

# PENNSYLVANIA BULLETIN

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Department of Environmental Protection

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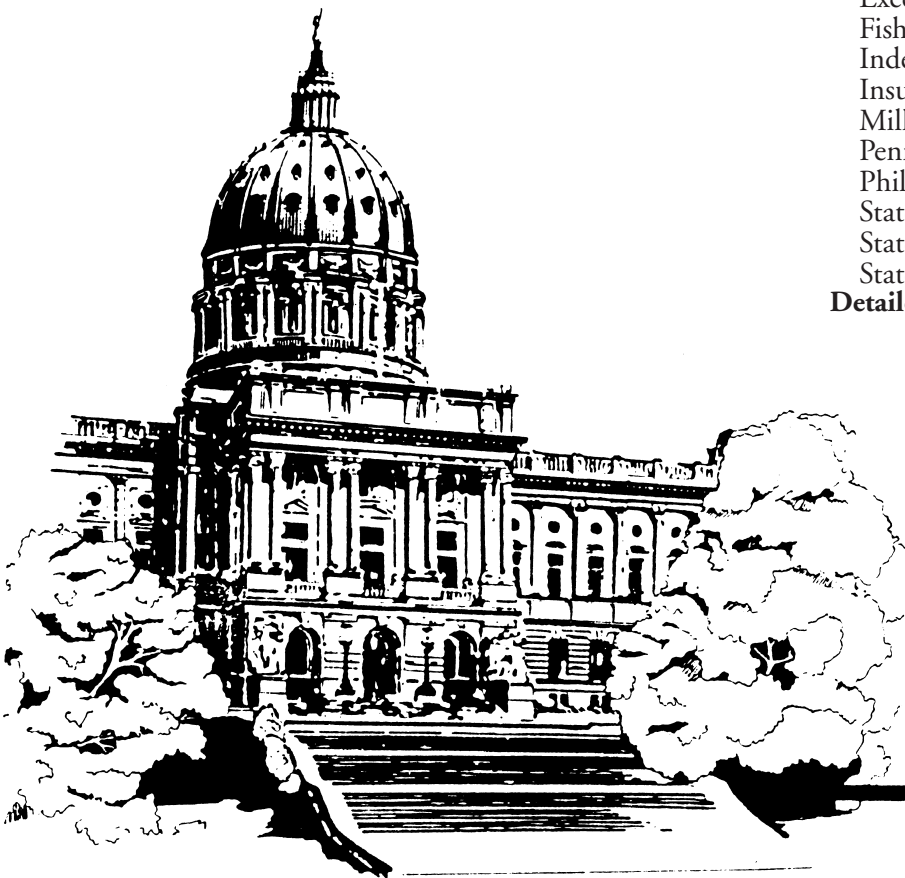
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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 500, July 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](http://www.pacode.com).

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

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

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

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

#### **Fiscal Notes**

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

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

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# List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[ 231 PA. CODE CH. 1915 ]

#### Proposed Amendment of Pa.R.C.P. Nos. 1915.3 and 1915.3-2

The Domestic Relations Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P. Nos. 1915.3 and 1915.3-2, for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Bruce J. Ferguson, Counsel  
Domestic Relations Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
Fax: 717-231-9531  
domesticrules@pacourts.us

All communications in reference to the proposal should be received by November 1, 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 Domestic Relations  
Procedural Rules Committee*

DAVID J. SLESNICK, Esq.,  
*Chair*

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1915. ACTIONS FOR CUSTODY OF MINOR CHILDREN

#### Rule 1915.3. Commencement of Action. Complaint. Order.

(a) Except as provided by subdivision (c), an action shall be commenced by filing a verified complaint substantially in the form provided by [ **Rule** ] Pa.R.C.P. No. 1915.15(a).

(b) An order shall be attached to the complaint directing the defendant to appear at a time and place specified. The order shall be substantially in the form provided by [ **Rule 1915.15(b)** ] Pa.R.C.P. No. 1915.15(c).

**Official Note:** [ See § 5430(d) of the Uniform Child Custody Jurisdiction and Enforcement Act, ] 23 Pa.C.S. § 5430(d), relating to costs and expenses for appearance of parties and child, and 23 Pa.C.S. § 5471, relating to intrastate application of the Uniform Child Custody Jurisdiction and Enforcement Act.

(c) A claim for custody which is joined with an action of divorce shall be asserted in the complaint or a subsequent petition, which shall be substantially in the form provided by [ **Rule** ] Pa.R.C.P. No. 1915.15(a).

**Official Note:** [ **Rule** ] Pa.R.C.P. No. 1920.13(b) provides that claims which may be joined with an action of divorce shall be raised by the complaint or a subsequent petition.

(d) If the mother of the child is not married and the child has no legal or presumptive father, then a putative father initiating an action for custody must file a claim of paternity pursuant to 23 Pa.C.S. § 5103 and attach a copy to the complaint in the custody action.

**Official Note:** If a putative father is uncertain of paternity, the correct procedure is to commence a civil action for paternity pursuant to the procedures set forth at [ **Rule** ] Pa.R.C.P. No. 1930.6.

(e) A grandparent, who is not *in loco parentis* to the child and is seeking physical and/or legal custody of a grandchild pursuant to 23 Pa.C.S. § 5323, must plead[ , **in paragraph 9 of the complaint set forth at Rule 1915.15(a),** ] facts establishing standing under [ § 5324(3) ] 23 Pa.C.S. § 5324(3) **in paragraph 9 of the complaint set forth in Pa.R.C.P. No. 1915.15(a).** A grandparent or great-grandparent seeking partial physical custody or supervised physical custody must plead[ , **in paragraph 9 of the complaint,** ] facts establishing standing pursuant to 23 Pa.C.S. § 5325 **in paragraph 9 of the complaint set forth in Pa.R.C.P. No. 1915.15(a).**

(f) An unemancipated minor parent may commence, maintain or defend an action for custody of the minor parent's child without the requirement of the appointment of a guardian for the minor parent.

(g) **Prior to the initial in-person custody proceeding as set forth in Pa.R.C.P. No. 1915.4(a), whether the action has been commenced by a complaint or petition, the court shall ascertain if the child, who is the subject of the custody action, has a court active juvenile case or is otherwise involved with a child protective services agency.**

(1) **If the court determines the child is the subject of an active juvenile case, the court shall:**

i. **enter an order temporarily staying further custody proceedings for 30 days; and**

ii. **refer the custody action to the presiding juvenile judge for further consideration by the juvenile court.**

(2) **Upon expiration of the 30-day stay, the plaintiff/petitioner in the custody action may petition the custody court to schedule the initial in-person custody proceeding or the court on its own motion may issue a scheduling order, unless the juvenile court issues an order relative to the custody action.**

**Official Note:** See 23 Pa.C.S. §§ 5329.1 and 6340(a)(5.1) and 42 Pa.C.S. § 6307(a)(4.1). Notwithstanding the court's inquiry under this subdivision, additional information may be necessary to fulfill the court's obligation under 23 Pa.C.S. § 5328(a)(2.1) as to the parties, their household members, and the child.

**Rule 1915.3-2. Criminal Record or Abuse History.**

(a) *Criminal Record or Abuse History Verification.* A party must file and serve with the complaint, [ **any** ] a petition for modification, [ **any** ] a counterclaim, [ **any** ] a petition for contempt or [ **any** ] a count for custody in a divorce complaint or counterclaim, a verification regarding any criminal record or abuse history of that party and anyone living in that party's household. The verification shall be substantially in the form set forth in subdivision (c) [ **below** ]. The party must attach a blank verification form to a complaint, counterclaim, or petition served upon the other party. Although the party served need not file a responsive pleading pursuant to [ **Rule** ] Pa.R.C.P. No. 1915.5, he or she must file with the court a verification regarding his or her own criminal record or abuse history and that of anyone living in his or her household on or before the initial in-person contact with the court (including, but not limited to, a conference with a conference officer or judge or conciliation, depending upon the procedure in the judicial district) but not later than 30 days after service of the complaint or petition. A party's failure to file a Criminal Record or Abuse History Verification may result in sanctions against that party. [ **Both** ] The parties shall file and serve updated verifications five days prior to trial.

(b) *Initial Evaluation.* At the initial in-person contact with the court, the judge, conference officer, conciliator or other appointed individual shall perform an initial evaluation to determine whether the existence of a criminal or abuse history of either party or a party's household member poses a threat to the child and whether counseling is necessary. The initial evaluation required by 23 Pa.C.S. § 5329(c) shall not be conducted by a mental health professional. After the initial evaluation, the court may order further evaluation or counseling by a mental health professional if the court determines it is necessary. Consistent with the best interests of the child, the court may enter a temporary custody order on behalf of a party with a criminal history or a party with a household member who has a criminal history, pending the party's or household member's evaluation and/or counseling.

**Official Note:** The court shall consider evidence of a criminal record or abusive history, and the verification required by subdivision (c) presented by the parties. [ **There is no obligation for the court to conduct an independent investigation of the criminal record or abusive history of either party or members of their household.** ] The court should not consider ARD or other diversionary programs. When determining whether a party or household member requires further evaluation or counseling, or whether a party or household member poses a threat to a child, the court should give consideration to the severity of the offense, the age of the offense, whether the victim of the offense was a child or family member and whether the offense involved violence.

(c) *Verification.* The verification regarding criminal record or abuse history shall be substantially in the following form:

(Caption)  
CRIMINAL RECORD/ABUSE HISTORY VERIFICATION

I \_\_\_\_\_, hereby swear or affirm, subject to penalties of law including 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities that:

1. Unless indicated by my checking the box next to [ **a crime below** ] a listed crime or offense, neither I nor [ **any other** ] a member of my household [ **have** ] has been convicted [ **or** ], pled guilty [ **or** ], pled no contest, or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa.C.S. § 6307, to any of the following crimes or offenses in Pennsylvania or a substantially equivalent crime or offense in [ **any other jurisdiction** ] another state, including pending charges:

<i>Check all that apply</i>	<i>Crime</i>	*	*	Self	*	*	<i>Other household member</i>	<i>Date of conviction, guilty plea, no contest plea or pending charges</i>	<i>Sentence</i>
<input type="checkbox"/>	23 Pa.C.S. § 6114 (relating to contempt for violation of protection order or agreement)			<input type="checkbox"/>			<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	<b>42 Pa.C.S. § 62A14</b> (relating to contempt for violation of protection order or agreement)			<input type="checkbox"/>			<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	Driving under the influence of drugs or alcohol			<input type="checkbox"/>			<input type="checkbox"/>	_____	_____

THE COURTS

<i>Check all that apply</i>	<i>Crime</i>	<i>Self</i>	<i>Other household member</i>	<i>Date of conviction, guilty plea, no contest plea or pending charges</i>	<i>Sentence</i>
<input type="checkbox"/>	Manufacture, sale, delivery, holding, offering for sale or possession of any controlled substance or other drug or device	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

[ 2. Unless indicated by my checking the box next to an item below, neither I nor any other member of my household have a history of violent or abusive conduct, or involvement with a Children & Youth agency, including the following:

<i>Check all that apply</i>		<i>Self</i>	<i>Other household member</i>	<i>Date</i>
<input type="checkbox"/>	A finding of abuse by a Children & Youth Agency or similar agency in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	Abusive conduct as defined under the Protection from Abuse Act in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	Involvement with a Children & Youth Agency or similar agency in Pennsylvania or another jurisdiction. Where?: _____	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	_____ ]

2. Unless I have checked a box next to one of the following statements, none of the statements is true with regard to a member of my household, a child of mine, or me.

<i>Check all that apply</i>		<i>Self</i>	<i>A household member</i>	<i>Child</i>
<input type="checkbox"/>	Involvement with a Children & Youth Agency in Pennsylvania or similar agency in another state.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	A finding of abuse by a Children & Youth Agency in Pennsylvania or similar agency in another state. Where?: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	An adjudication of dependency or delinquency under the Juvenile Act in Pennsylvania or similar law in another state. Is the case active? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	A history of abusive conduct as defined under the Protection from Abuse Act in Pennsylvania or similar law in another state.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	A history of sexual violence or intimidation as defined under the Protection of Victims of Sexual Violence and Intimidation Act in Pennsylvania or similar law in another state.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Please list any evaluation, counseling or other treatment received following conviction or finding of abuse: \_\_\_\_\_

4. If any conviction above applies to a household member, not a party, state that person's name, date of birth and relationship to the child. \_\_\_\_\_

5. If you are aware that the other party or members of the other party's household has or have a criminal record/abuse history, please explain: \_\_\_\_\_

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

### **PUBLICATION REPORT Recommendation 154**

The Domestic Relations Procedural Rules Committee ("DRPRC") is proposing an amendment to Pa.R.C.P. No. 1915.3, Commencement of Action, Complaint, Order, and Pa.R.C.P. No. 1915.3-2, Criminal Record or Abuse History. Act 107 of 2013 ("Act") became effective on January 1, 2014 and mandated a custody court consider child abuse and the involvement of a party or child with a child protective services agency when making a child custody determination under 23 Pa.C.S. §§ 5321—5340. The Act further required the Department of Public Welfare, now the Department of Human Services, local county children and youth social services agencies, and the courts of common pleas to cooperate in the determination of a child custody order.

The Act amended not only Title 23 as it relates to child custody, but also the Child Protective Services Law, 23 Pa.C.S. §§ 6301—6375, and the Juvenile Act, 42 Pa.C.S. §§ 6301—6375. As the Act amended the domestic relations law and juvenile law, a subcommittee of members of the DRPRC and the Juvenile Court Procedural Rules Committee met to discuss the interplay between the Act, the two bodies of procedural rules, and the local practice in the courts of common pleas. The subcommittee identified two key issues: (1) how to resolve concurrent pending actions for child custody and dependency; and (2) communicating resolution of terminated dependency cases in the context of a custody order.

Regarding the first issue, frequently custody cases are initiated or requests for modification of existing custody orders are made when a child is removed from a home by a county children and youth social services agency. These contemporaneous custody and dependency cases may be problematic with respect to court resources, the parties' ability to defend or prosecute both actions, and possibly inconsistent results due to a number of factors, including legal representation, expert witness availability, and other third party testimony.

The Rules Committees believe the domestic relations judge and the juvenile court judge are in the best position to determine how a case should proceed. Therefore, the DRPRC is proposing an amendment to Pa.R.C.P. No. 1915.3 requiring the court to ascertain prior to the initial custody proceeding whether the subject child or children of the custody action have a court active juvenile case or is otherwise involved with a child protective services agency. If the court determines an active juvenile case is pending, the rule would permit the domestic relations judge to temporarily stay a custody proceeding for 30 days and refer the case to the juvenile judge for review and appropriate action, including consolidation. In the event the juvenile judge takes no action, the temporary stay is terminated automatically and the custody case may proceed as usual.

In addition, the DRPRC is proposing the Criminal Record/Abuse History form in Pa.R.C.P. No. 1915.3-2 be amended to include additional party disclosures regarding sexual violence and intimidation. Paragraph 2 of the form document has been revised to include clarifying the disclosures related to juvenile court and child protective services involvement by the parties and child.

In conjunction with these proposed amendments, the Juvenile Court Procedural Rules Committee is proposing amendments to the dependency rules to provide for a resolution of the second key issue: communicating the result of the terminated dependency action by way of a custody order. Proposed amendments to Pa.R.J.C.P. 1515 and 1631 propose that the dependency court generate a custody order when court supervision is terminated that would be filed in the prothonotary's office and served on the parties to the dependency action. In the event a party believes a modification of the custody order is necessary in the future, the action can proceed through the domestic relations court.

The DRPRC invites comments, concerns, and suggestions regarding this rulemaking proposal.

[Pa.B. Doc. No. 16-1245. Filed for public inspection July 22, 2016, 9:00 a.m.]

## **Title 234—RULES OF CRIMINAL PROCEDURE**

[ 234 PA. CODE CH. 5 ]

### **Proposed Amendment of Pa.Rs.Crim.P. 531 and 536**

The Criminal Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Rule 531 (Qualifications of Surety.) and of Rule 536 (Procedures upon Violation of Conditions: Revocation of Release and Forfeiture; Bail Pieces; Exoneration of Surety.) for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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



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

Jeffrey M. Wasileski, Counsel  
 Supreme Court of Pennsylvania  
 Criminal Procedural Rules Committee  
 601 Commonwealth Avenue, Suite 6200  
 Harrisburg, PA 17106-2635  
 fax: (717) 231-9521  
 e-mail: criminalrules@pacourts.us

All communications in reference to the proposal should be received by no later than Friday, September 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 Criminal Procedural Rules Committee*

CHARLES A. EHRLICH,  
*Chair*

**Annex A**

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

**PART C(2). General Procedures in All Bail Cases**

**Rule 531. Qualifications of Surety.**

\* \* \* \* \*

**Comment**

Paragraph (A)(2) is intended to require that ownership of realty anywhere within the Commonwealth qualifies a person to act as a surety in any judicial district in the Commonwealth. Local procedure may not require as an “additional requirement” that realty must be located within the county before it may be posted to satisfy a monetary condition of release.

“Professional bondsman,” as defined in the Judicial Code, 42 Pa.C.S. §§ 5741—5749, includes any person who, within a 30-day period, becomes a surety or indemnifies a surety pursuant to these rules in three or more matters not arising under the same transaction, whether or not the person charges a fee or receives compensation. See 42 Pa.C.S. § 5741.

**“Surety,” as defined in the Judicial Code, 42 Pa.C.S. §§ 5741—5749, includes a person who pledges security, whether or not for compensation, in exchange for the release from custody of a person charged with a crime prior to adjudication. See 42 Pa.C.S. § 5741.**

Under paragraph (A)(5), either the defendant or another person, such as a relative or neighbor, may deposit the percentage cash bail. If the defendant deposits the money, he or she signs the bond, thereby becoming a surety and liable for the full amount of the monetary condition if a condition of the bail bond is violated. If someone other than the defendant deposits the money and co-signs the bond with the defendant, that person becomes a surety for the defendant and is liable for the full amount of the monetary condition if a condition of the bail bond is violated. There may be cases in which the other person does not co-sign the bond, but merely deposits the money on behalf of the defendant. In such cases, that person would not be a surety and would not be liable for the full amount of the monetary condition.

Paragraph (B) is not intended to preclude an attorney, or the spouse or employee of an attorney, from being a

surety as long as the defendant is not the attorney’s client or a client of the attorney’s office.

“Immediate family,” as used in paragraph (C), is intended to include only grandparents, parents, spouses, siblings, children, grandchildren, stepchildren, and like relatives-in-law.

**Official Note:** Former Rule 4011 adopted July 23, 1973, effective 60 days hence; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 534. Present Rule 4011 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; the April 1, 1996 effective dates extended to July 1, 1996; renumbered Rule 531 and amended March 1, 2000, effective April 1, 2001; **Comment revised , 2016, effective , 2016.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of the new rule published with the Court’s Order at 25 Pa.B. 4116 (September 30, 1995).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. [ 1477 ] 1478 (March 18, 2000).

**Report explaining the revision to the Comment regarding the statutory definition of “surety” published for comment at 46 Pa.B. 3937 (July 23, 2016).**

**Rule 536. Procedures Upon Violation of Conditions: Revocation of Release and Forfeiture; Bail Pieces; Exoneration of Surety.**

(A) SANCTIONS

\* \* \* \* \*

(2) Forfeiture

(a) When a monetary condition of release has been imposed and the defendant has violated a condition of the bail bond, the bail authority may order the cash or other security forfeited and shall state in writing or on the record the reasons for so doing. **When the surety is a third party, the cash or other security may be ordered forfeited only when the condition of the bail bond violated is that the defendant has failed to appear for a scheduled court proceeding.**

(b) Written notice of the forfeiture shall be given to the defendant and any surety, either personally or by both first class and certified mail at the defendant’s and the surety’s last known addresses.

(c) The forfeiture shall not be executed until [ 20 ] 90 days after notice of the forfeiture order.

(d) The bail authority may direct that a forfeiture be set aside or remitted **as provided by law or** if justice does not require the full enforcement of the forfeiture order.

\* \* \* \* \*

(C) EXONERATION

(1) A bail authority, [ **in his or her discretion, may** ] **as provided by law, shall** exonerate a surety who deposits cash in the amount of any forfeiture ordered or who surrenders the defendant in a timely manner.

(2) When the conditions of the bail bond have been satisfied, or the forfeiture has been set aside or remitted, the bail authority shall exonerate the obligors and release any bail.



### Comment

This rule does not apply when a defendant has been arrested pursuant to extradition proceedings. *See generally* Uniform Criminal Extradition Act, 42 Pa.C.S. §§ 9121—9148, and particularly Section 9139 concerning forfeiture proceedings in such cases. *See also* the Crimes Code, 18 Pa.C.S. § 5124, which imposes criminal sanctions for failing to appear in a criminal case when required.

Paragraph (A)(1)(b) was amended and former paragraph (A)(1)(d) was deleted in 2005 to make it clear that a warrant for the arrest of the defendant for failure to comply with a condition of bail is a bench warrant. For the procedures when a paragraph (A)(1)(b) bench warrant is executed, see Rule 150 (Bench Warrants). For the procedures for issuing a bench warrant when a defendant fails to appear for a preliminary hearing, see paragraph (D) of Rule 543 (Disposition of Case at Preliminary Hearing).

**Nothing in this rule is intended to preclude the issuance and service of the notice of revocation of release under paragraph (A)(1) and the notice of forfeiture of security under paragraph (A)(2) to be performed simultaneously.**

Nothing in this rule is intended to preclude a judicial district from utilizing the United States Postal Service's return receipt electronic option, or any similar service that electronically provides a return receipt, when using certified mail, return receipt requested.

Once bail has been modified by a common pleas judge pursuant to Rule 529, only the common pleas judge subsequently may change the conditions of release, even in cases that are pending before a magisterial district judge. *See* Rules 543 and 529.

**This rule was amended in 2016 following the enactment of Section 5747.1 of the Judicial Code, 42 Pa.C.S. § 5747.1, that limits the grounds for which bail might be forfeited by a third party surety to the defendant's failure to appear for a court proceeding. For all other violations of the conditions of bail, all other remedies remain available, including but not limited to, forfeiture by the defendant when he or she is the surety, revocation of bail, modification of bail, and indirect criminal contempt.**

Whenever the bail authority is a judicial officer in a court not of record, pursuant to paragraph (A)(2)(a), that officer should set forth in writing his or her reasons for ordering a forfeiture, and the written reasons should be included with the transcript.

Paragraph (A)(2)(c) provides an automatic [ 20-day ] 90-day stay on the execution of the forfeiture to give the surety time to produce the defendant or the defendant time to appear and comply with the conditions of bail.

“Conditions of the bail bond” as used in this rule include the conditions set forth in Rule 526(A) and the conditions of release defined in Rules 524, 527, and 528.

**Section 5747.1(b)(5) of the Judicial Code requires the bail authority to grant specific remittances to sureties if the defendant is produced within specified time periods. See 42 Pa.C.S. § 5747.1(b)(5). Otherwise, remittance or exoneration of the surety is within the discretion of the bail authority.**

**Official Note:** Former Rule 4016 adopted July 23, 1973, effective 60 days hence, replacing prior Rule 4012; Comment revised January 28, 1983, effective July 1, 1983; rescinded September 13, 1995, effective January 1,

1996, and replaced by Rule 4016. Present Rule 4016 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; the April 1, 1996 effective dates extended to July 1, 1996; renumbered Rule 536 and Comment revised March 1, 2000, effective April 1, 2001; amended March 3, 2004, effective July 1, 2004; Comment revised August 24, 2004, effective August 1, 2005; amended December 30, 2005, effective August 1, 2006; Comment revised May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; Comment revised September 18, 2008, effective February 1, 2009; **amended** , **2016**, **effective** , **2016**.

#### *Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the September 18, 2008 revision of the Comment concerning the United States Postal Service's return receipt electronic option published with the Court's Order at 38 Pa.B. 5428 (October 4, 2008).

**Report explaining the proposed amendments necessitated by statutory changes related to bail forfeitures published for comment at 46 Pa.B. 3937 July 23, 2016).**

#### ***Proposed Amendments of Pa.Rs.Crim.P. 531 and 536 Bail Forfeitures***

For some time, the Committee had been discussing bail forfeitures. Initially, this was as a result of the Pa. Supreme Court's opinion in *Commonwealth v. Hann*, 81 A.3d 57 (2013). This case was used by the Court to clarify that a “totality of the circumstances” analysis be used when a bail authority is faced with a request for the forfeiture of the bail bond. Specifically, the Court held that forfeiture could be awarded for the violation of non-monetary conditions of bail and that there need be no showing of financial loss to the Commonwealth. Initially, the Committee was considering adding a cross-reference to *Hann* to the bail rules, but also was examining whether the rules should provide some type of hearing procedure in which the analysis required under *Hann* could be conducted.

While the Committee was considering this issue, the Legislature enacted Act 16 of 2015 that is intended to provide uniformity to the regulation of professional bail bondsmen in Pennsylvania. The Governor signed the Act into law on July 2, 2015. Much of the Act deals with licensing and regulation of professional bail bondsmen. However, there are provisions in the Act that affect the forfeiture provisions of Rule 536 and some of these provisions were explicitly enacted to modify the provision in *Hann*. In particular, the Act creates new 42 Pa.C.S. § 5747.1 that provides procedures for bail forfeiture. Several of the provisions of new Section 5747.1 differ from the existing bail forfeiture procedures contained in Rule 536.

The Committee discussed whether aspects of the Act unconstitutionally impinged on the Court's exclusive procedural rule-making authority. Prior to this Act, the Legislature had deferred most aspects relating to bail to the Court's rulemaking authority in 42 Pa.C.S. § 5702 that states:

#### **§ 5702. Bail to be governed by general rules**

Except as otherwise provided by this title and the laws relating to the regulation of surety companies, all matters relating to the fixing, posting, forfeiting, exoneration and distribution of bail and recognizances shall be governed by general rules.

As a result, the bail rules contain some elements that might be more substantive than purely procedural. Additionally, Section 5702 contains the prefatory phrase, "Except as otherwise provided in this title . . ." that reserves the right of the Legislature to act in these areas so long as it does not interfere with the Court's constitutional rulemaking authority. Ultimately, the Committee concluded that some of the provisions in Act 16 related to forfeiture, particularly the grounds for which forfeiture may be ordered, did not impinge on the Court's rulemaking authority and represented the Legislature exercising the right reserved in this area to act on the substantive aspects of bail that it had left to the Court under § 5702. The Committee discussed which specific aspects of the Act might constitute procedural conflicts and those that were of a substantive nature and represented a "taking back" by the Legislature of authority over certain aspects of bail. The Committee concluded that, while some aspects of new Section 5747.1 are procedural in nature, many of the provisions of Section 5747.1 address substantive aspects of bail forfeiture and, therefore, fall within the Legislature's authority.

With regard to those portions of the Act that raise potential procedural conflicts, the Committee recognized that the Court has not always exercised the right to suspend statutes that impinged on the Court's constitutional rulemaking authority. The Committee therefore examined the areas of potential conflict to determine if rule changes could be made that would reconcile the bail rules with the Act. The Committee initially identified five areas where there are differences between Section 5747.1 and the forfeiture procedures contained in Rule 536.

First, Rule 536 treats revocation of bail and forfeiture of surety as separate decisions and provides for two separate actions to notify the defendant of these actions. Rule 536(A)(1) provides that, upon violation of a bail condition, the bail authority may issue a bench warrant for the defendant and may issue an order to the surety to provide an explanation as to why the defendant's release should not be revoked. Paragraph (A)(2) contemplates that a separate notice of forfeiture be provided to the defendant and the surety with 20 days to respond. Section 5747.1(a) provides that, upon a defendant's failure to appear for a proceeding, the bail authority may issue a notice of bail revocation that shall also serve as a notice of the intent to forfeit the bail. Ninety days after the service of this notice of revocation, the revocation shall become a judgment of forfeiture.

In examining whether Rule 536 should be changed to reflect the statutory procedure, the Committee concluded that the procedure in Section 5747.1(a), *i.e.* having the notice of bail revocation act as the notice of intent to forfeit, is problematic since not every bail revocation will involve forfeiture. The Committee strongly believes that some additional notice must be provided to the defendant and the surety that forfeiture as well as revocation was being sought.

The Committee is therefore proposing to retain the notice provisions of Rule 536 but the Comment would be revised to state that the two notices may be served simultaneously. These two notices could be combined in a single document and therefore would be an effectuation of the Act from a procedural stand-point, providing appropriate, complete notice to the defendant and the surety.

The second potential conflict, related to the foregoing, is that Rule 536(A)(2)(c) provides 20 days from the service of the notice of forfeiture before the forfeiture order is finalized. Section 5747.1(b)(1) provides that the notice of

revocation will become a judgment of forfeiture 90 days after the revocation order, presumably allowing the surety time in which to respond to the forfeiture action. After reviewing the practice in other jurisdictions, the Committee concluded that an increase to the time limit to respond to a notice of forfeiture would not be unreasonable. Therefore the time for a response to the notice of forfeiture would be increased to 90 days in paragraph (A)(2)(c) of Rule 536.

The third potential conflict concerns the provisions in Rule 536(A)(1)(a) that permit forfeiture for violation of any bail condition. Paragraph (b)(6) of Section 5747.1 specifically limits the forfeiture exposure of third party sureties to the situation where the defendant has failed to appear and provides that any violation of "performance conditions by a defendant other than appearance" shall be treated as an indirect criminal contempt.

The Committee first examined whether this limitation on the grounds for which the bail bond may be forfeited is procedural or substantive. The Committee ultimately concluded that the definition of the grounds for forfeiture represent a regulation of the right of a surety to the recovery of the pledged property and therefore is substantive in nature, falling within the authority of the Legislature to define. Therefore, a second sentence would be added to Rule 536(A)(2)(a) stating the limitation when the surety is a third party. Language would be added to the Comment that further details this limitation.

Fourth, Section 5747.1(a) states that service of the notice to the surety must be by certified mail, return receipt requested while Rule 536 requires that the notice of forfeiture be served either personally or by both first class and certified mail at the defendant's and the surety's last known addresses. The Committee concluded that there is not a conflict here between the service provisions of the rule and the statute since the rule simply adds another procedural step for further assurance that service has been made.

Fifth, Rule 536(C) provides broad discretion to the courts to provide exoneration and remittance to a surety. Section 5747.1(b)(5) provides very specific relief for third party sureties that the bail authority is required to grant in certain circumstances. For example, if the defendant is returned between the 91st day and 6 months after the issuance of the forfeiture order, the surety is entitled to recover the full amount of the forfeited bail. If the defendant is returned between 6 months and 1 year, the surety is entitled to 80% of the forfeited bail and 50% if the defendant is returned between 1 and 2 years.

The Committee considered whether these provisions are procedural or substantive and concluded that these provisions are substantive. Rather than incorporate these specific provisions into the rule, the Committee is proposing to remove the terminology regarding the bail authorities' discretion and use the term "as provided by law" in paragraphs (A)(2)(d) and (C)(1) as well as adding a cross-reference to the statute in the Comment. The phrase "in a timely manner" currently contained in paragraph (C)(1) now would be referring back to the time provisions within Section 5747.1(b)(5).

The Committee is also proposing a revision to the Comment to Rule 531 (Qualifications of Surety). Since the Act now includes a definition of surety, the Committee believes it would be helpful to include a cross-reference to the statutory definition in the Rule 531 Comment.

[Pa.B. Doc. No. 16-1246. Filed for public inspection July 22, 2016, 9:00 a.m.]

# Title 237—JUVENILE RULES

## PART I. RULES

### [ 237 PA. CODE CH. 1 ]

#### Proposed Revision of Comment to Pa.R.J.C.P. 152

The Juvenile Court Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the revision of the Comment to Pa.R.J.C.P. 152 concerning the waiver of counsel by a juvenile for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Daniel A. Durst, Chief Counsel  
 Juvenile Court Procedural Rules Committee  
 Supreme Court of Pennsylvania  
 Pennsylvania Judicial Center  
 PO Box 62635  
 Harrisburg, PA 17106-2635  
 FAX: 717-231-9541  
 juvenilerules@pacourts.us

All communications in reference to the proposal should be received by September 1, 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 Juvenile Court  
 Procedural Rules Committee*

KERITH STRANO TAYLOR, Esq.,  
*Chair*

### Annex A

#### TITLE 237. JUVENILE RULES

##### PART I. RULES

##### Subpart A. DELINQUENCY MATTERS

##### CHAPTER 1. GENERAL PROVISIONS

##### PART B(2). COUNSEL

#### Rule 152. Waiver of Counsel.

A. *Waiver requirements.* A juvenile who has attained the age of fourteen may **only** waive the right to counsel if:

- 1) the waiver is knowingly, intelligently, and voluntarily made; [ **and** ]
- 2) the court conducts a colloquy with the juvenile on the record; and
- 3) the proceeding for which waiver is sought is not one of the following:
  - a) detention hearing pursuant to Rule 242;
  - b) transfer hearing pursuant to Rule 394;

c) adjudicatory hearing pursuant to Rule 406, including the acceptance of an admission pursuant to Rule 407;

d) dispositional hearing pursuant to Rule 512; or

e) a hearing to modify or revoke probation pursuant to Rule 612.

B. *Stand-by counsel.* The court may assign stand-by counsel if the juvenile waives counsel at any proceeding or stage of a proceeding.

C. *Notice and revocation of waiver.* If a juvenile waives counsel for any proceeding, the waiver only applies to that proceeding, and the juvenile may revoke the waiver of counsel at any time. At any subsequent proceeding, the juvenile shall be informed of the right to counsel.

#### Comment

Because of the ramifications of a juvenile record, it is important that every safeguard [ **is** ] **be** taken to ensure that all constitutional and procedural guarantees and rights are preserved. Juveniles should not feel pressured to waive counsel or be the subject of any proactive pursuit for obtaining a waiver.

