit No. 400459. Merck Sharp & Dohme Corp, 770 Sumneytown Pike, West Point, PA 19486-0004. This application is for 10-year renewal of the solid waste permit No. 400459 to continue operations at the Merck Sharp & Dohme Corp.’s Waste Heat Incinerator (WHI) and Rotary Kiln Incinerator (RKI) facility, an existing municipal/residual waste processing facility, located at 770 Sumneytown Pike in Upper Gwynedd Township, **Montgomery County**. The permit was issued by the Southeast Regional Office on June 16, 2015.

Permit No. 101639. L & S Demo Recycling, 884 Brook Road, Conshohocken, PA 19428-1160. This application is for a 10-year permit renewal of the solid waste permit No. 101639 to continue operations at the L&S Demo Recycling Transfer Facility, an existing construction and demolition (C&D) waste transfer and processing facility located at 884 Brook Road in Plymouth Township, **Montgomery County**. The permit was issued by the Southeast Regional Office on November 2, 2015.

Permit No. 300852. Pottstown Industrial Investments, LLC, 1020 West High Street, Stowe, PA 19464-6800. This permit authorizes the reissuance of the For-

mer Flagg Brass Landfill solid waste permit from “Flagg Brass Industrial, LLC,” to “Pottstown Industrial Investments, LLC” (PII). This permit also approves modifications to the post-closure plan design and consolidates the post-closure care, monitoring, and maintenance requirements at the facility. The Former Flagg Brass Landfill is a closed residual waste landfill located at 1020 West High Street, Stowe, PA 19464 in the Borough of Pottstown and West Pottsgrove Township, **Montgomery County**. The permit was issued by the Southeast Regional Office on November 25, 2015.

Permit No. 101076. Lower Merion Township/Lower Merion Transfer Station, 1300 North Woodbine Avenue, Penn Valley, PA 19072-1241. This application is for 10-year permit renewal of the solid waste permit No. 101076 to continue operations at the Lower Merion Transfer Station, a municipal waste transfer facility located in Lower Merion Township, **Montgomery County**. The permit was issued by the Southeast Regional Office on November 25, 2015.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920

GP1-46-0247: Greene, Tweed & Co. Inc. (2075 Detwiler Road, P. O. Box 305, Kulpsville, PA 19443) On December 8, 2015 for the installation and operation of a natural gas-fired combustion unit in Towamencin Township, **Montgomery County**.

GP14-23-0129: Delaware County Crematory (52 S. 4th Street, Unit 6, Lansdowne, PA 19050) On December 10, 2015 to operate a human crematory in Upper Darby Township, **Delaware 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

GP3-54-002: Pierson Middleport LLC (730 Mountain Road, Middleport, PA 17953) on December 10, 2015 for the installation and operation of a portable screening operation at the site located at Middleport Materials Quarry in Walker Twp., **Schuylkill County**.

GP9-54-002: Pierson Middleport LLC (730 Mountain Road, Middleport, PA 17953) on December 10, 2015 for the installation and operation of a Diesel engine at the site located at Middleport Materials Quarry in Walker Twp., **Schuylkill County**.

GP2-35-002: Baker Hughes Oilfield Operations (17021 Aldine Westfield Road, Houston, TX 77073) on October 8, 2015, for the construction and operation of storage tanks at their facility in Fell Township and Carbondale City, **Lackawanna County**.

GP1-39-004: Sunopta Food Processing Plant (7108 Daniels Drive, Allentown, PA 18106) on October 8, 2015, for the construction and operation of Cleaver Brooks Boilers at their facility in City of Allentown, **Lehigh County**.

GP9-40-010: Brdaric Excavating, Inc. (913 Miller Street, Luzerne, PA 18709) on May 28, 2015, for the construction and operation of Engines at the Back Mountain Quarry at their facility in Swoyersville Borough and Kingston Township, **Luzerne County**.

GP3-40-010: Brdaric Excavating, Inc. (913 Miller Street, Luzerne, PA 18709) on May 27, 2015, for the construction and operation of crushing and screening equipment at the Back Mountain Quarry at their facility in Swoyersville Borough and Kingston Township, **Luzerne County**.

GP3-40-008: Allied Recycling Company (1752 Limekiln Pike, Dresher, PA 19025) on February 24, 2015, for the construction and operation of crushing and screening equipment at the Barletta Materials site at their facility in Nescopeck Township, **Luzerne County**.

GP11-40-008: Allied Recycling Company (1752 Limekiln Pike, Dresher, PA 19025) on February 24, 2015, for the construction and operation of one Cummins Engine at the Barletta Materials site at their facility in Nescopeck Township, **Luzerne County**.

GP9-40-015: Hunlock Sand & Gravel Company (121 Gravel Road, Hunlock Creek, PA 18621) on December 4, 2015, for the construction and operation of Engines at the Hunlock Sand & Gravel Plant at their facility in Hunlock Township, **Luzerne County**.

GP9-40-013: Insinger Excavating, Inc. (3046 Dushore-Overton Road, Dushore, PA 18614) on November 24, 2015, for the construction and operation of Engines at the Moxie Freedom Project Site at their facility in Salem Township, **Luzerne County**.

GP3-40-013: Insinger Excavating, Inc. (3046 Dushore-Overton Road, Dushore, PA 18614) on November 24, 2015, for the construction and operation of crushing and screening equipment at the Moxie Freedom Project Site at their facility in Salem Township, **Luzerne County**.

GP9-40-012: Susquehanna Coal Company (31 N. Market Street, P. O. Box 27, Nanticoke, PA 18634) on October 9, 2015, for the construction and operation of Engines at the Glen Lyon Operations Site at their facility in Newport Township, **Luzerne County**.

GP3-40-012: Susquehanna Coal Company (31 N. Market Street, P. O. Box 27, Nanticoke, PA 18634) on October 9, 2015, for the construction and operation of crushing and screening equipment at the Glen Lyon Operations Site at their facility in Newport Township, **Luzerne County**.

GP1-40-006: PA Dept. of Corrections/SCI Dallas (1000 Follies Road, Dallas, PA 18612) on October 15, 2015, for the construction and operation of three Cleaver Brooks Boilers at their facility in Dallas Township, **Luzerne County**.

GP11-45-006: E.R. Linde Construction Company (9 Collan Park, Honesdale, PA 18431) on October 9, 2015, for the construction and operation of Engines at the Cresco Quarry site at their facility in Barrett Township, **Monroe County**.

GP3-45-006: E.R. Linde Construction Company (9 Collan Park, Honesdale, PA 18431) on October 9, 2015, for the construction and operation of crushing and screening equipment at the Cresco Quarry site at their facility in Barrett Township, **Monroe County**.

GP19-54-001: Fabcon Precast, LLC (1200 Morea Road, Mahanoy City, PA 17984) on July 21, 2015, for the construction and operation of Dry Abrasive Blasting equipment with Cartridge Collector at their facility in Mahanoy Township, **Schuylkill County**.

GP11-58-008: Bluestone Pipeline Company of PA, LLC (1429 Oliver Road, New Milford, PA 18834) on October 30, 2015, for the construction and operation of Engines at the Bluestone-CDP#1-A site at their facility in New Milford Township, **Susquehanna County**.

GP5-58-035: Bluestone Pipeline Company of PA, LLC (1429 Oliver Road, New Milford, PA 18834) on October 29, 2015, for the construction and operation of 12 Caterpillar Engines with ultra lean burn and oxidation catalyst and two dehydration units with reboilers and one emergency generator at the Bluestone-CDP#1-A site at their facility in New Milford Township, **Susquehanna County**.

GP9-58-041: F.S. Lopke Contracting, Inc. (3430 State Route 434, Apalachin, PA 13732) on July 22, 2015, for the construction and operation of Engines at the Birchardville Quarry site at their facility in Forest Lake Township, **Susquehanna County**.

GP3-48-009: Chrin Brothers Inc. (1225 Industrial Drive, Easton, PA 18042) on December 10, 2015 for the renewal of a Portable Crushing Operation with watersprays at the site located in Tatamy Borough, Upper Nazareth Twp. and Palmer Twp., **Northampton County**.

GP9-48-009: Chrin Brothers Inc. (1225 Industrial Drive, Easton, PA 18042) on December 10, 2015 for the renewal of a Diesel I/C Engine at the site located in Tatamy Borough, Upper Nazareth Twp. and Palmer Twp., **Northampton County**.

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

GP1-36-05007A: Johnson & Johnson Consumer, Inc. (400 West Lincoln Avenue, Lititz, PA 17543) on December 21, 2015, for three new boilers, 600 HP each, under GP1, at the pharmaceuticals manufacturing facility located in Lititz Borough, **Lancaster County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648

GP1-59-00024A: Seneca Resources Corporation (51 Zents Blvd., Brookville, PA 15825) on January 4, 2016, for the construction and operation of an Abutec 30 MMBtus/hr natural gas fired combustion unit pursuant to the General Plan Approval and/or General Operating Permit (BAQ-GPA/GP-1) Small Gas and No. 2 Oil Fired Combustion Units at the Cherry Flats Compressor Station located in Covington Township, **Tioga County**.

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

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

GP9-10-306B: Brush Creek Water Pollution Control Facility (Brush Creek Water Pollution Control Facility, Cranberry Township, PA 16066) on December 14, 2015, for the authority to construct and/or operate one (1) compression ignition diesel fuel fired engine (Caterpillar model 3516C) rated at 2,937 bhp and equipped with a CO oxidation catalyst (BAQ-GPA/GP9) located at their facility in Cranberry Township, **Butler County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

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

09-0186F: Kinder Morgan Bulk Terminals, Inc. (1000 South Port Road, Fairless Hills, PA 19030) On December 15, 2015, for the modification of their Bulk Material Handling System (Source ID 101), Coal and Coke Import/Export (Source ID 104), and Two (2) Portable McCloskey Conveyor/Stackers (Source ID 105), to consolidate Source IDs 104 and 105 into Source ID 101. The facility is located in Falls Township, **Bucks County**. The only pollutants of concern from this modification are fugitive emissions of PM and HAP. As Bucks County is in attainment for PM₁₀/PM_{2.5}, there are no restrictions on the emissions of fugitive PM except that Kinder Morgan must comply with 25 Pa. Code § 123.1. Total HAP emissions will be less than 10 TPY. This facility will continue to be a non-Title V facility. PM and HAP emissions will be controlled by water suppression, chemical suppression, covers, and barriers, as needed, and good management practices. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

09-0053C: Greif Packaging, LLC (695 Louis Drive, Warminster, PA 18974) On December 15, 2015, for the replacement of the existing steel drum exterior paint spray booth with one of like design, and the installation of a permanent total enclosure for the replacement spray booth, at its existing steel drum manufacturing facility located in Warminster Township, **Bucks County**. The facility is a Title V facility.

23-0047H: Evonik Degussa Corp. (1200 West Front Street, Chester, PA 19013) December 14, 2015, for the installation of the new granulator, silo, and bin vent filter/Baghouse and reconfiguration of the operation in Chester, City of Chester, **Delaware County**. The company manufactures silica from sodium silicate. The pollutant of concern is Particulate Matter (PM), controlled by a baghouse. This change will not change the existing PM emission limit for the facility. The Plan Approval and Operating permit will include monitoring, record keeping & reporting requirements designed to address all applicable air quality requirements.

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

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

39-00090A: Inhance Technologies, LLC (202 Cascade Drive, Allentown, PA 18109) issued on December 10, 2015 for the modification of existing batch reactors' s operation at the facility located in Hanover Township, **Lehigh County**.