In determining whether the waiver of counsel is knowingly, intelligently, and voluntarily made, the court, on the record, is to ask the juvenile questions to elicit: 1) the reasons why the juvenile wants to waive counsel; 2) information regarding the juvenile's: a) age; b) maturity; c) education; d) mental health issues, if any; and e) any current alcohol or drug issues that may impair the juvenile's decision-making skills; 3) the juvenile's understanding of the: a) right to an attorney, including the provisions of Rule 151; b) juvenile's role when proceeding *pro se*; c) allegations in the petition against the juvenile; **and** d) possible consequences if the juvenile is found delinquent; 4) whether the juvenile consulted with the juvenile's guardian; and 5) whether the juvenile consulted with an attorney.

If it is determined that the juvenile has not knowingly, intelligently, and voluntarily waived counsel, the court immediately is to appoint counsel for the juvenile. If it is determined that the juvenile has made a knowing, intelligent and voluntary waiver, the court may appoint stand-by counsel for all proceedings.

This rule is not meant to preclude the guardian's presence at any hearing. Indeed, the presence and active participation of a guardian should be welcomed. During the colloquy, which is the subject of this rule, the court should feel free to elicit information from the guardian. As provided in Rule 131 and the Juvenile Act, 42 Pa.C.S. §§ 6310, 6335(b), and 6336.1, the court can order the guardian's presence if the court determines that it is in the best interest of the juvenile. When conducting the colloquy, the court should also keep in mind the age, maturity, intelligence, and mental condition of the juvenile, as well as the experience of the juvenile, the juvenile's ability to comprehend, the guardian's presence and consent, and the juvenile's prior record.

This rule requires the juvenile to waive the right to counsel. A guardian may not waive the juvenile's right to counsel. To implement this rule, Rule 800 suspends 42 Pa.C.S. § 6337 only to the extent that the right to waiver of counsel belongs to the juvenile and the guardian may not waive the right for the juvenile.

Additionally, Rule 150(B) provides that once an appearance is entered or the court assigns counsel, counsel is to represent the juvenile until final judgment, including any proceeding upon direct appeal and dispositional review, unless permitted to withdraw. *See* Pa.R.J.C.P. 150(B).



[Notwithstanding the provisions of paragraph (A)(3), a juvenile fourteen years of age or older may make or file a motion pursuant to Rule 344(E) for alternative relief, for example, when the juvenile subscribes to a protected formal belief system which prohibits attorney representation.]

Pursuant to paragraph (C), if waiver of counsel is revoked, the court is to appoint counsel before proceeding.

**Official Note:** Rule 152 adopted April 1, 2005, effective October 1, 2005. Amended January 11, 2012, effective March 1, 2012. Amended , 2016, effective , 2016.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 152 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 152 published with the Court's Order at 42 Pa.B. 547 (January 28, 2012).

**Final Report explaining the amendments to Rule 152 published with the Court's Order at Pa.B. ( , 2016).**

**REPORT**

**Proposed Revision of Comment to Pa.R.J.C.P. 152**

The Juvenile Court Procedural Rules Committee proposes to revise the Comment to Rule 152 to remove a statement suggesting a juvenile has a right to proceed *pro se*.

Rule 151 was substantially amended on May 16, 2011 to establish a presumption of indigency for juveniles. The purpose of this amendment was to assign counsel in every case in which the juvenile appears without counsel. On January 11, 2012, Rule 152 was amended to, *inter alia*, prohibit the waiver of counsel for certain proceedings. See Pa.R.J.C.P. 152(A)(3). Additionally, the Comment was revised to add:

Notwithstanding the provisions of paragraph (A)(3), a juvenile fourteen years of age or older may make or file a motion pursuant to Rule 344(E) for alternative relief, for example, when the juvenile subscribes to a protected formal belief system which prohibits attorney representation.

Thereafter, the Juvenile Act was amended by Section 2 of the Act of April 9, 2012, P.L. 223, to prohibit the waiver of counsel for the same proceedings identified in Rule 152(A)(3). See 42 Pa.C.S. § 6337.1(b)(3). The Act does not provide for an exception to the prohibition against waiver.

In light of this subsequent legislation, the Committee has reconsidered the Comment. Until such time the Court or the Legislature holds that a juvenile has a right to proceed *pro se*, the Committee believes that suggesting so in a Comment is beyond procedural and may lead to confusion. Therefore, the Committee proposes to recommend to the Supreme Court that the above-comment be deleted from the Comment.

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.

[Pa.B. Doc. No. 16-1247. Filed for public inspection July 22, 2016, 9:00 a.m.]

**PART I. RULES**

**[ 237 PA. CODE CHS. 2 AND 12 ]**

**Proposed Amendment of Pa.R.J.C.P. 240, 242 and 1242**

The Juvenile Court Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.J.C.P. 240, 242, and 1242 concerning the detention and shelter care hearings for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Daniel A. Durst, Chief Counsel  
Juvenile Court Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
FAX: 717-231-9541  
juvenilerules@pacourts.us

All communications in reference to the proposal should be received by September 1, 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 Juvenile Court  
Procedural Rules Committee*

KERITH STRANO TAYLOR, Esq.,  
*Chair*

**Annex A**

**TITLE 237. JUVENILE RULES**

**PART I. RULES**

**Subpart A. DELINQUENCY MATTERS**

**CHAPTER 2. COMMENCEMENT OF  
PROCEEDINGS, ARREST PROCEDURES,  
WRITTEN ALLEGATION, AND  
PRE-ADJUDICATORY DETENTION**

**PART D. PRE-ADJUDICATORY DETENTION**

**Rule 240. Detention of Juvenile.**

*A. Detention requirements.* If a juvenile is brought before the court or delivered to a detention facility designated by the court, the juvenile probation officer immediately shall:

- 1) examine the written allegation;
- 2) make an investigation, which may include an intake conference with the juvenile, the juvenile's attorney, guardian, or other interested and informed adult; and
- 3) release the juvenile, unless it appears that the juvenile's detention is warranted.

B. *Filing of petition.* The release of the juvenile shall not prevent the subsequent filing of a petition.

C. *Prompt hearing.* If the juvenile is not released, a detention hearing shall be held no later than seventy-two hours after the juvenile is placed in detention. **Neither the juvenile nor the juvenile's attorney shall be permitted to waive the detention hearing.**

D. *Time restrictions.* Except as provided in paragraphs (D)(1) and (D)(2), if the adjudicatory hearing is not held or notice of request for transfer is not submitted within the ten-day period as specified in Rules 391 and 404, the juvenile shall be released.

1) A juvenile may be detained for an additional single period not to exceed ten days when the court determines that:

- a) evidence material to the case is unavailable;
- b) due diligence to obtain such evidence has been exercised;
- c) there are reasonable grounds to believe that such evidence will be available at a later date; and
- d) the detention of the juvenile would be warranted.

2) A juvenile may be detained for successive ten-day intervals if the delay is caused by the juvenile. The court shall state on the record if failure to hold the hearing resulted from delay caused by the juvenile. Delay caused by the juvenile shall include, but not be limited to:

- a) delay caused by the unavailability of the juvenile or the juvenile's attorney;
- b) delay caused by any continuance granted at the request of the juvenile or the juvenile's attorney; or
- c) delay caused by the unavailability of a witness resulting from conduct by or on behalf of the juvenile.

#### Comment

If a juvenile is detained, the guardian should be notified immediately. *See* Rules 220 (Procedures in Cases Commenced by Arrest Without Warrant) and 313(B) (Taking into Custody from Intake) for notification of the guardian.

**Nothing in paragraph (C) is intended to preclude the use of stipulations or agreements among the parties, subject to court review and approval at the detention hearing.**

Under paragraph (D)(2), if the juvenile causes delay, the juvenile may continue to be held in detention. The additional period of detention should not exceed ten days. The court may continue such detention for successive ten-day intervals if the juvenile caused the delay. The time restrictions of paragraph (D) apply to a juvenile who is placed in detention, even if previously released.

For time restrictions on detention for juveniles scheduled for a transfer hearing to criminal proceedings, see Rule 391.

For statutory provisions on detention, see 42 Pa.C.S. §§ 6325, 6331, 6335. For the Juvenile Court Judges Commission's Detention Standards, see 37 Pa. Code § 200.101 *et seq.* (2003).

If a juvenile is detained, the juvenile is to be placed in a detention facility, which does not include a county jail or state prison. *See* Rule 120 and its Comment for definition of "detention facility."

**Official Note:** Rule 240 adopted April 1, 2005, effective October 1, 2005. Amended June 28, 2013, effective immediately. **Amended** , **2016**, **effective** , **2016**.

#### *Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 240 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 240 published with the Court's Order at 43 Pa.B. 3938 (July 13, 2013).

**Final Report explaining the amendments to Rule 240 published with the Court's Order at Pa.B. ( , 2016).**

#### **Rule 242. Detention Hearing.**

A. *Informing juvenile of rights.* Upon commencement of the hearing, the court shall:

- 1) provide a copy of the written allegation to the juvenile and the juvenile's guardian, if present;
- 2) inform the juvenile of the right to counsel and to retain private counsel or to be assigned counsel; and
- 3) inform the juvenile of the right to remain silent with respect to any allegation of delinquency.

#### B. *Manner of hearing.*

##### 1) *Conduct.*

- a) The hearing shall be conducted in an informal but orderly manner.
- b) The attorney for the Commonwealth shall:
  - i) attend the hearing; and
  - ii) present such evidence as the Commonwealth deems necessary to support the written allegation and the need for detention.

2) *Recording.* If requested by the juvenile or the Commonwealth, or if ordered by the court, the hearing shall be recorded by appropriate means. If not so recorded, full minutes of the hearing shall be kept.

##### 3) *Testimony and evidence.*

a) All evidence helpful in determining the questions presented, including oral or written reports, may be received by the court and relied upon to the extent of its probative value even though not competent in the hearing on the petition.

b) The juvenile's attorney, the juvenile, if the juvenile has waived counsel pursuant to Rule 152, and the attorney for the Commonwealth shall be afforded an opportunity to examine and controvert written reports so received.

4) *Juvenile's rights.* The juvenile shall be present at the detention hearing and the juvenile's attorney [ **or the juvenile, if the juvenile has waived counsel pursuant to Rule 152,** ] may:

- a) cross-examine witnesses offered against the juvenile; and
- b) offer evidence or witnesses, if any, pertinent to the probable cause or detention determination.

5) *Advanced communication technology.* A court may utilize advanced communication technology pursuant to Rule 129 for a juvenile or a witness unless good cause is shown otherwise.

C. *Findings.* The court shall determine whether:

- 1) there is probable cause that a delinquent act was committed by the juvenile;
- 2) detention of the juvenile is warranted; and
- 3) there are any special needs of the juvenile that have been identified and that the court deems necessary to address while the juvenile is in detention.

D. *Filing of petition.* If a juvenile remains detained after the hearing, a petition shall be filed with the clerk of courts within twenty-four hours or the next court business day.

E. *Court's order.* At the conclusion of the detention hearing, the court shall enter a written order setting forth its findings pursuant to paragraph (C).

#### Comment

A detention hearing consists of two stages. The first stage of a detention hearing is a probable cause hearing. If probable cause is not found, the juvenile is to be released. If probable cause is found, then the court is to proceed to the second stage.

The second stage of a detention hearing is a detention determination hearing. The court should hear pertinent evidence concerning the detention status of the juvenile, review and consider all alternatives to secure detention, and determine if the detention of the juvenile is warranted.

An additional determination is required in paragraph (C)(3) although this is not a third stage of the detention hearing. It is important that the court address any special needs of the juvenile while the juvenile is in detention. The juvenile's attorney, the juvenile probation officer, or detention staff is to present any educational, health care, and disability needs to the court, if known at the time of the hearing. Special needs may include needs for special education, remedial services, health care, and disability. If the court determines a juvenile is in need of an educational decision maker, the court is to appoint an educational decision maker pursuant to Rule 147.

When addressing the juvenile's needs concerning health care and disability, the court's order should address the right of: 1) a juvenile to receive timely and medically appropriate screenings and health care services, 55 Pa. Code § 3800.32 and 42 U.S.C. § 1396d(r); and 2) a juvenile with disabilities to receive necessary accommodations, 42 U.S.C. § 12132, 28 C.F.R. § 35.101 *et seq.*, Section 504 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. § 794, and implementing regulations at 45 C.F.R. § 84.1 *et seq.*

Pursuant to the Juvenile Act, the court has authority to order a physical or mental examination of a juvenile and medical or surgical treatment of a minor, who is suffering from a serious physical condition or illness, which requires prompt treatment in the opinion of a physician. The court may order the treatment even if the guardians have not been given notice of the pending hearing, are not available, or without good cause inform the court that they do not consent to the treatment. 42 Pa.C.S. § 6339(b).

The procedures of paragraph (D) deviate from the procedures of the Juvenile Act. *See* 42 Pa.C.S. § 6331. Under paragraph (D), a petition does not have to be filed within twenty-four hours of the juvenile's detention; rather, the petition should be filed within twenty-four hours of the conclusion of the detention hearing if the juvenile is detained. *See* Rule 800. If the juvenile is not detained, a petition may be filed at any time prior to the

adjudicatory hearing. However, the juvenile's attorney should have sufficient notice of the allegations prior to the adjudicatory hearing to prepare for the defense of the juvenile. *See* Rule 330 for petition requirements, Rule 331 for service of the petition, and Rule 363 for time of service.

The victim may be present at the hearing. *See* Rule 132 and 18 P.S. § 11.201 *et seq.* Any persons may be subpoenaed to appear for the hearing. *See* Rule 123 and 42 Pa.C.S. § 6333. However, nothing in these rules requires the attendance of the victim unless subpoenaed. If the victim is not present, the victim is to be notified of the final outcome of the proceeding. *See* Victim's Bill of Rights, 18 P.S. § 11.201 *et seq.*

*See* 42 Pa.C.S. §§ 6332, 6336, and 6338 for the statutory provisions concerning informal hearings and other basic rights.

**Official Note:** Rule 242 adopted April 1, 2005, effective October 1, 2005. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 26, 2011, effective July 1, 2011. Amended July 18, 2012, effective October 1, 2012. **Amended** , 2016, effective , 2016.

#### Committee Explanatory Reports:

Final Report explaining the provisions of Rule 242 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 242 published with the Court's Order at 41 Pa.B. 2319 (May 7, 2011).

Final Report explaining the amendments to Rule 242 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 242 published with the Court's Order at 41 Pa.B. 3180 (June 25, 2011).

Final Report explaining the amendments to Rule 242 published with the Court's Order at 42 Pa.B. 4909 (August 4, 2012).

**Final Report explaining the amendments to Rule 242 published with the Court's Order at Pa.B. ( , 2016).**

#### Subpart B. DEPENDENCY MATTERS

#### CHAPTER 12. COMMENCEMENT OF PROCEEDINGS, EMERGENCY CUSTODY, AND PRE-ADJUDICATORY PLACEMENT

#### PART C. SHELTER CARE

#### Rule 1242. Shelter Care Hearing.

A. *Informing of rights.* Upon commencement of the hearing, the court shall ensure that:

- 1) a copy of the shelter care application is provided to the parties; and
- 2) all parties are informed of the right to counsel.

#### B. *Manner of hearing.*

1) *Conduct.* The hearing shall be conducted in an informal but orderly manner.

2) *Recording.* If requested, or if ordered by the court, the hearing shall be recorded by appropriate means. If not so recorded, full minutes of the hearing shall be kept.

3) *Testimony and evidence.* All evidence helpful in determining the questions presented, including oral or written reports, may be received by the court and relied



upon to the extent of its probative value even though not competent in the hearing on the petition. The child's attorney, the guardian, if unrepresented, and the attorney for the guardian shall be afforded an opportunity to examine and controvert written reports so received.

4) *Advanced communication technology.* Upon good cause shown, a court may utilize advanced communication technology pursuant to Rule 1129.

C. *Findings.* The court shall determine whether:

1) there are sufficient facts in support of the shelter care application;

2) the county agency has reasonably engaged in family finding;

3) custody of the child is warranted after consideration of the following factors:

a) remaining in the home would be contrary to the welfare and best interests of the child;

b) reasonable efforts were made by the county agency to prevent the child's placement;

c) the child's placement is the least restrictive placement that meets the needs of the child, supported by reasons why there are no less restrictive alternatives available; and

d) the lack of efforts was reasonable in the case of an emergency placement where services were not offered;

4) a person, other than the county agency, submitting a shelter care application, is a party to the proceedings; and

5) there are any special needs of the child that have been identified and that the court deems necessary to address while the child is in shelter care.

D. *Prompt hearing.* The court shall conduct a hearing within seventy-two hours of taking the child into protective custody. **The parties shall not be permitted to waive the shelter care hearing.**

E. *Court order.* At the conclusion of the shelter care hearing, the court shall enter a written order setting forth:

1) its findings pursuant to paragraph (C);

2) any conditions placed upon any party;

3) any orders regarding family finding pursuant to Rule 1149;

4) any orders for placement or temporary care of the child;

5) any findings or orders necessary to ensure the stability and appropriateness of the child's education, and when appropriate, the court shall appoint an educational decision maker pursuant to Rule 1147;

6) any findings or orders necessary to identify, monitor, and address the child's needs concerning health care and disability, if any, and if parental consent cannot be obtained, authorize evaluations and treatment needed; and

7) any orders of visitation.

#### Comment

Pursuant to paragraph (B)(4), it is expected that the parties be present. Only upon good cause shown should advanced communication technology be utilized.

Pursuant to paragraph (C), the court is to make a determination that the evidence presented with the shelter care application under Rule 1240 is supported by

sufficient facts. After this determination, the court is to determine whether the custody of the child is warranted by requiring a finding that: 1) remaining in the home would be contrary to the health and welfare of the child; 2) reasonable efforts were made by the county agency to prevent the placement of the child; 3) the child was placed in the least restrictive placement available; and 4) if the child was taken into emergency placement without services being offered, the lack of efforts by the county agency was reasonable. Additionally, the court is to state the reasons why there are no less restrictive alternatives available.

Family finding is to be initiated prior to the shelter care hearing. *See* Comment to Rule 1149 as to level of reasonableness.

Pursuant to paragraph (C)(2), the court is to make a determination whether the county agency has reasonably engaged or is to engage in family finding in the case. The county agency will be required to report its diligent family finding efforts at subsequent hearings. *See* Rule 1149 for requirements of family finding. *See also* Rules 1408(2), 1512(D)(1)(h), 1514(A)(4), 1608(D)(1)(h), and 1610(D) and their Comments for the court's findings as to the county agency's satisfaction of the family finding requirements and Rules 1210(D), 1409(C) and 1609(D) and Comments to Rules 1408, 1409, 1512, 1514, 1515, 1608, 1609, 1610, and 1611 on the court's orders.

Pursuant to paragraph (C)(4), the court is to determine whether or not a person is a proper party to the proceedings. Regardless of the court's findings on the party status, the court is to determine if the application is supported by sufficient evidence.

Under paragraph (D), the court is to ensure a timely hearing. **Nothing in paragraph (D) is intended to preclude the use of stipulations or agreements among the parties, subject to court review and approval at the shelter care hearing.**

*See* 42 Pa.C.S. § 6332.

Pursuant to paragraph (E), the court is to enter a written order. It is important that the court address any special needs of the child while the child is in shelter care. The child's attorney or the county agency is to present any educational, health care, and disability needs to the court, if known at the time of the hearing. These needs may include a child's educational stability, needs concerning early intervention, remedial services, health care, and disability. If the court determines a child is in need of an educational decision maker, the court is to appoint an educational decision maker pursuant to Rule 1147.

The court's order should address the child's educational stability, including the right to an educational decision maker. The order should address the child's right to: 1) educational stability, including the right to: a) remain in the same school regardless of a change in placement when it is in the child's best interest; b) immediate enrollment when a school change is in the child's best interest; and c) have school proximity considered in all placement changes, 42 U.S.C. §§ 675(1)(G) and 11431 *et seq.*; 2) an educational decision maker pursuant to Rule 1147, 42 Pa.C.S. § 6301, 20 U.S.C. § 1439(a)(5), and 34 C.F.R. § 300.519; 3) an appropriate education, including any necessary special education, early intervention, or remedial services pursuant to 24 P.S. §§ 13-1371 and 13-1372, 55 Pa. Code § 3130.87, and 20 U.S.C. § 1400 *et seq.*; 4) the educational services necessary to support the

child's transition to independent living pursuant to 42 Pa.C.S. § 6351 if the child is sixteen or older; and 5) a transition plan that addresses the child's educational needs pursuant to 42 U.S.C. § 675(5)(H) if the child will age out of care within ninety days.

When addressing the child's health and disability needs, the court's order should address the right of: 1) a child to receive timely and medically appropriate screenings and health care services, 55 Pa. Code § 3800.32 and 42 U.S.C. § 1396d(r); and 2) a child with disabilities to receive necessary accommodations, 42 U.S.C. § 12132, 28 C.F.R. § 35.101 *et seq.*, Section 504 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. § 794, and implementing regulations at 45 C.F.R. § 84.1 *et seq.*

Pursuant to the Juvenile Act, the court has authority to order a physical or mental examination of a child and medical or surgical treatment of a minor, who is suffering from a serious physical condition or illness which requires prompt treatment in the opinion of a physician. The court may order the treatment even if the guardians have not been given notice of the pending hearing, are not available, or without good cause inform the court that they do not consent to the treatment. 42 Pa.C.S. § 6339(b).

Nothing in this rule prohibits informal conferences, narrowing of issues, if necessary, and the court making appropriate orders to expedite the case through court. The shelter care hearing may be used as a vehicle to discuss the matters needed and narrow the issues. The court is to insure a timely adjudicatory hearing is held.

See 42 Pa.C.S. § 6339 for orders of physical and mental examinations and treatment.

See Rule 1330(A) for filing of a petition.

**Official Note:** Rule 1242 adopted August 21, 2006, effective February 1, 2007. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended July 13, 2015, effective October 1, 2015. **Amended** , **2016, effective** , **2016.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1242 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1242 published with the Court's Order at 41 Pa.B. 2319 (May 7, 2011).

Final Report explaining the amendments to Rule 1242 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 1242 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

**Final Report explaining the amendments to Rule 1242 published with the Court's Order at Pa.B. ( , 2016).**

**REPORT  
Proposed Amendment of Pa.R.J.C.P. 240,  
242, and 1242**

The Juvenile Court Procedural Rules Committee proposes to amend Rules 240 and 1242 to preclude waiver of either a detention hearing or a shelter care hearing. The Committee further proposes amendment of Rule 242 to remove a cross-reference to Rule 152.

The Committee received a request to address a situation in a county where a waiver form was being used for

detention hearings. The Committee reviewed Rule 242 and concluded that a detention hearing requires the court to determine whether:

- There is probable cause that a delinquent act was committed by the juvenile;
- Detention of the juvenile is warranted; and
- There are any special needs of the juvenile that have been identified and that the court deems necessary to address while the juvenile is in detention.

Pa.R.J.C.P. 242(C).

The Committee recognizes there may instances when a detention hearing might need to be continued or delayed, as permitted by the rules. Additionally, there may be circumstances when probable cause is uncontested or detention is warranted. However, the Committee believes that any stipulations or agreements among the parties about these circumstances should be entered onto the record at the hearing with a colloquy of the juvenile as to whether the stipulation or agreement is knowing, intelligent, and voluntary before the court accepts the stipulation or agreement. Such measures appear warranted as a procedural safeguard for the juvenile. The Committee also observes that ACT is available for these hearings, which should lessen the burden of being physically present. See Pa.R.J.C.P. 129(A).

Similarly, the Committee does not believe that shelter care hearings should be waived. This procedural step in dependency proceedings is sometimes the first time when the parties appear together before the court and involving substantial rights and critical findings. Therefore, the Committee proposes to amend the text of Rule 1242(D) to preclude waiver of a shelter care hearing.

Finally, proposes a corollary amendment to Rule 242(B)(4) to remove the reference to a juvenile's waiver of counsel pursuant to Rule 152. Per Rule 152(A)(3)(a), a juvenile may not waive counsel for a detention hearing.

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.

[Pa.B. Doc. No. 16-1248. Filed for public inspection July 22, 2016, 9:00 a.m.]

**PART I. RULES**

**[ 237 PA. CODE CHS. 5 AND 6 ]**

**Proposed Amendment of Pa.R.J.C.P. 512, 610 and 612**

The Juvenile Court Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.J.C.P. 512, 610, and 612 governing post-dispositional rights for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Daniel A. Durst, Chief Counsel  
 Juvenile Court Procedural Rules Committee  
 Supreme Court of Pennsylvania  
 Pennsylvania Judicial Center  
 PO Box 62635  
 Harrisburg, PA 17106-2635  
 FAX: 717-231-9541  
 juvenilerules@pacourts.us

All communications in reference to the proposal should be received by September 1, 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 Juvenile Court  
 Procedural Rules Committee*

KERITH STRANO TAYLOR, Esq.,  
*Chair*

**Annex A**  
**TITLE 237. JUVENILE RULES**  
**PART I. RULES**  
**Subpart A. DELINQUENCY MATTERS**  
**CHAPTER 5. DISPOSITIONAL HEARING**

**PART B. DISPOSITIONAL HEARING AND AIDS**

**Rule 512. Dispositional Hearing.**

A. *Manner of [ hearing ] Hearing.* The court shall conduct the dispositional hearing in an [ informal but ] orderly manner.

1) *Evidence.* The court shall receive any oral or written evidence from both parties and the juvenile probation officer that is helpful in determining disposition, including evidence that was not admissible at the adjudicatory hearing.

2) *Opportunity to be heard.* Before deciding disposition, the court shall give the juvenile and the victim an opportunity to be heard.

3) *Advanced communication technology.* A court may utilize advanced communication technology pursuant to Rule 129 for the appearance of the juvenile or the witness only if the parties consent.

4) *Prosecutor's presence.* The attorney for the Commonwealth shall attend the hearing.

B. *Recording.* The dispositional hearing shall be recorded.

C. [ *Duties of the court.* The court shall determine on the record that the juvenile has been advised of the following: ] *Colloquy and Inquiry of Post-Dispositional Rights.*

1) After entering disposition on the record, the court shall ensure that an attorney has reviewed the post-dispositional rights colloquy with the juvenile pursuant to paragraph (C)(2) and conduct an independent inquiry to determine whether the juvenile understands:

- [ 1 ] a) the right to file a post-dispositional motion;
- [ 2 ] b) the right to file an appeal;

[ 3 ] c) the time limits for a post-dispositional motion and appeal;

[ 4 ] d) the right to counsel to prepare the motion and appeal;

[ 5 ] e) the time limits within which the post-dispositional motion shall be decided; and

[ 6 ] f) that issues raised before and during adjudication shall be deemed preserved for appeal whether or not the juvenile elects to file a post-dispositional motion.

2) **The colloquy referenced in paragraph (c)(1) shall be:**

- a) in writing;
- b) reviewed and completed with the juvenile by an attorney;
- c) submitted to and reviewed by the court; and
- d) substantially in the following form:

**POST-DISPOSITIONAL RIGHTS COLLOQUY**

In re : \_\_\_\_\_ JD \_\_\_\_\_  
 (Juvenile) : \_\_\_\_\_  
 : Delinquent Act(s): \_\_\_\_\_  
 : \_\_\_\_\_  
 : \_\_\_\_\_  
 : \_\_\_\_\_

**POST-DISPOSITIONAL RIGHTS COLLOQUY**

1) You can disagree with the court's decisions. You have the right to file a motion. It must be in writing. It must be done in 10 days from today. You can ask your lawyer to file a motion to:

- a) ask the court to change or review its decision finding you delinquent;
- b) ask the court to change or review its decision to place you in a program or on probation; or
- c) ask the court to change or review its decision to make you to do things on probation (such as paying money, doing community service, taking drug tests, etc.).

In other words, you can ask the court to change or review any decision that it has made in your case in which you do not agree.

Do you understand this? \_\_\_\_\_

2) You have the right to have a lawyer help you file your motion. If your lawyer (who is helping you today) cannot or will not file the motion for you, the court will appoint a new lawyer to help you.

Do you understand this? \_\_\_\_\_

3) Here's what could happen, if you file a motion:

- a) the court could disagree with the motion without having a hearing;
- b) the court could agree with the motion without having a hearing; or
- c) the court could hold a hearing and then agree or disagree with the motion.

Do you understand this? \_\_\_\_\_

4) If the court disagrees with your motion, you have the right to ask a higher court to look at your case. The higher court would decide if the juvenile



court made any mistakes or abused its responsibility when it disagreed with your motion. This is called taking an appeal.

Do you understand this? \_\_\_\_\_

5) You must file your request or appeal in writing. You have 30 days from when the court disagrees with your motion to file it.

Do you understand this? \_\_\_\_\_

6) You have the right to have a lawyer to help you with your appeal. If your lawyer (who is helping you today) cannot or will not file your appeal for you, the court will appoint a new lawyer to help you.

Do you understand this? \_\_\_\_\_

7) You may decide that you would like to take an appeal but do not wish to file a motion. You may do this if you talked about it during your case. This is called taking a direct appeal. In your direct appeal, you may ask the higher court to decide if the juvenile court was right or wrong in finding you guilty (including what the juvenile judge was or was not allowed to hear) or if the juvenile court made any mistakes or abused its responsibility in anything that the court ordered as your consequences.

Do you understand this? \_\_\_\_\_

8) If you wish to take a direct appeal (without filing a motion first) you must file your appeal within 30 days from today (or 30 days from the day that the court decides your consequences).

Do you understand this? \_\_\_\_\_

9) If you admitted to any of the charges, you can only ask the higher court to look at the following issues:

a) if your admission was voluntary (You made your own decision to admit to a charge. No one forced you to do this. You understood what you were doing, including the consequences.);

b) if the court was the correct court to hear your case (the court had the authority over your case); or

c) if the court abused its responsibility or made any mistakes in the things that were ordered as your consequences.

Do you understand this? \_\_\_\_\_

10) It is important that you remember that you have certain time periods to file a motion or an appeal. These are the time periods:

a) You must file your motion within 10 days from today (or the date that the court decides your consequences).

b) You have 30 days from the date that the court disagreed with your motion to file your appeal with the higher court.

c) If you do not file a motion, you must file your appeal to the higher court within 30 days from today.

Do you understand this? \_\_\_\_\_

I promise that I have read this whole form or someone has read this form to me. I understand it. The signature below and on each page of this form are mine.

\_\_\_\_\_  
Juvenile

\_\_\_\_\_  
Date

I, \_\_\_\_\_, lawyer for the juvenile, have reviewed this form with my client. My client has told me that he or she understands this form.

\_\_\_\_\_  
Lawyer for Juvenile

\_\_\_\_\_  
Date

D. Court's [ *findings* ] *Findings*. The court shall enter its findings and conclusions of law into the record and enter an order pursuant to Rule 515. On the record in open court, the court shall state:

- 1) its disposition;
- 2) the reasons for its disposition;
- 3) the terms, conditions, and limitations of the disposition; and
- 4) if the juvenile is removed from the home:

a) the name or type of any agency or institution that shall provide care, treatment, supervision, or rehabilitation of the juvenile, and

b) its findings and conclusions of law that formed the basis of its decision consistent with 42 Pa.C.S. §§ 6301 and 6352, including why the court found that the out-of-home placement ordered is the least restrictive type of placement that is consistent with the protection of the public and best suited to the juvenile's treatment, supervision, rehabilitation, and welfare;

5) whether any evaluations, tests, counseling, or treatments are necessary;

6) any findings necessary to ensure the stability and appropriateness of the juvenile's education, and when appropriate, the court shall appoint an educational decision maker pursuant to Rule 147; and

7) any findings necessary to identify, monitor, and address the juvenile's needs concerning health care and disability, if any, and if parental consent cannot be obtained, authorize evaluations and treatment needed.

**Comment**

Any persons may be subpoenaed to appear for the hearing. See Rule 123 and 42 Pa.C.S. § 6333. However, nothing in these rules requires the attendance of the victim unless subpoenaed. If the victim is not present, the victim is to be notified of the final outcome of the proceeding. See Victim's Bill of Rights, 18 P.S. § 11.201 *et seq.*

Under paragraph (A)(2), prior to deciding disposition, the court is to give the victim an opportunity to submit an oral and/or written victim-impact statement if the victim so chooses.

Before deciding disposition, the court may hear oral argument from the parties' attorneys.

To the extent practicable, the judge or master that presided over the adjudicatory hearing for a juvenile should preside over the dispositional hearing for the same juvenile.

Pursuant to paragraph [ (C) ] (C)(1), the court is to [ **advise the juvenile of his or her appellate rights orally in the courtroom on the record. The court is to** ] explain the right to retain private counsel or be appointed counsel for a **post-dispositional motion** or an appeal if a juvenile is without counsel. *See* 42 Pa.C.S. § 6337; *see also* Rule 150(B) for duration of counsel and Rule 151 for assignment of counsel.

**Pursuant to paragraph (C)(2), the post-dispositional rights colloquy should be substantially in this form. The statements contained are the minimum; a judicial district may choose to add requirements to its form. Any addition to the required form is considered a local rule and the procedures of Rule 121 are to be followed if a judicial district chooses to make additions.**

**The post-dispositional rights form can be downloaded from the Supreme Court's webpage at <http://www.pacourts.us/courts/supreme-court/committees/rules-committees/juvenile-court-procedural-rules-committee/juvenile-court-committee-rules-and-forms>. The form is also available in Spanish.**

Pursuant to paragraph (D), when the court has determined the juvenile is in need of treatment, supervision, and rehabilitation, the court is to place its findings and conclusions of law on the record by announcing them orally in the courtroom, followed by written order. The court is to consider the following factors: a) the protection of the community; b) the treatment needs of the juvenile; c) the supervision needs of the juvenile; d) the development of competencies to enable the juvenile to become a responsible and productive member of the community; e) accountability for the offense(s) committed; and f) any other factors that the court deems appropriate.

Nothing in this rule is intended to preclude the court from further explaining its findings in the dispositional order pursuant to Rule 515.

Pursuant to paragraph (D)(4), when out-of-home placement is necessary, the court is to explain why the placement is the least restrictive type of placement that is consistent with the protection of the public and the rehabilitation needs of the child. *See* 42 Pa.C.S. § 6352. **The court should also explain to the juvenile the availability of review of the out-of-home placement pursuant to Pa.R.A.P. 1770.**

Pursuant to paragraph (D)(6), the court should address the juvenile's educational needs. The court's order should address the right to: 1) an educational decision maker pursuant to Rule 147, 42 Pa.C.S. § 6301, 20 U.S.C. § 1439(a)(5), and 34 C.F.R. § 300.519; and 2) an appropriate education, including any necessary special education or remedial services, 24 P.S. §§ 13-1371, 13-1372, 55 Pa. Code § 3130.87, and 20 U.S.C. § 1400 *et seq.*

The court should also address the juvenile's needs concerning health care and disability. The court's order should address the right of: 1) a juvenile to receive timely and medically appropriate screenings and health care services, 55 Pa. Code § 3800.32 and 42 U.S.C. § 1396d(r); and 2) a juvenile with disabilities to receive necessary accommodations, 42 U.S.C. § 12132, 28 C.F.R. § 35.101 *et seq.*, Section 504 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. § 794, and implementing regulations at 45 C.F.R. § 84.1 *et seq.*

Pursuant to the Juvenile Act, the court has authority to order a physical or mental examination of a juvenile and medical or surgical treatment of a minor, who is suffering from a serious physical condition or illness which requires prompt treatment in the opinion of a physician. The court may order the treatment even if the guardians have not been given notice of the pending hearing, are not available, or without good cause inform the court that they do not consent to the treatment. 42 Pa.C.S. § 6339(b).

*See* Rule 127 for recording and transcribing of proceedings.

*See* Rule 136 for *ex parte* communications.

**Official Note:** Rule 512 adopted April 1, 2005, effective October 1, 2005. Amended May 17, 2007, effective August 20, 2007. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 16, 2011, effective July 1, 2011. Amended May 26, 2011, effective July 1, 2011. Amended July 18, 2012, effective October 1, 2012. **Amended** , 2016, **effective** , 2016.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 512 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 512 published with the Court's Order at 37 Pa.B. 2506 (June 2, 2007).

Final Report explaining the amendments to Rule 512 published with the Court's Order at 41 Pa.B. 2319 (May 7, 2011).

Final Report explaining the amendments to Rule 512 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 512 published with the Court's Order at 41 Pa.B. 2684 (May 28, 2011).

Final Report explaining the amendments to Rule 512 published with the Court's Order at 41 Pa.B. 3180 (June 25, 2011).

Final Report explaining the amendments to Rule 512 published with the Court's Order at 42 Pa.B. 4909 (August 4, 2012).

**Final Report explaining the amendments to Rule 512 published with the Court's Order at Pa.B. ( , 2016).**

## CHAPTER 6. POST-DISPOSITIONAL PROCEDURES

### PART B. MODIFICATIONS AND REVIEWS

#### Rule 610. Dispositional and Commitment Review.

A. *Dispositional review hearing.* The court shall review its disposition and conduct dispositional review hearings for the purpose of ensuring that the juvenile is receiving necessary treatment and services and that the terms and conditions of the disposition are being met.

1) In all cases, the court shall conduct dispositional review hearings at least every six months.

2) In all cases, the juvenile shall appear in person at least once a year.

3) The court may schedule a review hearing at any time.

B. *Change in [dispositional order]* **Dispositional Order.** Whenever there is a request for a change in the

dispositional order, other than a motion to revoke probation as provided in Rule 612, notice and an opportunity to be heard shall be given to the parties and the victim.

1) The juvenile may be detained pending a court hearing.

2) A detention hearing shall be held within seventy-two hours of the juvenile's detention, if detained.

3) The juvenile shall be given a statement of reasons for the discharge from a placement facility or request for change in the dispositional order.

4) A review hearing shall be held within twenty days of the discharge from the placement facility or request for change in the dispositional order.

*C. Advanced communication technology.* A court may utilize advanced communication technology pursuant to Rule 129 for a juvenile or a witness unless good cause is shown otherwise.

**D. Post-Dispositional Rights. A colloquy and inquiry of post-dispositional rights shall be conducted when a juvenile is aggrieved by a change in the dispositional order.**

#### Comment

At any hearing, if it is determined that the juvenile is in need of an educational decision maker, the court is to appoint an educational decision maker pursuant to Rule 147.

Under paragraph (A), the court is to conduct dispositional review hearings as frequently as necessary to ensure that the juvenile is receiving necessary treatment and services and that the terms and conditions of the disposition are being met. *See* Rule 800.

When conducting a dispositional review hearing, the court is to ensure that the disposition continues to provide balanced attention to the protection of the community, the imposition of accountability for offenses committed, and the development of competencies to enable the juvenile to become a responsible and productive member of the community.

Nothing in this rule prohibits the juvenile from requesting an earlier review hearing. The juvenile may file a motion requesting a hearing when there is a need for change in treatment or services.

Additionally, nothing in this rule is intended to prohibit the emergency transfer of a juvenile from a placement facility to a detention facility pending reconsideration of the dispositional order and this rule is not intended to preclude a motion for modification of a dispositional order after the juvenile has been detained.

Under paragraph (B), the attorney for the Commonwealth or its designee is to notify the victim of the date, time, place, and purpose of the review hearing. Prior to ordering the change in the dispositional order, the court is to give the victim an opportunity to submit an oral and/or written victim-impact statement if the victim so chooses. *See* Victim's Bill of Rights, 18 P.S. § 11.201 *et seq.*

Any persons may be subpoenaed to appear for the hearing. *See* Rule 123 and 42 Pa.C.S. § 6333. However, nothing in these rules requires the attendance of the victim unless subpoenaed. If the victim is not present, the victim is to be notified of the final outcome of the proceeding.

Some placement facilities are hours away from the dispositional court. Paragraph (C) allows a hearing to be conducted via teleconferencing, two-way simultaneous

audio-visual communication, or similar method. The juvenile is to be afforded all the same rights and privileges as if the hearing was held with all present in the courtroom.

If a juvenile is detained or placed, the juvenile is to be placed in a detention facility or placement facility, which does not include a county jail or state prison. *See* Rule 120 and its Comment for definitions of "detention facility" and "placement facility."

**For the colloquy and inquiry of post-dispositional rights, see Rule 512(C). If a change in disposition results in an out-of-home placement, then the court should also explain to the juvenile the availability of review of the out-of-home placement pursuant to Pa.R.A.P. 1770.**

**Official Note:** Rule 610 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 26, 2011, effective July 1, 2011. Amended June 28, 2013, effective immediately. **Amended** , **2015, effective** , **2016.**

#### *Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 610 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the revisions of Rule 610 published with the Court's Order at 36 Pa.B. 186 (January 14, 2006).

Final Report explaining the amendments to Rule 610 published with the Court's Order at 41 Pa.B. 2319 (May 7, 2011).

Final Report explaining the amendments to Rule 610 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 610 published with the Court's Order at 41 Pa.B. 3180 (June 25, 2011).

Final Report explaining the amendments to Rule 610 published with the Court's Order at 43 Pa.B. 3839 (July 13, 2013).

**Final Report explaining the amendments to Rule 610 published with the Court's Order at Pa.B. ( , 2016).**

**Rule 612. Modification or Revocation of Probation.**

A. *Filing.* A motion to modify or revoke probation shall be filed in accordance with Rule 345.

B. *Time of Hearing on the Motion.*

1) If the juvenile is detained, the hearing on the motion shall be held within ten days of the detention hearing.

2) If the juvenile is not detained, the hearing on the motion shall be held promptly.

C. *Modification.* If the court modifies the dispositional order, the court shall state the grounds for the modification and shall issue a new dispositional order in accordance with Rule 515.

D. *Advanced Communication Technology.* A court may utilize advanced communication technology pursuant to Rule 129 for a juvenile or a witness unless good cause is shown otherwise.

**E. Post-Dispositional Rights. A colloquy and inquiry of post-dispositional rights shall be conducted when a juvenile is aggrieved by a change in the dispositional order.**



### Comment

A juvenile should be afforded due process before probation can be revoked. *Cf. Gagnon v. Scarpelli*, 411 U.S. 778 (1973); *Morrissey v. Brewer*, 408 U.S. 471 (1972). A juvenile's probation cannot be revoked simply on the grounds of hearsay evidence. *In re Davis*, 586 A.2d 914 (Pa. 1991).

If a juvenile is over the age of eighteen, under the age of twenty-one, and is alleged to have violated the terms of probation, the juvenile, if detained, is to be placed in a detention facility. See Rule 120 and its Comment for definitions of "detention facility," which does not include a county jail or state prison, and "juvenile," which includes a person who has attained ten years of age and is not yet twenty-one years of age who is alleged to have committed a delinquent act before reaching eighteen years of age or who is alleged to have violated the terms of juvenile probation prior to termination of juvenile court supervision.

For detention procedures, see Rules 240 through 243.

For dispositional orders, see Rule 515.

For the use of advanced communication technology, see Rule 129.

**For the colloquy and inquiry of post-dispositional rights, see Rule 512(C). If a change in disposition results in an out-of-home placement, then the court should also explain to the juvenile the availability of review of the out-of-home placement pursuant to Pa.R.A.P. 1770.**

**Official Note:** Rule 612 adopted April 1, 2005, effective October 1, 2005. Amended March 5, 2013, effective immediately. Amended June 28, 2013, effective immediately. Amended \_\_\_\_\_, 2015, effective \_\_\_\_\_, 2016.

#### *Committee Explanatory Reports:*

Final Report explaining the amendments to Rule 612 published with the Court's Order at 43 Pa.B. 1551 (March 23, 2013).

Final Report explaining the amendments to Rule 612 published with the Court's Order at 43 Pa.B. 3839 (July 13, 2013).

**Final Report explaining the amendments to Rule 612 published with the Court's Order at Pa.B. \_\_\_\_\_ (\_\_\_\_\_, 2016).**

### REPORT Proposed Amendment of Pa.R.J.C.P. 512, 610, and 612

The Juvenile Court Procedural Rules Committee proposes to amend Rule 512 to require that, after entering disposition, counsel should review a colloquy of post-dispositional rights with the juvenile. Additionally, the court would ensure that the colloquy has been conducted and that the juvenile understands his or her post-dispositional rights. The Committee also proposes to amend Rules 610 and 612 to require a similar requirement when there is a change in disposition that aggrieves the juvenile.

As background, the Committee reviewed Rule 512(C) to consider whether the rule should contain explicit information about a juvenile's post-dispositional rights. In doing so, the Committee was guided by prior rulemaking concerning the use of a written admission colloquy in Rule 407(C). The Committee believed that conveying information about post-dispositional rights was crucial to the

efficient administration of justice and would serve to reduce instances where a juvenile might later seek to exercise those rights vis-à-vis a motion for *nunc pro tunc* relief, claiming insufficient notice of such rights. Therefore, the Committee proposes to amend Rule 512(C) to require a colloquy and inquiry like that of the admission process concerning post-dispositional rights.

The Committee examined forms used in three counties to inform juveniles of their post-dispositional rights. Aspects of these forms were incorporated into this proposal with an attempt to modify the language to make it more age-appropriate to juveniles.

Like the admission form, the proposed form in Rule 512(C) is intended as the minimum information to be provided to a juvenile. A judicial district may add to the form pursuant to local rulemaking. See Pa.R.J.C.P. 121. Further, a Spanish language version of the form would be made available online.

The text of Rules 610 and 612 is likewise proposed to be revised to a colloquy and inquiry requirement. The Comments to Rule 512, 610, and 612 would be further revised to reference Pa.R.A.P. 1770 when disposition results in an out-of-home placement.

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.

[Pa.B. Doc. No. 16-1249. Filed for public inspection July 22, 2016, 9:00 a.m.]

## PART I. RULES

### [ 237 PA. CODE CH. 13 ]

#### Proposed Amendment of Pa.R.J.C.P. 1320 and 1321

The Juvenile Court Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.J.C.P. 1320 and 1321 concerning private dependency petitions for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Daniel A. Durst, Chief Counsel  
Juvenile Court Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
FAX: 717-231-9541  
juvenilerules@pacourts.us

All communications in reference to the proposal should be received by September 1, 2016. E-mail is the preferred method for submitting comments, suggestions, or objec-

tions; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Juvenile Court  
Procedural Rules Committee*

KERITH STRANO TAYLOR, Esq.,  
Chair

### Annex A

## TITLE 237. JUVENILE RULES

### PART I. RULES

#### Subpart B. DEPENDENCY MATTERS

#### CHAPTER 13. PRE-ADJUDICATORY PROCEDURES

#### PART B. APPLICATION FOR PRIVATE PETITION

#### Rule 1320. Application to File a Private Petition.

[ A. ] *Application contents.* Any person, other than the county agency, may present an application to file a private petition with the court. The application shall include the following information:

- 1) the name of the person applying for a petition;
- 2) the name of the alleged dependent child;
- 3) the relationship of the person presenting this application to the child and to any other parties;
- 4) if known, the following:
  - a) the date of birth and address of the child;
  - b) the name and address of the child's guardian, or the name and address of the nearest adult relative;
  - c) if a child is Native American, the child's Native American history or affiliation with a tribe;
  - d) a statement, including court file numbers where possible, of pending juvenile or family court proceedings and prior or present juvenile or family court orders relating to the child;
- 5) a concise statement of facts in support of the allegations for which the application for a petition has been filed;
- 6) a statement that the applying person has reported the circumstances underlying this application to the county agency or a reason for not having reported the circumstances underlying the application;
- 7) a verification by the person making the application that the facts set forth in the application are true and correct to the person's personal knowledge, information, or belief, and that any false statements are subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities; and
- 8) the signature of the person and the date of the execution of the application for a petition.

#### Comment

[ Rule 1330 requires that the county agency file a petition. ] Any person, other than the county agency, [ is to ] shall first file an application to file a petition under this Rule. Rule 1800 suspends 42 Pa.C.S. § 6334[, which provides any person may file a petition ] to the extent it is inconsistent with this Rule.

See Rule 1321 for hearing on application [ and finding that a petition is to be filed by the county agent ].

**Official Note:** Rule 1320 adopted August 21, 2006, effective February 1, 2007. Amended May 12, 2008, effective immediately. Amended , 2016, effective , 2016.

#### Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1320 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Final Report explaining the amendments to Rule 1320 published with the Court's Order at 38 Pa.B. 2360 (May 24, 2008).

**Final Report explaining the amendments to Rule 1320 published with the Court's Order at Pa.B. ( , 2016).**

#### Rule 1321. Hearing on Application for Private Petition.

A. *Hearing.* The court shall conduct a hearing within fourteen days of the presentation of the application for a petition to determine:

- 1) if there are sufficient facts alleged to support a petition of dependency; and
- 2) whether the person applying for the petition is a proper party to the proceedings.

#### B. Findings.

1) If the court finds sufficient facts to support a petition of dependency, **then the applicant may file** a petition [ **may be filed** ] pursuant to Rule 1330.

2) If the court finds the person making the application for a petition is a proper party to the proceedings, **then** the person shall be afforded all rights and privileges given to a party pursuant to law.

**C. Joinder. Following grant of an application under this rule, the county agency shall be joined as party in any further proceedings upon filing and service of a private petition pursuant to Rules 1330 and 1331.**

#### Comment

Under paragraph (A), at a hearing, the court is to determine if: 1) there are sufficient facts alleged to support a petition of dependency; and 2) the applying person is a proper party to the proceedings. A petition of dependency may go forward whether or not the applying person is determined to be a party to the proceedings.

If a child is in custody, the hearing under paragraph (A) may be combined with the shelter care hearing pursuant to Rule 1242.

**Official Note:** Rule 1321 adopted August 21, 2006, effective February 1, 2007. Amended , 2016, effective , 2016.

#### Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1321 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

**Final Report explaining the amendments to Rule 1321 published with the Court's Order at Pa.B. ( , 2016).**

#### REPORT

#### Proposed Amendment of Pa.R.J.C.P. 1320 and 1321

The Juvenile Court Procedural Rules Committee proposes to amend Rules 1320 and 1321 to clarify the procedures for private dependency petitions. Pursuant to Rule 1320, any person other than a county agency may

present an application to the court to file a private dependency petition with the court. If the court finds sufficient facts to support a petition, then a petition may be filed pursuant to Rule 1330. Pa.R.J.C.P. 1321(B)(1).

A question was raised about who files the petition after the court has approved the application: Is it the county agency or the private party who filed the application? The rule is silent on this point. The Comment to Rule 1320 suggests that the agency files petitions after the application has been approved while the title to the rule suggests that private petitions are permissible.

The Committee favors revision of the Comment to Rule 1320 to clarify that a private party must first file an application before proceeding with a private petition. The first sentence of the Comment, which states "Rule 1330 requires that the county agency file a petition." would be struck because it is believed this sentence is creating the confusion.

The Committee discussed when the county agency should be made a party to the proceedings. One option is upon approval of the application and another option is upon adjudication of the dependency petition. While it was noted that an agency might voluntarily file a petition if the application is granted, the Committee was reluctant to endorse a rule that would compel the county agency to file and litigate the petition.

Therefore, the Committee proposes an addition to Rule 1321 stating: "If the court finds specific facts for dependency, then the applicant may file a dependency petition." This addition is intended to clarify that the applicant may proceed with the filing of a private petition—a conclusion supported by Rule 1331 (requiring a copy of the petition to be served on the county agency and its attorney), which contemplates the filing of petitions by private parties.

Notwithstanding the pursuit of a dependency adjudication by a private party, the Committee believes that the county agency should be a party to the proceeding. Accordingly, the Committee proposes adding language to Rule 1321 that would join the county agency as a party upon the filing and service of a dependency petition. This provision would appear as new paragraph (C).

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.

[Pa.B. Doc. No. 16-1250. Filed for public inspection July 22, 2016, 9:00 a.m.]

## PART I. RULES

### [ 237 PA. CODE CHS. 15 AND 16 ]

#### Proposed Amendment of Pa.R.J.C.P. 1515 and 1631

The Juvenile Court Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.J.C.P. 1515 and 1631 governing custody orders for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of

those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

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

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

Daniel A. Durst, Chief Counsel  
 Juvenile Court Procedural Rules Committee  
 Supreme Court of Pennsylvania  
 Pennsylvania Judicial Center  
 PO Box 62635  
 Harrisburg, PA 17106-2635  
 FAX: 717-231-9541  
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All communications in reference to the proposal should be received by November 1, 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 Juvenile Court  
 Procedural Rules Committee*

KERITH STRANO TAYLOR, Esq.,  
*Chair*

## Annex A

### TITLE 237. JUVENILE RULES

#### PART I. RULES

##### Subpart B. DEPENDENCY MATTERS

#### CHAPTER 15. DISPOSITIONAL HEARING

##### PART B. DISPOSITIONAL HEARING AND AIDS

#### Rule 1515. Dispositional Order.

*A. Generally.* When the court enters a disposition, the court shall issue a written order, which provides that the disposition is best suited to the safety, protection, and physical, mental, and moral welfare of the child. The order shall include:

- 1) any findings pursuant to Rules 1512(D) and 1514;
- 2) the date of the order; and
- 3) the signature and printed name of the judge entering the order.

*B. Transfer of custody.* If the court [ **decides to transfer** ] **transfers legal and physical** custody of the child to a person or agency found to be qualified to provide care, shelter, and supervision of the child, **then** the dispositional order shall include:

- 1) the name and address of such person or agency, unless the court determines disclosure is inappropriate;
- 2) the **conditions and** limitations [ **of the order, including the type of custody granted** ] **on custody**; and
- 3) any **remaining rights and duties of the parents or guardian, including** visitation rights.

*C. Order Affecting Custody.* **If the court orders a transfer of custody pursuant to paragraph (B), the order shall operate to supersede any existing custody order, and should so state in the order.**

[ **C.** ] *D. Guardian.* [ **The** ] **If the court permits the child to remain with the parents or guardian, then the dispositional order shall include any conditions[**,



**limitations, restrictions, and obligations imposed upon the guardian ] and limitations on the child's legal and physical custody as is necessary for the protection of the child.**

**Comment**

See 42 Pa.C.S. §§ 6310, 6351.

When issuing a dispositional order, the court should issue an order that is "best suited to the safety, protection, and physical, mental, and moral welfare of the child." 42 Pa.C.S. § 6351(a). See *In re S.J.*, 906 A.2d 547, 551 (Pa. Super. [Ct.] 2006) (citing *In re Tameka M.*, [ 525 Pa. 348, ] 580 A.2d 750 (Pa. 1990)), for issues addressing a child's mental and moral welfare.

When making its determination for reasonable efforts made by the county agency, the court is to consider the extent to which the county agency has fulfilled its obligation pursuant to Rule 1149 regarding family finding. See also Rules 1240(B)(6), 1242(C)(2) & (3)(b) & (c), and 1330(B)(6) and Comments to Rules 1242, 1330, 1409, 1608, 1609, 1610, and 1611 for reasonable efforts determinations.

If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. See 62 P.S. § 1301 *et seq.* See also Rules 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C) and Comments to Rules 1242, 1408, 1409, 1512, 1514, 1608, 1609, 1610, and 1611. 45 C.F.R. § 1356.21 provides a specific foster care provider may not be placed in a court order to be in compliance with and receive funding through the Federal Financial Participation.

**As the dispositional order reflects what is best suited for the child, *supra*, the dependency court's order regarding custody pursuant to paragraph (B) supersedes any existing custody order under Title 23.**

Dispositional orders should comport in substantial form and content to the model orders to receive funding under the federal Adoption and Safe Families Act (ASFA) of 1997 (P.L. 105-89). The model forms are also in compliance with Title IV-B and Title IV-E of the Social Security Act. For model orders, see <http://www.pacourts.us/forms/dependency-forms>.

See *In re Tameka M.*, [ 525 Pa. 348, ] 580 A.2d 750 (Pa. 1990).

**The transfer of legal and physical custody vests the custodian with the authority to determine the nature and treatment of the child for ordinary medical care. See 42 Pa.C.S. § 6357. For pre-dispositional examination and treatment of a child, see Rule 1145. For non-emergent, non-routine care not already included in an approved treatment plan, the custodian should seek parental consent or receive prior court authorization when consent cannot be obtained.**

**Official Note:** Rule 1515 adopted August 21, 2006, effective February 1, 2007. Amended April 29, 2011, effective July 1, 2011. Amended July 13, 2015, effective October 1, 2015. Amended , 2016, effective , 2016.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1515 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1515 published with the Court's Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 1515 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

**Final Report explaining the amendments to Rule 1515 published with the Court's Order at Pa.B. ( , 2016).**

**CHAPTER 16. POST-DISPOSITIONAL PROCEDURES**

**PART D. CESSATION OR RESUMPTION OF COURT SUPERVISION OR JURISDICTION**

**Rule 1631. Termination of Court Supervision.**

**A. Concluding Supervision.** Any party, or the court on its own motion, may move for the termination of supervision when court-ordered services from the county agency are no longer needed and:

- 1) the child has remained with the guardian and the circumstances which necessitated the dependency adjudication have been alleviated;
- 2) the child has been reunified with the guardian and the circumstances which necessitated the dependency adjudication and placement have been alleviated;
- 3) the child **is under eighteen years of age and** has been placed with a ready, willing, and able parent who was not previously identified by the county agency;
- 4) the child has been adopted and services from the county agency are no longer needed;
- 5) the child has been placed in the custody of a permanent legal custodian and services from the county agency are no longer needed;
- 6) the child has been placed in the physical and legal custody of a fit and willing relative and services from the county agency are no longer needed;
- 7) the child has been placed in another living arrangement intended to be permanent and services from the county agency are no longer needed and a hearing has been held pursuant to paragraph (E) for a child who is age eighteen or older;
- 8) the child has been adjudicated delinquent and services from the county agency are no longer needed because all dependency issues have been resolved;
- 9) the child has been emancipated by the court;
- 10) the child is eighteen years of age or older and a hearing has been held pursuant to paragraph (E);
- 11) the child has died;
- 12) a court in another county of this Commonwealth has accepted jurisdiction; or
- 13) a court in another state has accepted jurisdiction.

**B. [Ready, willing, and able parent. When services from the county agency are no longer necessary because the court has determined that the child is not dependent pursuant to paragraph (A)(3) because a non-custodial parent has been found by the court to be able and available, the court shall enter an order awarding custody to that parent and the court order shall have the effect and be docketed as a decision entered pursuant to the Pa.R.C.P. ] Order Transferring or Affecting Custody. When the court terminates supervision pursuant to paragraph (A) and the termination order includes a**

provision that transfers custody of the child or otherwise affects a previously entered custody order pursuant to 23 Pa.C.S. §§ 5321—5340, or similar law, the court shall:

1) prepare a separate custody order specifying the legal and physical custody of the child and vacating any previous custody order for the child; and

2) file the custody order with the prothonotary for the judicial district in which the termination order is filed.

Prior to filing the custody order with the prothonotary, the court shall ascertain whether an active custody case for the child exists within its judicial district and, if so, the court shall utilize the caption and docket number for the custody order. The court shall ensure that any parties to the custody case not also party to the dependency action are served with the order. Otherwise, the court shall separately caption the custody order with the party obtaining custody of the child as the plaintiff and the other dependency parties as the defendants.

C. *Objection.* Any party may object to a motion under paragraph (A) and request a hearing.

D. *Hearing.* If objections have been made under paragraph (C), the court shall hold a hearing and give each party an opportunity to be heard before the court enters its final order.

E. *Children [eighteen years of age or older] Eighteen Years of Age or Older.*

1) Before the court can terminate its supervision of a child who is eighteen years of age or older, a hearing shall be held at least ninety days prior to the child turning eighteen years of age.

2) Prior to the hearing, the child shall have the opportunity to make decisions about the transition plan and confer with the county agency about the details of the plan. The county agency shall provide the transition plan to the court and the plan shall, at a minimum, include:

- a) the specific plans for housing;
- b) a description of the child's source of income;
- c) the specific plans for pursuing educational or vocational training goals;
- d) the child's employment goals and whether the child is employed;
- e) a description of the health insurance plan that the child is expected to obtain and any continued health or behavioral health needs of the child;
- f) a description of any available programs that would provide mentors or assistance in establishing positive adult connections;
- g) verification that all vital identification documents and records have been provided to the child;
- h) a description of any other needed support services; and
- i) notice to the child that the child can request resumption of juvenile court jurisdiction until the child turns twenty-one years of age if specific conditions are met.

3) At the hearing, the court shall review the transition plan for the child. If the court is not satisfied that the requirements of paragraph (E)(2) have been met, a subsequent hearing shall be scheduled.

4) The court shall not terminate its supervision of the child without approving an appropriate transition plan, unless the child, after an appropriate transition plan has been offered, is unwilling to consent to the supervision and the court determines termination is warranted.

F. *Cessation of [services] Services.* When all of the above listed requirements have been met, the court may discharge the child from its supervision and close the case.

#### Comment

For procedures on motions, see Rule 1344. For procedures on the dispositional order, see Rule 1515.

For guidelines under paragraph (A), see 42 Pa.C.S. §§ 6301(b) & 6351(f.1).

**A child under eighteen years of age whose non-custodial parent is ready, willing, and able to provide adequate care for the child may not be found dependent. *In re M.L.*, 757 A.2d 849 (Pa. 2000). When services from the county agency are no longer necessary pursuant to paragraph (A)(3) because the court has determined that the child is not dependent because a non-custodial parent has been found by the court to be able and available, the court should enter an order awarding custody to that parent pursuant to paragraph (B). For children eighteen years of age and older, see paragraph (E).**

Pursuant to paragraph (A)(8), if a child has been adjudicated delinquent, the court may terminate court supervision unless dependency is necessary for placement. *In re Deanna S.*, [422 Pa. Super. 439,] 619 A.2d 758 (Pa. Super. 1993). The court may also decide to retain dependency jurisdiction regardless of the delinquency adjudication because the child still needs dependency services.

If dependency issues have not been resolved, the case should be kept open and services ordered. The court should ensure that services are not discontinued solely because the child was adjudicated delinquent. The county agency and the juvenile probation are to collaborate on the case and resolve all outstanding issues. If a child is in a delinquency placement, the court is to ensure that the county agency and the juvenile probation office have collaborated to ensure appropriate services are in place.

For procedures on emancipation pursuant to paragraph (A)(9), see *Berks County Children and Youth Services v. Rowan*, [428 Pa. Super. 448,] 631 A.2d 615 (Pa. Super. 1993). See also, 22 Pa. Code § 11.11, 55 Pa. Code § 145.62.

Pursuant to paragraph (A)(10), a child who was adjudicated dependent prior to reaching the age of eighteen and who, while engaged in a course of instruction or treatment, requests the court to retain jurisdiction until the course has been completed, may remain in the course of instruction or treatment until the age of twenty-one. 42 Pa.C.S. § 6302. See also, 55 Pa. Code §§ 3103.5 & 3130.87; *In re S.J.*, 906 A.2d 547 (Pa. Super. [ Ct. ] 2006).

The court may not terminate jurisdiction solely because the dependent child is a runaway. *In re Deanna S.*, [422 Pa. Super. 439,] 619 A.2d 758 (Pa. Super. 1993).

**[A child whose non-custodial parent is ready, willing, and able to provide adequate care for the child may not be found dependent. *In re M.L.*, 562 Pa. 646, 757 A.2d 849 (2000). See paragraph (B). Paragraph (B) does not apply to resumption of jurisdiction cases.]**



**Pursuant to 42 Pa.C.S. § 6351(a)(2.1), a ] A court may transfer permanent legal custody to a person found by the court to be qualified to receive and care for the child. See 42 Pa.C.S. § 6351(a)(2.1). See also *Justin S.*, [ 375 Pa.Super. 88, ] 543 A.2d 1192 (Pa. Super. 1988). In determining permanent legal custody, the dependency court must consider the child's "safety, protection and physical, mental, and moral welfare," see 42 Pa.C.S. § 6351(a); the dependency court is not required to address the factors set forth in 23 Pa.C.S. § 5328(a)(1)—(16). Any fees associated with the filing of the custody order pursuant to paragraph (B) should be waived unless the court determines that the custodian has the financial means to pay the filing fees.**

Pursuant to paragraph (E)(2), the county agency is to assist the child and provide all the support necessary in developing a transition plan. See 42 U.S.C. § 675 (5)(A)—(H).

Pursuant to paragraph (E)(3), the court is to approve a transition plan that is suitable for the child and that has been personalized at the direction of the child.

If the court has resumed jurisdiction pursuant to Rule 1635, a new transition plan is to be developed for the child. Before the court can terminate supervision, the requirements of paragraph (E) are to be followed. In no case is a juvenile over twenty-one to remain under juvenile court supervision. See Rule 1635(E). See also Rule 1635(E) for termination of juvenile court jurisdiction if the court denies the motion for resumption of jurisdiction.

**Official Note:** Rule 1613 adopted August, 21, 2006, effective February 1, 2007. Amended July 29, 2009, effective immediately. Amended April 29, 2011, effective July 1, 2011. Amended October 21, 2013 and renumbered from Rule 1613 to Rule 1631, effective December 1, 2013. Amended , 2016, effective , 2016.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 1613 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1613 published with the Court's Order at 39 Pa.B. 4887 (August 15, 2009).

Final Report explaining the amendments to Rule 1613 published with the Court's Order at 41 Pa.B. 2430 (May 14, 2011).

Final Report explaining the amendments to Rule 1631 published with the Court's Order at 43 Pa.B. 6658 (November 9, 2013).

**Final Report explaining the amendments to Rule 1631 published with the Court's Order at Pa.B. ( , 2016).**

**REPORT**

**Proposed Amendment of Pa.R.J.C.P. 1515 and 1631**

The Juvenile Court Procedural Rules Committee proposes to amend Rules 1515 and 1631 to establish procedures for orders affecting or transferring custody. This proposal is part of a joint recommendation with the Domestic Relations Procedural Rules Committee to develop reciprocating rules for when a custody petition is filed during a dependency proceeding.

The Committee observes that a transfer of custody to the previously non-custodial parent or a non-parent frequently closes dependency cases. With dependency dockets inaccessible to the public, problems have been noted in proving custody by a non-custodial parent or third party. Often the party from whom the child has been removed has a custody order obtained prior to the dependency action indicating they are the custodial parent.

The Committee has considered means and methods of transferring relevant custody determinations by the dependency court to the prothonotary's office to be filed on a custody docket. The Committee believes that the procedural rules should provide a framework for this process, but all judicial districts should retain discretion on how this would be accomplished locally.

Therefore, to establish a process for transferring information from dependency orders to the custody docket, Pa.R.J.C.P. 1631 is proposed to be amended by re-writing subdivision B to incorporate all the enumerated reasons for terminating services under subdivision A and providing a mechanism for docketing custody provisions of the termination order onto the custody dockets. Moreover, Pa.R.J.C.P. 1515 would be amended to specifically provide that transfer of custody in a dependency matter would operate to supersede any existing custody order. Additionally, the Committee proposes to clarify the language of Pa.R.J.C.P. 1515 as it relates to orders affecting or transferring custody.

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.

[Pa.B. Doc. No. 16-1251. Filed for public inspection July 22, 2016, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### MONTOUR COUNTY

#### Petition of the Township of Mahoning and the Township of Mahoning Vacancy Board; Case No. 200 of 2016

*Appearances:*

Ryan M. Tira, Esquire, Attorney for Petitioner  
July 5, 2016. James, J.