48-00101B: Airlite Plastic Company (2860 Bath Pike, Nazareth, PA 18064) issued on December 22, 2015 for the construction and operation of expanded polystyrene foam (EPS) molding operations and Regenerative thermal oxidizer to control VOC's at the facility located in Upper Nazareth Township, **Northampton County**.

35-00069A: Lackawanna Energy Center LLC (1 South Wacker Drive, Suite 1900, Chicago, IL 60606) on December 23, 2015 to construct and operate a natural gas-fired combined-cycle power plant to produce a nominal 1,500 MWs of electricity in Jessup Borough, **Lackawanna County**.

54-00086A: Schuylkill Haven Casket Co. (PO Box 179, Schuylkill Haven, PA 17972) issued on December 17, 2015 for a wood fired boiler with baghouse at the site located in Schuylkill Haven Borough, **Schuylkill 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

65-00990D: Tenaska Pennsylvania Partners, LLC (14302 FNB Parkway, Omaha, NE 68154) on November 24, 2015, for the transfer and use of volatile organic compound emission reduction credits at the Westmoreland Generating Station in South Huntingdon Township, **Westmoreland County**.

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

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

42-028G: Ardagh Glass—Port Allegany Facility (One Glass Place, Port Allegany, PA 16743), on December 14, 2015, has issued a plan approval for establishing SO₂ emission limits for both furnaces due to the Global Consent Decree with EPA in Port Allegany Borough, **McKean 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 (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920

46-0285: Montgomery County Crematory (516 Fayette Street, Conshohocken, PA 19428) On December 31, 2015 for the installation of a natural gas-fired human crematory, manufactured by Matthews International, in Conshohocken Borough, **Montgomery County**.

23-0119A: Sunoco Partners Mkt & Term LP (100 Green Street, Marcus Hook, PA 19061-4800) On December 29, 2015 to construct and operate a deethanizer for the purpose of separating a liquid pipeline stream of mixed propane and ethane in Marcus Hook Borough, **Delaware County**.

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

36-05002E: Armstrong World Industries, Inc. (1067 Dillerville Road, Lancaster, PA 17604) on December 24, 2015, for installation of a new luxury vinyl tile line at their flooring plant in the City of Lancaster, **Lancaster County**. The LVT line will consist of raw material storage and handling, blanket forming, lamination, sizing, coating and curing, and edge detailing. The plan approval was extended.

06-05115B: Granger Energy of Morgantown, LLC (16980 Wood Road, Lansing, MI 48906-1044) on December 24, 2015, for the installation of two (2) landfill gas-fired engines, two (2) additional compressors and one (1) 2,000 acfms enclosed flare in in Caernarvon Township, **Berks County**. The plan approval was extended.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

08-00010H: Global Tungsten & Powders Corp. (1 Hawes Street, Towanda, PA 18848) on December 29, 2015, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from February 15, 2016 to August 13, 2016, at their facility located in Towanda Borough, **Bradford County**. The plan approval has been extended.

55-00014A: Bingaman & Son Lumber, Inc. (1195 Creek Mountain Road, Kreamer, PA 17833) on December 29, 2015, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from January 13, 2016 to July 11, 2016, at their facility located in Middlecreek Township, **Snyder County**. The plan approval has been extended.

18-00021A: Avery Dennison Performance Polymers (171 Draketown Road, Mill Hall, PA 17751) on January 4, 2016, extended the authorization an additional 180 days from January 22, 2016, to July 20, 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

16-132K: Clarion Boards, Inc. (143 Fiberboard Road, Shippensburg, PA 16254) on December 31, 2015, effective December 31, 2015, has issued a plan approval extension for exhausting the 2nd and 3rd stage dryers to atmosphere through baghouses, for removal of the press enclosure, and for inclusion of existing sources not included in the facility operating permit in Paint Township, **Clarion County**. This is a Title V facility.

16-160A: Clarion Altela Environmental Services, LLC (3099 Piney Dam Road, Clarion, PA 16214) on December 28, 2015, effective December 31, 2015, has issued a plan approval extension for the construction of twelve additional AltelaRain 600 modules to process produced water and frac flow-back water generated by natural gas wells in Piney Township, **Clarion County**. This is a State Only facility.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

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

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

23-00009: The Boeing Company—Philadelphia (PO Box 16858 Philadelphia, PA 19142-0858) On December 18, 2015, for renewal of the Title V Operating Permit for its Ridley Park Pennsylvania Facility, an aerospace fabrication and repair facility located in Ridley Township, **Delaware County**. The renewal will also include the incorporation of Plan Approvals 23-0009G, 23-0009H and 23-0009F.

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

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

35-00014: Keystone Sanitary Landfill Inc. (P. O. Box 249, Dunmore, PA 18512-0249) The Department issued a renewal Title V Operating Permit on September 29, 2015, to a landfill facility in Dunmore Borough, **Lackawanna County**.

64-00001: PA Department of Corrections—Waymart, (1920 Technology Parkway, Mechanicsburg, PA 17050) on December 14, 2015 for operation of a Correctional Institution in Canaan Township, **Wayne County**. This is a renewal of the Title V Operating Permit. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code, Chapter 127, Subchapter G.

The main sources at this facility are three (3) Keeler Boilers and one (1) Emergency Generator. The boilers are subject to 40 CFR Part 63, Subpart JJJJJJ. The Emergency Generator is subject to 40 CFR Part 63, Subpart ZZZZ. The proposed Title V Operating Permit shall include emission restrictions, work practice standards and testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with all applicable Federal and State air quality regulations.

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

36-05027: RR Donnelley & Sons Co. (216 Greenfield Road, Lancaster, PA 17601-5885) on December 18, 2015, for the commercial printing facility (Lancaster East) located in Lancaster City, **Lancaster County**. The Title V permit was renewed.

36-05026: RR Donnelley & Sons Co. (1375 Harrisburg Pike, Lancaster, PA 17601-2612) on December 22, 2015, for the commercial printing facility (Lancaster West) located in Lancaster City, **Lancaster County**. The Title V permit was renewed.

38-05017: Greater Lebanon Refuse Authority (1610 Russell Road, Lebanon, PA 17046-1437) on December 24, 2015, for the municipal waster landfill located in North Lebanon Township, **Lebanon County**. The Title V permit was renewed.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

59-00002: Dominion Transmission Inc. (925 White Oaks Blvd. Bridgeport, WV 26330) issued a revised Title V operating permit on December 21, 2015, for a change in the owner's address, responsible official, and permit contact person for the Tioga Station. This facility is located in Farmington Township, **Tioga County**. This revised Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

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

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

10-00284: Seneca Landfill, Inc., (PO Box 1080, Mars, PA 16046-1080) on December 15, 2015, re-issued of the Title V permit for the municipal waste landfill located in Jackson & Lancaster Townships, **Butler County**. The facility's emission sources include a 3.8 million Btu/hr natural gas fueled steam boiler, a municipal waste landfill, a landfill gas processing plant, a 240 mcf/hr landfill gas fueled generator, a portable rock crusher with a 350 hp diesel engine, and a parts washer. The facility is not a major source for any criteria pollutants. The facility is considered a Title V facility only under paragraph (iv) of 25 Pa. Code § 121.1. Actual reported emissions for the facility for 2014 were: NO_x, 10.55 tpy; SO_x, 0.438 tpy; CO, 28.53 tpy; PM₁₀, 12.949 tpy; VOCs, 19.9846 tpy; all HAPs combined, < 1 tpy; and CO₂e, 8,579 tpy. The CAM requirement for calibrations of the thermocouples in the thermal oxidizer of the landfill gas processing plant was not appropriate as written and it was re-worded at this renewal to require calibrations and accuracy checks of monitoring equipment according to manufacturer's recommend procedures. This facility is subject to 40 CFR Part 60 Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills. It is also subject to 40 CFR Part 63 Subpart AAAA, National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills. The portable rock crusher is subject to 40 CFR Part 60 Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants. And the diesel engine is subject to 40 CFR Part 63 Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The conditions of the previous plan approvals and operating permit are incorporated into the renewal permit.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

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

15-00041: Eastern Shore Natural Gas Co. (604 Street Rd., Cochranville, PA 19330) On December 15, 2015 for operation of a natural gas transmission facility in Londonderry Township, **Chester County**. The facility's major emission points include four (4) natural gas-fired compressor engines and one (1) natural gas-fired emergency generator. This action is a renewal of the State Only Operating Permit. The initial permit was issued on 12-9-2005 and was renewed on 11-30-2010. The permit is for a non-Title V, Synthetic Minor facility. The permit will include monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

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

39-00026: Air Products and Chemicals, Inc., (7201 Hamilton Blvd. Allentown, PA 18195-1526) The Department issued a renewal State Only (Synthetic Minor) operating permit on December 14, 2015, for an industrial gas manufacturing facility in Upper Macungie Township, **Lehigh County**.

39-00037: Nestle Purina PetCare Company, (2050 Pope Road, Allentown, PA 18104) The Department issued a renewal State Only (Synthetic Minor) Operating Permit on September 29, 2015, for a dog and cat food manufacturing facility located in South Whitehall Township, **Lehigh County**.

39-00075: Stonemor PA Subsidiary, LLC (1035 Virginia Drive, Fort Washington, PA 19034) A renewal State only operating permit was issued on October 14, 2015, to operate a facility in Whitehall Township, **Lehigh County**.

39-00101: Bimbo Bakeries USA Inc (150 Boulder Drive, Breinigsville, PA 18031) issued on 12/17/2015, for the operation of a commercial bakery in Upper Macungie Township, **Lehigh County**. The sources consist of three bread lines with ovens. The emissions are controlled by a catalytic oxidizer. This is a new State-Only Operating Permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

40-00089: Jeddo Coal Co. (46 Public Square, Suite 600, Wilkes-Barre, PA 18701-2609) issued on 12/15/15, for the operation of a coal preparation plant in Hazle Township, **Luzerne County**. The sources consist of three (3) crushers, one (1) feed hopper, and one (1) feeder. The fugitive emissions are controlled by a water spray system. The proposed operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

40-00107: Allegheny Energy Supply, LLC, (800 Cabin Hill Drive, Greensburg, PA 15601) The Department issued a State Only (Synthetic Minor) operating permit on December 14, 2015, for a natural gas fired combustion turbine at a facility in Hunlock Township, **Luzerne County**.

40-00114: Glenn O. Hawbaker, Inc., (711 East College Avenue, Bellefonte, PA 16823) A renewal State Only (Synthetic Minor) operating permit was issued on October 14, 2015, to operate a facility in Hazle Township, **Luzerne County**.

48-00102: BioSpectra, Inc. (100 Majestic Way, Bangor, PA 18013-2860) issued on 12/17/2015, for the operation of a medicinal and botanical manufacturing facility in Washington Township, **Northampton County**. The sources consist of a blender and jet mill. The particulate emissions from the sources are controlled by a dust collector. This is a new State-Only Operating Permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

54-00076: Pottsville Materials, LLC (PO Box 1467, Skippack, PA 19474) issued on 12/28/2015, for the operation of a stone crushing/screening in New Castle Township, **Schuylkill County**. The sources consist of crushers and screens. The emissions are controlled by water sprays. This is a renewal of a State-Only Operating Permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

54-00077: Northeast Prestressed Products, LLC (121 River Street, Cressona, PA 17929-1108) issued on 12/15/15, for the operation of a precast concrete operation in North Manheim Township, **Schuylkill County**. The sources consist of one (1) concrete forms coating operation, three (3) parts washers, and one (1) product coating operation. This is a renewal of a State-Only Operating Permit. The State-Only Operating Permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

40-00093: Fabri—Kal Corp. (150 Lions Drive, Valmont Industrial Park, Hazle Township, PA 18202) on January 4, 2016 for a plastic product manufacturing facility in Hazle Township, **Luzerne County**. The sources consist of Line Grinders. The emissions are controlled by baghouses. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. This is a renewal of the State-Only Natural Minor operating permit. The proposed operating permit includes emission restrictions, work practice standards and testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with all applicable Federal and State air quality regulations.