#### Opinion

*History of Matter*

On May 18, 2016, Mahoning Township Supervisor, David Barron, submitted his written resignation as supervisor, effective May 19, 2016. The procedure to fill the supervisor vacancy is governed by 53 P.S. § 65407:

If the electors of any township fail to choose a supervisor, tax collector or auditor, or if any person elected to any office fails to serve in the office, or if a vacancy occurs in the office by death, resignation, removal from the township or otherwise, the board of supervisors may appoint a successor who is an elector of the township and has resided in that township continuously for at least one year prior to their appointment, and, upon their failure to make the

appointment within thirty days after the vacancy occurs, the vacancy shall be filled within fifteen additional days by the vacancy board. The vacancy board shall consist of the board of supervisors and one elector of the township, who shall be appointed by the board of supervisors at the board's first meeting each calendar year or as soon after that as practical and who shall act as chairman of the vacancy board. If the vacancy board fails to fill the position within fifteen days, the chairman shall, or if there is a vacancy in the chairmanship the remaining members of the vacancy board shall, petition the court of common pleas to fill the vacancy. If two or more vacancies in the office of supervisor occur on a three-member board or three or more vacancies on a five-member board, the court of common pleas shall fill the vacancies upon presentation of petition signed by not less than fifteen electors of the township. The successor so appointed shall hold the office until the first Monday in January after the municipal election which occurs more than sixty days after the vacancy occurs, at which election an eligible person shall be elected for the unexpired term.

The successor supervisor, if and when appointed, will hold the office pursuant to the statute until the first Monday after the first municipal election occurring more than sixty (60) days after the vacancy occurs. Thus, the election for the remainder of the term will be during the 2017 election cycle. The newly elected supervisor will serve until January 2018.

The two remaining supervisors were unable to agree upon a person to fill the vacancy. The same two supervisors comprise the Vacancy Board, which also could not agree upon a successor to fill the vacancy. Thus, pursuant to the statute, Mahoning Township and the Mahoning Township Vacancy Board filed a petition requesting the court to make an appointment to fill the vacancy.

This court set a hearing date and directed that the notice of hearing be published in two newspapers of general circulation. The court further requested that any persons interested in applying for the vacancy provide this court with a letter of interest and a resume.

The court received letters of interest and resumes from three individuals, all former supervisors: Christine DeLong, Ron Miller, and Kenneth Woodruff. A hearing was held on June 27, 2016, in the main courtroom of the Montour County Courthouse. The hearing was essentially a job interview. Interested citizens in the courtroom were provided with forms to make written signed comments on or before Friday, July 1, 2016. The court entertained opening and closing comments by the applicants and asked numerous questions in a panel style setting.

The remaining two supervisors were asked a few questions by the court concerning the status of the township, and a few members of the courtroom audience made observations and comments. No one was denied an opportunity to speak. The court has received about sixty-eight (68) comments by interested persons.<sup>1</sup> The court is now in a position to select an applicant.

<sup>1</sup> The written comments were signed and almost all were without invective or accusation. This court realizes that letters may have been prompted by candidates, but that is only natural and expected. All three candidates received a number of letters of support and praise. The court is hesitant to put too much weight on the letters of support. However, the great weight of the letters confirmed this court's initial impression after the courtroom interview. The court must address the concerns of one letter writer which questions the court's effort to be totally transparent. That writer wondered how the press only had an application from one candidate. One candidate filed the resume with the prothonotary. However, this court gave all three resumes to the press reporter for his review at his request before the hearing/interview. That same letter complained that one of the vocal Mahoning Township citizens was present at the hearing in an official capacity and that it created a bad visual message. This court agrees that the visuals may have been bad. However, this court literally cannot see,

### Discussion

There is virtually no guidance in the statute as to the criteria that a court must use to select among various applicants for a supervisor vacancy. There is scant case law. However, a common pleas court weighed in on the issue:

"The Legislature, while imposing upon the court the duty of making such appointments, never provided any standards or guidelines to be followed in making the appointment, other than that HN1 the appointee must be a registered voter of the municipality. The long-standing policy of this court has been that in making such appointments the appointee should be a member of the same political party as the person whose position is to be filled. This principle approximates as closely as possible the will of the electorate of the community. We believe that this policy which has guided the Judges of this court in the past is a wise one." (Italics supplied.)

I

*Independence Township Supervisor*, 50 Pa.D.&C.2d 464,465 (C.C.P. Beaver 1970), citing *In re Township Commissioner Vacancy*, 28 Beaver 179 (1968).

The *Independence Township Supervisor* court further said:

This same policy was expressed by the late Judge McCreary and former Judge Sohn of this court in petition to Fill Aliquippa School Board Vacancy, 21 Beaver 241 (1960), as follows:

"The stability of, and the confidence of the public in our legal system, make it imperative that judges be consistent, fair and impartial in all matters coming before the courts. In matters such as this, we should consider the will of the electorate if it has been indicated. In deciding the issue presently before the court, we are not without precedent. *In re Petition for Appointment of School Director for the School District of the Borough of Midland, Pennsylvania*, 132 March Term, 1950, our court indicated that we should "take into consideration, as an important factor, the wishes of the people as a whole in the municipality where the vacancy occurs, all other factors being equal."

Id.

As the court suggested at the hearing/interview, the court is very hesitant to supplant the will of the voters. Supervisors should be elected, not appointed. However, several interested parties and officials suggested that without a decision on certain matters for the next eighteen (18) months, township as well as county projects could be negatively impacted. Thus, this court will make an appointment taking into account the qualifications of the candidates and their answers to the interview questions.

In the case at bar, all three applicants had supervisor experience. The court notes that all three candidates expressed a willingness and desire to be open-minded regarding issues facing the township and to working with the other supervisors in the best interest of the township. Importantly, since this appointment is for an interim position until the voters select a new supervisor, all three applicants indicated that they would "refrain from making any major changes to the municipal structure or significant personnel changes (unless deemed immedi-

from the bench, the people sitting below the bench and does not recall noticing anyone in particular. The visual may have been questionable from the audience, but the reality was inconsequential.

ately absolutely necessary) until after the next elected supervisor takes office." That position seems democratically important since it would be the newly elected supervisor, in conjunction with the other elected supervisors, who would be making major decisions. Thus, the will of the electorate would be reflected by the governance of elected officials, not by the courts.

The three applicants were asked whether they would run for office after this appointed term ends. Mr. Woodruff is the only one who said he would not run.

The court questioned whether a Republican should be appointed since a Republican is being replaced. All three agreed that party should not play a role in this selection process. The court notes that traditionally party continuity has been considered when filling elected vacancies, and the courts have recognized this as a consideration in determining the will of the people. However, under all of the circumstances here, party affiliation is of minimal consideration and is not a tipping point.

The three applicants gave good answers, in varying degrees, to the many questions the court posed. However, some answers were needlessly contentious. All three applicants have a long history of service to the citizens of Mahoning Township. All three applicants are qualified in varying degrees to serve as a township supervisor.

After consideration of the applicants' qualifications and background and the answers each gave, and their comments to the court, the court finds that Kenneth Woodruff shall be appointed as supervisor of Mahoning Township to fill the vacancy presently existing. He pledged that he would manage the township in the best interest of all the people. The court has specifically taken into consideration Mr. Woodruff's qualifications and background, the answers he provided to the court, and the fact that he stated that he will not seek election for this vacancy.

*By the Court*

THOMAS ARTHUR JAMES, Jr.,  
*President Judge*

**Petition of the Township of Mahoning and the  
Township of Mahoning Vacancy Board;  
Case No. 200 of 2016**

**Order**

*And Now*, this 5th day of July, 2016, after hearing/ interviews held concerning the Petition of the Township of Mahoning and the Township of Mahoning Vacancy Board, the Court appoints Kenneth Woodruff as Supervisor of Mahoning Township to fill the vacant position until the

first Monday in January after the 2017 municipal election, at which election an eligible person shall be elected for the unexpired term.

*By the Court*

THOMAS ARTHUR JAMES, Jr.,  
*President Judge*

[Pa.B. Doc. No. 16-1252. Filed for public inspection July 22, 2016, 9:00 a.m.]

**YORK COUNTY**

**Amendment of Local Rules of Judicial Administration; 2016-MI-000437-55; CP-67-AD-18-2016**

**Administrative Order Amending York County Local Rules of Judicial Administration**

*And Now*, this 6th day of July, 2016, it is *Ordered* that York County Local Rule of Judicial Administration 702 is hereby amended as follows, effective September 1, 2016.

The District Court Administrator shall publish this order as may be required.

*By the Court*

JOSEPH C. ADAMS,  
*President Judge*

**702. Assignments of Judges of the Court of Common Pleas.**

\* \* \* \* \*

(B) Procedure for periodic rotation of judicial assignments:

\* \* \* \* \*

**[ (5) Judges with assignments which include juvenile delinquencies or juvenile dependencies shall maintain those duties for a minimum of three (3) years, but may elect to designate other judicial assignments not inconsistent with those duties, nor disruptive of another judge's assignments.**

**(6) ] (5)** Regardless of the assignments noted above, a judge who has been assigned to a complex matter, including PCRA matters, appeals of complex civil matters, and complex juvenile matters, shall retain assignment to that matter until the conclusion of all proceedings associated with that matter.

\* \* \* \* \*

[Pa.B. Doc. No. 16-1253. Filed for public inspection July 22, 2016, 9:00 a.m.]



# PROPOSED RULEMAKING

## DEPARTMENT OF TRANSPORTATION

[ 67 PA. CODE CH. 403 ]

### Hazardous Material Transportation

The Department of Transportation (Department), under the authority in 75 Pa.C.S. §§ 6103 and 8302 (relating to promulgation of rules and regulations by department; and powers and duties of department), proposes to amend Chapter 403 (relating to hazardous material transportation) to read as set forth in Annex A.

#### *Purpose of Chapter*

The Federal Motor Carrier Safety Assistance Program (MCSAP), administered by the Federal Motor Carrier Safety Administration (FMCSA), provides financial assistance to states to reduce the number and severity of crashes and hazardous materials incidents involving commercial motor vehicles. As a condition of participating in MCSAP, each state must ensure that its laws and regulations are identical to or have the same effect as the Federal Motor Carrier Safety Regulations (FMCSR) and the Hazardous Materials Regulations. The purpose of Chapter 403 is to update existing regulations to match the FMCSR and Hazardous Materials Regulations by prescribing: the methods of packing, loading and unloading of hazardous materials; the specifications, marking, inspection, condition and equipment of vehicles transporting hazardous materials; the qualifications of drivers and other matters relating to operation of the vehicles; the routing and parking of the vehicles; and other factors affecting the nature and degree of risk involved in the transportation of hazardous materials.

#### *Purpose of this Proposed Rulemaking*

The Hazardous Materials Regulations are mandated by 49 CFR Part 350 (relating to Commercial Motor Carrier Safety Assistance Program), generally, and 49 CFR 350.201 (relating to what conditions must a State meet to qualify for Basic Program Funds), specifically. The purpose of this proposed rulemaking is to remove inconsistencies which currently exist between the Commonwealth's hazardous materials regulations and the Federal program requirements in 49 CFR 350.201.

#### *Summary of Significant Amendments*

Proposed amendments to § 403.1 (relating to general information and requirements) delete the reference to the Department's authority to grant exemptions or exceptions from Chapter 403.

Section 403.2 (relating to definitions) is proposed to be rescinded in furtherance of ensuring consistency between the Commonwealth's regulations and applicable Federal regulations.

Proposed amendments to § 403.4 (relating to adoption of portions of 49 CFR by reference) incorporate by reference 49 CFR Part 107, Subparts F and G (relating to registration of cargo tank and cargo tank motor vehicle manufacturers, assemblers, repairers, inspectors, testers, and design certifying engineers; and registration of persons who offer or transport hazardous materials).

Proposed amendments to § 403.5 (relating to interpretations of Federal Motor Carrier Safety Regulations, Federal Motor Carrier Safety Administration, United

States Department of Transportation and Hazardous Materials Regulations, Pipeline and Hazardous Materials Safety Administration, United States Department of Transportation) update the names of the Federal agencies that are currently responsible for the FMCSR and the Hazardous Materials Regulations.

Proposed amendments to § 403.6 (relating to effect of incorporation of the *Code of Federal Regulations*) delete modifications to the Federal regulations which are inconsistent with the uniform adoption and enforcement of those regulations.

Proposed amendments to § 403.7 (relating to supplemental rules and regulations) delete additional supplemental rules which are inconsistent with the uniform adoption and enforcement of the Federal regulations.

Proposed amendments to § 403.8a (relating to out-of-service criteria) correct the information regarding out-of-service criteria.

Section 403.10 (relating to exceptions) is proposed to be rescinded because it is inconsistent with the uniform adoption and enforcement of the Hazardous Materials Regulations.

#### *Persons and Entities Affected*

This proposed rulemaking directly affects anyone who is involved with the packaging, loading, unloading or transporting of hazardous materials.

#### *Fiscal Impact*

Implementation of this proposed rulemaking will likely not have a cost because carriers and drivers who transport hazardous materials are already complying with the Hazardous Materials Regulations.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 11, 2016, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking by the Department, the General Assembly and the Governor.

#### *Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* following appropriate evaluation of comments, suggestions or objections received during the public comment period.

#### *Sunset Date*

The Department is not establishing a sunset date for these regulations, as the regulations are needed to administer provisions required under 75 Pa.C.S. (relating to Vehicle Code) and FMCSA regulations for participation in MCSAP. The Department will continue to closely monitor



these regulations for their effectiveness and to ensure continued eligibility for participation in MCSAP.

#### Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Glenn C. Rowe, PE, Highway Safety and Traffic Operations Division, Bureau of Maintenance and Operations, Department of Transportation, Commonwealth Keystone Building, 400 North Street, 6th Floor, Harrisburg, PA 17120, glrowe@pa.gov within 30 days of the publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

#### Contact Person

The contact person for technical questions about this proposed rulemaking is Glenn C. Rowe, PE, Highway Safety and Traffic Operations Division, Bureau of Maintenance and Operations, Department of Transportation, Commonwealth Keystone Building, 400 North Street, 6th Floor, Harrisburg, PA 17120, glrowe@pa.gov.

LESLIE S. RICHARDS,  
Secretary

**Fiscal Note:** 18-469. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 67. TRANSPORTATION

#### PART I. DEPARTMENT OF TRANSPORTATION

#### Subpart B. NONVEHICLE CODE PROVISIONS

#### ARTICLE I. VEHICLE-RELATED

#### CHAPTER 403. HAZARDOUS MATERIAL TRANSPORTATION

#### § 403.1. General information and requirements.

(a) *Purpose.* The purpose of this chapter is to prescribe the methods of packing, loading and unloading of hazardous materials; the specifications, marking, inspection, condition and equipment of vehicles transporting hazardous materials; the qualifications of drivers and other matters relating to operation of the vehicles; the routing and parking of the vehicles; and other factors affecting the nature and degree of risk involved in the transportation of hazardous materials.

(b) *Application.* Application shall include the following:

(1) Every shipper and motor carrier and its officers, drivers, agents, [ **employees** ] **employees** and representatives involved or related to the transportation of interstate or intrastate commerce, or both, shall comply with this chapter.

(2) Officers, agents, representatives, drivers and [ **employees** ] **employees** of shippers and carriers involved or concerned with the management, maintenance, operation or driving of vehicles[ , ] shall be conversant and knowledgeable with this chapter.

(c) *General rule.*

(1) Hazardous materials that do not comply with the requirements of this chapter may not be offered for transportation or transported.

(2) Hazardous materials which are manufactured, packaged, stored, loaded, unloaded or transported[ , ] shall be open to inspection upon request by a Pennsylvania State Police Officer or qualified Commonwealth [ **employee** ] **employee**.

(3) No person may represent, by marking or otherwise, that a container or package for the transportation of hazardous materials is safe, certified or in compliance with the requirements of the Department unless the container or package meets the requirements of this chapter.

[ (d) *Exemptions.* The Department may, upon its own motion or upon application from a carrier, grant exemptions or exceptions from this chapter whenever it determines the result of granting the exemption or exception will not constitute a significant risk to the health or safety of the public. ]

§ 403.2. [ Definitions ] (Reserved).

[ Definitions in this section supersede the definitions which may appear in 49 CFR adopted by reference in § 403.4 or § 403.5 (relating to adoption of portions of 49 CFR by reference; and interpretations of Federal Motor Carrier Safety Regulations, Federal Highway Administration, United States Department of Transportation and Hazardous Materials Regulations, Research and Special Programs Administration, United States Department of Transportation) for the same word or phrase. The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Department*—The Department of Transportation of the Commonwealth.

*Empty container*—A container that has had its contents removed by purging or cleaning, or both.

*Hazardous material*—A material meeting the definition of a hazardous material in 49 CFR 171.8 (relating to definitions and abbreviations).

*Hazardous substance*—A hazardous material meeting the definition of a hazardous substance in 49 CFR 171.8.

*Hazardous waste*—A hazardous material meeting the definition of a hazardous waste in 49 CFR 171.8.

*Highway*—A highway, street or other public way or a toll road, including the Pennsylvania Turnpike.

*Motor carrier*—A common carrier by motor vehicle; a contract carrier by motor vehicle; or a private carrier by motor vehicle; or a person who or which—as owner, lessee, or other possessor of one or more vehicles—directs or controls the transportation of hazardous material either for the possessor's own account or for hire. The term also includes State and local governmental agencies involved in interstate or intrastate transportation of hazardous materials as defined in this chapter.

*Motor vehicle*—A vehicle, machine, tractor, semi-trailer or a combination thereof propelled or drawn by mechanical power and used upon the highways in the transportation of hazardous material.

*Out of service*—The temporary prohibition of a vehicle or operator from further service because of one or more violations regarding the safety of either.

*Person*—A natural person, firm, association, co-partnership, corporation, company or joint stock association. The term also includes a trustee, receiver, assignee or personal representative thereof.

*Qualified Commonwealth employe*—A Commonwealth employe designated by the Department who

is authorized to inspect vehicles, drivers, documents, equipment and loads; or cargo as provided in 75 Pa.C.S. §§ 4704 and 8302 (relating to inspection by police or Commonwealth personnel; and powers and duties of department).

*Secretary*—The Secretary of the Department.

*Transportation*—Carriage by vehicle upon a highway. ]

§ 403.4. Adoption of portions of 49 CFR by reference.

(a) The Department incorporates by reference the following portions of 49 CFR:

\* \* \* \* \*

(8) Part 397 (relating to transportation of hazardous materials; driving and parking rules).

(9) Part 107, Subparts F and G (relating to registration of cargo tank and cargo tank motor vehicle manufacturers, assemblers, repairers, inspectors, testers, and design certifying engineers; and registration of persons who offer or transport hazardous materials).

(b) Appropriate parts of 49 CFR may be obtained from the following:

\* \* \* \* \*

(3) United States Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, (202) [ 783-3238 ] 655-4000.

§ 403.5. Interpretations of Federal Motor Carrier Safety Regulations, [ **Federal Highway Administration** ] **Federal Motor Carrier Safety Administration**, United States Department of Transportation and Hazardous Materials Regulations, [ **Research and Special Programs Administration**, ] **Pipeline and Hazardous Materials Safety Administration**, United States Department of Transportation.

The Department will be guided by interpretations of the Federal Motor Carrier Safety Regulations issued by the Federal [ **Highway** ] **Motor Carrier Safety Administration**, United States Department of Transportation, available at [http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrguide.aspx?section\\_type=G](http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrguide.aspx?section_type=G), and Hazardous Materials Regulations issued by the [ **Research and Special Programs Administration** ] **Pipeline and Hazardous Materials Safety Administration**, United States Department of Transportation, available at <http://www.phmsa.dot.gov/hazmat/regs/interps>. [ Copies of these interpretations may be obtained by contacting: Motor Carrier Safety Division, Center for Highway Safety, 215 Transportation and Safety Building, Harrisburg, Pennsylvania 17120, (717) 787-7445. ]

§ 403.6. Effect of incorporation of the *Code of Federal Regulations*.

[ (a) *Title and name changes*. To reconcile differences between this chapter and the incorporated sections of Federal regulations and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of the Federal regulations as follows:

(1) A reference to Director means the Secretary.

(2) A reference to the Federal Highway Administration means the Department.

(3) A reference to Department of Transportation means the Department.

(4) A reference to an authorized representative or special agent of the Federal Highway Administration means a Pennsylvania State Police Officer or qualified Commonwealth employe.

(5) A reference to the Department means the Department as defined in § 403.2 (relating to definitions).

(b) *Form and documents*. References to forms in the Federal regulations incorporated by reference will be replaced by the appropriate forms prescribed by the Department. ]

To reconcile differences between this chapter and the incorporated sections of Federal regulations and to effectuate their joint enforcement, unless the context indicates otherwise, the following words and phrases shall be substituted for the language of the Federal regulations. A reference to an authorized representative or special agent of the United States Department of Transportation, the Federal Motor Carrier Safety Administration or the Pipeline and Hazardous Materials Safety Administration means a Pennsylvania State Police Officer or qualified Commonwealth employee as the term is defined in 75 Pa.C.S. § 4102 (relating to definitions).

§ 403.7. Supplemental rules and regulations.

[ (a) *Carrier registration*. Carrier registration shall be completed as follows:

(1) *General*. Interstate and intrastate carriers transporting hazardous materials in quantities requiring the vehicle to display markings or placarding under this chapter shall register with the Department each calendar year between January 1 and January 31. A person who initiates carriage within a given year shall register within 30 days of the initiation and each year thereafter under this paragraph.

(2) *Forms*. Registration shall be made by each carrier on forms prescribed and furnished by the Department. A separate form shall be executed for the Central Office of the carrier and for each terminal maintained by the carrier in this Commonwealth. Registration forms may be obtained upon request from the Motor Carrier Safety Division, Room 215, Transportation and Safety Building, Harrisburg, Pennsylvania 17120.

(3) *Retention of form*. The motor carrier shall maintain a copy of the forms noted in paragraph (2) in its files for 3 years.

(b) ] (a) *Towing of vehicles*. A motor vehicle transporting hazardous materials in a quantity requiring the motor vehicle to display markings or placarding may not be towed on a highway except to remove the motor vehicle and cargo to the nearest place of safety, in the judgment of the carrier or its representative after consultation where possible with police, fire or other emergency personnel. The motor vehicle may not be moved until the hazardous materials are stable unless failure to do so would constitute a threat to persons or property. For requirements regarding accidents involving specific types of hazardous materials, see 49 CFR [ 177.853—177.861 (relating to vehicles and shipments in transit; acci-

dents) ] 177.854 (relating to disabled vehicles and broken or leaking packages; repairs).

[ (c) *Extended loads.* A person may not transport hazardous material on a vehicle when the load extends beyond the sides, front or rear of the cargo-carrying compartment of the vehicle.

(d) *Unlawful transportation.* A person may not transport, by vehicle on a highway, hazardous material in a reckless manner or under conditions that will unreasonably endanger persons or property.

(e) ] (b) *The Vehicle Code.* Title 75 of the *Pennsylvania Consolidated Statutes* [ §§ 101—9701 ] (relating to [ the ] Vehicle Code), and provisions of this title not inconsistent with this chapter, apply to the transportation of hazardous materials.

[ (f) *Weight limitations.* Vehicles subject to this chapter shall comply with the weight limitations set forth in the Vehicle Code and this title.

(g) *Special permits for cargo tanks.*

(1) Cargo tanks used in the transportation of hazardous material in intrastate commerce, shall conform to the United States Department of Transportation specifications in 49 CFR Parts 173, 177, 178 and 180, as applicable, or otherwise be specifically authorized under special permit by the Department.

(2) Special permits will be issued for nonspecification cargo tanks upon application to the Department and upon completion of the testing requirements outlined on the prescribed Department forms. Special permits are effective for 2 years from the date of issue.

(3) Special permits are valid only for intrastate carriers transporting hazardous materials in this Commonwealth.

(4) Special permits are not required for cargo tanks used exclusively for the transportation of combustible liquids.

(h) *Special testing.* The Department may cause a container or cargo tank, or both, to be retested at any time.

(i) *United States Department of Transportation exemptions.* Hazardous materials, shipped under exemption and in containers specified by the United States Department of Transportation may be transported in this Commonwealth without issuance of separate Department special permits.

(j) *Streetcar crossings.* A vehicle, normally required to stop at railroad grade crossings under this chapter need not stop if the tracks are used exclusively by streetcars.

(k) ] (c) *Presentation of documents.* A driver of a vehicle transporting a hazardous material on a highway shall present upon request to a member of the State Police or qualified Commonwealth [ employe ] employee, as the term is defined in 75 Pa.C.S. § 4102 (relating to definitions), all documents required [ by ] under this chapter to be in [ his ] the driver's possession.

#### § 403.8a. Out-of-service criteria.

(a) *Application.* In determining whether a vehicle or driver of a vehicle, or both, will be placed out-of-service under 75 Pa.C.S. § 4704(c) (relating to inspection by police or Commonwealth personnel), State Police and qualified Commonwealth [ employes ] employees will use the criteria in this chapter.

(b) *Adoption of [ Federal ] standards.*

(1) *General.* The out-of-service criteria [ contained in Parts I, II and III of Appendix A of the Federal Highway Administration's ] in the "North American [ Uniform ] Standard Out-of-Service Criteria" are incorporated by reference [ under 45 Pa.C.S. § 727(9) (relating to matter not required to be published), upon approval of the Legislative Reference Bureau, with the following exceptions to Part II: ].

[ (i) 1.a.(6)(c) (relating to brake lining).

(ii) 1.b.(3)(c) (relating to steering axle brake lining).

(iii) 3.(3) (relating to bus exhaust).

(2) *Additional standards.* The following additional vehicle out-of-service criteria apply:

(i) A vehicle's brake linings or pads shall be declared out-of-service if:

(A) Bonded linings are less than 2/32-inch at the thinnest point.

(B) Riveted linings are less than 1/32-inch above the rivet head at the thinnest point.

(C) Bolted lining is worn to less than 1/8-inch at the center of the shoe.

(ii) A bus shall be declared out-of-service if the exhaust system is leaking or not discharging at an outside edge of the vehicle.

(iii) A vehicle shall be declared out-of-service if a tire is marked "Not for Highway Use" or otherwise marked and having like meaning, except vehicles permitted to operate with oversize wheels and tires under 75 Pa.C.S. § 4969 (relating to permit for movement of vehicles with oversize wheels and tires) (Repealed).

(3) ] (2) *Obtaining criteria.* The "North American [ Uniform ] Standard Out-of-Service Criteria" may be obtained by contacting [ : Department of Transportation, Motor Carrier Safety Division, Center for Highway Safety, 215 Transportation and Safety Building, Harrisburg, Pennsylvania 17120, (717) 787-7445 ] the Commercial Vehicle Safety Alliance, 1101 17th Street NW, Suite 803, Washington, D.C. 20036, (301) 830-6143.

§ 403.10. [ Exceptions ] (Reserved).

[ A driver, who was a regularly employed driver of a motor carrier as of April 1, 1994, and who continues to be a regularly employed driver of that motor carrier, is exempt from 49 CFR 391.1, 391.2, 391.11, 391.21—391.27, 391.31—391.37, 391.41—391.49, 391.51 and 391.61—391.71, if the driver only operates a truck transporting combustible liquids in intrastate retail delivery. ]

[Pa.B. Doc. No. 16-1254. Filed for public inspection July 22, 2016, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Pennsylvania State Police

The Executive Board approved a reorganization of the Pennsylvania State Police effective July 8, 2016.

The organization chart at 46 Pa.B. 3962 (July 23, 2016) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

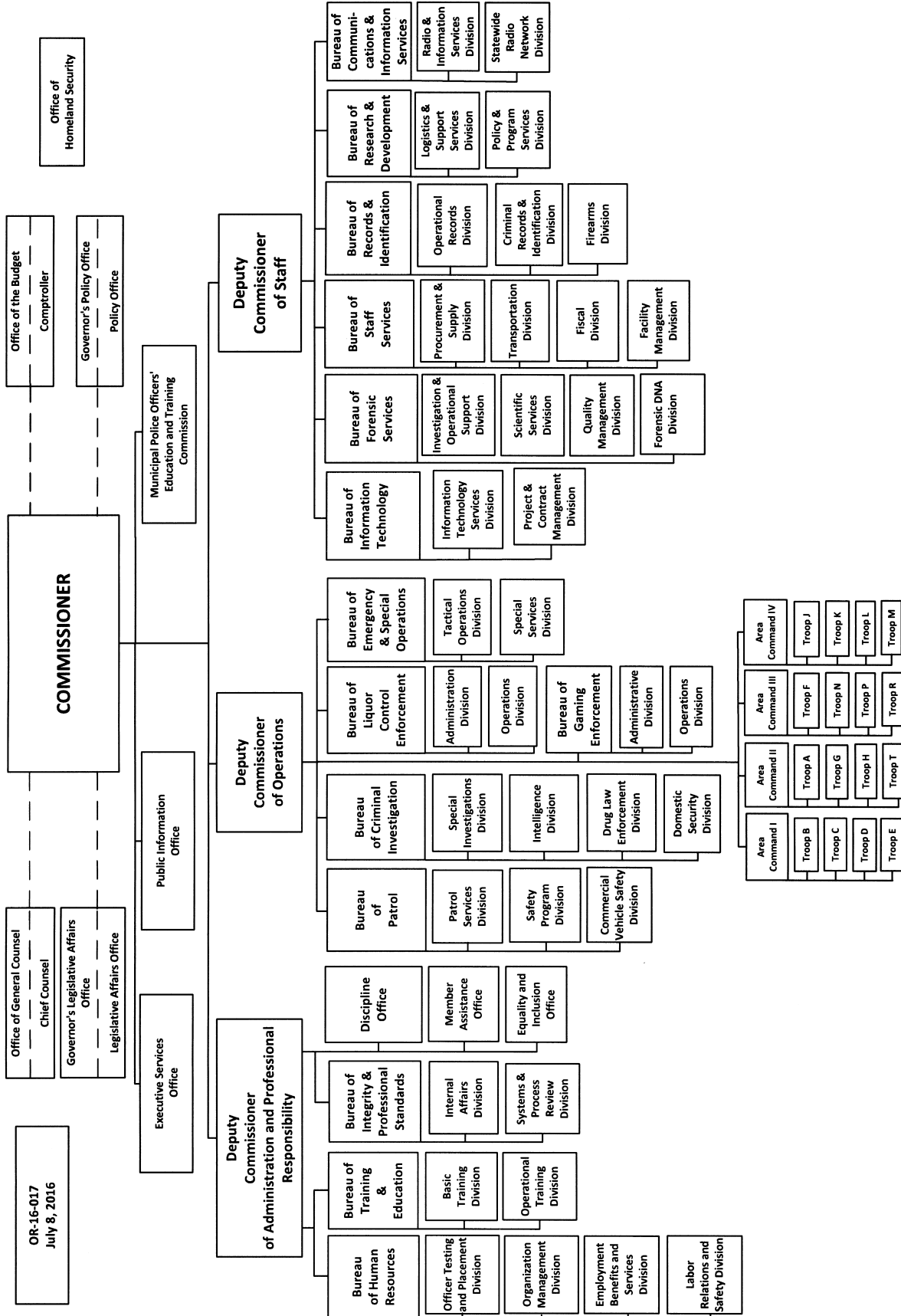
*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 16-1255. Filed for public inspection July 22, 2016, 9:00 a.m.]

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PENNSYLVANIA STATE POLICE



# NOTICES

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P.L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P.L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P.L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending July 12, 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 his or her comments in writing with the Department of Banking and Securities, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Branch Applications

#### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-7-2016	Bank of Bird-In-Hand Bird-In-Hand Lancaster County	3540 Old Philadelphia Pike Intercourse Lancaster County	Approved
7-7-2016	Univest Bank and Trust Co. Souderton Montgomery County	922 2nd Street Pike Richboro Bucks County	Approved
7-7-2016	Univest Bank and Trust Co. Souderton Montgomery County	90 Willow Valley Lakes Drive Willow Street Lancaster County	Approved
7-7-2016	Univest Bank and Trust Co. Souderton Montgomery County	1869 Charter Lane Lancaster Lancaster County (Limited Service Facility)	Approved

### CREDIT UNIONS

No activity.

The Department's web site at [www.dobs.pa.gov](http://www.dobs.pa.gov) includes public notices for more recently filed applications.

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 16-1256. Filed for public inspection July 22, 2016, 9:00 a.m.]

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of August 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 August, 2016, is 4 1/2%.

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. No. 96-221). Further preemption was instituted with the signing of Pub.L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residen-

tial 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 2.04 to which was added 2.50 percentage points for a total of 4.54 that by law is rounded off to the nearest quarter at 4 1/2%.

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 16-1257. Filed for public inspection July 22, 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

*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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0216607 (Industrial)	Delmont Compressor Station Route 3, Box 111 Greensburg, PA 15601	Westmoreland County Salem Township	Beaver Run (18-B)	Yes

Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3636.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0208647 (Sewage)	Grampian Borough Kratzer Run Authority Sewer Treatment Facility PO Box 253 Grampian, PA 16838	Clearfield County Grampian Borough	Kratzer Run (8-B)	Yes

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

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

**PA0037940**, Sewage, SIC Code 4952, **Center Township Sewer Authority**, 224 Center Grange Road, Aliquippa, PA 15001. Facility Name: Elkhorn Run STP. This existing facility is located in Center Township, **Beaver 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), Moon Run and Elkhorn Run, is located in State Water Plan watershed 20-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	2.0	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.0
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	417.3	625.9 Wkly Avg	XXX	25.0	37.5	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	500.7	751.1 Wkly Avg	XXX	30.0	45.0	60
Fecal Coliform (CFU/100 ml)						
Nov 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Oct 31	XXX	XXX	XXX	200 Geo Mean	XXX	400
Total Nitrogen	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Benzo(a)Anthracene <sup>1</sup>	XXX	XXX	XXX	Report	XXX	XXX
Benzo(a)Pyrene <sup>1</sup>	XXX	XXX	XXX	Report	XXX	XXX
Benzo(k)Fluoranthene <sup>1</sup>	XXX	XXX	XXX	Report	XXX	XXX
3,4-Benzofluoranthene <sup>1</sup>	XXX	XXX	XXX	Report	XXX	XXX
Bromide <sup>1</sup>	XXX	XXX	XXX	Report	XXX	XXX
Chrysene <sup>1</sup>	XXX	XXX	XXX	Report	XXX	XXX
1,4-Dioxane <sup>1</sup>	XXX	XXX	XXX	Report	XXX	XXX
Dibenzo(a,h)Anthracene <sup>1</sup>	XXX	XXX	XXX	Report	XXX	XXX
Indeno(1,2,3-cd)Pyrene <sup>1</sup>	XXX	XXX	XXX	Report	XXX	XXX

<sup>1</sup> The parameters indicated by footnote 1 received water quality based effluent limitations because the pollutants were reported to be present at a concentration higher than the DEP recognized target quantitative level. The permittee will have the opportunity to resample for those parameters during the public comment period to demonstrate that they are not present at concentrations equal to or greater than the target quantitative level. The effluent limitations or monitoring requirements may be removed from the permit or changed to less stringent technology based effluent limitations, as applicable, based on the additional sampling data provided.

The EPA Waiver is not in effect.



**PA0093882**, Industrial, SIC Code 4111, **Port Authority of Allegheny County**, 345 Sixth Avenue, 3rd Floor, Pittsburgh, PA 15222-2527. Facility Name: West Mifflin Garage. This existing facility is located in West Mifflin Borough, **Allegheny County**.

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

The receiving streams, Unnamed Tributary of Streets Run and Unnamed Tributary of Thompson Run, are located in State Water Plan watershed 19-A, and is classified for Warm Water Fishes, aquatic life, and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0 MGD (stormwater induced).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH	XXX	XXX	Report	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Oil and Grease	XXX	XXX	XXX	15	30	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD (stormwater induced).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH	XXX	XXX	Report	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Oil and Grease	XXX	XXX	XXX	15	30	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0 MGD (stormwater induced).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	Report	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 0 MGD (stormwater induced).

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	Report	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX

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

- Requirement to utilize the Department's eDMR system.

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

The EPA Waiver is in effect.

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

**PA0058742**, Sewage, SIC Code 4952, **Warminster Municipal Authority**, 415 Gibson Avenue, P.O. Box 2279, Warminster, PA 18974. Facility Name: Warminster NAWC WWTP. This existing facility is located in Warminster Township, **Bucks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage from Warminster NAWC WWTP and site stormwater.

The receiving stream, Unnamed Tributary to Little Neshaminy Creek, is located in State Water Plan watershed 2-F 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 1.2 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</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
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	100	150	XXX	10	15	20
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	100	150	XXX	10	15	20
Total Suspended Solids						
Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ultraviolet light transmittance (%)	XXX	XXX	Report Min	XXX	XXX	XXX
Nitrate-Nitrite as N						
Jul 1 - Oct 31	95	XXX	XXX	9.5	XXX	19
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	30	XXX	XXX	3.0	XXX	6
May 1 - Oct 31	15	XXX	XXX	1.5	XXX	3
Total Phosphorus						
Nov 1 - Mar 31	10	XXX	XXX	1.0	XXX	2
Apr 1 - Oct 31	5.0	XXX	XXX	0.5	XXX	1
Total Dissolved Solids	XXX	XXX	XXX	1,000	XXX	2,500
Aluminum, Total	XXX	XXX	XXX	Report	XXX	XXX
Copper, Total						
(Effective date through Year 2)	XXX	XXX	XXX	Report	Report Daily Max	XXX
(Year 3 through Expiration date)	XXX	XXX	XXX	0.024 Avg Mo	0.037 Daily Max	XXX
Chloride	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Toxicity, Chronic—Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	XXX	1.01 Daily Max	XXX
Reproduction (TUc)	XXX	XXX	XXX	XXX	1.01 Daily Max	XXX
Toxicity, Chronic—Pimephales Survival (TUc)	XXX	XXX	XXX	XXX	1.01 Daily Max	XXX
Growth (TUc)	XXX	XXX	XXX	XXX	1.01 Daily Max	XXX

The proposed effluent limits for Stormwater Outfalls 002 and 003 are based on an average storm event.

<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>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX

<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>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX

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

- No stormwater to sanitary sewers
- Necessary property rights
- Proper sludge disposal
- Notification of designation of responsible operator
- Operations and Maintenance plan
- Fecal coliform reporting
- Copper Limits
- Whole Effluent Toxicity
- Stormwater requirements

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

The EPA Waiver is not in effect.

**PA0055875**, Sewage, SIC Code 4952, **The Upper Hanover Authority**, P.O. Box 205, East Greenville, PA 18041-0205. Facility Name: Macoby Creek STP. This existing facility is located in Upper Hanover Township, **Montgomery County**.

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

The receiving stream(s), Macoby 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 0.4 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>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0 Max	XXX
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	33.4	50	XXX	10	15	20
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	33.4	50	XXX	10	15	20
Total Suspended Solids Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	5.0	XXX	XXX	1.5	XXX	3
Total Phosphorus	1.0	XXX	XXX	0.3	XXX	0.6
Aluminum, Total	XXX	XXX	XXX	Report	XXX	XXX

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

- No Stormwater in Sewers
- Obtain Necessary Property Rights
- Proper Sludge Disposal
- Chlorine Minimization
- Small Stream Discharge
- Notification of Responsible Owner

- Develop O&M Manual
- Fecal Coliform Reporting

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.

*Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.3636.*

**PA0037966**, Sewage, SIC Code 4952, **Moshannon Valley Joint Sewer Authority**, 829 N. 9th Street, Philipsburg, PA 16866-2327. Facility Name: Moshannon Valley Joint Sewer Authority Regional Water Pollution Control Facility. This existing facility is located in Rush Township, **Centre 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), Moshannon Creek, is located in State Water Plan watershed 8-D and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.037 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
Total Residual Chlorine (TRC)					Max	
(Interim)	XXX	XXX	XXX	1.0	XXX	2.3
(Final)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	420	675	XXX	25.0	40.0	50
		Wkly Avg			Wkly Avg	
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	505	760	XXX	30.0	45.0	60
		Wkly Avg			Wkly Avg	
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Aluminum, Total	9.40	9.40	XXX	0.75	0.75	0.75
Iron, Total	18.80	37.53	XXX	1.50	3.00	3.75
Manganese, Total	12.50	25.02	XXX	1.00	2.00	2.5

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 Units (lbs/day)			Concentrations (mg/L)		
	Monthly	Annual	Monthly	Monthly Average	Maximum	Instant. Maximum
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	Report	37,205	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	4,960	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 570-327-3693.

The EPA Waiver is not in effect.

**PA0036846 A-1**, Sewage, SIC Code 4952, **New Berlin Borough Municipal Authority**, PO Box 473, New Berlin, PA 17855. Facility Name: New Berlin Municipal Authority Wastewater Treatment Plant. This existing facility is located in New Berlin Borough, **Union County**.

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

The receiving stream(s), Penns Creek, is located in State Water Plan watershed 6-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.23 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Report	XXX	Max XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	47	75 Wkly Avg	XXX	25	40	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	57	85 Wkly Avg	XXX	30	45	60
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (No./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
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Monthly</i>	<i>Annual</i>	<i>Monthly</i>	<i>Monthly Average</i>	<i>Maximum</i>	<i>Instant. 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 (Interim)	Report	Report	XXX	XXX	XXX	XXX
Net Total Nitrogen (Final)	Report	7,020	XXX	XXX	XXX	XXX
Net Total Phosphorus (Interim)	Report	Report	XXX	XXX	XXX	XXX
Net Total Phosphorus (Final)	Report	819	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 570-327-3693.

The EPA Waiver is in effect.

**PA0028738**, Sewage, SIC Code 4952, **Ralpho Township Municipal Authority**, 206 S. Market Street, Suite 1, Elysburg, PA 17824-9782. Facility Name: Ralpho Township Municipal Authority Wastewater Treatment Plant. This existing facility is located in Shamokin Township, **Northumberland 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), Shamokin Creek, is located in State Water Plan watershed 6-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.819 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Report	XXX	Max XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	170	270 Wkly Avg	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	200	305 Wkly Avg	XXX	30.0	45.0	60
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 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Aluminum, Total	Report	XXX	XXX	Report	XXX	XXX
	Annl Avg			Annl Avg		
Copper, Total	Report	XXX	XXX	Report	XXX	XXX
Iron, Total	Report	XXX	XXX	Report	XXX	XXX
	Annl Avg			Annl Avg		
Lead, Total	Report	XXX	XXX	Report	XXX	XXX
Manganese, Total	Report	XXX	XXX	Report	XXX	XXX
	Annl Avg			Annl Avg		

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>	<i>Monthly</i>	<i>Monthly Average</i>	<i>Maximum</i>	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	Report	13,132	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	1,751	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 570-327-3693.

The EPA Waiver is not in effect.

*Northwest Regional Office: Regional Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814.332.6942.*

**PA0264580**, Sewage, SIC Code 8800, **Raymond Bates**, 248 Carbon Center Road, Butler, PA 16002. Facility Name: Raymond Bates SRSTP. This proposed facility is located in Summit Township, **Butler County**.

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

The receiving stream(s), Unnamed tributary to Bonnie Brook, is located in State Water Plan watershed 20-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000

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

The EPA Waiver is in effect.

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

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

**WQM Permit No. WQG02021601**, Sewage, **Massaro Dawson A Special Purpose Venture**, One Ninety One Peachtree Tower, 191 Peachtree Street NE, Suite 805, Atlanta, GA 30303.

This proposed facility is located in Bethel Park, **Allegheny County**.

Description of Proposed Action/Activity: Installation of a sanitary sewer system to serve the proposed South Hills Village Apartments.

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

**WQM Permit No. 2894402, Amendment No. 3**, Sewerage, **Washington Township Municipal Authority**, 11102 Buchanan Trail East, Waynesboro, PA 17268.

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

Description of Proposed Action/Activity: Seeking permit amendment for Screen Replacement at existing WWTP.

**WQM Permit No. 3616202**, CAFO, **Garrett Weaver**, 1501 Eshelman Mill Road, Willow Street, PA 17584.

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

Description of Proposed Action/Activity: Seeking permit approval for the construction of a duck operation and manure storage lagoon on the existing agricultural site.

### VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024816008	WW Transport, Inc. Kyle Weuve, CFO 701 East Mount Pleasant St. P.O. Box 535 West Burlington, IA 52655	Northampton	Forks Township	Bushkill Creek (HQ-CWF, MF)

## STATE CONSERVATION COMMISSION

### PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

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

<i>Agricultural Operation (Name and Address)</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units (AEUs)</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>New or Renewal</i>
Walmoore Holsteins 1826 Howellmoore Road West Grove, PA 19390	Chester	1,695.8	1,452.24	Dairy	EV	Plan Amendment (New)
Randy Brubaker 1908 Valley Rd Manheim, PA 17545	Lancaster	26.7	717.03	Broiler/ Swine	NA	R
Mason Dixon Farms 1800 Mason Dixon Road Gettysburg, PA 17325	Adams	3,137.2	4,738.35	Dairy	NA	Renewal
Evergreen Farms Inc. Andy Harpster 3102 Evergreen Lane Spruce Creek, PA 16683	Huntingdon	5,257.1 acres	6,969.38 AEU's	Dairy	HQ	R
Glenn & Joel Martin 2077 Mountain Road Manheim, PA 17545	Lancaster	165.6	128.16	Ducks	NA	R
Spring Pond Farm 93 Deck Rd. Womelsdorf, PA 19567	Berks	75.8	378.9	Poultry and Steers	N/A	Renewal
Bryan Byers 81 Four Pines Road Quarryville, PA 17566	Lancaster	280.2	130.19	Ducks	HQ	R
Dave Morrow 237 Briar Road Loysville, PA 17047	Perry	415	619.3	Swine, Beef	HQ, CWF	Renewal
Mt. Pleasant Farms 2071 Mt. Pleasant Road Fayetteville, PA 17222	Franklin	604.7	512.69	Ducks/ Heifers	NA	Renewal
Kenneth Martin 1397 Robert Fulton Hwy Quarryville, PA 17566	Lancaster	261	1,687.52	Swine/ Dairy/ Pullets	HQ	R
Herman Zeager 159 Yoder Rd Bainbridge, PA 17502	Lancaster	65.5	803.36	Swine	NA	R
Willis S. Nolt 433 Black Barren Rd Peach Bottom, PA 17562	Lancaster	139.9	411.16	Swine	HQ	R
James L. Weaver 136 Herr Drive Peach Bottom, PA 17563	Lancaster	231.2	391.22	Boiler/ Dairy	HQ	R
Hissong Farmstead, Inc. 6841 Buchanan Trail West, Mercersburg, PA 17236	Franklin	1,504.4	1,896.25	Dairy	NA	Renewal



<i>Agricultural Operation (Name and Address)</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units (AEUs)</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>New or Renewal</i>
Leshner's Poultry, Inc. 1153 Swamp Fox Road Chambersburg, PA 17202	Franklin	2,560	1,298.01	Poultry-Layers	NA	Renewal
David and Cathy Reifsneider 2596 New Bridgeville Road Felton, PA 17322	York	13.1	366.67	Poultry	None	Renewal
Paul Dotterer & Sons, Inc 410 Kryder Rd Mill Hall, PA 17751	Clinton	3,050	2,031.91	Dairy	HQ	Renewal

**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

**Applications Received Under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 0916511**, Public Water Supply.  
 Applicant **Aqua Pennsylvania, Inc.**  
 Township Middletown  
 County **Bucks**

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Responsible Official	Joseph Thurwanger 762 W. Lancaster Avenue Bryn Mawr, PA 19010
Type of Facility	PWS
Consulting Engineer	Mott McDonald The Public Ledger Building Suite 1040 150 South Independence Mall Philadelphia, PA 19106
Application Received Date	July 6, 2016
Description of Action	Construction of transmission main to convey water from Edgely and Bristol WTP's to new vertical turbine pumps in existing building at Neshaminy WTP to be pumped into the Neshaminy plants send out main.
<b>Permit No. 4616504</b> , Public Water Supply.	
Applicant	<b>Schwenksville Borough Authority</b>
Borough	Schwenksville
County	<b>Bucks</b>
Responsible Official	Michael Sullivan 298 Main Street P.O. Box 458 Schwenksville, PA 19473-0458
Type of Facility	PWS
Consulting Engineer	Frederick E. Ebert, P.E. P.O. Box 540 4092 Skippack Pike, Suite 202 Skippack, PA 19474
Application Received Date	February 25, 2016
Description of Action	Schwenksville Borough Authority (SBA) has withdrawn their request for permit modification for blending of Well Nos. 3 and 4 to reduce the arsenic concentration of Well No. 4. SBA sent a request to withdraw the application on June 23, 2016. SBA is in the process of developing a project for arsenic removal treatment at Well No. 4.

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

**Application No. 4016510MA**, Public Water Supply.

Applicant **Borough Of Freeland Municipal Authority**  
711 Birkbeck Street  
Freeland, PA 18224

[Township or Borough] Borough Of Freeland,  
**Luzerne County**

Responsible Official Gerald Feissner, Chairman  
Borough Of Freeland  
Municipal Authority  
711 Birkbeck Street  
Freeland, PA 18224

Type of Facility PWS

Consulting Engineer Samantha Albert, PE  
Barton-Lawson Engineering  
613 Baltimore Drive  
Wilkes-Barre, PA 18702

Application Received Date 06/28/2016

Description of Action Replacement of the existing underground water storage with new 125,000 gallon water storage tank, and installation of new building.

#### MINOR AMENDMENT

#### Applications Received Under the Pennsylvania Safe Drinking Water Act

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

**Application No. 3016507MA**, Minor Amendment.

Applicant **Southwestern Pennsylvania Water Authority**  
1442 Jefferson Road  
PO Box 187  
Jefferson, PA 15344

[Township or Borough] Franklin Township

Responsible Official John W. Golding, Manager  
Southwestern Pennsylvania Water Authority  
1442 Jefferson Road  
PO Box 187  
Jefferson, PA 15344

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
Suite 200  
Cheswick, PA 15024

Application Received Date July 12, 2016

Description of Action Installation of approximately 1,019 feet of 12-inch diameter waterline along Elm Drive extending to SR 0188.

*Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Application No. 266W2-MA2**, Minor Amendment.

Applicant **Rixford Waterworks Association**

Township or Borough Otto Township

Responsible Official Jeff Anderson  
President  
Rixford Water Association  
PO Box 127  
Rixford PA 16745

Type of Facility Public Water Supply

Consulting Engineer Eric S. Lundy, P.E.  
2836 Earlstown Road  
Suite 1  
Centre Hall, PA 16828

Application Received Date June 29, 2016

Description of Action Replace two existing storage tanks with one 43,000 gallon water storage tank.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of

the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

**Proposed CVS Store No. 1681**, 307-315 Bellefonte Avenue, City of Lock Haven, **Clinton County**. ECS Mid-Atlantic, LLC, 58 Grumbacher Road, Suite D, York, PA 17406 on behalf of Pennsylvania CVS Pharmacy, LLC, 415 Fallow Field Road, Suite 301, Camp Hill, PA 17011 submitted a Notice of Intent to Remediate. A release of volatile organic compounds, semi-volatile organic compounds and metals in the soil and groundwater was documented. The contamination is associated with both a former gasoline and service garage and a former commercial and retail laundry drycleaner. The proposed future use of the property will be non-residential. The proposed cleanup standard for the site is Special Industrial Area. The Notice of Intent to Remediate was published in the *Lock Haven Express* on May 4, 2016.

*Northeast Region: Eric Supey, Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**Trehab Associates Inc.**, 10 Public Avenue, Montrose Borough, **Susquehanna County**. Kevin P. Van Kuren, PG, 1119 Longbrook Road, Lutherville, MD 21093, on behalf of CGE, PO Box 75, Montrose, PA 18801, submitted a Notice of Intent to Remediate. This site was contaminated with # 2 fuel oil following a fuel oil delivery. The proposed future use of the property will be non-residential. The Notice of Intent to Remediate was published in *The Susquehanna County Independent* on June 29, 2016.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Family First Health Corporation & 2 Trone Rental Properties**, 1230 & 1250 High Street, Hanover, PA 17331, Hanover Borough, **Adams County**. Ramboll Environ US Corporation, 4350 North Fairfax Drive, Suite 300, Arlington, VA 22203, on behalf of Miller Chemical & Fertilizer, LLC, 120 Radio Road, Hanover, PA 17332; Family First Health Corporation, 116 South George Street, York, PA 17401; and Trone Rental Properties, 350 3rd Street, Hanover, PA, submitted a Notice of Intent to Remediate site soils contaminated with fertilizers and

metals. The site will be remediated to the Residential Statewide Health Standard. Future use of the site is as commercial property and undeveloped land. The Notice of Intent to Remediate was published in *The Evening Sun* on June 16, 2016.

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

**Waterside Development Parcel B**, 2215 State Road, Bensalem Township, **Bucks County**. Jeffrey K. Walsh, P.G., Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, Michael Lattanze, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Arnold Boyer Waterside Construction, LP, 2310 Terwood Drive, Huntingdon Valley, PA 19006 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of petroleum. The proposed future use of the site will be for residential purposes. A Notice of Intent to Remediate was published in the *Bucks County Courier Times* on June 7, 2016. PF620175.

**Kijak Residence**, 1254 Durnat Street, Whitmarsh Township, **Montgomery County**. Jason Ballou, State Farm Insurance, P.O. Box 106169, Atlanta, GA 30348-6169, Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18973 on behalf of John and Frank Kijak, 1254 Durant Street, Conshohocken, PA 19428 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The site is presently residential and the intended future use of the site is residential. A Notice of Intent to Remediate was published in the *Ambler Gazette* on May 29, 2016. PF806972.

**Convoy Realty LP**, 6318 West Passyunk Avenue, City of Philadelphia, **Philadelphia County**. Michael A. Christie, P.G., Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440, Darryl D. Borelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 901, Bala Cynwyd, PA 19004 on behalf of Jonathan Silverman, Esquire, Convoy Realty, LP, 360 Madison Avenue, 22nd Floor, New York, NY 10017 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of pcbs, vocs, mte and petroleum hydrocarbons. The property will continue to be use for non-residential purpose. A Notice of Intent to Remediate was published in the *Philadelphia Inquirer* on May 31, 2016. PF811055.

**Collex Collision Experts** 1502 Bethlehem Pike, Springfield Township, **Montgomery County**. Jeremy Bolyn, Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Anthony Mariello, Sr., 1502 Bethlehem Pike, Flourtown, PA 19032 has submitted a Notice of Intent to Remediate. Soil at site has been impacted with the release of no. 2 fuel oil. The proposed future use of the site will remain the same. A Notice of Intent to Remediate was published in the *Times Herald* on June 8, 2016. PF811105.

**Harvard Seven LLC Lot 5**, Harvard and Columbia Roads, Haverford Township, **Delaware County**. Thomas A. Petrecz Jr. Penn & E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440, Michael C. Nines, P.E., LEED AP, Manko, Gold, Katcher & Fox, LL, 401 City Avenue, Suite 901, Bala Cynwyd, PA 19004 on behalf of Kevin Hillsinger, Harvard Seven, LLC, 1305 Catfish Lane, Audubon, PA 19403 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the



release of no. 1, 2, 4, 5, and no. 6 fuel oil compounds. A single family resident is being built on Lot 5. A Notice of Intent to Remediate was published in the *Delaware County Daily Times* on June 10, 2016. PF81109.

**Village Residence 3(VR3)**, 101 Bryce Lane, Upper Merion Township, **Montgomery County**. Scott Bisbort, Sr. Ransom Environmental, 2127 Hamilton Avenues, Hamilton, NJ 08619, Pete Sikora, Bozzuto Development Company 480 East Swedesboro Road, Suite 110, Wayne, PA 19087 on behalf of CRP/BA VR3, LLC, CRP/BA VR3, LLC, 101 Bryce Lane, King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release arsenic. The proposed future use of the property will be residential. A Notice of Intent to Remediate was published in the *Times Herald* on June 23, 2016. PF811157.

**Chick Fil-A-Restaurant # 3225**, 794-798 Bethlehem Pike, Montgomery Township, **Montgomery County**. Edward Layton, PG, BAI Group, Inc., 341 10th Street, Royersford, PA 19468 on behalf of John Martinez, Chick-fil-a, Inc., 200 Buffington Road, Atlanta GA 30349 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of used motor oil. The existing and future use of the property will be non-residential commercial use. A Notice of Intent to Remediate was published in the *Lansdale Reporter* on June 9, 2016. PF787815.

**Schramm Inc.**, 800 East Virgin Avenue, West Goshen Township, **Chester County**. Michael S. Welsh, PE Welsh Environmental, Inc., 131 Clearview Drive, Downingtown, PA 19335 on behalf of Eli Kahn, 920 S. Bolmar Associates, LP, 55 Country Club Drive, Downingtown, PA 19335 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of petroleum. The proposed future use of the property will be residential. A Notice of Intent to Remediate was published in the *Daily Local News* on June 13, 2016. PF617158.

**Tasty Baking**, 2801 West Hunting Park Avenue, City of Philadelphia, **Philadelphia County**. Aaron Epstein, P.G., Partner Engineering and Science, Inc., 100 Deerfield Lane, Suite 200, Malvern, PA 19355, James Duba, Partner Engineering and Science, Inc., 100 Deerfield Lane, Suite 200, Malvern, PA 19355 on behalf of Larry Hine, AMERCO Real Estate Company, 2727 North Central Avenue, Phoenix, AZ 85004 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of pah. The proposed future use of the property will be non-residential. A Notice of Intent to Remediate was published in the *Metro* on May 25, 2016. PF811127.

**Mary Jane McLaren Residence**, 2007 Lockwood Lane, Lower Southampton Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Tina Reger, State Farm Insurance, P.O. Box 106169, Atlanta, GA 30349-6169 on behalf of Mary Jane, McLaren, 2007 Lockwood Lane, Feasterville, PA 19053 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The current use and proposed future use of the property is residential. A Notice of Intent to Remediate was published in the *Bucks County Courier Times* on June 15, 2016. PF811100.

**Crawford Residence**, 710 Maple Drive, Whitplian Township, **Montgomery County**. Andrew Markoski, Patriot Environmental Management, LLC, P.O. Box 629,

Douglasville, PA 19518, John Walsh, Clyde S. Walton, Inc., P.O. Box 1669, Lansdale, PA 19446 on behalf of Bonnie Crawford, 710 Maple Hill Drive, Blue Bell, PA 19422 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the property will remain residential. A Notice of Intent to Remediate was published in the *Times Herald* on June 23, 2016. PF811107.

**61 West Eagle Road**, 61 West Eagle Road, Haverford Township, **Delaware County**. Jacqueline Wilson, Brickhouse Environmental, 51 Franklin Street, West Chester, PA 19382, Douglas B. Schott, P.G., Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, Kurt Spies, EMG Remediation Services, LLC 5066R West Chester Pike, P.O. Box 129, Edgemont, PA 19028 on behalf of Frank and Janis Pulcini, SDG Enterprises Group, LLC, 419 Haverford Avenue, Narberth, PA 19072 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of leaded and unleaded gasoline constituent. It is anticipated that the site will remain mixed residential/commercial. A Notice of Intent to Remediate was published in the *Delaware County Daily Times* on May 16, 2016. PF809100.

**Century Link Communication, LLC**, 2400 Market Street, City of Philadelphia, **Philadelphia County**. Mark Reisig, Tetra Tech, Inc., 216 16th Street, Suite 1500, Denver, CO 80202, Harlan Pincus, CenturyLink Communication, LLC, 555 Church Street, 1st Floor, White Plains, NY 10601 on behalf of Dian Green, PMC Group, 2400 Market Street, Suite 1, Philadelphia, PA 19103 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the property is mixed commercial and residential tenancy. A Notice of Intent to Remediate was published in the *Marketplace* on June 18, 2016. PF811109.

#### DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Application(s) received for Determination of Applicability under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate a Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Southwest Region: Bureau of Waste Management, Environmental Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**General Permit Determination of Applicability No. WMGM043SW002. Jacks Waste Services, Inc.**, Jack's Recycling facility, 226 Mt. Morris Road, Perry Township, **Greene County**, PA 15349. Determination of Applicability (DOA) under Residual Waste General Permit No. WMGM043 that allows for the acceptance, transfer, and processing prior to beneficial use of construction and demolition waste materials. Sorting of construction and demolition waste is authorized using manual labor and heavy equipment for movement of materials. The DOA application, received on May 31, 2016 as modified by revisions received on June 16 and 20, 2016, was deemed administratively complete on June 28, 2016.



**OPERATE WASTE PROCESSING OR DISPOSAL  
AREA OR SITE**

**Application received, under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to operate a Solid Waste Processing or Disposal Area or Site.**

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

**Permit No. WMGR082SW002. Tube City IMS, LLC,** 1155 Business Center Drive, Horsham, PA 19044. An application for a permit renewal under a General Permit for the residual waste Park Hill Slag Bank processing site in Conemaugh Township, **Cambria County** was received in the Regional Office on July 6, 2016.

**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.**

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636.*

**43-384A: Davis Alloys Manufacturing, LLC** (295 East High Street, Sharpsville, PA 16150) Application received for the installation and operation of: eight (8) electric induction furnaces, casting processes, one (1) sand handling system, media blasting processes, and one hammer mill. The facility is located in Sharpsville Borough, **Mercer County**. Emissions will be reduced by one baghouse and one cartridge filter dust collector. This is a non-Title V facility.

**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.*

**46-00180: Transicoil LLC.** (9 Iron Bridge Drive, Collegetown, PA 19426). On June 20, 2016, for a minor modification to the State Only Operating Permit for changing responsible official and permanently removing two (2) acid passivation tanks located at its Dock Facility located in Falls Township, **Bucks County**.

**46-00200: John Middleton Co.** (418 West Church Road, King of Prussia, PA 19406) On July 11, 2016, for an administrative amendment to incorporate Plan Approval 46-0200E located in Upper Merion Township, **Montgomery County**.

**15-0013C: Infiana USA, Inc.** (Formerly known as Huhtamaki Films) (2400 Continental Blvd, Malvern, PA 19355-2326) For the installation of a heat set flexographic press and a Regenerative Thermal Oxidizer (RTO) at their existing facility in Tredyffrin Township, **Chester County**. The press will be utilized to produce printed and coated packaging products. The press has four printing stations and can apply the following substances; inks, varnish to substrate and silicone coating. The Volatile Organic (VOC) emissions will be captured by a permanent total enclosure and sent to the RTO for a least 98% destruction efficiency. The facility will be classified as synthetic minor, aggregate VOC emissions are capped at 23.50 tons per year. The Plan Approval will contain testing, monitoring and recordkeeping requirements, and work practice standards designed to keep the sources and facility operating within all applicable air quality requirements.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104.*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426.*

**S14-024: Presbyterian Medical Center** (51 N. 39th Street, Philadelphia, PA 19104) For the operation of a hospital in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) 16.7 MMBTUs/hr boilers firing natural gas or No. 2 fuel oil, one (1) 10.4 MMBTUs/hr boiler firing natural gas or No. 2 fuel oil, three (3) 6 MMBTUs/hr boilers firing natural gas or No. 2 fuel oil, one (1) 2,500 kW diesel fuel fired emergency generator (E7), and six (6) emergency generators rated 750 kW or less firing diesel fuel.

#### 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.*

**09-00174: Liberty Coating Company, LLC.** (21 South Steel Road, Morrisville, PA 19067) This action is to issue an initial Title V Operating Permit for the facility located in Falls Township, **Bucks County**. The facility has changed status through Plan Approval No. 09-0174D for the increase the Volatile Organic Compound (VOC) limit from 24.9 tpy to 44 tpy. The Operating Permit will contain record keeping and operating restriction designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**06-05040: East Penn Manufacturing Co., Inc.** (Deka Road, PO Box 147, Lyon Station, PA 19536) To renew a Title V Operating Permit for the Lyon Station Smelter facility located in Richmond Township, **Berks County**. The actual emissions from the facility in the 2014 year were estimated at 25.2 tons CO, 56.1 tons NO<sub>x</sub>, 7.7 tons PM<sub>10</sub>/PM<sub>2.5</sub>, 56.6 tons SO<sub>x</sub> and 6.7 tons VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping

and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 63 Subpart L, 40 CFR 63 Subpart X, 40 CFR 63 Subpart ZZZZ and CAM.

#### 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.*

**15-00141: Tin Technology and Refining** (905 Fern Hill Road, West Chester, PA 19380; Attn: Mr. Ara Aposhian), For a Non-Title V Facility, State-Only, Synthetic Minor Operating Permit in West Goshen Township, **Chester County**. Tin Technology and Refining operates a tin and tin alloy recycling facility. Sources include a rotary furnace, 5 melting pots, a makeup air unit, and three (3) space heaters. All combustion sources burn natural gas. Emissions from PM from the sources, with the exception of the three (3) space heaters, are vented to a dust collector. Estimated potential emissions from the facility are: 4.16 tons NO<sub>x</sub> per year, 3.50 tons CO per year, 0.23 ton VOC per year, 15.34 tons PM per year, and less than 0.5 ton per year SO<sub>x</sub> and HAP. The permit will contain monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality regulations and 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.*

**40-00066: Hazleton Casting Co., Hazleton Plant** (PO Box 21, Weatherly, PA 18255). The Department intends to issue a renewal State-Only Natural Minor operating permit for the Steel Foundries manufacturing facility in Hazleton City, **Luzerne County**. The sources consist of shot blasting, grinding booth, sand silos, cut off saws, and sand mixer and reclaimers. The control devices consist of baghouses. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The proposed permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.*

**53-00012: Patterson Lumber Company, Inc.** (95 West Street, Galetton, PA 16922) For their lumber mill facility located in West Branch Township, **Potter County**. The facility is currently operating under the State Only operating permit 53-00012. The facility's main sources include twelve (12) lumber dry kilns, one (1) wood fired boiler, one (1) emergency generator, one (1) parts washer and a wood working equipment. The facility has potential emissions of 14.24 tons per year of nitrogen oxides, 35.23 tons per year of carbon monoxide, 1.17 ton per year of sulfur oxides, 23.90 tons per year of particulate matter, 3.02 tons per year of volatile organic com-



pounds including total hazardous air pollutants (HAPs). The potential emissions at the facility increased insignificantly due to addition of one emergency generator and one parts washer. The wood fired boiler is subject to 40 CFR Part 63, Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial and Institutional Boilers Area Sources. The emergency generator is subject to 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engine Area Sources. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

**41-00064: Glenn O. Hawbaker, Inc.** (711 East College Ave., Bellefonte, PA 16823) To issue a State-Only (Synthetic Minor) Operating Permit renewal for their Armstrong Township Crushing Plant facility located in Armstrong Township, **Lycoming County**. The facility is currently operating under State-Only (Synthetic Minor) Operating Permit SMOP 41-00064. The facility's main sources include a sandstone processing operation, a 500 ton/hour Kolberg FT2650 portable crusher powered by a 305 bhp Cummins QSC CPL 8539 diesel-fired nonroad engine, two New Road model S36X80DCT portable stacking conveyors powered by 51 bhp Caterpillar model C2.2 diesel-fired engines, and a 250 ton/hour McCloskey R155 portable screener powered by a 130 bhp Caterpillar 3054C diesel-fired nonroad engine. The Department intends to incorporate into the operating permit all applicable conditions of approval contained in the RFD exemptions for various insignificant air-contaminant sources and all applicable conditions contained the GP-3s and GP-11s authorized for this facility. This facility has the potential to emit 5.83 tons of carbon monoxide, 16.26 tons of nitrogen oxides, 73.40 tons of particulate matter (including particulate matter less than 10 microns and particulate matter less than 2.5 microns), 4.83 tons of sulfur oxides, 8.45 tons of volatile organic compounds, 0.07 ton of hazardous air pollutants, and 2,714.33 tons of greenhouse gases (expressed as carbon dioxide equivalent). The sandstone processing equipment is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources (Nonmetallic Mineral Processing Plants), 40 CFR 60.670—60.676. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 as well as 40 CFR Part 60. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

## PLAN APPROVALS

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**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.**

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

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

**58-000015B: Hop Bottom Energy LLC** (North Shore Place I, 358 North Shore Drive, Suite 201, Pittsburgh, PA 15212) For their facility to be located in Lenox Township, **Susquehanna County**. This Plan Approval No. 58-000015B will be incorporated into a Natural Minor Permit through an administrative amendment at a later date.