39-00014: PA DHS/Allentown State Hospital (1600 Hanover Avenue, Allentown, PA 18109-2498) on December 24, 2015 for Psychiatric and Substance Abuse Hospital in City of Allentown, **Lehigh County**. The sources consist of one (1) Superior Boiler rated at 30 MMBtus/hr. using #2 ULS fuel oil and four (4) emergency generators. The sources are considered minor emission sources of nitrogen

oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO); total suspended particulate (TSP) and VOC's. This is a new State-Only Synthetic Minor operating permit. The State-Only operating permit includes applicable state and Federal requirements, work practice standards, testing, monitoring, recordkeeping and reporting requirements.

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

07-05015: UPMC Altoona (620 Howard Avenue, Altoona, PA 16601-4899) on December 22, 2015, for the boilers and generators at the Altoona Hospital located in Altoona City, **Blair County**. The State-only permit was renewed.

07-03048: Chimney Rocks Animal Rest, Inc. (524 Chimney Rocks Road, Hollidaysburg, PA 16648-9501) on December 28, 2015, for the animal crematory located in Blair Township, **Blair County**. The State-only permit was renewed.

07-03038: Amerway, Inc. (3701 Beale Avenue, Altoona, PA 16601-1317) on December 29, 2015, for the tin/lead solder alloy wire products manufacturing facility located in Altoona City, **Blair County**. The State-only permit was renewed.

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

Contact: Tom Joseph, Permitting Chief—Telephone: 412-442-5226

TVOP-65-00767: Westmoreland Sanitary Landfill, LLC (111 Conner Ln, Belle Vernon, PA 15012) on December 17, 2015 a Title V Operating Permit to Westmoreland Sanitary Landfill, LLC to authorize the continued operation of their solid waste landfill located in Rostraver 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

42-00155: MSL Oil and Gas Corporation (Route 219 and Route 59 intersection, Lewis Run, Lafayette, PA 16738) on December 22, 2015, for a Natural Minor Permit to operate a gas production and distribution facility located in Layfayette Township, **McKean County**. The emitting sources include 1) Ajax, Model #DPC-360, 4SRB compressor engine of 360 HP engine, 2) Waukesha Model #F1197G, 186 HP compressor engine, 2SLB with a catalytic converter; 3) Ajax Model #DPC-180, 180 HP, 2SRB, compressor engine; 4) One 30,000 gallon propane tank, 5) Miscellaneous equipment leaks and, 6) Glycol Regenerator (DEHY). The three compressors at the facility are subject to 40 CFR Part 63, Subpart ZZZZ. All applicable conditions of Subpart ZZZZ have been included in the permit. The Glycol Dehydrator unit is subject to 40 CFR Part 63, Subpart HH. All applicable conditions of Subpart HH have been included in the source level. The facility is a natural minor. The emissions from the facility are less than Title V threshold limits. The reviewer calculated the potential emissions from the facility and used AP-42 emission factors NO_x: 21.74 Tons per year (TPY), CO: 26.75 TPY, SO₂: 47.47 TPY, PM₁₀: 52.77 TPY, and VOC: 16.74 TPY.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) 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

46-00033: Waste Management Disposal Services of PA, (WMDSPI), (1425 Sell Road, Pottstown, PA 19464) submitted to the DEPT a Minor Modification application for the removal of turbine No. 2. Pottstown Landfill, a closed landfill, is a Title V Facility. The turbine is being decommissioned in response to Landfill Gas (LFG) flows which have declined significantly and no longer support continued turbine operation. The collected LFG will continue to be controlled via existing flares #2 and #3 and planned flare #4 which have more than sufficient capacity to handle all the gas. No increase in potential or actual emissions will result from this modification. Pottstown Landfill is still subject to all applicable regulations in their Title V Operating Permit and will keep the facility operating within all applicable State and Federal air quality requirements.

15-00002: QG, LLC (4581 Lower Valley Rd., Atglen, PA 19310-0465). On December 15, 2015 Title V Operating Permit was administratively amended to incorporate the existing General Operating Permits/General Plan Approvals GP1-15-0100 and GP1-15-0101.

The permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements. The Administrative Amendment of Title V Operating Permit for this facility is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

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

48-00031: Dixie Consumer Products LLC (605 Kuebler Road, Easton, PA 18040-9281) on December 04, 2015, in Forks Township, **Northampton County** for an amendment to incorporate process modification. The conditions from Plan Approval 48-00031 & 48-399-073 were copied into the State Only Operating Permit. Administrative Amendment of State Only Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

44-05013: Glenn O Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on December 30, 2015, for the stone crushing and asphalt production operations at the Naginey Quarry located in Armagh Township, **Mifflin County**. The State-only permit was administratively amended to reflect a change of ownership.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

Contact: Devendra Verma, New Source Review Chief—Telephone: 814-332-6940

10-00047: BASF Corporation (1424 Mars-Evans City Road, Evans City, PA 16003) for its facility located in Forward & Adams Township, **Butler County**. The de minimis increases are a result of the addition of a Potassium Isopropylate in Isopropyl Alcohol manufacturing process. The Department has started a list of de minimis increases as prescribed in 25 Pa. Code § 127.449(i).

Since the April 9, 2013 Title V Operating Permit issuance date, BASF has notified the Department of the following de minimis emission increases:

| <i>Date</i> | <i>Source</i> | <i>PM₁₀ (tons)</i> | <i>SO_x (tons)</i> | <i>NO_x (tons)</i> | <i>VOC (tons)</i> | <i>CO (tons)</i> |
|--------------------------|---------------------------|-----------------------------------|-----------------------------------|---------------------------------|---------------------------------|-----------------------------------|
| 11/16/2013 | TEAB production increase | 0 | 0 | 0 | 0.005 | 0 |
| 6/26/2014 | TEB to MDEB process | 0 | 0 | 0 | 0.193 | 0 |
| 9/8/2014 | Lithium Methoxide process | 0 | 0 | 0 | 0.016 | 0 |
| 11/20/2015 | KIP in IPA process | 0 | 0 | 0 | 0.675 | 0 |
| Total Reported Increases | | 0 | 0 | 0 | 0.889 | 0 |
| Allowable | | 0.6 ton/source 3 tons/facility | 1.6 ton/source 8 tons/facility | 1 ton/source 5 tons/facility | 1 ton/source 5 tons/facility | 4 tons/source 20 tons/facility |

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

17-00051: New Enterprise Stone & Lime Co., Inc. (PO Box 77, New Enterprise, PA 16664-0077), terminated the State Only (Synthetic Minor) operating permit on December 30, 2015, for their Clearfield Asphalt Plant facility located in Lawrence Township, **Clearfield County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002). Coal Permits Issued

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

17980118 and NPDES PA0238112. Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830). Permit renewal for continued operation and restoration of a bituminous surface mine located in Lawrence Township, **Clearfield County** affecting 193.3 acres. Receiving stream(s): Unnamed Tributaries to Montgomery Run and West Branch Susquehanna River classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: May 28, 2015. Permit issued: December 22, 2015.

17080114 and NPDES PA0256951. Waroquier Coal Co. (P. O. Box 128, Clearfield, PA 16830). Permit renewal to an existing bituminous surface and auger mine located in Jordan Township, **Clearfield County** affecting 102.2 acres. Receiving streams: North Witmer Run and Davidson Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: November 21, 2014. Permit issued: December 22, 2015.

18793005 and NPDES PA0596129. Confer Coal Company (P. O. Box 471, Milesburg, PA 16853). Permit renewal for reclamation only of a passive treatment on a bituminous surface mine located in Beech Creek Township, **Clinton County** affecting 329.0 acres. Receiving stream(s): South Fork of the Tangascootack Creek. There are no potable water supply intakes within 10 miles downstream. Application received: April 16, 2015. Permit Issued: December 18, 2015.

17910114 and NPDES PA0206628. River Hill Coal Company, Inc. (P. O. Box 141, Kylertown, PA 16847). Permit renewal for continued passive treatment system on a bituminous surface mine located in Karthaus Township, **Clearfield County** affecting 4.0 acres. Receiving stream(s): Unnamed Tributary to Dutch Hollow Run classified for the following use(s): HQ-CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: July 21, 2015. Permit issued: December 29, 2015.

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

26140101 and NPDES Permit No. PA0252379. T & B Excavating, Inc. (P. O. Box 337, McClellandtown, PA 15458). Permit issued for commencement, operation and restoration of a bituminous surface mine, located in German Township, **Fayette County**, affecting 59 acres. Receiving streams: unnamed tributaries to Dunlap Creek and unnamed tributary to North Branch Browns Run. Application received: February 4, 2014. Permit issued: December 23, 2015.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Issued

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

Permit No. 15154111. Brubacher Excavating, Inc., (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Buck Hill Farm in West Bradford Township, **Chester County** with an expiration date of December 28, 2016. Permit issued: January 4, 2016.

Permit No. 39154110. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Fields at Indian Creek in Lower Macungie and Upper Milford Townships, Emmaus Borough, **Lehigh County** with an expiration date of December 18, 2016. Permit issued: January 4, 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

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E18-497. Raymond J. Dremel, 1361 Towne Avenue, Batavia, IL 60510, Dremel Cabin, in Chapman Township, **Clinton County**, ACOE Baltimore District (Renovo East, PA Quadrangle; Latitude 41° 21' 41.01", Longitude -77° 42' 22.18").

To 1) demolish an existing cabin with a 788 square foot footprint, then 2) construct and maintain a new cabin with a 870 square foot footprint and a first floor elevation of 687.0 feet, which is 5.5 feet above the base flood elevation of 680.1 feet, in the left 100-year floodway of Young Woman's Creek resulting in no net increase of fill material within the floodway. This permit was issued under Section 105.13(e) "Small Projects."

E41-668. Pennsylvania Housing Finance Agency, 211 Front Street, Harrisburg, PA 17101-1406. Residential House located at 5601 Bloominggrove Road, Cogan Station, PA 17728 along UNT to Mill Creek in Hepburn Township, **Lycoming County**, ACOE Baltimore District (Cogan Station, PA Quadrangle Lat: 41° 18' 51.6"; Long: -77° 01' 34.1").

To construct, operate and maintain an existing single family home in Hepburn Township, **Lycoming County**, which is located within the floodway UNT to Mill Creek. The project proposes to replace an existing septic system.

The project will have approximately 2,400 cubic feet of cut and 1,946 cubic feet of fill. Excavated material from construction operations will be disposed out of the floodway. The proposed project and calculations show approximately 454 cubic feet of net gained flood storage capacity.

ENVIRONMENTAL ASSESSMENTS

Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.

EA67-026. Mr. Dale Bentz, River Logic Solutions, LLC., 1650 Old Mountain Road, Wellsville, PA 17365 in Newberry and East Manchester Townships, **York County**, U. S. Army Corps of Engineers, Baltimore District.