Plan Approval No. 58-000015B is for the construction of 22 MWs electric generating plant. The Plan Approval is for the installation and operation of 3 Rolls-Royce Bergen Natural gas fired engines with oxidation catalyst and SCR to control emissions. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NO<sub>x</sub> emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. Total PM, SO<sub>x</sub>, and CO emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The Plan Approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

The facility is subject to NSPS Subpart JJJJ, MACT Subpart ZZZZ and 25 Pa. Code § 127.12(a)(5) Best Available Technology (BAT) requirements. The visible emission opacity shall not be equal to or greater than 20% at any time. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions.

Emissions from the engines will meet BAT, MACT ZZZZ & NSPS Subpart JJJJ requirements. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 58-00015B and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

**40-00065B: SVC Manufacturing Inc., Division of PepsiCo, Inc.** (750 Oak Hill Road, Mountaintop, PA 18707) For the facility located in Wright Township, **Luzerne County**. This Plan Approval No. 40-00065B will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 40-00065B is for the construction of 2 MWs electric generating plant. The Plan Approval is for the installation and operation of a CAT G3416H natural gas fired engine with oxidation catalyst and lean burn technology to control emissions. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NO<sub>x</sub> emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. Total PM, SO<sub>x</sub>, and CO emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The Plan Approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

The facility is subject to NSPS Subpart JJJJ, MACT Subpart ZZZZ and 25 Pa. Code § 127.12 (a) (5) Best Available Technology (BAT) requirements. The visible emission opacity shall not be equal to or greater than 20% at any time. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions.

Emissions from the engines will meet BAT, MACT ZZZZ & NSPS Subpart JJJJ requirements. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 40-00065B and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that

such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.



*Coal Applications Received*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.*

**32041301 and NPDES No. PA0235644. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To transfer the permit for the Brush Valley Mine in Center Township, **Indiana County** and related NPDES permit from Western Allegheny Energy, LLC to Rosebud Mining Company. No additional discharges. The application was considered administratively complete on July 7, 2016. Application received March 4, 2016.

**30841312 and NPDES No. PA0013790. The Monongalia County Coal Company**, (46226 National Road, Saint Clairsville, OH 43950). To revise the permit for the Monongalia County Mine in Wayne, Jackson and Gilmore Townships, **Greene County** and related NPDES permit to widen gates in 9-WL and 8-WL panels. Application also includes a request for a Section 401 Water Quality Certification. No additional discharges. The application was considered administratively complete on July 8, 2016. Application received December 24, 2015.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.*

**Permit No. 11150101 and NPDES No. PA0279404. Mountaineer Mining Corp.**, 1010 Garrett Shortcut Road, Berlin, PA 15530, commencement, operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County** affecting 36.0 acres. Receiving streams: unnamed tributaries to Piney Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 27, 2016.

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

**30960101 and NPDES Permit No. PA0201626. CJ & L Coal** (P.O. Box 133, Jefferson, PA 15344). Renewal application for reclamation only to an existing bituminous surface mine, located in Morgan Township, **Greene County**, affecting 136 acres. Receiving stream: unnamed tributary to South Fork of Ten Mile Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: July 7, 2016.

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

**Permit No. 54850204R6 and NPDES Permit No. PA0592749. Jeddo-Highland Coal Company**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite coal refuse reprocessing operation and renewal of NPDES Permit for discharge of treated mine drainage in Porter Township, **Schuylkill County** affecting 1,756.0 acres, receiving stream: Wiconisco Creek, classified for the following uses: cold water and migratory fishes. Application received: June 24, 2016.

**Permit No. 19960101R4. City of Philadelphia, Trustee, Acting by the Board of Directors of City Trusts for Girard Estate**, (1101 Market Street, Suite 2600, Philadelphia, PA 19107), renewal of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Conyngham, Union and Butler Townships, **Columbia and Schuylkill Counties** affecting 876.0 acres, receiving streams: Big Mine Run and Mahanoy Creek, classified for the following use: cold water fishes. Application received: June 29, 2016.

**Permit No. 19960101C11. City of Philadelphia, Trustee, Acting by the Board of Directors of City Trusts for Girard Estate**, (1101 Market Street, Suite 2600, Philadelphia, PA 19107), correction of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation to update the post-mining land use from woodland to unmanaged natural habitat in Conyngham, Union and Butler Townships, **Columbia and Schuylkill Counties** affecting 876.0 acres, receiving streams: Big Mine Run and Mahanoy Creek, classified for the following use: cold water fishes. Application received: June 29, 2016.

**Permit No. 19-305-002GP12R. Keystone Anthracite Co., Inc.**, (259 North 2nd Street, Girardville, PA 17935), 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. 19960101 (City of Philadelphia) in Conyngham, Union & Butler Townships, **Columbia and Schuylkill Counties**. Application received: June 29, 2016.

*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.

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

**Permit No. 7475SM3C6 and NPDES Permit No. PA0612308. Keystone Cement Company**, (PO Box A, Bath, PA 18014), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in East Allen Township, **Northampton County** affecting 852.7 acres, receiving stream: Monocacy Creek, classified for the following uses: HQ—cold water and migratory fishes. Application received: June 20, 2016.

**Permit No. 8275SM3C8 and NPDES Permit No. PA0117986. New Enterprise Stone & Lime Co., Inc. d/b/a Martin Limestone, Inc.**, (3580 Division Highway, East Earl, PA 17519), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Caernarvon and East Earl Townships in **Lancaster County** affecting 123.0 acres, receiving stream: unnamed tributary of the Conestoga Creek, classified for the following use: warm water fishes. Application received: June 23, 2016.

### MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

#### *Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0;	less than 9.0
Alkalinity greater than acidity*			

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

#### *Effluent Limits for Noncoal Mining Activities*

The limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If 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. None (Mining Permit No. 4270BSM1), Cooney Brothers Coal Company**, P.O. Box 246, Cresson, PA 16630, renewal of an NPDES permit for a reclaimed surface coal operation treating a post-mining discharge in Dean Township, **Cambria County**, affecting 216 acres. Receiving stream: Brubaker Run classified for the following use: cold water fishes. This receiving stream is included in the Brubaker Run TMDL. Application received: November 23, 2015.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in hits permit are the BAT limits described above for coal mining activities.

The outfall listed below discharges to Brubaker Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
306 (Treatment System)	N

The proposed effluent limits for the above listed outfall are as follows:

<i>Outfall: 306 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			50.0

pH variance requested as follows:

- Pursuant to 25 Pa. Code Chapter 87.102(c)(1), a variance of pH for Outfall 306, pH must be between 6.0 and 10.5 standard units at all times for the outfall point.

**NPDES No. PA0262943 (Mining Permit No. 07100101). Heritage Mining Company, Inc.**, P.O. Box 126, Cresson PA 16630. Renewal of an NPDES permit for surface mining of coal in Logan and Gallitzin Townships, **Blair** and **Cambria Counties** affecting 116 acres. Receiving stream: Kittanning Run classified for the following use: cold water fishes. This receiving stream is included in the Kittanning Run TMDL. Application received: September 24, 2015.

The outfalls listed below discharge to Kittanning Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N
003	N
004	N
005	N
006	N

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 001, 002 (All Weather Conditions) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			

Selenium  
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, 004, 005, 006 (Dry Weather) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure			

Selenium  
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, 004, 005, 006 (≥10-yr/24-hr Precip. Event)</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)	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			

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

**NPDES No. PA0256528 (Mining permit no. 17070101), Junior Coal Contracting, Inc.**, 2330 Six Mile Road, Philipsburg, PA 16866, renewal of an NPDES permit for bituminous surface and auger mining in Decatur Township, **Clearfield County** affecting 245.6 acres. Receiving stream(s): Big Run and Unnamed Tributaries to Big Run, classified for the following use(s): CWF. Moshannon Creek TMDL. Application received: November 30, 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 Big Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB-1	N
TB-2	N
TB-3	N
TB-4	N
SP-A	N
SP-B	N
SP-C	N
SP-D	N

**NPDES No. PA0219649 (Mining permit no. 17930124), RES Coal, LLC**, 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920, revision of an NPDES permit for mine drainage treatment facilities for a discharge at monitoring point 41 (MP41) in Woodward Township, **Clearfield County** affecting 279.0 acres. Receiving stream(s): North Branch Upper Morgan Run to Clearfield Creek to West Branch Susquehanna River, classified for the following use(s): CWF, MF. North Branch Upper Morgan Run TMDL, Clearfield Creek Watershed TMDL, and West Branch Susquehanna River TMDL. Application received: February 8, 2016.

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 Alder Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
019	Y

Outfall 019 (MP041T) is a passive treatment system consisting of a limestone bed with a flushing pond for periodic flushing of the treatment system. The proposed effluent limits for the passive treatment outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
		<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		10.6	21.2	26.5
Aluminum (mg/l)		2.0	2.0	2.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kilogram)				50.0

<sup>1</sup> The parameter is applicable at all times.

*Noncoal NPDES Draft Permits*

*Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.*

**NPDES No. PA0242250 (Permit No. 10020306), Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201) Renewal of an existing NPDES permit for a large industrial minerals surface mine in Worth Township, **Butler County**, affecting 241.2 acres. Receiving streams: Unnamed tributaries to Slippery Rock Creek, classified for the following uses: CWF. TMDL: None. Application received: May 31, 2016.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.



The outfall(s) listed below discharge to unnamed tributaries to Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
AB	N
CB	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

<sup>1</sup>The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributaries to Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	N
B	N
C	N
H	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

**NPDES No. PA0241962 (Permit No. 10010310). Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201) Renewal of an existing NPDES permit for a large industrial minerals surface mine in Mercer & Pine Townships, **Butler & Mercer Counties**, affecting 253.8 acres. Receiving streams: unnamed tributaries to Swamp Run, classified for the following uses: CWF. TMDL: N/A. Application received: May 31, 2016.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to unnamed tributaries to Swamp Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TPAB	N
TPBB	N
TPCB	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

<sup>1</sup> The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributary to Swamp Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SPA	N
SPB	N
SPC	N
SPD	N

The proposed effluent limits for the above listed outfall(s) are as follows:

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (ml/l)		35	70	90
Total Settleable Solids (ml/l)				0.5

**NPDES No. PA0259179 (Permit No. 24112802). North Star Aggregates, Inc.** (P.O. Box 51, Penfield, PA 15849) Renewal of an existing NPDES permit for a small industrial minerals surface mine in Ridgway Township, **Elk County**, affecting 10.6 acres. Receiving streams: Little Mill Creek, classified for the following uses: HQ-CWF. TMDL: None. Application received: June 3, 2016.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

There are no discharges from this site.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications Received under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.**

### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**F40-025. West Pittston Borough**, 555 Exeter Avenue, West Pittston, PA 18643, in West Pittston Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of the Susquehanna River. Sites will be restored to open space. Sites are located in West Pittston Borough, Luzerne County: 1) 1100 Susquehanna Avenue (Pittston, PA Quadrangle Latitude: 41.323671°; Longitude: -75.797921°); and 2) 6 Luzerne Avenue (Pittston, PA Quadrangle Latitude: 41.326398°; Longitude: -75.794703°).

**F40-027. Plains Township**, P.O. Box 1909, Kingston, PA 18704, in Plains Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of the Susquehanna River. Sites will be restored to open space. Sites are located in Plains Township, Luzerne County: 1) 22 Robert Street (Pittston, PA Quadrangle Latitude: 41.290608°; Longitude: -75.851317°).

**F40-026. Conyngham Township**, P.O. Box 1909, Kingston, PA 18704, in Conyngham Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of the Susquehanna River. Sites will be restored to open space. Sites are located in Conyngham Township, Luzerne County: 1) 136 River Street (Shickshinny, PA Quadrangle Latitude: 41.139758°; Longitude: -76.141806°); 2) 144 River Street (Shickshinny, PA Quadrangle Latitude: 41.140756°; Longitude: -76.141806°); and 3) 5 Pulaski Circle (Shickshinny, PA Quadrangle Latitude: 41.141067°; Longitude: -76.142512°).

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335; 814-332-6860.*

**E10-08-009, Stonehenge Appalachia LLC**, 11400 Westmoor Circle, Suite 200A, Westminster, CO 80021. Fleeper 2 to Baird pipeline in Clay and Concord Townships, **Butler County**, Army Corps of Engineers Pittsburgh District (Mount Chestnut, East Butler, and Hilliard, PA Quadrangles 40.9773°N; -79.89363°W).

The applicant proposes to construct and maintain approximately 4.2 miles of one (16) inch steel natural gas gathering pipeline located in Clay and Concord Townships, Butler County. The pipeline connects existing Well Pads.

The water obstructions and encroachments are described below:

To construct and maintain:

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
1	One (1) 16" steel gathering line with associated right-of-way and temporary road crossing to cross UNT to Muddy Creek (HQ-CWF) having 105 linear feet of temporary stream and floodway impacts.	40° 58' 27.012"N -79° 53' 08.90"W
2	One (1) 16" steel gathering line with associated right-of-way to be bored under UNT to Pine Run (WWF) having 103 linear feet of temporary stream and floodway impacts.	40° 58' 27.09"N -79° 52' 46.50"W
3	One (1) 16" steel gathering line to be bored under a Palustrine Emergent Wetland (EV-PEM) having 0.001 acre of temporary wetland impact, and 0.0 acre of permanent wetland impact.	40° 58' 27.09"N -79° 52' 46.50"W
4	One (1) 16" steel gathering line with associated right-of-way and temporary road crossing to cross the floodway of UNT to Connoquenessing Creek (HQ-WWF) having 105 linear feet of temporary stream and floodway impacts.	40° 58' 35.40"N -79° 52' 27.97"W
5	One (1) 16" steel gathering line with associated right-of-way and temporary road crossing to cross the floodway of UNT to Connoquenessing Creek (HQ-WWF) having 110 linear feet of temporary stream and floodway impacts.	40° 58' 45.60"N -79° 52' 12.82"W
6	One (1) 16" steel gathering line with associated right-of-way and temporary road crossing to impact 2,500 square feet of Palustrine Emergent Wetland (EV-PEM).	40° 58' 45.60"N -79° 52' 12.82"W
7	One (1) 16" steel gathering line with associated right-of-way to be bored under UNT to Muddy Creek (HQ-CWF) having 105 linear feet of temporary stream and floodway impacts.	40° 59' 42.00"N -79° 52' 34.68"W
8	One (1) 16" steel gathering line to temporarily impact 60 square feet of Palustrine PFO Wetland (PFO).	40° 59' 42.00"N -79° 52' 34.68"W
9	One (1) 16" steel gathering line with associated right-of-way and associated road crossing to cross UNT to South Branch Slippery Rock Creek (CWF) having 104 linear feet of temporary stream and floodway impacts.	40° 59' 54.60"N -79° 52' 13.44"W
10	One (1) 16" steel gathering line with associated right-of-way and temporary road crossing to impact 100 linear feet of floodway of UNT to Muddy Creek (HQ-CWF).	40° 59' 02.04"N -79° 52' 32.88"W
11	One (1) 16" steel gathering line with associated right-of-way and temporary road crossing to impact 75 linear feet of floodway of UNT to South Branch Slippery Rock Creek (CWF).	40° 55' 59.88"N -79° 52' 13.44"W

In Butler County, the project will result in a total of 807 linear feet of temporary stream impacts and temporary floodway impact, 0.0 linear feet of permanent stream impact, 0.059 acre of temporary wetland impacts, and 0.0 acre of permanent wetland impact.

#### 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.*

**D28-102EA. Raymond Zomok**, Chief, Division of Design, Department of Conservation and Natural Resources, 8th Floor RCSOB, P.O. Box 8451, Harrisburg, PA 17105-8769, Lurgan Township, **Franklin County**, USACOE Baltimore District.

Project proposes to remove the Gunter Valley Dam for the purpose of eliminating a threat to public safety and restoring approximately 3,500 feet of stream channel to a free-flowing condition. In addition, two small downstream dams will be removed. The proposed restoration project includes construction of habitat enhancement structures

in the stream channel through the former reservoir. The project is located across Trout Run (EV, MF) (Roxbury, PA Quadrangle, Latitude: 40.1338; Longitude: -77.6758).

**D46-114EA. Mr. David Froehlich, Wissahickon Waterfowl Preserve**, 12 Morris Road, Ambler, PA 19002, and **Josh Shapiro, Chair, Board of Commissioners, County of Montgomery**, One Montgomery Plaza, Suite 800, Norristown, PA 19404, Upper Dublin Township, **Montgomery County**, USACOE Philadelphia District.

Project proposes to remove the breached remains of K&M Dam for the purpose of eliminating a threat to public safety and restoring approximately 500 feet of stream channel to a free-flowing condition. Work includes construction of habitat enhancement/grade control structures within the former reservoir of the dam. The project is located across Wissahickon Creek (TSF, MF) (Ambler, PA Quadrangle, Latitude: 40.1533; Longitude: -75.2290).

**EA26-003CO. Stanley F. Lechner**, Stager Farms, Inc., 10716 Tuckahoe Way, North Potomac, MD 20878, Georges Township, **Fayette County**, USACOE Pittsburgh District.

Project proposes to construct a non-jurisdictional dam across a tributary to Georges Creek (WWF) impacting approximately 121 linear feet of stream channel (Smithfield, PA Quadrangle; Latitude: 39.7857, Longitude: -79.8170).

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## ACTIONS

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### 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.

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#### I. NPDES Renewal Permit Actions

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*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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0022306 (Sewage)	Shady Ave STP PO Box 330 Brownsville, PA 15417	Fayette County Brownsville Borough	Dunlap Creek (19-C)	Yes
PA0217042 (Sewage)	PA Game Comm STP 4820 Route 711 Bolivar, PA 15923-2420	Westmoreland County Fairfield Township	Unnamed Tributary of Hendricks Creek (18-D)	Yes



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**II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions**


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

**NPDES Permit No. PA0070483**, Industrial Waste, SIC Code 4953, **Grand Central Sanitary Landfill, Inc.**, 910 West Pennsylvania Avenue, Pen Argyl, PA 18072.

This existing facility is located in Plainfield Township, **Northampton County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated industrial wastewater and stormwater.

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


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

**WQM Permit No 0215412 A-1**. Sewage, SIC Code 4952, **Findlay Township Municipal Authority**, P.O. Box 409, Clinton, PA 15026.

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

Description of Proposed Action/Activity: Installation of a solids contact tank at the Potato Garden Run STP.

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

**WQM Permit No. WQG02481601**, Sewage, SIC Code 4952, **Hanover Township**, 3630 Jacksonville Road, Bethlehem, PA 18017-9303.

This facility is located in Hanover Township, **Northampton County**.

Description of Proposed Action/Activity: The project is for the replacement of the 4-inch diameter force main that conveys wastewater flows from the Hanover Corporate Center II pump station, which serves the developments in the vicinity of Hanoverville Road and Township Line Road. A 6-inch diameter DR-11 HDPE force main will replace the existing pipe from the pump station valve pit to the discharge manhole.

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

**WQM Permit No. 2116405**, Sewerage, **Louis Fazekas**, Upper Allen Township, 100 Gettysburg Pike, Mechanicsburg, PA 17055-5604.

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

Description of Proposed Action/Activity: Approval for the replacement of the Spring Run Interceptor.

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**VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**


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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024816001	MB Properties NJ 13, LLC c/o Mr. Raymond Kenwell 400 Somerset St. New Brunswick, NJ 08901	Northampton	Forks Township	Bushkill Creek (HQ-CWF, MF)
PAI024508002R	Pocono Manor Investors, LP PO Box 38 Pocono Manor, PA 18349	Monroe	Pocono Township	Scot Run (HQ-CWF, MF) Transue Run (HQ-CWF, MF)

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3574*

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041415010	Becky Koleno 2929 Buffalo Run Rd Bellefonte, PA 16823	Centre	Patton Township	Buffalo Run Creek HQ-CWF

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**VII. Approvals to Use NPDES and/or Other General Permits**


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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*

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

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Lehigh Township Northampton County	PAG02004810003R(1)	Greenock Investors Group, LLC 840 Eldridge Rd. Fairless Hills, PA 19030	Bertsch Creek (CWF, MF)	Northampton County Conservation District 610-746-1971
Bridgewater Township Susquehanna County	PAG02005813009(3)	Leatherstocking Gas Company, Inc. c/o Matt Cook 49 Court Street Binghamton, NY 13902	Lake Montrose (CWF, MF) Snake Creek (CWF, MF) Pettis Creek (CWF, MF)	Susquehanna County Conservation District 570-278-4600

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

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Lower Paxton Township Dauphin County	PAG02002215036(1)	Lower Paxton Township 425 Prince Street Harrisburg, PA 17109	Beaver Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township	PAG02002216016	Lower Paxton Township Authority 425 Prince Street Harrisburg, PA 17109	Paxton Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lower Paxton Township	PAG02002216011	Infinity Chartre School 51 Banks Street Suite 1 Harrisburg, PA 17103	Beaver Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Union Township	PAG02000115023(1)	Stone Ridge Development Corporation 330 Dubbs Church Road Hanover, PA 17331-9596	UNT South Branch Conewago Creek (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325
West Branch Codorus Creek (WWF)	PAG02006715076	Pennsylvania Department of General Services 18th and Herr Streets Harrisburg, PA 17125	West Branch Codorus Creek (WWF)	
Hellam Township York County	PAG02006715075	Manuel Torres 340 Freysville Road York, PA 17406	Kreutz Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springettsbury Township York County	PAG02006716003	The Congregation of the Daughters of Our Lady of Mercy Marion Bitner 998 South Russell Street York, PA 17402	UNT to Mill Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Penn Township & West Manheim Township York County	PAG02006703021R-1	Woodhaven Building & Development, Inc. James F. Piet 4175 Hanover Pike Manchester, MD 21002	Indian Run (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
West Manchester Township York County	PAG02006716016	Thomas H. Clingan Electrical Services, LLC Jerry Watson 1832 Monroe Street York, PA 17404	UNT to Codorus Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Windsor Township York County	PAG02006716011	York Excavating Company LLC Jeff Walker 1010 Plymouth Road York, PA 17402	UNT to Kreutz Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Jackson Township Lebanon County	PAG02003816012	Amos Esh 2091 Camp Swatara Road Myerstown, PA 17067	Tulpehocken Creek (TWF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 (717) 277-5275
Napier Township Bedford County	PAG02000516001	Plenary Walsh Keystone Partners 2000 Cliff Mine Rd Park West Two, 3rd Floor Pittsburgh, PA 15275	Shawnee Branch (WWF, MF)	Bedford County Conservation District 702 West Pitt Street Suite 4 Bedford, PA 35522

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Granville Township Bradford County	PAG02-0008-16-007	Gary Kelley Makin Bacon LLC 650 Beers Road Granville Summit, PA 16926	UNT to Towanda Creek CWF	Bradford County Conservation District Stoll Natural Resource Ctr 200 Lake Rd Ste E Towanda, PA 18848 (570) 265-5539, X 6

## NOTICES

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
College Township & Harris Township Centre County	PAG02001408011R	S&A Homes, Inc 2121 Old Gatesburg Road State College, PA 16803	Spring Creek HQ-CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Gregg Township Union County	PAG02006016007	Union County Commissioners 155 North 15th Street Lewisburg, PA 17837	Spring Creek TSF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg, PA 17837 (570) 524-3860
Gregg Township Union County	PAG02006016008	Union County Commissioners 155 North 15th Street Lewisburg, PA 17837	UNT to the West Branch of the Susquehanna River, WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg, PA 17837 (570) 524-3860

*Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Conway Borough and New Sewickley Township	PAG02000416003	PennDOT 45 Thoms Run Road Bridgeville, PA 15017	Crows Run (WWF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
Baden Borough	PAG02000416013	Sisters of Saint Joseph 1020 West State Street Baden, PA 15005	Tevebaugh Run (WWF) and Ohio River (WWF-N)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
Lower Yoder Township	PAG02001116006	Lower Yoder Township 128 J Street Johnstown, PA 15906	Conemaugh River (WWF), Saint Clair Run (CWF), Strayer Run (CWF), UNTs to Saint Clair Run (CWF), and UNTs to Strayer Run (CWF)	Cambria County Conservation District 401 Candlelight Drive Suite 221 Ebensburg, PA 15931 (814) 472-2120
Hempfield Township	PAG02006512016(1)	Ligonier Property Development P.O. Box 209 Laughlintown, PA 15655	Belson Run (WWF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Unity Township	PAG02006514036(1)	Westmoreland County Airport Authority 148 Aviation Lane Latrobe, PA 15650	UNT to Ninemile Run (WWF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Mount Pleasant Township	PAG02006515019	Cherry Wood Development, LLC 1868 Lions Club Road New Alexandria, PA 15670	Shupe Run (WWF) and Wilson Run (WWF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Unity Township	PAG02006515049	Grayhawk, LLC 131 Matthews Drive Greensburg, PA 15601	UNT to Slate Creek (WWF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271



<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
North Huntingdon Township	PAG02006516008	Colony Realty Associates, LP 8954 Hill Drive North Huntingdon, PA 15642	Tinkers Run (TSF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Penn Township	PAG02006516010	Community United Methodist Church 3487 Route 130 Irwin, PA 15642	Brush Creek (TSF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Unity Township and City of Latrobe	PAG02006516017	Latrobe Municipal Authority 104 Guerrier Road Latrobe, PA 15650	Loyalhanna Creek (WWF), and Nine Mile Run (WWF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
South Greensburg Borough	PAG02006516020	Municipal Authority of Westmoreland County 124 Park and Pool Road New Stanton, PA 15672	Jacks Run (WWF)	Westmoreland Conservation District 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Cranberry Township Butler County	PAG02001016006	Cranberry Township 2525 Rochester Road Suite 400 Cranberry Township, PA 16066	Trib Brush Creek WWF	Butler County Conservation District 724-284-5270
Adams Township, Mars Borough Butler County & Pine Township Allegheny County	PAG02001016010(1)	American Transmission Systems Inc. Attn: Ms Kristin S. Susick 800 Cabin Hill Drive Greensburg, PA 15601-1650	Connoquenessing Creek, Glad Run, Kaufman Run, Likens Run (WWF) & Breakneck Creek, Northford, Pine Creek CWF	Butler County Conservation District 724-284-5270
Keating Township McKean County	PAG02004216001	Keating Township 7160 Route 46 PO Box 103 East Smethport, PA 16730	Potato Creek WWF	McKean County Conservation District 814-887-4001
Hempfield Township Mercer County	PAG02004316007	Brimark Builders LLC Attn: Stuart Sell 980 American Drive Neenah, WI 54956	UNT Little Shenango River TSF	Mercer County Conservation District 724-662-2242
Barkeyville Borough Venango County	PAG02006116002	East Gate Plaza I-80 LLC Attn: Sam Dotan PO Box 1780 Altoona, PA 16603	UNT East Branch Wolf Creek CWF	Venango County Conservation District 814-676-2832

*General Permit Type—PAG-03*

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Pine Grove Borough Schuylkill County	PAR132201	Guilford Mills, Inc. 1 Penn Dye Street Pine Grove, PA 17963	Unnamed Tributary to Swatara Creek (locally known as Wideawake Creek)—07D	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Old Lycoming Township Lycoming County (Industrial Stormwater)	PAR124802	Frito-Lay Inc. 7701 Legacy Drive Plano, TX 75024-4002	Unnamed Tributary of West Branch Susquehanna River—10-A	DEP North Central Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636
Charleston Township Tioga County	PAR314811	SWEPI, LP 2100 Georgetown Drive Suite 400 Sewickley, PA 15143-8782	Unnamed Tributary to North Elk Run—4-A	DEP North Central 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>
Lamar & Sylvia High 920 Matterstown Rd Millersburg, PA 17061	Dauphin	22.5	300 0.4	Poultry Goats	NA	Approved
Noah W Kreider & Sons, LLC— Middletown Facility 301 Long View Dr Middletown, PA 17057	Dauphin	355.4	7,103.5	Poultry	NA	Approved

**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under sec-

tion 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 appropri-

ate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act

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

##### Permit No. 2316502, Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> 762 West Lancaster Avenue Bryn Mawr, PA 19010
Township	Upper Darby
County	<b>Delaware</b>
Type of Facility	PWS
Consulting Engineer	Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010
Permit to Construct Issued	June 28, 2016

##### Permit No. 1516508, Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> 762 West Lancaster Avenue Bryn Mawr, PA 19010
Township	East Whiteland
County	<b>Chester</b>
Type of Facility	PWS
Consulting Engineer	Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010
Permit to Construct Issued	June 28, 2016

**Operations Permit # 4615505** issued to: **Raddisson Valley Forge Hotel**, 1160 First Avenue, King of Prussia, PA 19406, [(PWSID)] Upper Merion Township, **Montgomery County** on June 30, 2016 for the operation of Orthophosphate for General Corrosion Control and Permitting of the Existing Public Water Supply facilities approved under construction permit # 4615505.

**Operations Permit # 1515540** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, [(PWSID)] West Whiteland Township, **Chester County** on June 28, 2016 for the operation of Construction and Operation of the Uwchlan Booster Station facilities.

**Operations Permit # 1515541** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr,

PA 19010, [(PWSID)] East Goshen Township, **Chester County** on June 29, 2016 for the operation of and ammonia feed location and installation of associated equipment at the Hunt Country Well Station facilities.

**Operations Permit # 1515542** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, [(PWSID)] Wettown Township, **Chester County** on June 28, 2016 for the operation of addition of ammonia feed system at Oakbourne Booster Pump Station facilities approved under construction permit # 1515542.

**Operations Permit # 1515543** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, [(PWSID)] West Whiteland Township, **Chester County** on June 28, 2016 for the operation of Ammonia Feed Equipment at the Highland Glen Well Station facilities approved under construction permit # 1515543.

**Operations Permit # 1515544** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, [(PWSID)] West Whiteland Township, **Chester County** on June 28, 2016 for the operation of Addition of Ammonia Feed System at Hollow Run Well Station facilities approved under construction permit # 1515544.

**Operations Permit # 1515546** issued to: **Atglen Borough**, P.O. Box 250, Atglen, PA 19310, [(PWSID)] Atglen Borough, **Chester County** on July 6, 2016 for the operation of Emergency Interconnection with Pennsylvania American Water Company—Coatesville District.

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

##### Permit No. 5214504, Public Water Supply.

Applicant	<b>Lake Wallenpaupack Estates Property Owners Association, Inc.</b> 104 Clubhouse Dr. Greentown, PA 18426
[Borough or Township]	Greene Township
County	<b>Pike</b>
Type of Facility	PWS
Consulting Engineer	Michael P. Goodwin, PE Milnes Engineering, Inc. 12 Frear Hill Rd. Tunkhannock, PA 18657
Permit to Construct Issued	May 31, 2016

##### Permit No. 4816502MA, Public Water Supply.

Applicant	<b>Lower Saucon Authority</b> 3706 Old Philadelphia Pike Bethlehem, PA 18015-5426
[Borough or Township]	Lower Saucon Township
County	<b>Northampton</b>
Type of Facility	PWS
Consulting Engineer	Mr. J. Bradley Youst, PE Hanover Engineering Associates, Inc. 252 Brodhead Rd., Suite 100 Bethlehem, PA 18017-8944
Permit to Construct Issued	June 20, 2016

**Operation Permit No. 3130031**, Public Water Supply.

Applicant **Mahoning Manor Estate Home Owner's Association**  
45 White Birch Lane  
Lehighton, PA 18235

[Township or Borough] Mahoning Township,  
**Carbon County**

Responsible Official Franklin Leon Morgan  
Vice President  
45 White Birch Lane  
Lehighton, PA 18235

Type of Facility PWS

Consulting Engineer Eric S. Lundy, PE  
Nittany Engineering &  
Associates,  
2836 Earlstown Road, Suite 1  
Centre Hall, PA 16828

Permit Issued Date 06/29/2016

Responsible Official Mr. David Kaufman  
Vice President-Engineering

Type of Facility PWS

Consulting Engineer Mr. Jeremy A. Nelson, PE  
PA American Water Company  
2699 Stafford Avenue  
Scranton, PA 18505

Permit to Construct Issued 06/23/2016

**Permit No. 3480076**, Public Water Supply.

Applicant **Evergreen Village Mobile Home Park**  
45 North Courtland Street  
East Stroudsburg, PA 18301

[Township or Borough] Upper Mt. Bethel Township,  
**Northampton County**

Responsible Official John Yetter  
Evergreen Village Mobile Home  
Park  
45 North Courtland Street  
East Stroudsburg, PA 18301

Type of Facility PWS

Permit Issued Date 06/28/2016

*Northcentral Region: Safe Drinking Water Program  
Manager, 208 West Third Street, Suite 101, Williamsport,  
PA 17701-6448.*

**Permit No. 4189502-T1—Transfer—Public Water Supply.**

Applicant **Bittner's Mobile Home Park**

Township/Borough Lewis Township

County **Lycoming**

Responsible Official Mrs. Janet M. Bittner  
Bittner's Mobile Home Park  
68 Route 14  
Trout Run, PA 17771

Type of Facility Public Water Supply

Consulting Engineer N/A

Permit Issued July 7, 2016

Description of Action Permit No. 4189502-T1 approves operation of the existing public water system, including Well No. 1, sodium hypochlorite disinfection, blended phosphate corrosion control, 120 feet of 12-inch diameter detention piping, 1,000 and 2,100 gallon parallel finished water storage tanks, duplicate booster pumps, two hydropneumatic tanks, and the distribution system.

**Permit No. MA-GWR-T1—Transfer—Public Water Supply.**

Applicant **Bittner's Mobile Home Park**

Township/Borough Lewis Township

County **Lycoming**

Responsible Official Mrs. Janet M. Bittner  
Bittner's Mobile Home Park  
68 Route 14  
Trout Run, PA 17771

**Permit No. 3486401, Permit By Rule**, Public Water Supply.

Applicant **H<sub>2</sub>O to Go, Inc.**  
12 East Elizabeth Street  
P.O. Box 661  
Maytown, PA 17550

[Township or Borough] Pine Grove Borough,  
**Schuylkill County**

Responsible Official Attention: Mr. Todd Miller

Type of Facility Drinking Water Vending  
Machine

Application Received Date February 22, 2016

Description of Action On June 28, 2016 the applicant was granted a permit by rule under chapter 109.1005 for the removal of One Vending Machine BG's Value Market Entry Point 126.

**Operation Permit No. 2450022**, Public Water Supply.

Applicant **Delaware Water Gap Borough**

[Borough or Township] Delaware Water Gap Borough

Responsible Official Wayne McWilliams  
Borough Council President  
P.O. Box 218  
Delaware Water Gap, PA 18327

Type of Facility PWS

Consulting Engineer Michael Gable, PE  
Boucher & James Inc.  
2738 Rimrock Drive  
Stroudsburg, PA 18360

Permit to Construct Issued 06/21/2016

**Permit No. 4016506MA**, Public Water Supply.

Applicant **PA American Water**  
(Spruce Street Pump Station)  
800 W. Hershey Park Drive  
Hershey, PA 17033

[Borough or Township] Pittston Township  
**Luzerne County**



Type of Facility Public Water Supply  
 Consulting Engineer N/A  
 Permit Issued July 7, 2016  
 Description of Action Minor Amendment-GWR-T1 approves operation of the treatment facilities for 4-log inactivation of viruses.

**Permit No. 1815502-MA—Partial Operation—Public Water Supply.**  
 Applicant **Beech Creek Borough Authority**  
 Township/Borough Beech Creek Borough  
 County **Clinton**  
 Responsible Official Kenneth S. Packer, Chairman  
 Beech Creek Borough Authority  
 P.O. Box 216  
 51 Locust Street  
 Beech Creek, PA 16822

Type of Facility Public Water Supply  
 Consulting Engineer Kerry A Uhler, Jr., P.E., PLS  
 Kerry A Uhler & Associates, Inc.  
 140 West High Street  
 Bellefonte, PA 16823

Permit Issued July 12, 2016  
 Description of Action Operation of the 0.2 MG Eagleville water storage tank while the 0.4 MG Beech Creek water storage tank is repaired and repainted.

**Permit No. 5316501—Construction—Public Water Supply.**  
 Applicant **Galeton Borough Authority**  
 Township/Borough West Branch Township  
 County **Potter**  
 Responsible Official Tony Adami, Chairman  
 Galeton Borough Authority  
 15 West Street  
 Galeton, PA 16922-1318

Type of Facility Public Water Supply  
 Consulting Engineer David D. Walters  
 Larson Design Group  
 1000 Commerce Park Drive  
 Suite 201  
 Williamsport, PA 17701

Permit Issued July 12, 2016  
 Description of Action Installation of a new concrete inlet box with intake screen immediately downstream of the weir in Wetmore Run and in Right Branch Wetmore Run, to be done on each stream individually in conjunction with the lowering of each weir by specified amounts, which will result in the two weirs being used to measure total flow in each stream rather than passby flow.

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

**Permit No. 0314501-A1, Public Water Supply.**

Applicant **Eastern Armstrong County Municipal Authority**  
 PO Box 262  
 Elderton, PA 15736

[Borough or Township] Plum Creek Township  
 County **Armstrong**  
 Type of Facility Water system  
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650

Permit to Construct Issued June 28, 2016

*Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Operation Permit** issued to **Erie City Water Authority, PWSID No. 6250028**, City of Erie, **Erie County**. Permit Number 2510505 Interim Operation No. 5 issued July 5, 2016 for the operation of the five low duty pumps at the Richard S. Wasielewski Water Treatment Plant.

**Transfer of Operation Permit** issued to **Slippery Rock Properties LP, PWSID No. 5100071**, Brady Township, **Butler County** on July 5, 2016. Action is for change in ownership; the potable water supplier will do business as Maple Manor MHP. The new permit number is 1013504-T1.

**Cancellation of Permit** issued to **Slippery Rock Properties LP, PWSID No. 5100071**, Brady Township, **Butler County** on July 5, 2016. This action represents the cancellation of Permit Number 1013504 issued May 28, 2014. This action results from the consolidation of the permit into permit number 1013504-T1.

**Cancellation of Permit** issued to **Slippery Rock Properties LP, PWSID No. 5100071**, Brady Township, **Butler County** on July 5, 2016. This action represents the cancellation of Permit Number 1013504-MA1 issued December 2, 2014. This action results from the consolidation of the permit into permit number 1013504-T1.

## 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 environ-

mental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Proposed CVS Store No. 1681**, 307-315 Bellefonte Avenue, City of Lock Haven, **Clinton County**. ECS Mid-Atlantic, LLC, 58 Grumbacher Road, Suite D, York, PA 17406, on behalf of Pennsylvania CVS Pharmacy, LLC, 415 Fallow Field Road, Suite 301, Camp Hill, PA 17011 submitted a Baseline Remedial Investigation Work Plan concerning remediation of site soil and groundwater contaminated with volatile organic compounds, semi-volatile organic compounds and metals. The workplan outlines activities to be conducted to attain the Special Industrial Area standard.

*Northeast Region: Eric Supey, Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**Joseph Pavlacka Property**, 1112 North 17th Street, City of Allentown, **Lehigh County**. EMS Environmental, 4550 Bath Pike, Bethlehem, PA 18017, on behalf of Mr. Joseph Pavlacka, 1112 North 17th Street, Allentown, PA 18104, submitted a Final Report concerning remediation of site soils contaminated with # 2 fuel oil. 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.*

*Stuckey Ford, 609 Broad Street, Hollidaysburg, PA, Blair Township, Blair County.*

**P. Joseph Lehman, Inc.**, PO Box 419, Hollidaysburg, PA 16648, on behalf of Stuckey Ford, PO Box 489, Hollidaysburg, PA 16648, submitted a Remedial Investigation Report concerning site soils and groundwater contaminated with used motor and leaded gasoline from unregulated underground storage tanks. The report is intended to document remediation of the site to meet the Site Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995  
PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the 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*

**Michelle Bell**, 136 Spruce Street, Lewisburg Borough, **Union County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Michelle Bell, 136 Spruce Street, Lewisburg, PA 17837, submitted a Final Report concerning the remediation of site soils

contaminated with Heating Oil. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on June 30, 2016.

**Proposed CVS Store No. 1681**, 307-315 Bellefonte Avenue, City of Lock Haven, **Clinton County**. ECS Mid-Atlantic, LLC, 58 Grumbacher Road, Suite D, York, PA 17406, on behalf of Pennsylvania CVS Pharmacy, LLC, 415 Fallow Field Road, Suite 301, Camp Hill, PA 17011, submitted a Baseline Remedial Investigation Work Plan concerning the remediation of site soil and groundwater contaminated with volatile organic compounds, semi-volatile organic compounds and metals. The Baseline Remedial Investigation Work Plan was approved by the Department on June 30, 2016.

*Northeast Region: Eric Supey, Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**Gesford K Well Pad 1**, 527 Carter Road, Dimock Township, **Susquehanna County**. Resource Environmental, 50 Maple Street, Montrose, PA 18801, on behalf of Cabot Oil & Gas Corporation, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning the remediation of site soils contaminated with aluminum, barium, boron, iron, lithium, manganese, selenium, strontium, vanadium, zinc, and chloride. The Final Report demonstrated attainment of the Statewide Health and Background Standards, and was approved by the Department on July 6, 2016.

**Former John Hearn Residence**, 120 Canal Street, Port Carbon, **Schuylkill County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18703, on behalf of Harleysville Insurance, PO Box 227, Harleysville, PA 19438, submitted a Final Report concerning the remediation of site soils and groundwater contaminated with Benzene, Toluene, Ethylbenzene, Isopropylbenzene, MTBE, Naphthalene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on July 7, 2016.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Jones Lease**, Approximately 2,870 feet west of the intersection of State Route 2002 and Bear Run Road, Richland Township, **Venango County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, on behalf of Roilwell, Inc., 1607 Riverside Drive, Oil City, PA 16301, submitted a Final Report concerning the remediation of site soil contaminated with Chloride and Strontium. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 8, 2016.

**Vista Resources Pleasantville Release**, Neiltown Road, Harmony Township, **Forest County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Vista Resources, 61 McMurray Road, Suite 300, Pittsburgh, PA 15241, submitted a Final Report concerning the remediation of site soil contaminated with 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, benzene, cyclohexane, ethylbenzene, isopropylbenzene (cumene), naphthalene, sec-butylbenzene, tert-butylbenzene, toluene, total xylenes, 1-1-biphenyl, 2-methylnaphthalene, acenaphthene, anthracene, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[g,h,i]perylene, chrysene, fluoranthene, fluorene, indeno[1,2,3-cd]pyrene, phenanthrene,

pyrene, phenol, aluminum, barium, boron, iron, lithium, manganese, selenium, vanadium, hexane, calcium, magnesium, nickel, potassium, sodium, strontium, chloride, and zinc. The Report was disapproved by the Department on July 8, 2016.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

##### *Renewal Applications Received*

**Biomedical Waste Services, Inc.**, 7610 Energy Parkway, Baltimore, MD 21226. License No. PA-AH 0753. Effective Jul 06, 2016.

#### REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

**Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act and the act of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170*

*Regulated Medical and Chemotherapeutic Waste Transporter Reissued*

**Veolia ES Technical Solutions, LLC**, 1 Eden Lane, Flanders, NJ 07836. License No. PA-HC 0221. Effective Jul 07, 2016.

##### *New Applications Received*

**Approved Storage & Waste Hauling MA, Inc.**, 110 Edison Avenue, Mount Vernon, NY 10550. License No. PA-HC 0273. Effective Jun 27, 2016.

##### *Renewal Applications Received*

**Veolia ES Technical Solutions, LLC**, 1 Eden Lane, Flanders, NJ 07836. License No. PA-HC 0221. Effective July 07, 2016.

#### MUNICIPAL WASTE GENERAL PERMIT

**Permit Renewal Under the Solid Waste Management Act; 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 17105-8472.*

**General Permit No. WMGM027base**. General Permit No. WMGR027 authorizes: (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 (SMS) 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. The base general permit was renewed by Central Office on July 5, 2016.

The following permittees have pending renewal applications under General Permit No. WMGM027:

**WMGM27, Zwicky Processing & Recycling**, site is located in Fleetwood, PA, **Berks County**, Maiden creek Township.

**WMGM027SC001, Royal Green LLC**, site is located in Temple, PA, **Berks County**, Ontelaunee Township.

**WMGM027SC002, Evergreen Community Power, LLC**, site is located in Reading, PA, **Berks County**.

**WMGM027NE002, Renewable Fuel, Inc.**, site is located in Northampton, PA, **Northampton County**, Northampton Boro.

Persons interested in reviewing the general permit may contact Scott E. Walters at 717-787-7381, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

#### GENERAL PERMIT—RESIDUAL WASTE

**Permit Renewal Under the Solid Waste Management Act; the Residual Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit No. WMGR079base.** General Permit No. WMGR079 authorizes processing and beneficial use of waste asphalt shingles (i.e., imperfections, tabs, trimming scraps, damaged shingles, etc.), generated from the manufacturing of new asphalt shingles for use as an ingredient or a component in the production of hot mix asphalt-paving material and as a sub-base for road and driveway construction. The base general permit was renewed by Central Office on July 1, 2016.

The following permittees have pending renewal applications under General Permit No. WMGR079:

**WMGR079D004A, IA Construction Corporation** site located in Shippenville, PA, **Clarion County**, Paint Township.

**WMGR079D005, New Enterprise Stone & Lime Company, Inc.** site located in Chambersburg, PA, **Franklin County**, Guilford Township.

Persons interested in reviewing the general permit may contact Scott E. Walters at 717-787-7381, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

#### REGISTRATION FOR GENERAL PERMIT—MUNICIPAL WASTE

**Registration(s) Issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Registration No. WMGR097R029. Philadelphia Renewable Bio-Fuels LLC**, 7800 Penrose Ferry Road, Philadelphia, PA 19153. Registration to operate under General Permit No. WMGR097R029 for a research and development project. The project involves processing by pelletizing digested sewage sludge from different sewage treatment plants for beneficial use as a fertilizer meeting Class A biosolids requirements and as an alternative fuel. The registration was issued by Central Office on July 12, 2016.

Persons interested in reviewing the general permit may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

#### DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

**Determination of Applicability Issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste**

*South Central Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**General Permit No. WMGM030SC001.** Lower Paxton Township Compost Facility, 6600 Block of Conway Road, Harrisburg, PA 17109 in Lower Paxton Township, **Dauphin County**. This Determination of Applicability under Municipal Waste General Permit No. WMGM030 is for the processing of yard waste and beneficial use of the compost produced. This permit was issued on July 11, 2016.

Persons interested in reviewing the general permit may contact John Oren, Permitting Section Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.



**OPERATE WASTE PROCESSING OR DISPOSAL  
AREA OR SITE**

**Applications deemed administratively complete under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal area or Site.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200*

**Permit No. 301347 RecOil, Inc. (Residual Waste Processing Facility)** 280 North East Street, York, PA 17403. RecOil, Inc. submitted a major permit modification to incorporate new residual waste codes, installation of wastewater evaporation equipment, and installation of a solidification pit. This application was deemed administratively complete by the Southcentral Regional Office on July 7, 2016. The Department will accept comments from the general public recommending revisions to, and approval or denial of the application during the entire time the Department is reviewing the permit application.

Comments concerning the application should be directed to Mr. John Oren, Permits Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Persons interested in obtaining more information about this permit application may contact the Southcentral Regional Office at (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**Permit No. 100113 Republic Services of Pennsylvania, LLC** 4400 Mount Pisgah Road York, PA 17406 (Modern Landfill). The application submitted is to renew the Modern Landfill permit. The permit expires July 1, 2017. This application was deemed administratively complete by the Southcentral Regional Office on July 8, 2016. The Department will accept comments from the general public recommending revisions to, and approval or denial of the application during the entire time the Department is reviewing the permit application.

Comments concerning the application should be directed to Mr. John Oren, Permits Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Persons interested in obtaining more information about this permit application may contact the Southcentral Regional Office at (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**Permit No. 301300 Brunner Island LLC** 835 Hamilton Street, Suite 150 Allentown, PA 18101.

The application submitted is to renew the permit for Ash Basin No. 6 located in East Manchester Township, **York County** which expires June 28, 2017. This application was deemed administratively complete by the Southcentral Regional Office on July 5, 2016. The Department will accept comments from the general public recommending revisions to, and approval or denial of the application during the entire time the Department is reviewing the permit application.

Comments concerning the application should be directed to Mr. John Oren, Permits Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Persons interested in obtaining more information about this permit application may contact the

Southcentral Regional Office at (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**Permit No. 400556 Stericycle, Inc. (Medical Waste Processing Facility)** 1525 Chestnut Hill Road Morgantown, PA 19543-9508.

The application submitted is to renew the permit and for various minor modifications to the facility. The permit expires August 13, 2017. This application was deemed administratively complete by the Southcentral Regional Office on July 12, 2016. The Department will accept comments from the general public recommending revisions to, and approval or denial of the application during the entire time the Department is reviewing the permit application.

Comments concerning the application should be directed to Mr. John Oren, Permits Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Persons interested in obtaining more information about this permit application may contact the Southcentral Regional Office at (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

## 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.**

*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*

**GP3-01-03038B: Mellott Company** (100 Mellott Drive, Warfordsburg, PA 17267) on July 1, 2016, for the installation and operation of portable nonmetallic mineral processing equipment, under GP3, at the SGI Charmian Quarry located in Hamiltonban Township, **Adams County**.

**GP11-01-03038B: Mellott Company** (100 Mellott Drive, Warfordsburg, PA 17267) on July 1, 2016, for the installation and operation of five nonroad engines, under GP11, to power portable nonmetallic mineral processing equipment at the SGI Charmian Quarry located in Hamiltonban Township, **Adams County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648*

**GP4-18-01: First Quality Nonwovens** (101 Green Mountain Road Hazleton, PA 18202) issued June 30, 2016, for the operation of a burn-off oven pursuant to the General Plan Approval & General Operating Permit Application (BAQ-GPA/GP-4), at their facility located in Wayne Township, **Clinton County**.

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**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

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

**09-0226A: Nosco ODSC, Inc.** (1504 Grundy Lane, Bristol, PA 19007) on July 11, 2016, for the installation of a new HP Indigo 30000, seven-color digital printing press at an existing facility located in Bristol Township, **Bucks County**.

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

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

**35-00069B: Lackawanna Energy Center LLC** (1 South Wacker Drive, Suite 1800, Chicago, IL 60606) on July 12, 2016, to modify the plant construction layout and operate a natural gas-fired combined-cycle power plant to produce a nominal 1,500 MW of electricity in Jessup Borough, **Lackawanna 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*

**06-03097A: Kore Mart, Ltd.** (7 Hill Drive, Hamburg, PA 19526) on July 8, 2016, for authorization to restructure the duct work to vent the baghouse control devices for both the foundry sand coating and riser sleeve mixing operation to the outside of the building and to replace the existing scrubber controlling emissions from the cold box core manufacturing operation and vented indoors with a larger scrubber that will be vented to the outside of the building. The facility is located in Tilden Township, **Berks County**.

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

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

**24-009H: Domtar Paper Company, LLC** (100 Center Street, Johnsonburg, PA 15845) for modifications to the existing Boiler No(s). 81 & 82 at their facility in Johnsonburg Borough, **Elk County**. This is a Title V facility.

**37-337B: Hickory Run Energy, LLC** (McClelland Road and Edinburg Road, New Castle, PA 16102) This plan approval application is for the second 18-month extension of time for commencement of construction for plan approval 37-337A issued on April 23, 2013. Plan approval 37-337A allowed commencement of construction through October 23, 2014. The facility requested an 18-month extension and the Department granted it on July 22, 2014, for construction to commence by April 23, 2016. The application was received on December 23, 2015. The application was administratively complete on February 12, 2016. This plan approval will supersede plan approval 37-337A.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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*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*

**06-05115B: Granger Energy of Morgantown, LLC** (16980 Wood Road, Lansing, MI 48906-1044) on July 8, 2016, for the installation of two (2) landfill gas-fired engines, two (2) additional compressors and one (1) 2,000 acfm 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*

**18-00021A: Avery Dennison Performance Polymers** (171 Draketown Road, Mill Hall, PA 17751) on July 5, 2016, extended the authorization an additional 180 days from July 20, 2016, to January 16, 2017, for the installation of a new recuperative thermal oxidizer (RTO) to control the air contaminant emissions from eight (8) existing reactor systems (R-100 through R-800) incorporated in Source ID P102 at their facility located in Bald Eagle Township, **Clinton County**. The plan approval has been extended.

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

*Contact: Tom Joseph, P.E., Engineering Manager—Telephone: 412-442-4336*

**PA-03-00246B: Bedrock Mines LP** (111 Freeport Road, Aspinwall, PA 15215-2943), on July 6, 2016, to extend the plan approval to facilitate shake-down sources and to obtain an Operating Permit for their coal blending facility located in Plumcreek Township, **Armstrong County**.

**OP-04-00718: Three Rivers Aggregates** (1288 Reese Road, Slippery Rock, PA 16057) permit modification issuance date July 06, 2016, for their Palmer Plant located in Darlington Township, **Beaver County**.

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**Plan Approvals Denied, Terminated, Modified, Suspended or Revoked under the Air Pollution Control Act and the provisions of 25 Pa. Code §§ 127.13b and 127.13c.**

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

*Contact: Thomas McGinley, New Source Review Chief—Telephone: 610-832-6242*

**46-00072: PA Air National Guard/Horsham**, (1120 Fairchild Road, Horsham, PA 19044) on July 11, 2016, for the revocation of their Non-Title V operating permit for the permanent shutdown of two main 23.5 MMBTUs/HR boilers and actual and potential emissions of the remaining sources meet the exemption criteria for an operating permit. This facility is located in Horsham Township, **Montgomery County**.

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

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

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

**35-00007: PA DPW/Clarks Summit State Hospital** (1451 Hillside Drive, Clarks Summit, PA 18411-9505) The Department issued a renewal Title V Operating Permit on July 6, 2016, for a hospital facility in Newton Township, **Lackawanna County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**53-00003: National Fuel Gas Supply Corporation** (6363 Main Street, Williamsville, NY 14221-5855) on July 1, 2016, issued a Title V operating permit for their Ellisburg Compressor Station located in Allegany Township, **Potter County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**53-00008: National Fuel Gas Supply Corporation** (6363 Main Street, Williamsville, NY 14221-5855) on July 1, 2016, issued a Title V operating permit for their East Fork Compressor Station located in Wharton Township, **Potter County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

*Contact: Tom Joseph, P.E., Engineering Manager—Telephone: 412-442-4336*

**TV-11-00370: Laurel Highlands Landfill, Inc.** (625 Cherrington Parkway, Moon Township, PA 15108) on July 11, 2016, a Title V Operating Permit renewal for the continued operation of their facility located in Jackson Township, **Cambria County**.

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

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

**10-00062: Slippery Rock University of Pennsylvania, Inc.**, (One Morrow Way, Slippery Rock, PA 16057). On June 29, 2016, the Department renewed the Title V permit for the facility located in the Borough of Slippery Rock, **Mercer County**. The facility's emission sources include a 26 million Btu/hr natural gas fueled boiler; two 35 million Btu/hr natural gas and limited-use coal co-fired boilers; a 39 million Btu/hr natural gas and limited-use coal co-fired boiler; a parts washer; and 34 natural gas fueled emergency generators. Actual reported emissions for the facility for 2015 were: 16.59 tons NO<sub>x</sub>; 51.46 tons SO<sub>x</sub>; 9.16 tons CO; 14.71 tons PM<sub>10</sub>; 7.25 tons PM<sub>2.5</sub>; 0.98 tons VOCs; 1.51 ton all HAPs combined; and 11,441 ton CO<sub>2</sub>. This facility is subject to 40 CFR Part 60 Subpart Dc, Standards of Performance for Small Industrial, Commercial, and Institutional Steam Generating Units. It is also subject to 40 CFR Part 63 Subpart JJJJJJ, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources. 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.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**09-00198: Mount Materials, LLC** (427 South White Horse Pike, Berlin, NJ 08009) On July 11, 2016, for renewal of a State-only Operating Permit for the operation of two portable non-metallic mineral processing plants and the associated screeners, conveyors and diesel engines and incorporation of four (4) General Permits into the Operating Permit in Falls Township, **Bucks County**.

**46-00140: Amatex Corporation**, (1032 Stanbridge Street, Norristown, PA 19404) On July 11, 2016, for the renewal of a State-Only, Natural Minor Operating Permit for their manufacturing facility for heat resistant fiberglass yarn and textiles in Norristown Borough, **Montgomery County**.

**09-00004: Oliver-Tolas Healthcare Packaging, Inc.** (905 Pennsylvania Boulevard, Feasterville, PA 19053) On July 8, 2016, for a State Only, Synthetic Minor Operating Permit Renewal for flexible medical device packaging in Lower Southampton Township, **Bucks County**.

**46-00146: Republic Environmental Systems (PA), Inc.** (2869 Sandstone Drive, Hatfield, PA 19440) On July 8, 2016, for the renewal of the State Only Operating Permit for the operation of a Hazardous Waste Treatment, Storage, Disposal Facility located in Hatfield Township, **Montgomery County**.

**GP3-15-0071: Highway Materials Inc.** (1750 Walton Street, Blue Bell, PA 19422) On July 8, 2016, for the installation and operation of a portable crusher located in Lower Gwynedd Township, **Montgomery County**.

**GP9-15-0025: Highway Materials Inc.** (1750 Walton Street, Blue Bell, PA 19422) On July 8, 2016, to operate a diesel-fired internal combustion engine located in Lower Gwynedd Township, **Montgomery County**.

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

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

**39-00078: Gateway Industrial Services, Allentown Plant** (805 Harrison Street, Allentown, PA 18103-3189). On July 12, 2016, the Department issued a renewal State-Only Synthetic Minor operating permit for the fabricated metal products manufacturing facility in Allentown, **Lehigh County**. The sources consist of Spraybooths, a Drying Oven and Make-Up Air Units. The control devices consist of Collectors. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The proposed permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution 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*

**36-05126: Pennsy Supply, Inc.** (PO Box 4688, Lancaster, PA 17604-4688) On June 27, 2016, for the hot mix asphalt drum plant located West Donegal Township, **Lancaster County**. The State-only permit was renewed.

**67-03115: Garrod Hydraulics, Inc.** (1050 Locust Point Road, York, PA 17402-8059) On July 1, 2016, for the hard chrome electroplating facility located in East Manchester Township, **York County**. The State-only permit was renewed.

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

*Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940*

**24-00152: Viking Resources, LLC** (1000 Commerce Drive, Pittsburgh, PA 15275) Issued on July 11, 2016, the Natural Minor Operating Permit for the facility's primary emissions from the 99 HP Natural gas compressor engine, 1,000 gallon produced water storage tank, and fugitives from tank truck unloading at the natural gas compressor station on Fire Town Road in Horton Township, **Elk County**. The permit contains the requirements of GP5-24-152B. The emissions from the facility are: NO<sub>x</sub>—13.42 TPY; VOC—2.01 TPY; CO—8.43 TPY; and, HAPs—0.07 TPY.

**25-00931: PA Department of Corrections—SCI at Albion** (10745 Route 18, Albion, PA 16475) On July 5, 2016, re-issued the Synthetic Minor Operating Permit for their facility's primary emissions from the four (4) boilers, two (2) emergency generator engines, and a parts cleaner at the facility in Albion Borough, **Erie County**.

**43-00316: Three Rivers Aggregates LLC, Mercer plant** (1807 Shennango Road, New Gaillee, PA 16141) On July 8, 2016, for a Natural Minor Permit to operate a sand and gravel plant in East Lackawannock Township, **Mercer County**. The emitting sources include an Aggregate processing plant and a 170 HP diesel generator engine to pump water from the pond. The diesel generator engine is subject to 40 CFR Part 63, Subpart ZZZZ. All applicable conditions of Subpart ZZZZ have been included in the source level of the permit. The facility provided the following potential emissions in the permit application: Particulate Matter (PM) 8.47 Tons per year (TPY); PM less than ten microns (PM<sub>10</sub>) 3.86 TPY; Oxides of Sulfur (SO<sub>x</sub>) 0.00162 TPY; Carbon Monoxide (CO) 1.025 TPY; Oxides of Nitrogen (NO<sub>x</sub>) 2.28 TPY; and, Volatile Organic Compound (VOC) 0.34 TPY.

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

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

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

**62-00032: Ellwood National Forge Irvine** (1 Front Street, Irvine, PA 16329-1801) On July 11, 2016, issued an administrative amendment to the Title V Operating

Permit for the facility located in Brokenstraw Township, **Warren County**. The amendment incorporates the change in responsible official from Mr. Glenn C. Fegely to Michael P. Barrett—President.

**62-00181: Ellwood National Forge Company Warren Division** (1 Front Street, Irvine, PA 16329-1801) On July 11, 2016, issued an administrative amendment to the State Operating Permit for the facility located in Warren City, **Warren County**. The amendment incorporates the change in responsible official from Mr. Glenn C. Fegely to Michael P. Barrett—President and the permit contact from Michael Anderson to Kristen Chase—Environmental Engineer.

**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*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**Permit No. 56950111 and NPDES Permit No. PA0213225, Sherpa Mining Contractors, Inc.**, 337 Benny Road, Hooversville, PA 15936, permit renewal for reclamation only of a bituminous surface and auger mine in Shade Township, **Somerset County**, affecting 458.4 acres. Receiving streams: unnamed tributary to/and Shade Creek classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek SWI. Application Received: April 6, 2016. Permit issued: July 6, 2016.

**Permit No. 56060105 and NPDES No. PA024997. Rosebud Mining Co.**, 301 Market Street, Kittanning, PA 16201, renewal for reclamation only of a bituminous surface and auger mine in Jenner Township, **Somerset County**, affecting 120.1 acres. Receiving streams: unnamed tributaries to/and Quemahoning Reservoir to the Stonycreek River to the Conemaugh river classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge is Cambria-Somerset Authority. Application received: May 2, 2016. Permit issued: July 7, 2016.

**Permit No. 11970201 and NPDES No. PA0234648, Maple Coal Co.**, 254 Interpower Drive, Colver, PA 15927, commencement, operation and restoration of a bituminous surface mine to change the land use from wildlife habitat to unmanaged natural habitat in Barr and Blacklick Townships, **Cambria County**, affecting



47.1 acres. Receiving streams: unnamed tributary to/and Elk Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 29, 2016. Permit issued: July 7, 2016.

*Noncoal Permits Issued*

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

**Permit No. 58160804. Maple Highlands, LLC**, (3271 State Route 106, Clifford Township, PA 18470), commencement, operation and restoration of a quarry operation in Clifford Township, **Susquehanna County** affecting 5.0 acres, receiving stream: unnamed tributary to East Branch Tunkhannock Creek Watershed. Application received: March 24, 2016. Permit issued: July 7, 2016.

**Permit No. 58160804GP104. Maple Highlands, LLC**, (3271 State Route 106, Clifford Township, PA 18470), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58160804 in Clifford Township, **Susquehanna County**, receiving stream: unnamed tributary to East Branch Tunkhannock Creek Watershed. Application received: March 24, 2016. Permit issued: July 7, 2016.

**ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permits Issued*

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

**59164102. Meshoppen Stone, Inc.** (P.O. Box 127, Meshoppen, PA 18630). Blasting for construction of a gas pad located Richmond Township, **Tioga County** with an expiration date of June 29, 2017. Permit issued July 7, 2016.

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

**02164002. KESCO, Inc.** (215 South Main Street, Zelenople, PA 16063). Blasting activity permit for the Norfolk South railroad Carson Street slide remediation, located in City of Pittsburgh, **Allegheny County** with an expiration date of July 30, 2016. Blasting permit issued: July 5, 2016.

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

**Permit No. 09164105. Rock Work, Inc.**, (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Station East in Warminster Township, **Bucks County** with an expiration date of July 1, 2017. Permit issued: July 6, 2016.

**Permit No. 09164106. J Roy's, Inc.**, (P.O. Box 125, Bowmansville, PA 17507), construction blasting at 575 Rockhill Road in Richland Township, **Bucks County** with an expiration date of July 5, 2017. Permit issued: July 6, 2016.

**Permit No. 58164106. DW Drilling & Blasting**, (2042-B S. Brentwood Boulevard, Suite 115, Springfield,

MO 65804), construction blasting for Jeffers Farm Gas Pad 5 in Gibson Township, **Susquehanna County** with an expiration date of June 27, 2017. Permit issued: July 6, 2016.

**Permit No. 58164107. DW Drilling & Blasting**, (2042-B S. Brentwood Boulevard, Suite 115, Springfield, MO 65804), construction blasting for Greenwood R Pad 2 in Bridgewater Township, **Susquehanna County** with an expiration date of June 27, 2017. Permit issued: July 6, 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**

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E21-446: Cumberland County**, 1 Court House Square, Carlisle, PA 17013 in Hampden Township, **Cumberland County**, U.S. Army Corps of Engineers Baltimore District.

To remove the existing structure and 1) construct and maintain a 320.0-foot long by 44.67-foot wide four-span composite pre-stressed concrete spread box beam bridge structure with an average underclearance of 11.83 feet, 2) replace and maintain a 36.0-inch stormwater outfall, an 18.0-inch stormwater outfall and construct and maintain a new 18.0-inch stormwater outfall, 3) remove and replace a 12.0-inch municipal drinking water line, and 4) relocate and enhance 243.0 linear feet of unnamed tributary, all within and adjacent to Conodoguinet Creek (WWF, MF) for the purpose of improving transportation safety and roadway standards along Orr's Bridge Road. The project will involve the use of stream diversions, cofferdams, and temporary causeways in separate phases within Conodoguinet Creek and a UNT to Conodoguinet Creek, all of which will be removed upon project completion. The project is located along Orr's Bridge Road in Hampden Township, Cumberland County (Lemoyne, PA Quadrangle; Latitude: 40° 14' 23.8"; Longitude: -76° 57' 5.9"). The permit was issued on July 1, 2016.

**E21-447: Cumberland County**, 1 Court House Square, Carlisle, PA 17013 in Hampden Township, **Cumberland County**, U.S. Army Corps of Engineers Baltimore District.

To remove the existing structure and to construct and maintain a two-span concrete bridge with a length of 132.5 feet, out-to-out width varying from 35.7 feet to 61.2 feet and an under clearance ranging from 4.5 feet to 8.0 feet over Yellow Breeches Creek (HQ-CWF, MF) and associated floodway, including an 18.0-inch stormwater outfall, all for the purpose of improving transportation safety and roadway standards. The project will involve the use of phased cofferdams, stream diversions and temporary causeways within Yellow Breeches Creek, all of which will be removed upon project completion. The project is located at the intersection of SR 0174 and Zion Road (T-520) (Carlisle, PA Quadrangle; Latitude: 40° 08' 46.5"; Longitude: -77° 10' 22.5") in South Middleton Township, Cumberland County. No wetland impacts. The permit was issued on July 1, 2016.