To remove two abandoned piers which are the remnants of an old railroad bridge crossing, where one pier is located on the bank of and in the floodway of the Conewago Creek (WWF, MF) and the other pier is located in Conewago Creek (WWF, MF) all permanently impacting 32 linear feet of Conewago Creek (WWF, MF) and temporarily impacting 70 linear feet of Conewago Creek (WWF, MF), and all located between Conewago Avenue and Conewago Creek Road (York Haven, PA Quadrangle; Latitude: 40° 4' 58.2"N; Longitude: 76° 43' 27.5"W) in Newberry and East Manchester Townships, York County. The permit was issued on December 29, 2015.

Proposed State Water Quality Certification Required by Section 401 of the Federal Clean Water Act for the Tennessee Gas Pipeline Company, LLC, Orion Project

Northeast Region: Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Joseph Buczynski, 570-826-2511

WQ02-002, Tennessee Gas Pipeline Company, LLC (Applicant), 1001 Louisiana Street, Suite 1000, Houston, Texas 77002-5089, Orion Project (Project), in Texas, Berlin and Palmyra Townships, **Wayne County** and Lackawaxen Township, **Pike County**, Philadelphia District Corps of Engineers. The proposed project starts at a point along the 300-line at Sta. 564 + 70 (MP 10.7-322-1) (White Mills, PA Quadrangle N: 41.5643, W: -75.1935) and ends at a point along the 300-1 line at Sta. 323 + 71 (MP 6.1-323-1) (Rowland, PA Quadrangle N: 41.4608, W: -74.9977).

On October 9, 2015, Applicant filed an application with the Federal Energy Regulatory Commission (FERC) under Section 7 of the Natural Gas Act (15 U.S.C.A. § 717f) seeking a Certificate of Public Convenience and Necessity to construct and operate it Project (FERC Docket No. CP 16-4-000). The FERC Environmental Assessment for the Project, when available, may be viewed on FERC's website at www.ferc.gov (search eLibrary; Docket Search; CP 16-4-000).

On October 1, 2015, Applicant requested a state water quality certification from the Pennsylvania Department of Environmental Protection (PADEP), as required by Section 401 of the Clean Water Act (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania through compliance with State water quality standards and associated State law requirements, which are consistent with the requirements of the Clean Water Act.

The Project, as proposed, includes approximately a 12.91 mile long, 36-inch pipeline for the purpose of transporting natural gas from a point along the 300—line at Sta. 564 + 70 (MP 10.7-322-1) to a point along the 300-1 line at Sta. 323 + 71 (MP 6.1-323-1). The Project, as proposed, will require approximately 268 acres of earth disturbance, and impacts to 3,103 linear feet of Indian Orchard Brook, Swamp Brook, Rattlesnake Creek,

Tinkwig Creek, West Falls Creek, Westcolang Creek, O'Donnell Creek, Lackawaxen River, Lords Creek and unnamed tributaries (HQ-CWF), 7.25 acres of floodway, 16.84 acres of temporary PEM/PSS/PFO wetland impacts, and 1.61 acre of PSS/PFO impacts.

PADEP anticipates issuing a state water quality certification to Applicant for the Project that will require compliance with the following State water quality permitting programs, criteria and conditions established pursuant to State law to ensure the Project does not violate applicable State water quality standards set forth in 25 Pa. Code Chapter 93:

1. *Discharge Permit*—Applicant shall obtain and comply with a PADEP National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the pipeline pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001) and all applicable implementing regulations (25 Pa. Code Chapter 92a).

2. *Erosion and Sediment Control Permit*—Applicant shall obtain and comply with PADEP's Chapter 102 Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment issued pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17) and all applicable implementing regulations (25 Pa. Code Chapter 102).

3. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a 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).

4. *Water Quality Monitoring*—PADEP retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by Applicant.

5. *Operation*—Applicant shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this Certification and all required permits. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

6. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of PADEP to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this Certification shall be available for inspection by the PADEP during such inspections of the Projects.

7. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, Applicant shall serve a copy of this Certification upon the prospective transferee of the legal and equitable interest

at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the PADEP Regional Office of such intent. Notice to PADEP shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of Certification responsibility, coverage, and liability between them.

8. *Correspondence*—All correspondence with and submittals to PADEP concerning this Certification shall be addressed to Department of Environmental Protection, Northeast Regional Office, Mr. Joseph Buczynski, Waterways and Wetlands Program Manager, 2 Public Avenue, Wilkes-Barre, PA 18711.

9. *Reservation of Rights*—PADEP may suspend or revoke this Certification if it determines that Tennessee Gas Pipeline Company, LLC has not complied with the terms and conditions of this Certification. PADEP may require additional measures to achieve compliance with applicable law, subject to Applicant's applicable procedural and substantive rights.

10. *Other Laws*—Nothing in this Certification shall be construed to preclude the institution of any legal action or relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable federal or state law or regulation.

11. *Severability*—The provisions of this Certification are severable and should any provision of this Certification be declared invalid or unenforceable, the remainder of the Certification shall not be affected thereby.

Prior to final action on the proposed section 401 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 concerning the proposed 401 Water Quality Certification should be directed to Mr. Joseph Buczynski, Northeast Region Waterways and Wetlands Program Manager at the above address or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD). Comments must be submitted in writing and contain the name, address and telephone number of the person commenting and a concise statement of comments, objections or suggestions on this proposal. No comments submitted by facsimile will be accepted. The Department will consider all relevant and timely comments received. Comments must be submitted within 30 days of this notice.

DAM SAFETY

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460

D55-052. Sunbury Generation LP, P. O. Box 517, Old Trail Road, Shamokin Dam, PA 17876. Permit issued to modify, operate, and maintain Sunbury Ash Basin No. 1 across Rolling Green Run (WWF, MF), for the purpose of meeting the Commonwealth's regulations for closure (Sunbury, PA Quadrangle Latitude: 40.8319; Longitude: -76.8310) in Monroe Township, **Snyder County**.

D67-548. Forge Hill Orchard, Inc., 135 Blossom Drive, Mt. Wolf, PA 17347. Permit issued to modify, operate, and maintain Naylor Lower Dam across a tributary to Hartman's Run (WWF) for the purpose of modifying an existing spillway structure in order to pass the required design storm (York Haven, PA Quadrangle; Latitude: 40.0425, Longitude: -76.7006) in East Manchester Township, **York County**.

Southwest Regional Oil and Gas Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Permit #95-7-37312-32. CNX Gas Company LLC, 200 Evergreene Drive, Waynesburg, PA 15370, proposes a project to operate and maintain ACAA Centralized Impoundment #2 as a centralized wastewater impoundment to store 23.5 ac-ft or 7.64 MG fracturing fluids for the ACAA wells (3H, 4A, 4B, 4C, 4D, 4E, 4F, 4G, 4H, 4I, 4J, 4K, 4L, 6B, 5AUD) in the vicinity area. This site is located nearby UNTs to Montour Run (TSF) at Latitude: N 40° 28' 43.59" and Longitude: W 80° 14' 54.36", in PA Quadrangle: Oakdale, Findlay Township, **Allegheny County**, Pittsburgh ACOE District, and State Water Plan Subbasin 20G (Upper Ohio River Watershed (TSF)).

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.

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-2 # ESX29-115-15-0053
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) Auburn
Receiving Stream(s) and Classification(s) Riley Creek (CWF)

Secondary—West Branch Meshoppen Creek (CWF)

ESCGP-2 # ESG29-115-15-0047
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) Bridgewater
Receiving Stream(s) and Classification(s) UNT to Beaver Ck (HQ-CWF); UNT to Snake Ck (CWF)
Secondary—Beaver Ck (HQ-CWF); Snake Ck (CWF)

Southwest Region: Oil & Gas Program Mgr., 400 Waterfront Dr., Pittsburgh, PA

ESCGP-2 No: ESX15-007-0017
Applicant Name: Cardinal PA Midstream LLC
Contact Person Josh Corey
Address: 144 Emeryville Drive Suite 230
City: Cranberry Township State: PA Zip Code: 16066
County: Beaver Township: Franklin
Receiving Stream(s) and Classifications: UNT to Connoquenessing Creek, Slippery Rock Creek; Other WWF

ESCGP-2 No.: ESX15-125-0007
Applicant Name: Range Resources Appalachia LLC
Contact Person: Glenn D Truzzi
Address: 3000 Town Center Boulevard
City: Canonsburg State: PA Zip Code: 15317
County: Washington Township(s): Smith
Receiving Stream(s) and Classifications: UNT to Burgetts Fork (WWF) & UNT to Harmon Creek (WWF)/Raccoon Creek; Other WWF

ESCGP-2 No.: ESX15-007-0010
Applicant Name: PennEnergy Resources LLC
Contact Person: Gregg A Stewart
Address: 1000 Commerce Drive Park Place One Suite 100
City: Pittsburgh State: PA Zip Code: 15275
County: Beaver Township(s): Marion
Receiving Stream(s) and Classifications: UNT to Brush Creek; Other WWF

ESCGP-2 No.: ESG14-125-0100
Applicant Name: Range Resources Appalachia LLC
Contact Person: Mr Glenn D Truzzi
Address: 3000 Town Center Boulevard
City: Canonsburg State: PA Zip Code: 15317
County: Washington Township(s): North Strabane
Receiving Stream(s) and Classifications: UNTs to Little Chartiers Creek/Chartiers Creek Watershed (HQ-WWF); HQ; Siltation-Impaired

ESCGP-2 No.: ESX09-125-0075 Renewal
Applicant Name: EQT Production Company
Contact Person: Todd Klaner
Address: 2400 Zenith Ridge Road Suite 200
City: Canonsburg State: PA Zip Code: 15317
County: Washington Township(s): Carroll
Receiving Stream(s) and Classifications: UNT to Pigeon Creek, Pigeon Creek; Other WWF

ESCGP-2 No.: ESX15-125-0009
Applicant Name: Rice Poseidon Midstream LLC
Contact Person: Kyle Shirey
Address: 400 Woodcliff Drive
City: Canonsburg State: PA Zip Code: 15317
County: Washington Township(s): North Bethlehem Twp
Receiving Stream(s) and Classifications: UNT to South Branch Pigeon Creek (WWF)/Middle Monongahela River; Other WWF

ESCGP-2 No.: ESX14-059-0083 Major Revision
Applicant Name: EQT Production Company
Contact Person: Renee Thomas
Address: 2400 Zenith Ridge Road Suite 200
City: Canonsburg State: PA Zip Code 15317
County: Greene Township(s): Morgan
Receiving Stream(s) and Classifications: Tenmile Creek, Ohio/Tenmile Creek 19B; Other Trout Stocked Fishery (TSF)

ESCGP-2 No.: ESX15-125-0037
Applicant Name: Range Resources Appalachia LLC
Contact Person: Karl Matz
Address: 3000 Town Center Boulevard
City: Canonsburg State: PA Zip Code: 15317

County: Washington Township(s): Amwell
 Receiving Stream(s) and Classifications: UNT to Redd Run, TSF & Shipe Run, TSF/Tenmile Creek; Other TSF
 ESCGP-2 No.: ESG14-059-0034 Major Revision
 Applicant Name: EQT Production Company
 Contact Person: Todd Klaner
 Address: 455 Racetrack Road
 City: Washington State: PA Zip Code: 15301
 County: Greene Township(s): Morris
 Receiving Stream(s) and Classifications: UNT to Browns Creek (HQ-WWF); HQ
 ESCGP-2 NO.: ESG15-059-0005

Applicant Name: Appalachia Midstream Services LLC
 Contact Person: Toby Lattea
 Address: 190 Midstream Way
 City: Jane Lew State: WV Zip Code: 26378
 County: Greene Township(s): Center
 Receiving Stream(s) and Classifications: South Fork Tenmile Creek (HQ-WWF), UNTs to South Fork Tenmile Creek (HQ-WWF), McCourtney Run (HQ-WWF), UNTs to McCourtney Run (HQ-WWF) Tributary 40629 to McCourtney Run (EV), Hargus Creek (HQ-WWF), UNTs to Harqus Creek (HQ-WWF)/ Tenmile Creek Watershed; HQ; Exceptional Value

SPECIAL NOTICES

Plan Revision Approval under the Municipal Waste Planning, Recycling and Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101

Southcentral Region: Waste Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

The Department of Environmental Protection (Department) approved the Cumberland County Municipal Waste Management Non-Substantial Plan Revision ("Revision") on December 18, 2016. Key features of the revision include elimination of the County waste transporter registration requirement and an update to the personnel and structure within the County Recycling & Waste Department. The Revision is a public document and may be viewed at the Southcentral Regional Office at the address noted above. Questions concerning the approval of the Revision should be directed to Larry Holley, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7382, or to Christopher Bosnyak, Regional Planning and Recycling Coordinator, Waste Management Program at the Southcentral Regional Office at (717) 705-4927.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of December 2015 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

| <i>Name</i> | <i>Address</i> | <i>Type of Certification</i> |
|----------------|---|------------------------------|
| Ben Chamberlin | 3 Stonehedge Way Carlisle, PA 17015 | Testing |
| Reo Cheshire | 32 Gold Smith Rd. Dallas, PA 18612 | Testing |
| Michael Conroy | 201 Faculty Rd. Duncannon, PA 17020 | Testing |
| James DeBellis | 2700 Cumberland Ave. Reading, PA 19606 | Mitigation |

| <i>Name</i> | <i>Address</i> | <i>Type of Certification</i> |
|---|---|------------------------------|
| Ryan DiPalma | 213 N. 14th St. Allentown, PA 18102 | Mitigation |
| Larry Grove | 929 S. High St., Ste. 169 West Chester, PA 19380 | Testing |
| Grove Home Inspection Services | 929 S. High St., Ste. 169 West Chester, PA 19380 | Testing |
| Donald Hart | 613 Zimmermans Hollow Rd. Sunbury, PA 17801 | Testing & Mitigation |
| Michael Imperial | 2646 Fallow Hill Ln. Jamison, PA 18929 | Testing |
| Richard Malin | 2075 Haymaker Rd. Monroeville, PA 15146 | Testing |
| John Mallon, Jr. Radon Detection & Control South | P. O. Box 419 Heights, PA 15081 | Testing & Mitigation |
| Kenneth McDonald A-Z Solutions, Inc. | P. O. Box 36784 Canton, OH 44735 | Testing & Mitigation |
| David Moss | 80 Holmes Rd. Stillwater, PA 17878 | Testing |
| Paul Pujol | 57 Lancaster Ave. Malvern, PA 19355 | Testing |
| Paul Pujol Haly Radon | 57 Lancaster Ave. Malvern, PA 19355 | Mitigation |
| Robert Raishart | 778 Armel Hollow Rd. Latrobe, PA 15650 | Testing |
| John Rogers | 1129 Old Eagle Rd. Lancaster, PA 17601 | Testing |
| Mark Schlott | 347 Indian Manor Dr. Leesport, PA 19533 | Testing |
| Kenneth Schutter | PO Box 55 Kimberton, PA 19442 | Testing |
| Thomas Sebald | 4638 Highview Blvd. Erie, PA 16509 | Testing |

[Pa.B. Doc. No. 16-76. Filed for public inspection January 15, 2016, 9:00 a.m.]

Agricultural Advisory Board 2016 Meeting Dates

The Agricultural Advisory Board will meet from 9 a.m. until 1 p.m. in Susquehanna Room A, Department of Environmental Protection, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA. The meeting dates are as follows:

February 25, 2016
April 28, 2016
June 23, 2016
August 25, 2016
October 27, 2016
December 22, 2016

Questions concerning these meetings should be directed to Tom Juengst, Division of Planning and Conservation, (717) 772-5646, tjuengst@pa.gov. The agenda and materials for the meeting will be available on the Department of Environmental Protection's (Department) web site at <http://www.dep.pa.gov> through the Public Participation tab.

Persons in need of accommodations as provided in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-7019 or through the Penn-

sylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 16-77. Filed for public inspection January 15, 2016, 9:00 a.m.]

Bid Opportunity

OSM 02(1710)101.1, Abandoned Mine Reclamation Project, Renton, Plum Borough, Allegheny County. The principal items of work and approximate quantities include mobilization and demobilization, rock construction entrance 2 each, 12" compost filter sock 3,250 linear feet, clearing and grubbing, permanent access road 1,325 linear feet, grout testing 12 each, overburden casing and drilling 4,540 linear feet, air rotary drilling 10,000 linear feet, furnishing and installing injection casing 8,600 linear feet, cement 13,634 tons, fly ash 104,575 tons, sand 19,358 tons, develop water source, water 4,600 at 1,000 gallons, preparation, disassembly and relocation of injection system 241 each, subsurface drain 330 linear feet

and seeding 13 acres. This bid issues on January 14, 2016, and bids will be opened on February 18, 2016, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 16-78. Filed for public inspection January 15, 2016, 9:00 a.m.]

Great Lakes-St. Lawrence River Basin Water Resources Compact and Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement

The Department of Environmental Protection (Department) is publishing this notice under the Great Lakes-St. Lawrence River Basin Water Resources Compact (Compact) (32 P. S. §§ 817.22—817.30) regarding public participation being conducted by the Great Lakes-St. Lawrence River Basin Water Resources Council (Compact Council) and the Great Lakes-St. Lawrence River Water Resources Regional Body (Regional Body) regarding a proposal for diversion of water from the Great Lakes-St. Lawrence River Basin (Basin).

Under the Compact and companion Great Lakes-St. Lawrence River Water Resources Agreement (Agreement), diversions of water from the Basin to areas outside the Basin are banned with limited exceptions and only when a diversion of water meets the standards outlined in the Compact. The City of Waukesha (Waukesha), WI, is a community in a county that straddles the Basin divide. Waukesha has applied to the Compact Council and Regional Body for an exception.

Waukesha is requesting to divert 10.1 million gallons per day of Basin water, reflecting its projected average day demand for its planned water service area at full build-out in 2050. The State of Wisconsin has determined that Waukesha's application is approvable under Wisconsin law. The application must now be reviewed by the Compact Council and Regional Body which will issue a Declaration of Finding regarding the application's consistency with regional standards. The Compact Council will then vote on the application and, unless there is a dissenting vote, the State of Wisconsin can then proceed with regulatory decision making and permitting as appropriate. If there is a dissenting vote, then the proposal cannot move forward.

The Commonwealth, having 76.6 miles of coastline on Lake Erie, is a Great Lakes' state, and therefore, a party to the Compact and Agreement. The Commonwealth will participate in the review of the Waukesha diversion application and is afforded a vote on the Compact Council.

The Compact Council and Regional Body developed a public participation process which will allow the citizens and entities of this Commonwealth to provide comments on the proposed diversion. The public will have 60 days to comment closing on March 14, 2016. The Compact Council and Regional Body will compile comments and provide

to member states for review and consideration prior to issuing a final Declaration of Finding by the Regional Body and decision by the Compact Council. Comments can be submitted by mail, e-mail, web site or in person at a public hearing:

- By mail at Waukesha Diversion Comments, c/o Conference of Great Lakes and St. Lawrence Governors and Premiers, 20 North Wacker Drive, Suite 2700, Chicago, IL 60606.
- By e-mail at comments@waukeshadiversion.org.
- By web site at www.waukeshadiversion.org.
- At the public hearing at 3 p.m. CST on February 18, 2016, Carroll University, Shattuck Music Center, 218 North East Avenue, Room 122, Waukesha, WI 53186.

The Department is posting this notice on behalf of the Compact Council and Regional Body, but is not collecting comments. Comments must be submitted to one of the resources previously noted. Questions regarding this process should be directed to the Regional Body and Compact Council Secretariat, the Conference of Great Lakes and St. Lawrence Governors and Premiers, (312) 407-0177.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 16-79. Filed for public inspection January 15, 2016, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Lease Office Space to the Commonwealth Montgomery County

Proposers are invited to provide a proposal to the Department of General Services for 5,000 to 6,000 net usable square feet of office space for the Liquor Control Board in King of Prussia, Montgomery County, due on or before 3 p.m. on February 29, 2016. For more information on SFP No. 94778, visit www.dgs.state.pa.us or contact the Bureau of Real Estate at (717) 787-4394.

CURTIS M. TOPPER,
Secretary

[Pa.B. Doc. No. 16-80. Filed for public inspection January 15, 2016, 9:00 a.m.]

Lease Retail Space to the Commonwealth Philadelphia County

Proposers are invited to provide a proposal to the Department of General Services for 6,000 to 7,500 net usable square feet of retail space for the Liquor Control Board within a 1-mile radius of Aramingo Avenue and Wheatsheaf Lane, Philadelphia, Philadelphia County, due on or before 3 p.m. on Friday, January 22, 2016. For more information on SFP No. 94785, visit www.dgs.state.pa.us or contact the Bureau of Real Estate at (717) 787-4394.

CURTIS M. TOPPER,
Secretary

[Pa.B. Doc. No. 16-81. Filed for public inspection January 15, 2016, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facility (ASF) has filed two requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exception relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

| <i>Facility Name</i> | <i>Relating to</i> |
|--|--|
| Penn Highlands DuBois Endoscopy Center | 28 Pa. Code § 551.3 (relating to definitions), specifically subparagraph (ii) of the definition of “classification levels,” regarding Class B facilities and PS III patients |

The requests previously listed are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-82. Filed for public inspection January 15, 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). Department regulations governing hospital licensure can be found in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals). The following hospitals are requesting exceptions to 28 Pa. Code § 153.1 (relating to minimum standards) which contains minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities (Guidelines)*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception, as well as the publication year of the applicable *Guidelines*.

| <i>Facility Name</i> | <i>Guidelines Section</i> | <i>Relating to</i> | <i>Publication Year</i> |
|-----------------------------------|---------------------------|--|-------------------------|
| Guthrie Towanda Memorial Hospital | 2.2-3.3.4.3(2)(b) | Phase I post-anesthetic care unit (PACU)/ space requirements | 2014 |
| | 3.7-3.4.3.1(2)(b) | Phase I post-anesthesia recovery rooms/space requirements | 2014 |
| UPMC Hamot | 2.1-3.2.2.1(2) | Space requirements—clearances | 2014 |
| | 2.2-3.6.4.3 | Control room (ground floor—permanent) | 2014 |
| | 2.2-3.6.4.3 | Control room (6th floor—temporary) | 2014 |
| | 2.2-3.6.6.16 | Hot lab for SPECT 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. 16-83. Filed for public inspection January 15, 2016, 9:00 a.m.]

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking exceptions to 28 Pa. Code §§ 205.25(b) and 205.33(c) (relating to kitchen; and utility room):

Platinum Ridge Center for Rehabilitation and Healing
1050 Broadview Boulevard
Brackenridge, PA 15014
FAC ID # 070302

The following long-term care nursing facility is seeking exceptions to 28 Pa. Code § 201.3 (relating to definitions), regarding the definition of “nurse aide”:

Buckingham Valley Rehabilitation and Nursing Center
820 Dunham Road
Newtown, PA 18940
FAC ID # 023502

These requests are on file with the Department of Health (Department). Persons may receive a copy of the request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on these exception requests 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 requests for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-84. Filed for public inspection January 15, 2016, 9:00 a.m.]

Pennsylvania Achieving Better Care by Monitoring All Prescriptions Board Meeting

The Pennsylvania Achieving Better Care by Monitoring All Prescriptions Board, established under the Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) Act (35 P.S. §§ 872.1—872.40), will hold a meeting on Tuesday, February 16, 2016, at 9:30 a.m. in Room 129, Health and Welfare Building, 625 Forster

Street, Harrisburg, PA 17120. Items to be discussed at the meeting include program status updates and upcoming activities.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Amy Stum, Executive Secretary, Department of Health, Executive Offices, 8th Floor, West, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 783-1078, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT) for speech and/or hearing impaired persons.

This meeting is subject to cancellation without notice.

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-85. Filed for public inspection January 15, 2016, 9:00 a.m.]

Special Pharmaceutical Benefits Program Advisory Council Public Meeting

The Statewide Special Pharmaceutical Benefits Program (SPBP) Advisory Council, established by the Department of Health (Department) to aid in the carrying out of its Federal grant responsibilities under section 2616 of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 U.S.C.A. § 300ff-26), will hold a public meeting on Thursday, January 28, 2016, from 10 a.m. to 12 p.m. by teleconference at (877) 668-4493. The access code will be 649201290.

The SPBP Advisory Council will provide program guidance and recommendations to the Department's SPBP in regard to the following: drug formulary; covered lab services; drug utilization review; clinical programs; eligibility; and program management.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact John Haines, Special Pharmaceutical Benefits Program, Bureau of Communicable Diseases, Department of Health, Room 611, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (800) 922-9384, or for speech and/or hearing impaired persons contact V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department reserves the right to cancel this meeting without prior notice.

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-86. Filed for public inspection January 15, 2016, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P. S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

Tinicum Township, Delaware County, parcel No. 5. The parcel contains 4,241.05 square feet of unimproved land

situated at Governor Printz Boulevard and First Street. The estimated fair market value is \$21,500.

Interested public agencies are invited to express interest in purchasing the site within 30 calendar days from the date of publication of this notice to Mary C. Lambright, Right of Way Administrator, Property Management, Department of Transportation, Engineering District 6-0, 7000 Geerdes Boulevard, King of Prussia, PA 19406, (610) 205-6507, fax (610) 205-6599, mlambright@pa.gov.

LESLIE S. RICHARDS,
Secretary

[Pa.B. Doc. No. 16-87. Filed for public inspection January 15, 2016, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

| <i>Reg. No.</i> | <i>Agency/Title</i> | <i>Close of the Public Comment Period</i> | <i>IRRC Comments Issued</i> |
|-----------------|---|---|-------------------------------------|
| 7-494 | Environmental Quality Board Safe Drinking Water; Revised Total Coliform Rule 45 Pa.B. 5943 (October 3, 2015) | 12/01/15 | 12/30/15 |

Environmental Quality Board Regulation #7-494 (IRRC #3119)

Safe Drinking Water; Revised Total Coliform Rule December 30, 2015

We submit for your consideration the following comments on the proposed rulemaking published in the October 3, 2015 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Environmental Quality Board (EQB) to respond to all comments received from us or any other source.

Subchapter A. GENERAL PROVISIONS

1. Section 109.1. Definitions.—Clarity.

This rulemaking incorporates regulations adopted by the United States Environmental Protection Agency (EPA) that amended 40 CFR Part 141, relating to National primary drinking water regulation. This federal regulation is referred to as the Revised Total Coliform Rule (RTCR). The rulemaking is necessary for the Commonwealth to retain primacy with respect to EPA's RTCR.

According to the Preamble, the proposed definitions of "Level 1 assessment" and "Level 2 assessment" reflect the new definitions of the RTCR. Both of the definitions require evaluations, and "when possible," the likely reason that triggered the required assessment. Does the Department of Environmental Protection (DEP) or the

public water system (PWS) determine when something is possible? This should be clarified in the final-form regulation.

Subchapter B. MCLs, MRDLs OR TREATMENT TECHNIQUE REQUIREMENTS

2. Section 109.202. State MCLs, MRDLs and treatment technique requirements.—Clarity; Implementation procedures.

Subsection (c)(4)(ii) requires a Level 2 assessment if certain conditions occur. Commentators expressed concern with the clarity of Subsection (c)(4)(ii)(B) and how it will be implemented. They suggest that assessments should be limited to reasons associated with the RTCR and note that DEP has the authority to do other investigations as needed. In the Preamble to the final-form rulemaking, we ask EQB to explain how it will implement this subsection as it relates to the issue raised by commentators.

Subchapter C. MONITORING REQUIREMENTS

3. Section 109.301. General monitoring requirements.—Clarity; Implementation procedures; Possible conflict with or duplication of statutes or existing regulations.

Paragraph (3)(i)

This paragraph pertains to the frequency of monitoring requirements for coliforms. Commentators have asked for the flexibility to collect more samples than required under Paragraph (3)(i)(D) in unusual circumstances, such as following positive samples. Would the collection of more

samples be allowed? If so, what procedures would a PWS have to follow after collection of additional samples? This should be explained in the final-form regulation.

According to the Preamble, Paragraph (3)(i)(E) reflects the requirements of 40 CFR 141.854(c)(2). A commentator has noted that the first sentence of this paragraph does not accurately reflect the Federal rule because it fails to specify that it applies only to noncommunity water systems “using only groundwater.” We suggest that the final-form regulation be amended to include this terminology.

Paragraph (3)(ii)

Repeat monitoring requirements are outlined in this paragraph. This proposed rulemaking deletes existing Paragraph (3)(ii)(B), which required systems collecting only one routine coliform sample per monitoring period to collect four check samples because 40 CFR 141.858(a)(1) requires all PWSs to collect a minimum of three check samples instead of four. According to the Preamble, the RTCR gives states an option to allow alternative sampling locations under certain circumstances. The Small Water Systems Technical Assistance Center (TAC) Advisory Board to DEP recommended EQB allow alternate check sample locations. In the Preamble, EQB is specifically requesting comment on TAC’s recommendation and commentators have provided feedback on this topic. We will review EQBs responses to the suggestions of commentators and any changes made to this paragraph in our review of the final-form regulation to determine whether it is in the public interest.

Paragraph (3)(iii)

This paragraph pertains to the invalidation of total coliform samples. According to the Preamble, the amendments being made to Paragraph (3)(A)(III) include *E. coli* MCL and assessment language to clarify how compliance is determined for the RTCR. Commentators have suggested the invalidation procedures outlined in all of Paragraph (3)(iii) should be applied to both total coliform and *E. coli*. We ask EQB to review the entirety of this paragraph to ensure all of the changes are consistent with the RTCR.

Subchapter D. PUBLIC NOTIFICATION

4. Possible conflict with or duplication of statutes or existing regulations.

A commentator has asked if EQB has reviewed the effect the changes being proposed under this rulemaking will have on EQB’s existing regulations on public notification requirements. We ask EQB to review its public notification regulations to ensure that the proposed changes do not create conflicts with existing regulations.

5. Section 109.409. Tier 2 public notice—categories, timing and delivery of notice.—Reasonableness; Need; Fiscal impact.

Subsection (a) addresses general violation categories and other situations requiring a Tier 2 public notice. New Subsection (a)(3) will require a Tier 2 public notice for any failure to report an *E. coli* MCL violation or *E. coli*-positive routine or check sample. Commentators disagree with the requirement for a notice that does not relate to an MCL violation. They believe additional notification could lead to overuse of public notifications. In the Preamble to the final-form rulemaking, we ask EQB to explain why public notification is needed for *E. coli*-positive samples and why the benefits of such a notice outweigh any potential costs associated with such a notice.

Subchapter G. SYSTEM MANAGEMENT RESPONSIBILITIES

6. Section 109.701. Reporting and recordkeeping.—Reasonableness; Implementation procedures; Possible conflict with or duplication of statutes or existing regulations.

Subsection (a)(3)

This subsection relates to reporting requirements for PWSs. EQB is adding a requirement that any sample result that is *E. coli* positive be reported to DEP within one hour of discovery. Commentators have requested that the reporting requirement be changed from one hour to the end of the day. What is the need for the one hour reporting requirement and why is it more reasonable than the suggestion of the commentator? In the Preamble to the final-form rulemaking, we ask EQB to explain its rationale for this provision.

Subsection (a)(5)

This subsection addresses the content of a written sample siting plan, submittal of the plan to DEP and revisions to the plan. According to the Preamble, many of the changes being proposed reflect amendments to the RTCR. Commentators have expressed concern that some of the proposed changes would be difficult to implement and do not provide the flexibility that the RTCR allows. As EQB develops the final-form regulation we ask that it work with the regulated community to provide flexibility, when allowed by the RTCR, while at the same time, ensuring that primacy requirements are met.

7. Section 109.705. System evaluations and assessments.—Clarity; Implementation procedures.

Subsection (b) requires a PWS to conduct Level 1 and Level 2 assessments and to comply with any expedited or additional actions required by DEP in case of an *E. coli* MCL violation. EQB has asked for input on whether the report required under Subsection (b)(2) should be submitted to DEP electronically. We will review EQBs responses to the suggestions of commentators and any changes made to this paragraph in our review of the final-form regulation to determine whether it is in the public interest.

In addition, Subsection (b)(3) requires a Level 1 assessment to be conducted by “competent personnel qualified to operate and maintain the water system’s facilities.” We believe the term “competent personnel” is vague. Who would make the determination that the person conducting the assessment is competent? We recommend that this be clarified in the final-form regulation.

Finally, Subsections (b)(3) and (b)(4) require Level 1 and Level 2 assessments to be “conducted” by certain personnel. Commentators have suggested that instead of the specified personnel conducting the required assessments, the personnel could review and approve the results of the assessments performed by others. This suggestion would provide a cost savings to the regulated community. If this suggestion is reflective of the RTCR and protective of the public health, we ask EQB to adopt it.

Subchapter J. BOTTLED WATER AND VENDED WATER SYSTEMS, RETAIL WATER FACILITIES AND BULK WATER HAULING SYSTEMS

8. Possible conflict with or duplication of statutes or existing regulations.

A member of the regulated community that provides spring water to the bottled water community submitted

comments stating that the Food and Drug Administration (FDA) sets regulatory mandates for bottled water. The commentator notes that the Regulatory Analysis Form should be amended to include the appropriate federal references and believe that there is a potential conflict between the FDA's regulations found at 21 CFR 165.110(b)(2) and § 109.1003(a)(1) of this proposed rule-making. We note that EQB's existing Subchapter J regulations on bottled water include references to both EPA and FDA regulations. In the Preamble to the final-form regulation, we ask EQB to explain how DEP's regulation of bottled water fits into the regulatory framework of EPA's RTCR and the FDA's regulations on bottled water.

JOHN F. MIZNER, Esq.,
Chairperson

[Pa.B. Doc. No. 16-88. Filed for public inspection January 15, 2016, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Designation as a Certified Reinsurer

Endurance Specialty Insurance, Ltd. has applied for designation as a certified reinsurer in this Commonwealth. The application was received on January 5, 2016, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P.S. § 442.1(a)) and 31 Pa. Code § 161.3a(c) (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Bureau of Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-89. Filed for public inspection January 15, 2016, 9:00 a.m.]

Continental Casualty Company (CNAB-130150831); Rate Increase Filing for Several Individual LTC Forms

Continental Casualty Company is requesting approval to increase the premium 20% on 8,780 policyholders from several different policy groups: the "Con Care A" grouping which includes forms P1-54076-A37 and P1-54076-B37; the "Con Care B" grouping which is P1-59433-A37; the "LTC 1" grouping which is P1-15203-A37; the "Premier/

Classic" grouping which includes P1-18215-A37, P1-18215-A87, P1-18876-A37 and P1-18876-A87; the "Preferred Advantage" grouping which is forms P1-21295-A37, P1-21295-A87, P1-21300-A37, P1-21300-A87, P1-21305-A37 and P1-21305-A87; and the "TQ" grouping which includes P1-N0022-A37, P1-N0022-B37, P1-N0022-A87, P1-N0022-B87, P1-N0023-A37, P1-N0023-B37, P1-N0026-A37, P1-N0026-B37, P1-N0026-A87, P1-N0026-B87, P1-N0027-A37, P1-N0027-B37, P1-N0027-A87, P1-N0030-A37, P1-N0030-A87, P1-N0031-A37, P1-N0034-A37 and P1-N0034-A87.

Unless formal administrative action is taken prior to March 31, 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. 16-90. Filed for public inspection January 15, 2016, 9:00 a.m.]

Pennsylvania Compensation Rating Bureau; Filing for Rate and Rule Manual Revisions

On December 14, 2015, the Insurance Department (Department) received from the Pennsylvania Compensation Rating Bureau (Bureau) a filing proposing revisions to their rate and rule manual. The filing includes the following proposed changes:

- The consolidation of the classification assignment of all door installations except overhead doors. This will result in certain businesses being reassigned from classification 648 Carpentry—Installation of Cabinet Work to either 651 Carpentry—Commercial Structures or 652 Carpentry—Residential.

- Revisions to the guidelines for assignment of classification 647 Insulation Work, N.O.C. The changes may result in certain businesses being reclassified from 651 Carpentry—Commercial Structures and 652 Carpentry—Residential to 647 Insulation Work, N.O.C.

- Adjustments to the classification language for classification 759 Cable Television Operators. The change may result in certain contractors currently assigned to 759 Cable Television Operators to be reclassified to 617 Gas, Steam or Water Main Construction, 656 Electric or Telephone Line Construction by Contractors or 660 Alarm or Sound System—Installation or Repair.

- New titles for certain classifications which will not impact the rate (loss cost) for any employer.

- Various revisions to Section 1 Rule IV of the Bureau's manual, including revisions that could impact an employer whose principal business is classified by a standard exception classification and for which personnel of the business whose job duties are not contemplated by the standard exception classification are not assigned to classification 971 Commercial Buildings. See pages 5 and 6 of the November 3, 2015, letter from David T. Rawson to the Bureau's Classification and Rating Committee, which is included in the filing for more information.

- Various additions, revisions and deletions affecting language in Section 2 of the Bureau's manual for which the Bureau has informed the Department they do not expect to impact the rate (loss cost) for any employer. See pages 6 and 7 of the November 3, 2015, letter from David T. Rawson to the Bureau's Classification and Rating Committee, which is included in the filing for more information.

The filing is available for review on the Bureau's web site at www.pcrb.com in the "Filings" section.

Interested parties are invited to submit written comments, suggestions or objections to James Di Santo, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, jadisanto@pa.gov within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-91. Filed for public inspection January 15, 2016, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of 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 appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Kevena N. Harris; File No. 15-119-190667; Capitol Insurance Company; Doc. No. P15-12-012; February 2, 2016, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony and other relevant evidence, or both. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal,

and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-92. Filed for public inspection January 15, 2016, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has 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 insured's 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 appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Anthony T. Heffelfinger; File No. 15-130-191542; Lebanon Valley Insurance Company; Doc. No. P15-12-014; February 4, 2016, 1 p.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence, or both. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

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. 16-93. Filed for public inspection January 15, 2016, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Executive Board

Resolution No. CB-15-019, Dated November 25, 2015. Authorizes the side letter with SEIU, Local 668 to increase the pay scale level for certain employees in the Department of Corrections in the Psychological Services Associate, Corrections (43012), Psychological Services Specialist, Corrections (42990), Social Worker 1 (40060) and Social Worker 2 (40070) who possess or obtain licensure as a Social Worker, Clinical Social Worker, or Professional Counselor issued by the Pennsylvania State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, effective October 30, 2015.

Resolution No. CB-15-020, Dated November 25, 2015. Authorizes the Memorandum of Understanding between the Commonwealth of Pennsylvania and the Pennsylvania Social Services Union, affiliated with Service Employees International Union, AFL-CIO. The Memorandum of Understanding provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period July 1, 2015 through June 30, 2016.

Resolution No. CB-15-021, Dated December 15, 2015. Authorizes the Collective Bargaining Agreement between the Commonwealth of Pennsylvania and the Federation of State Cultural and Educational Professionals (FOSCEP), Local 2382, American Federation of Teachers Pennsylvania, AFL-CIO. The Collective Bargaining Agreement provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period July 1, 2015 through June 30, 2016.

Resolution No. CB-15-022, Dated December 15, 2015. Authorizes the Memorandum of Understanding between the Commonwealth of Pennsylvania and the Federation of State Cultural and Educational Professionals (FOSCEP), Local 2382, American Federation of Teachers Pennsylvania, AFL-CIO. The Memorandum of Understanding provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period July 1, 2015 through June 30, 2016.

Governor's Office

Management Directive No. 505.21—Office Hours, Amended December 21, 2015.

Administrative Circular No. 15-14—Extension of Encumbrance Dates for the Fiscal Year Ended June 30, 2015, Dated December 29, 2015.

LAURA CAMPBELL,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 16-94. Filed for public inspection January 15, 2016, 9:00 a.m.]

OFFICE OF OPEN RECORDS

Hearing in the Matter of Andrew Glenn Rothey v. California Borough; Pennsylvania Office of Open Records Doc. No. AP 2015-1925

A hearing on the previously-captioned Right-to-Know Law appeal will be held as follows:

Date: February 8, 2016

Time: 1:30 p.m.

Location: Courtroom 3
Frick Building
437 Grant Street, 17th Floor
Pittsburgh, PA 15219

Presiding: Charles Rees Brown, Esq.
Hearing Officer
400 North Street, Plaza Level
Harrisburg, PA 17120
(717) 364-9903, fax (717) 425-5343

This hearing is being conducted under section 1101(a)(2) of the Right-to-Know Law (65 P. S. § 67.1101(a)(2)) to determine whether California Borough is required to provide camera footage from a California Borough Police Department holding cell.

Persons with a disability who wish to attend the hearing should contact the Office of Open Records (OOR) to make arrangements for their special needs. Call the OOR at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the hearings, the OOR will make every reasonable effort to have an interpreter present. Call the OOR at (717) 364-9903 at least 10 business days prior to the hearing to submit the request.

ERIK ARNESON,
Executive Director

[Pa.B. Doc. No. 16-95. Filed for public inspection January 15, 2016, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Columbia Gas of Pennsylvania, Inc. for a Waiver of the Distribution System Improve- ment Charge Cap of 5% of Billed Revenues

P-2016-2521993. Columbia Gas of Pennsylvania, Inc. Petition of Columbia Gas of Pennsylvania, Inc. requesting: 1) waiver of the Distribution System Improvement Charge (DSIC) cap of 5% of billed revenues; and 2) approval to increase the maximum allowable DSIC from 5% to 10% of billed revenue for service rendered on or after January 1, 2016. The act of February 14, 2012 (P. L. 72, No. 11) authorized public utilities to use a DSIC mechanism to facilitate the recovery of reasonable and prudent capital costs incurred to repair, improve or replace certain eligible distribution property that is part of the gas distribution companies' distribution systems. Columbia Gas of Pennsylvania, Inc.'s DSIC recovery at P-2012-2338282 is currently capped at 5% of billed distribution revenues between rate cases. Columbia Gas of Pennsylvania, Inc. proposes to increase the maximum DSIC rate by 5%.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120 on or before February 1, 2016. The documents filed in support of the petition are available for inspection in the Secretary's Bureau from 8 a.m. to 4:30 p.m., Monday through Friday, and at the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: Columbia Gas of Pennsylvania, Inc.

Through and By Counsel: Michael W. Hassell, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-96. Filed for public inspection January 15, 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 February 1, 2016. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.

A-2015-2520978. The Trolley Ride Company (5214 Route 15 North, Selinsgrove, PA 17870) for the additional right to begin to transport, as a common carrier, by motor vehicle, persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in Pennsylvania; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as contract carriers for the transportation of household goods as described under the application.

A-2015-2494288 (Corrected). Fard Enterprises, LLC (8258 Williams Avenue, Suite 1, Philadelphia, PA 19150) for the right to begin to transport, as a contract carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-97. Filed for public inspection January 15, 2016, 9:00 a.m.]

Service of Notice of Motor Carrier Formal Complaints

Formal Complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due February 1, 2016, and must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Smartway Delivery, LLC; Docket No. C-2015-2515578

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Smartway Delivery, LLC, (respondent) is under suspension effective November 14, 2015 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 242 Ramsey Street, Philadelphia, PA 19139-1514.

3. That respondent was issued a Certificate of Public Convenience by this Commission on July 01, 2015, at A-8917798.

4. That respondent has failed to maintain evidence of Cargo and Liability Insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-2015-2489455 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 12/2/2015

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to

file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Ace Limousine and Airport Service, LLC; Docket No. C-2015-2515586

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Ace Limousine and Airport Service, LLC, (respondent) is under suspension effective November 13, 2015 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 167 Keystone Avenue, Chichester, PA 19013.
3. That respondent was issued a Certificate of Public Convenience by this Commission on September 13, 2013, at A-6415471.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-2013-2347384 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I

expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 12/2/2015

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

December 29, 2015

Robert F Baker President
Baker Trucking LLC
2024 Charwood Drive
Uniontown PA 15401

Dear Mr. Baker,

On November 18, 2015, the Commission received your check in the amount of \$500.00. The envelope contained only this check, without any correspondence indicating what this check is for.

A secretarial letter in your file, date August 12, 2015, indicates that you owe a \$500.00 fine for failure to maintain evidence of insurance. That letter also indicated that payment of this fine must be made by certified check or money order payable to the PA Public Utility Commission.

On November 19, 2015, check number 5642 was returned to 2024 Charwood Drive Uniontown Pa 15401. On December 16, 2015 the certified letter was returned to our office "unclaimed."

This is our second attempt to return your company check. Enclosed please find check number 5642 in the amount of \$500.00. Please resubmit your payment in the form of a certified check or money order. Also please indicate the reason that you are submitting the check. If you are submitting the check to pay the fine referenced in the August 12, 2015 letter please reference our docket number C-2015-2425021 in your correspondence and/or on the memo line of the check.

Please submit the proper form of payment along with a copy of this letter to the above listed address and address it to the attention of Secretary Chiavetta.

Should you have any questions pertaining to your application, please contact our Bureau at 717-772-7777.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-98. Filed for public inspection January 15, 2016, 9:00 a.m.]

Telecommunications

A-2015-2521158. United Telephone Company of Pennsylvania, LLC d/b/a CenturyLink and Blue Ridge Digital Telephone Company. Joint petition of United Telephone Company of Pennsylvania, LLC d/b/a CenturyLink and Blue Ridge Digital Telephone Company for approval of an adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

United Telephone Company of Pennsylvania, LLC d/b/a CenturyLink and Blue Ridge Digital Telephone Company, by their counsel, filed on December 29, 2015, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of the United Telephone Company of Pennsylvania, LLC d/b/a CenturyLink and Blue Ridge Digital Telephone Company joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at www.puc.pa.gov and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-99. Filed for public inspection January 15, 2016, 9:00 a.m.]

Transfer of Control of Assets

A-2015-2521384 and A-2015-2521463. X5 OpCo, LLC and CornerStone Telephone Company, LLC. Joint application of X5 OpCo, LLC and CornerStone Telephone Company, LLC for approval of a general rule transfer of control of the assets of CornerStone Telephone Company, LLC to X5 OpCo, LLC and for the abandonment of service by CornerStone Telephone Company, LLC upon consummation of the joint application.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before February 1, 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: X5 OpCo, LLC; CornerStone Telephone Company, LLC

Through and By Counsel: Michael A. Gruin, Esquire, Stevens & Lee, 17 North 2nd Street, 16th Floor, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-100. Filed for public inspection January 15, 2016, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 15-141.1, Pier 80 Demolition and Reconstruction of Northwest Stair Tower and Offices, until 2 p.m. on Thursday, February 18, 2016. Information (including mandatory prebid information) can be obtained from the web site www.philaport.com under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 16-101. Filed for public inspection January 15, 2016, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearing Scheduled; Correction

An error occurred in the notice published at 46 Pa.B. 308 (January 9, 2016). The date of hearing was incorrect and is corrected as follows. The remainder of the notice is accurate as published.

January 27, 2016

Robert J. Mellow
Act 140—Pension Forfeiture

10:30 a.m.

DAVID E. DURBIN,
Secretary

[Pa.B. Doc. No. 16-102. Filed for public inspection January 15, 2016, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing

The Susquehanna River Basin Commission (Commission) will hold a public hearing on February 4, 2016, at 7 p.m. at the East Hanover Township Municipal Building, Main Hall, 8848 Jonestown Road, Grantville, PA 17028 (parking lot entry off of Manada Gap Road; see <http://easthanovertpwdcpa.org/index.php/about-contact>). The public hearing will end at 9 p.m. or at the conclusion of public testimony, whichever is sooner. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. The projects are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for March 10, 2016, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects. The deadline for the submission of written comments is February 15, 2016.

For further information contact Jason Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436.

Information concerning the applications for these projects is available at the Commission's Water Resource Portal at www.srbc.net/wrp. Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at www.srbc.net/pubinfo/docs/2009-02_Access_to_Records_Policy_20140115.pdf.

Supplementary Information

The public hearing will cover the following projects:
Projects Scheduled for Action:

1. Project Sponsor and Facility: Anadarko E&P Onshore, LLC (Lycoming Creek), Lewis Township, Lycoming County, PA. Application for renewal of surface water withdrawal of up to 1.340 mgd (peak day) (Docket No. 20120301).
2. Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Midway Manor System, Kingston Township, Luzerne County, PA. Application for groundwater withdrawal of up to 0.115 mgd (30-day average) from Dug Road Well.
3. Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Midway Manor System, Kingston Township, Luzerne County, PA. Application for groundwater withdrawal of up to 0.038 mgd (30-day average) from Hilltop Well.
4. Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Midway Manor System, Kingston Township, Luzerne County, PA. Application for groundwater withdrawal of up to 0.216 mgd (30-day average) from Midway Well 1.
5. Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Midway Manor System, Kingston Township, Luzerne County, PA. Application for groundwater withdrawal of up to 0.110 mgd (30-day average) from Midway Well 2.
6. Project Sponsor and Facility: Black Bear Waters, LLC (Lycoming Creek), Lewis Township, Lycoming County, PA. Application for renewal of surface water withdrawal of up to 0.900 mgd (peak day) (Docket No. 20120303).

7. Project Sponsor and Facility: East Berlin Area Joint Authority, Reading Township, Adams County, PA. Application for groundwater withdrawal of up to 0.072 mgd (30-day average) from Well 1.

8. Project Sponsor and Facility: East Berlin Area Joint Authority, Reading Township, Adams County, PA. Application for groundwater withdrawal of up to 0.108 mgd (30-day average) from Well 2.

9. Project Sponsor and Facility: East Berlin Area Joint Authority, East Berlin Borough, Adams County, PA. Application for groundwater withdrawal of up to 0.058 mgd (30-day average) from Well 4.

10. Project Sponsor and Facility: East Berlin Area Joint Authority, East Berlin Borough, Adams County, PA. Application for renewal with modification to increase groundwater withdrawal limit by an additional 0.048 mgd (30-day average), for a total of up to 0.072 mgd (30-day average) from Well 5 (Docket No. 19860601).

11. Project Sponsor and Facility: East Cocalico Township Authority, East Cocalico Township, Lancaster County, PA. Application for groundwater withdrawal of up to 0.059 mgd (30-day average) from Well 3A.

12. Project Sponsor and Facility: East Cocalico Township Authority, East Cocalico Township, Lancaster County, PA. Application for groundwater withdrawal of up to 0.028 mgd (30-day average) from Well 4.

13. Project Sponsor and Facility: East Cocalico Township Authority, East Cocalico Township, Lancaster County, PA. Application for groundwater withdrawal of up to 0.056 mgd (30-day average) from Well 5.

14. Project Sponsor and Facility: East Cocalico Township Authority, East Cocalico Township, Lancaster County, PA. Application for groundwater withdrawal of up to 0.022 mgd (30-day average) from Well 6.

15. Project Sponsor and Facility: East Cocalico Township Authority, East Cocalico Township, Lancaster County, PA. Application for groundwater withdrawal of up to 0.046 mgd (30-day average) from Well 7.

16. Project Sponsor and Facility: EQT Production Company (Wilson Creek), Duncan Township, Tioga County, PA. Application for renewal of surface water withdrawal of up to 0.740 mgd (peak day) (Docket No. 20120307).

17. Project Sponsor and Facility: Furman Foods, Inc., Point Township, Northumberland County, PA. Application for renewal of groundwater withdrawal of up to 0.320 mgd (30-day average) from Well 1 (Docket No. 19850901).

18. Project Sponsor and Facility: Furman Foods, Inc., Point Township, Northumberland County, PA. Application for renewal of groundwater withdrawal of up to 0.190 mgd (30-day average) from Well 4 (Docket No. 19850901).

19. Project Sponsor and Facility: Furman Foods, Inc., Point Township, Northumberland County, PA. Application for renewal of groundwater withdrawal of up to 0.090 mgd (30-day average) from Well 7 (Docket No. 19850901).

20. Project Sponsor and Facility: Mount Joy Borough Authority, Mount Joy Borough, Lancaster County, PA. Modification to increase withdrawal limit from Well 2 by 0.105 mgd (30-day average), for a total Well 2 withdrawal limit of 1.270 mgd (30-day average), and to increase the combined withdrawal limit by an additional 0.199 mgd (30-day average), for a total combined withdrawal limit of 1.799 mgd (30-day average) from Wells 1 and 2 (Docket No. 20110617).

21. Project Sponsor and Facility: Muncy Borough Municipal Authority, Muncy Creek Township, Lycoming County, PA. Application for groundwater withdrawal of up to 0.324 mgd (30-day average) from Well 5.

22. Project Sponsor and Facility: Muncy Borough Municipal Authority, Muncy Creek Township, Lycoming County, PA. Application for groundwater withdrawal of up to 0.324 mgd (30-day average) from Well 6.

23. Project Sponsor and Facility: Muncy Borough Municipal Authority, Muncy Creek Township, Lycoming County, PA. Application for groundwater withdrawal of up to 0.126 mgd (30-day average) from Well 7.

24. Project Sponsor and Facility: Muncy Borough Municipal Authority, Muncy Creek Township, Lycoming County, PA. Application for groundwater withdrawal of up to 0.276 mgd (30-day average) from Well 8.

25. Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Conservation and Restoration. Project Facility: Cresson Mine Drainage Treatment Plant, Cresson Borough, Cambria County, PA. Application for groundwater withdrawal from the Argyle Stone Bridge Well as part of a four-well system drawing up to 6.300 mgd (30-day average) from the Gallitzin Shaft and Cresson Mine Pools.

26. Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Conservation and Restoration. Project Facility: Cresson Mine Drainage Treatment Plant, Cresson Township, Cambria County, PA. Application for groundwater withdrawal from the Cresson No. 9 Well as part of a four-well system drawing up to 6.300 mgd (30-day average) from the Gallitzin Shaft and Cresson Mine Pools.

27. Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Conservation and Restoration. Project Facility: Cresson Mine Drainage Treatment Plant, Gallitzin Township, Cambria County, PA. Application for groundwater withdrawal from the Gallitzin Shaft Well 2A (Gallitzin Shaft #2) as part of a four-well system drawing up to 6.300 mgd (30-day average) from the Gallitzin Shaft and Cresson Mine Pools.

28. Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Conservation and Restoration. Project Facility: Cresson Mine Drainage Treatment Plant, Gallitzin Township, Cambria County, PA. Application for groundwater withdrawal from the Gallitzin Shaft Well 2B (Gallitzin Shaft #1) as part of a four-well system drawing up to 6.300 mgd (30-day average) from the Gallitzin Shaft and Cresson Mine Pools.

29. Project Sponsor and Facility: SWN Production Company, LLC (Susquehanna River), Mehoopany Township, Wyoming County, PA. Application for surface water withdrawal of up to 2.000 mgd (peak day).

30. Project Sponsor and Facility: SWN Production Company, LLC (Susquehanna River), Oakland Township, Susquehanna County, PA. Application for renewal of surface water withdrawal of up to 3.000 mgd (peak day) (Docket No. 20120311).

31. Project Sponsor and Facility: SWN Production Company, LLC (Tunkhannock Creek), Lenox Township, Susquehanna County, PA. Application for renewal of surface water withdrawal of up to 1.218 mgd (peak day) (Docket No. 20120312).

Project Scheduled for Action Involving a Diversion:

1. Project Sponsor: Gas Field Specialists, Inc. Project Facility: Wayne Gravel Products Quarry, Ceres Township, McKean County, PA. Application for into-basin diversion from the Ohio River Basin of up to 1.170 mgd (peak day).

Opportunity to Appear and Comment:

Interested parties may appear at the hearing to offer comments to the Commission on any project listed previously. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Rules of conduct will be posted on the Commission's web site, www.srbc.net, prior to the hearing for review. The presiding officer reserves the right to modify or supplement such rules at the hearing. Written comments on any project listed previ-

ously may also be mailed to Jason Oyler, General Counsel, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA. 17110-1788, or submitted electronically through www.srbc.net/pubinfo/publicparticipation.htm. Comments mailed or electronically submitted must be received by the Commission on or before February 15, 2016, to be considered.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: December 30, 2015.

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 16-103. Filed for public inspection January 15, 2016, 9:00 a.m.]