**E05-383: West Providence Township**, 83 East 5th Avenue, Everett, PA 15537 in West Providence Township, **Bedford County**, U.S. Army Corps of Engineers Baltimore District.

To construct and maintain a proposed intersection, two culvert pipes and alignment crossing the unnamed tributary to Raystown Branch of the Juniata River (WWF, MF). The project is part of a 'Turn Back' of Hollars Extension (State Route 2027) from the Pennsylvania Department of Transportation to West Providence Township. The proposed realignment of State Route 2025 and State Route 2027 is to provide a safer intersection 100-feet south of the existing intersection. The proposed alignment crossing the unnamed tributary to Raystown Branch of the Juniata River proposed a 109-foot long reinforced concrete culvert pipe, 54-inches in diameter, with concrete end walls and R-4 riprap aprons. Hollars Extension intersects with a private driveway crossing the unnamed tributary to Raystown Branch of the Juniata

River. The proposed intersection with the driveway crossing proposed a 34-foot long reinforced concrete culvert pipe, 54-inches in diameter, with concrete end walls and R-4 riprap aprons. The Pennsylvania Turnpike Commission and West Providence Township needs right of way acquisitions from five different properties for construction purposes. The Pennsylvania Turnpike Commission funds the design and construction of the proposed alignment. The proposed project will have 0.03 acre of permanent palustrine emergent wetland impacts. The Hollars Extension project is located (Latitude: 39° 59' 45"; Longitude: -78° 22' 48") approximately 0.25 mile west of its intersection with State Route 2025 in West Providence Township, Bedford County. The permit was issued on May 26, 2016.

*Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, 16335.*

**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").

To conduct the following activities associated with the construction of a 143 acre animal safari park along S.R. 258 approximately 1.5 mile south of S.R. 208 (Harlansburg, Mercer and Slippery Rock, PA Quadrangles N: 41°, 07', 25"; W: 80°, 07', 40") in Liberty Township, Mercer County:

1. Construct and maintain a 10-foot, 10-inch long wooden bridge having a clear span of 20 feet and an underclearance of 3.26 feet across Black Run;

2. Construct and maintain two 8-foot long wooden pedestrian bridges each having a clear span of 15 feet and an underclearance of 2 feet across two tributaries to Black Run;

3. 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. Temporarily impact 2.767 acres of wetland (1.192 PEM, 0.593 PSS, 0.982 PFO) associated with the construction of trails, bridges, storage areas and zip line course;

5. Permanently impact 47 feet and temporarily impact 143 feet of Black Run (CWF) and two tributaries to Black Run (CWF) associated with the construction of the bridges; and

6. Construct and maintain 6 stream fence crossings. Three across Black Run and three across tributaries to Black Run. Each fence crossing has a flood gate with the hinge at the 100-yr flood elevation.

Project includes on-site construction of three replacement wetland areas totaling 1.802 acre (0.628 PEM, 0.555 PSS, 0.619 PFO) along Black Run and two tributaries to Black Run.

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105*

**E5314-001, Borough of Coudersport**, 201 South West Street, Coudersport, PA 16915, in the Borough of Coudersport, **Potter County**, U.S. Army Corps of Engineers, Pittsburgh District.

To modify the existing debris basin located at the existing Commonwealth-constructed Coudersport Flood Protection Project. The flood protection project is located

along Mill Creek (CWF, MF). The location of the debris basin is completely within the limits of the flood protection project (Latitude: 41° 46' 17"; Longitude: -78° 0' 43").

*Northcentral Region: Waterways & Wetlands Program, 208 N Third Street, Suite 101, Williamsport, PA 17701, Environmental Program Manager*

**E41-669, UGI Sunbury, LLC**, 1575 SR 292 East, Dallas, PA 18612. Sunbury Pipeline Project, in Franklin and Moreland Townships, **Lycoming County**, ACOE Baltimore District. This project begins 0.3 mile north on Harriman Road from the intersection of Harriman Road

and Fairview Road in Franklin Township, Lycoming County (Latitude: 41° 15' 43.71"; Longitude: 76° 34' 34.62") and terminates 0.75 mile west on Glen Wagner Road from the intersection of Glen Wagner Road and Bill Sones Road in Moreland Township Lycoming County at the Lycoming County/Montour County Line (Latitude: 41-09-18.73, Longitude: 76-38-59.76).

To construct, operate and maintain 34.4 miles of 20 inch pipeline for the purpose of transporting natural gas from its origin in Lycoming County to its terminal point at Hummels Station in Snyder County.

This permit authorizes the following stream crossings:

<i>Resource and Designated Use</i>	<i>Existing Use / Other classification</i>	<i>Temporary Impacts (ft<sup>2</sup>)</i>	<i>Permanent impacts (ft<sup>2</sup>)</i>	<i>Latitude (North)</i>	<i>Longitude (West)</i>
UNT to Beaver Run CWF, MF	Wild Trout	112	0	41° 15' 55.9"	76° 34' 51.0"
UNT to Beaver Run CWF, MF	Wild Trout	1,087	60	41° 15' 01.9"	76° 35' 43.3"
Little Muncy Creek CWF, MF	Wild Trout Trout Stocked Navigable	3,334	132	41° 14' 28.0"	76° 35' 57.0"
UNT to Little Muncy Creek CWF, MF	None	380	20	41° 13' 45.7"	76° 36' 24.5"
UNT to German Run CWF, MF	None	150	0	41° 12' 32.4"	76° 36' 54.5"
German Run CWF, MF	None	1,595	88	41° 11' 54.5"	76° 37' 41.6"
UNT to German Run CWF, MF	None	337	16	41° 11' 37.3"	76° 37' 50.8"
UNT to Little Muncy Creek CWF, MF	None	296	17	41° 11' 30.3"	76° 37' 54.6"
Laurel Run CWF, MF	None	1,152	65	41° 10' 53.4"	76° 38' 16.1"
UNT to Laurel Run CWF, MF	None	2,162	71	41° 10' 5.1"	76° 38' 31.2"

This permit also authorizes the following wetland crossings:

<i>Resource and Designated Use</i>	<i>Existing Use / Other classification</i>	<i>Temporary Impacts (ft<sup>2</sup>)</i>	<i>Permanent impacts (ft<sup>2</sup>)</i>	<i>Latitude (North)</i>	<i>Longitude (West)</i>
UNT to Beaver Run CWF, MF	Wild Trout	112	0	41° 15' 55.9"	76° 34' 51.0"
UNT to Beaver Run CWF, MF	Wild Trout	1,087	60	41° 15' 01.9"	76° 35' 43.3"
Little Muncy Creek CWF, MF	Wild Trout Trout Stocked Navigable	3,334	132	41° 14' 28.0"	76° 35' 57.0"
UNT to Little Muncy Creek CWF, MF	None	380	20	41° 13' 45.7"	76° 36' 24.5"
UNT to German Run CWF, MF	None	150	0	41° 12' 32.4"	76° 36' 54.5"
German Run CWF, MF	None	1,595	88	41° 11' 54.5"	76° 37' 41.6"
UNT to German Run CWF, MF	None	337	16	41° 11' 37.3"	76° 37' 50.8"
UNT to Little Muncy Creek CWF, MF	None	296	17	41° 11' 30.3"	76° 37' 54.6"
Laurel Run CWF, MF	None	1,152	65	41° 10' 53.4"	76° 38' 16.1"
UNT to Laurel Run CWF, MF	None	2,162	71	41° 10' 5.1"	76° 38' 31.2"



This permit also authorizes the following mitigation:

<i>Resource and Designated Use</i>	<i>Existing Use/ Other classification</i>	<i>Temporary Impacts (ft<sup>2</sup>)</i>	<i>Permanent impacts (ft<sup>2</sup>)</i>	<i>Latitude (North)</i>	<i>Longitude (West)</i>
UNT to Beaver Run CWF, MF	Wild Trout	112	0	41° 15' 55.9"	76° 34' 51.0"
UNT to Beaver Run CWF, MF	Wild Trout	1,087	60	41° 15' 01.9"	76° 35' 43.3"
Little Muncy Creek CWF, MF	Wild Trout Trout Stocked Navigable	3,334	132	41° 14' 28.0"	76° 35' 57.0"
UNT to Little Muncy Creek CWF, MF	None	380	20	41° 13' 45.7"	76° 36' 24.5"
UNT to German Run CWF, MF	None	150	0	41° 12' 32.4"	76° 36' 54.5"
German Run CWF, MF	None	1,595	88	41° 11' 54.5"	76° 37' 41.6"
UNT to German Run CWF, MF	None	337	16	41° 11' 37.3"	76° 37' 50.8"
UNT to Little Muncy Creek CWF, MF	None	296	17	41° 11' 30.3"	76° 37' 54.6"
Laurel Run CWF, MF	None	1,152	65	41° 10' 53.4"	76° 38' 16.1"
UNT to Laurel Run CWF, MF	None	2,162	71	41° 10' 5.1"	76° 38' 31.2"

Permanent stream impacts in Lycoming County total 0.01 acre out of the total 0.18 acre for the overall project. Permanent impacts to streams account for the footprint of the pipe and trench for construction through streams. Temporary stream impacts in Lycoming County total 0.24 acre out of 2.69 acres for the overall project. Permanent wetland impacts in Lycoming County total 0.22 acre of the total 0.71 acre for the project. Permanent impacts include both the footprint of the pipe and trench through a wetland and the permanent conversion of PFO or PSS wetland in areas where the ROW will be maintained. Temporary impacts to wetlands for Lycoming County total 1.41 acre of the total 2.76 acres for the overall project. Waterbody channel crossings shall be completed in the dry by hydraulic directional drilling, flumed method of crossing or dam and pump method of crossing. Wet cutting waterbody channels are not authorized under this permit authorization. Wetland crossings shall be completed by open trench methods as described in the permit documents. This permit also authorizes the construction, removal, and restoration of disturbed areas for temporary stream crossings for construction vehicle access and construction of pipeline.

The detailed information regarding the Chapter 105 permit application related to the authorization of this project, which is available in the DEP Northcentral Regional Office; please contact David W. Garg, P.E., Environmental Program Manager at 570-321-6581 to request a file review.

**E47-097, UGI Sunbury, LLC**, 1575 SR 292 East, Dallas, PA 18612. Sunbury Pipeline Project, in Anthony, Derry, Limestone and Liberty Townships, **Montour County**, ACOE Baltimore District. This project begins 0.5 mile north on Fox Hollow Road from the intersection of Fox Hollow Road and Sneaky Hollow Road in Anthony Township Montour County at the Lycoming County/Montour County Line (Latitude: 41°09'18.73", Longitude: 76°38'59.76") and terminates at the intersection of Creek Road and Bridge Road in Liberty Township, Montour County at the Montour/Northumberland County Line (Latitude: 41°00'14.67", Longitude: 76°46'20.43").

To construct, operate and maintain 34.4 miles of 20 inch pipeline for the purpose of transporting natural gas from its origin in Lycoming County to its terminal point at Hummels Station in Snyder County.

This permit authorizes these stream impacts:

<i>Resource and Designated Use</i>	<i>Existing Use/ Other classification</i>	<i>Temporary Impacts (ft<sup>2</sup>)</i>	<i>Permanent impacts (ft<sup>2</sup>)</i>	<i>Latitude (North)</i>	<i>Longitude (West)</i>
West Branch Chillisquaque Creek WWF, MF	Wild Trout	1,805	85	41° 8' 48.4"	76° 39' 24.3"
UNT to West Branch Chillisquaque Creek WWF, MF	Wild Trout	425	24	41° 8' 38.1"	76° 39' 24.3"
UNT to West Branch Chillisquaque Creek WWF, MF	Wild Trout	242	12	41° 7' 57.2"	76° 39' 48.7"
UNT to Middle Branch Chillisquaque Creek WWF, MF	None	434	27	41° 7' 44.6"	76° 39' 51.7"



<i>Resource and Designated Use</i>	<i>Existing Use / Other classification</i>	<i>Temporary Impacts (ft<sup>2</sup>)</i>	<i>Permanent impacts (ft<sup>2</sup>)</i>	<i>Latitude (North)</i>	<i>Longitude (West)</i>
UNT to Middle Branch Chillisquaque Creek WWF, MF	None	920	49	41° 7' 30.4"	76° 39' 54.7"
UNT to Middle Branch Chillisquaque Creek WWF, MF	None	532	31	41° 7' 12.7"	76° 40' 03.8"
UNT to Middle Branch Chillisquaque Creek WWF, MF	None	225	13	41° 7' 0.8"	76° 40' 13.4"
UNT to Middle Branch Chillisquaque Creek WWF, MF	None	428	24	41° 6' 47.5"	76° 40' 20.9"
UNT to West Branch Chillisquaque Creek WWF, MF	None	785	33	41° 6' 37.4"	76° 40' 36.8"
West Branch Chillisquaque Creek WWF, MF	None	2,693	146	41° 6' 02.8"	76° 41' 07.7"
UNT to West Branch Chillisquaque Creek WWF, MF	None	252	266	41° 5' 36.1"	76° 41' 08.8"
County Line Branch WWF, MF	None	2,118	120	41° 5' 04.6"	76° 41' 27.9"
UNT to West Branch Chillisquaque Creek WWF, MF	None	265	5	41° 4' 36.1"	76° 41' 40.8"
Limestone Run WWF, MF	None*	370	0	41° 1' 51.8"	76° 45' 16.8"
UNT to Chillisquaque Creek WWF, MF	None	580	37	41° 0' 51.4"	76° 45' 41.6"

This permit also authorizes these wetland impacts:

<i>Resource and Designated Use</i>	<i>Existing Use / Other classification</i>	<i>Temporary Impacts (ft<sup>2</sup>)</i>	<i>Permanent impacts (ft<sup>2</sup>)</i>	<i>Latitude (North)</i>	<i>Longitude (West)</i>
West Branch Chillisquaque Creek WWF, MF	Wild Trout	1,805	85	41° 8' 48.4"	76° 39' 24.3"
UNT to West Branch Chillisquaque Creek WWF, MF	Wild Trout	425	24	41° 8' 38.1"	76° 39' 24.3"
UNT to West Branch Chillisquaque Creek WWF, MF	Wild Trout	242	12	41° 7' 57.2"	76° 39' 48.7"
UNT to Middle Branch Chillisquaque Creek WWF, MF	None	434	27	41° 7' 44.6"	76° 39' 51.7"
UNT to Middle Branch Chillisquaque Creek WWF, MF	None	920	49	41° 7' 30.4"	76° 39' 54.7"
UNT to Middle Branch Chillisquaque Creek WWF, MF	None	532	31	41° 7' 12.7"	76° 40' 03.8"
UNT to Middle Branch Chillisquaque Creek WWF, MF	None	225	13	41° 7' 0.8"	76° 40' 13.4"
UNT to Middle Branch Chillisquaque Creek WWF, MF	None	428	24	41° 6' 47.5"	76° 40' 20.9"

<i>Resource and Designated Use</i>	<i>Existing Use / Other classification</i>	<i>Temporary Impacts (ft<sup>2</sup>)</i>	<i>Permanent impacts (ft<sup>2</sup>)</i>	<i>Latitude (North)</i>	<i>Longitude (West)</i>
UNT to West Branch Chillisquaque Creek WWF, MF	None	785	33	41° 6' 37.4"	76° 40' 36.8"
West Branch Chillisquaque Creek WWF, MF	None	2,693	146	41° 6' 02.8"	76° 41' 07.7"
UNT to West Branch Chillisquaque Creek WWF, MF	None	252	266	41° 5' 36.1"	76° 41' 08.8"
County Line Branch WWF, MF	None	2,118	120	41° 5' 04.6"	76° 41' 27.9"
UNT to West Branch Chillisquaque Creek WWF, MF	None	265	5	41° 4' 36.1"	76° 41' 40.8"
Limestone Run WWF, MF	None*	370	0	41° 1' 51.8"	76° 45' 16.8"
UNT to Chillisquaque Creek WWF, MF	None	580	37	41° 0' 51.4"	76° 45' 41.6"

This permit also authorizes the following mitigation:

<i>Resource and Designated Use</i>	<i>Existing Use / Other classification</i>	<i>Temporary Impacts (ft<sup>2</sup>)</i>	<i>Permanent impacts (ft<sup>2</sup>)</i>	<i>Latitude (North)</i>	<i>Longitude (West)</i>
West Branch Chillisquaque Creek WWF, MF	Wild Trout	1,805	85	41° 8' 48.4"	76° 39' 24.3"
UNT to West Branch Chillisquaque Creek WWF, MF	Wild Trout	425	24	41° 8' 38.1"	76° 39' 24.3"
UNT to West Branch Chillisquaque Creek WWF, MF	Wild Trout	242	12	41° 7' 57.2"	76° 39' 48.7"
UNT to Middle Branch Chillisquaque Creek WWF, MF	None	434	27	41° 7' 44.6"	76° 39' 51.7"
UNT to Middle Branch Chillisquaque Creek WWF, MF	None	920	49	41° 7' 30.4"	76° 39' 54.7"
UNT to Middle Branch Chillisquaque Creek WWF, MF	None	532	31	41° 7' 12.7"	76° 40' 03.8"
UNT to Middle Branch Chillisquaque Creek WWF, MF	None	225	13	41° 7' 0.8"	76° 40' 13.4"
UNT to Middle Branch Chillisquaque Creek WWF, MF	None	428	24	41° 6' 47.5"	76° 40' 20.9"
UNT to West Branch Chillisquaque Creek WWF, MF	None	785	33	41° 6' 37.4"	76° 40' 36.8"
West Branch Chillisquaque Creek WWF, MF	None	2,693	146	41° 6' 02.8"	76° 41' 07.7"
UNT to West Branch Chillisquaque Creek WWF, MF	None	252	266	41° 5' 36.1"	76° 41' 08.8"
County Line Branch WWF, MF	None	2,118	120	41° 5' 04.6"	76° 41' 27.9"

<i>Resource and Designated Use</i>	<i>Existing Use / Other classification</i>	<i>Temporary Impacts (ft<sup>2</sup>)</i>	<i>Permanent impacts (ft<sup>2</sup>)</i>	<i>Latitude (North)</i>	<i>Longitude (West)</i>
UNT to West Branch Chillisquaque Creek WWF, MF	None	265	5	41° 4' 36.1"	76° 41' 40.8"
Limestone Run WWF, MF	None*	370	0	41° 1' 51.8"	76° 45' 16.8"
UNT to Chillisquaque Creek WWF, MF	None	580	37	41° 0' 51.4"	76° 45' 41.6"

Permanent stream impacts in Montour County total 0.02 acre of the total 0.18 acre for the overall project. Permanent impacts to streams account for the footprint of the pipe and trench for construction through streams. Temporary stream impacts in Lycoming County total 0.28 acre out of 2.69 acres for the overall project. Permanent wetland impacts in Montour County total 0.12 acre of the total 0.71 acre for the project. Permanent impacts include both the footprint of the pipe and trench through a wetland and the permanent conversion of PFO or PSS wetland in areas where the ROW will be maintained. Temporary impacts to wetlands for Montour County total 0.55 acre of the total 2.76 acres for the overall project. Waterbody channel crossings shall be completed in the dry by hydraulic directional drilling, flumed method of crossing or dam and pump method of crossing. Wet cutting waterbody channels are not authorized under this permit authorization. Wetland crossings shall be completed by open trench methods as described in the permit documents. This permit also authorizes the construction, removal, and restoration of disturbed areas for temporary stream crossings for construction vehicle access and construction of pipeline.

The detailed information regarding the Chapter 105 permit application related to the authorization of this project, which is available in the DEP Northcentral Regional Office; please contact David W. Garg, P.E., Environmental Program Manager at 570-321-6581 to request a file review.

**E49-337, UGI Sunbury, LLC**, 1575 SR 292 East, Dallas, PA 18612. Sunbury Pipeline Project, in East Chillisquaque and Point Townships, **Northumberland County**, ACOE Baltimore District. This project begins at the intersection of Creek Road and Bridge Road in East Chillisquaque Township, Northumberland County at the Montour/Northumberland County Line (Latitude: 41°00'14.67", Longitude: 76°46'20.43") and terminates at the Union/Northumberland County Line 0.7 mile south on Kitchens Road from the intersection of Kitchens Road and River Edge Lane Point Township, Northumberland County.

To construct, operate and maintain 34.4 miles of 20 inch pipeline for the purpose of transporting natural gas from its origin in Lycoming County to its terminal point at Hummels Station in Snyder County.

This permit authorizes the following Stream Impacts:

<i>Resource</i>	<i>Temporary Impacts (ft<sup>2</sup>)</i>	<i>Permanent Impacts (ft<sup>2</sup>)</i>	<i>Latitude (North)</i>	<i>Longitude (West)</i>
PEM W-MAB-001	669	40	40° 59' 27.2"	76° 47' 04.2"
PSS W-CMB-019	0	1,784	40° 59' 7.8"	76° 47' 24.7"
PEM W-CMB-019	2,363	217	40° 59' 7.8"	76° 47' 24.7"
PFO W-CMB-019	0	2,550	40° 59' 7.9"	76° 47' 24.9"
PFO W-MAB-206	0	516	40° 58' 47.2"	76° 47' 45.2"
PSS W-CMB-022	0	3,338	40° 58' 29.6"	76° 48' 5.1"
PEM W-CMB-023	609	422	40° 58' 28.1"	76° 48' 03.2"
PEM W-WRA-379	1,115	61	40° 55' 56.3"	76° 48' 29.1"
PEM W-CMB-027	1,555	241	40° 55' 52.3"	76° 48' 31.9"
PFO W-MAB-004	0	1,170	40° 55' 1.8"	76° 49' 1.5"

## NOTICES

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<i>Resource</i>	<i>Temporary Impacts (ft<sup>2</sup>)</i>	<i>Permanent Impacts (ft<sup>2</sup>)</i>	<i>Latitude (North)</i>	<i>Longitude (West)</i>
PEM W-MAB-004	1,335	151	40° 55' 1.8"	76° 49' 1.5"
PEM W-CMB-038	2,647	117	40° 54' 54.6"	76° 49' 9.0"
PSS W-CMB-039	0	4,254	40° 54' 53.8"	76° 49' 8.7"
PEM W-CMB-040	5,068	0	40° 54' 45.9"	76° 49' 16.8"
PEM W-CMB-053	1,552	0	40° 54' 33.4"	76° 49' 29.7"
PEM W-CMB-054	2,897	0	40° 54' 37.0"	76° 49' 26.4"
PEM W-MAB-317	5,184	191	40° 54' 13.0"	76° 49' 44.4"

This permit also authorizes the following wetland impacts:

<i>Resource</i>	<i>Temporary Impacts (ft<sup>2</sup>)</i>	<i>Permanent Impacts (ft<sup>2</sup>)</i>	<i>Latitude (North)</i>	<i>Longitude (West)</i>
PEM W-MAB-001	669	40	40° 59' 27.2"	76° 47' 04.2"
PSS W-CMB-019	0	1,784	40° 59' 7.8"	76° 47' 24.7"
PEM W-CMB-019	2,363	217	40° 59' 7.8"	76° 47' 24.7"
PFO W-CMB-019	0	2,550	40° 59' 7.9"	76° 47' 24.9"
PFO W-MAB-206	0	516	40° 58' 47.2"	76° 47' 45.2"
PSS W-CMB-022	0	3,338	40° 58' 29.6"	76° 48' 5.1"
PEM W-CMB-023	609	422	40° 58' 28.1"	76° 48' 03.2"
PEM W-WRA-379	1,115	61	40° 55' 56.3"	76° 48' 29.1"
PEM W-CMB-027	1,555	241	40° 55' 52.3"	76° 48' 31.9"
PFO W-MAB-004	0	1,170	40° 55' 1.8"	76° 49' 1.5"
PEM W-MAB-004	1,335	151	40° 55' 1.8"	76° 49' 1.5"
PEM W-CMB-038	2,647	117	40° 54' 54.6"	76° 49' 9.0"
PSS W-CMB-039	0	4,254	40° 54' 53.8"	76° 49' 8.7"
PEM W-CMB-040	5,068	0	40° 54' 45.9"	76° 49' 16.8"
PEM W-CMB-053	1,552	0	40° 54' 33.4"	76° 49' 29.7"
PEM W-CMB-054	2,897	0	40° 54' 37.0"	76° 49' 26.4"
PEM W-MAB-317	5,184	191	40° 54' 13.0"	76° 49' 44.4"



This permit also authorizes the following mitigation descriptions:

<i>Resource</i>	<i>Temporary Impacts (ft<sup>2</sup>)</i>	<i>Permanent Impacts (ft<sup>2</sup>)</i>	<i>Latitude (North)</i>	<i>Longitude (West)</i>
PEM W-MAB-001	669	40	40° 59' 27.2"	76° 47' 04.2"
PSS W-CMB-019	0	1,784	40° 59' 7.8"	76° 47' 24.7"
PEM W-CMB-019	2,363	217	40° 59' 7.8"	76° 47' 24.7"
PFO W-CMB-019	0	2,550	40° 59' 7.9"	76° 47' 24.9"
PFO W-MAB-206	0	516	40° 58' 47.2"	76° 47' 45.2"
PSS W-CMB-022	0	3,338	40° 58' 29.6"	76° 48' 5.1"
PEM W-CMB-023	609	422	40° 58' 28.1"	76° 48' 03.2"
PEM W-WRA-379	1,115	61	40° 55' 56.3"	76° 48' 29.1"
PEM W-CMB-027	1,555	241	40° 55' 52.3"	76° 48' 31.9"
PFO W-MAB-004	0	1,170	40° 55' 1.8"	76° 49' 1.5"
PEM W-MAB-004	1,335	151	40° 55' 1.8"	76° 49' 1.5"
PEM W-CMB-038	2,647	117	40° 54' 54.6"	76° 49' 9.0"
PSS W-CMB-039	0	4,254	40° 54' 53.8"	76° 49' 8.7"
PEM W-CMB-040	5,068	0	40° 54' 45.9"	76° 49' 16.8"
PEM W-CMB-053	1,552	0	40° 54' 33.4"	76° 49' 29.7"
PEM W-CMB-054	2,897	0	40° 54' 37.0"	76° 49' 26.4"
PEM W-MAB-317	5,184	191	40° 54' 13.0"	76° 49' 44.4"

Permanent stream impacts in Northumberland County total 0.14 acre of the total 0.18 acre for the overall project. Permanent impacts to streams account for the footprint of the pipe and trench for construction through streams. Temporary stream impacts in Northumberland County total 2.01 acres of 2.69 acres for the overall project. Permanent wetland impacts in Northumberland County total 0.35 acre of the total 0.71 acre for the project. Permanent impacts include both the footprint of the pipe and trench through a wetland and the permanent conversion of PFO or PSS wetland in areas where the ROW will be maintained. Temporary impacts to wetlands for Northumberland County total 0.57 acre of the total 2.76 acres for the overall project. Waterbody channel crossings shall be completed in the dry by hydraulic directional drilling, flumed method of crossing or dam and pump method of crossing. Wet cutting waterbody channels are not authorized under this permit authorization. Wetland crossings shall be completed by open trench methods as described in the permit documents. This permit also authorizes the construction, removal, and restoration of disturbed areas for temporary stream crossings for construction vehicle access and construction of pipeline.

The detailed information regarding the Chapter 105 permit application related to the authorization of this project, which is available in the DEP Northcentral Regional Office; please contact David W. Garg, P.E., Environmental Program Manager at 570-321-6581 to request a file review.

**E55-231 UGI Sunbury, LLC**, 1575 SR 292 East, Dallas, PA 18612. Sunbury Pipeline Project, in Monroe Township and Shamokin Dam Borough, **Snyder County**, ACOE Baltimore District. This project begins the Snyder/Union County Line on County Line Road just east of the intersection with Mulls Hollow Road in Monroe Township, Snyder County (Latitude: 40°53'20.34", Longitude: 76°50'0.6") and terminates Hummels Station Power Plant Monroe Township, Snyder County (Latitude: 40°50'19", Longitude: 76°49'35").

To construct, operate and maintain 34.4 miles of 20 inch pipeline for the purpose of transporting natural gas from its origin in Lycoming County to its terminal point at Hummels Station in Snyder County.

This permit authorizes the following stream impacts:

<i>Resource and Designated Use</i>	<i>Existing Use/ Other classification</i>	<i>Temporary Impacts (ft<sup>2</sup>)</i>	<i>Permanent impacts (ft<sup>2</sup>)</i>	<i>Latitude (North)</i>	<i>Longitude (West)</i>
UNT to Susquehanna River WWF, MF	none	1,086	62	40° 52' 29.0"	76° 50' 4.6"
UNT to Susquehanna River WWF, MF	none	592	33	40° 52' 9.9"	76° 49' 59.9"
UNT to Susquehanna River WWF, MF	none	961	54	40° 51' 18.2"	76° 49' 49.4"
UNT to Susquehanna River WWF, MF	none	1,190	69	40° 51' 11.3"	76° 49' 55.4"
UNT to Susquehanna River WWF, MF	none	396	0	40° 50' 40.1"	76° 49' 51.2"
UNT to Susquehanna River WWF, MF	none	2,271	110	40° 50' 40.1"	76° 49' 51.2"
UNT to Susquehanna River WWF, MF	none	341	28	40° 50' 37.2"	76° 49' 47.4"
UNT to Susquehanna River WWF, MF	none	84	0	40° 50' 34.3"	76° 49' 45.2"

This Permit also authorizes the following wetland impacts:

<i>Resource and Designated Use</i>	<i>Existing Use/ Other classification</i>	<i>Temporary Impacts (ft<sup>2</sup>)</i>	<i>Permanent impacts (ft<sup>2</sup>)</i>	<i>Latitude (North)</i>	<i>Longitude (West)</i>
UNT to Susquehanna River WWF, MF	none	1,086	62	40° 52' 29.0"	76° 50' 4.6"
UNT to Susquehanna River WWF, MF	none	592	33	40° 52' 9.9"	76° 49' 59.9"
UNT to Susquehanna River WWF, MF	none	961	54	40° 51' 18.2"	76° 49' 49.4"
UNT to Susquehanna River WWF, MF	none	1,190	69	40° 51' 11.3"	76° 49' 55.4"
UNT to Susquehanna River WWF, MF	none	396	0	40° 50' 40.1"	76° 49' 51.2"
UNT to Susquehanna River WWF, MF	none	2,271	110	40° 50' 40.1"	76° 49' 51.2"
UNT to Susquehanna River WWF, MF	none	341	28	40° 50' 37.2"	76° 49' 47.4"
UNT to Susquehanna River WWF, MF	none	84	0	40° 50' 34.3"	76° 49' 45.2"

This permit also authorizes the following mitigation:

<i>Resource and Designated Use</i>	<i>Existing Use/ Other classification</i>	<i>Temporary Impacts (ft<sup>2</sup>)</i>	<i>Permanent impacts (ft<sup>2</sup>)</i>	<i>Latitude (North)</i>	<i>Longitude (West)</i>
UNT to Susquehanna River WWF, MF	none	1,086	62	40° 52' 29.0"	76° 50' 4.6"
UNT to Susquehanna River WWF, MF	none	592	33	40° 52' 9.9"	76° 49' 59.9"
UNT to Susquehanna River WWF, MF	none	961	54	40° 51' 18.2"	76° 49' 49.4"
UNT to Susquehanna River WWF, MF	none	1,190	69	40° 51' 11.3"	76° 49' 55.4"
UNT to Susquehanna River WWF, MF	none	396	0	40° 50' 40.1"	76° 49' 51.2"
UNT to Susquehanna River WWF, MF	none	2,271	110	40° 50' 40.1"	76° 49' 51.2"
UNT to Susquehanna River WWF, MF	none	341	28	40° 50' 37.2"	76° 49' 47.4"
UNT to Susquehanna River WWF, MF	none	84	0	40° 50' 34.3"	76° 49' 45.2"

Permanent stream impacts in Snyder County total 0.01 acre out of the total 0.18 acre for the overall project. Temporary stream impacts in Snyder County total 0.16 acre out of 2.69 acres for the overall project. Permanent impacts in Snyder County total less than 0.01 acre of the total 0.71 acre for the project. Permanent impacts include both the footprint of the pipe and trench through a wetland and the permanent conversion of PFO or PSS wetland in areas where the ROW will be maintained. Temporary impacts to wetlands for Snyder County total 0.02 acre of the total 2.76 acres for the overall project. Waterbody channel crossings shall be completed in the dry by hydraulic directional drilling, flumed method of crossing or dam and pump method of crossing. Wet cutting waterbody channels are not authorized under this permit authorization. Wetland crossings shall be completed by open trench methods as described in the permit documents. This permit also authorizes the construction, removal, and restoration of disturbed areas for temporary stream crossings for construction vehicle access and construction of pipeline.

The detailed information regarding the Chapter 105 permit application related to the authorization of this project, which is available in the DEP Northcentral Regional Office; please contact David W. Garg, P.E., Environmental Program Manager at 570-321-6581 to request a file review.

**E60-225 UGI Sunbury, LLC**, 1575 SR 292 East, Dallas, PA 18612. Sunbury Pipeline Project, in Union Township, Union County, ACOE Baltimore District. This project begins at Union/Northumberland County Line 0.7 mile south on Kitchens Road from the intersection of Kitchens Road and River Edge Lane, Union Township, Union County and terminates at the Snyder/Union County Line on County Line Road just east of the intersection with Mulls Hollow Road in Union Township, Union County (Latitude: 40°53'20.34", Longitude: 76°50'0.6").

To construct, operate and maintain 34.4 miles of 20 inch pipeline for the purpose of transporting natural gas from its origin in Lycoming County to its terminal point at Hummels Station in Snyder County.

This permit authorizes the following wetland crossings:

<i>Resource</i>	<i>Temporary Impacts (ft<sup>2</sup>)</i>	<i>Permanent Impacts (ft<sup>2</sup>)</i>	<i>Latitude (North)</i>	<i>Longitude (West)</i>
PEM W-WRA-392	3,795	144	40° 53' 49.3"	76° 49' 58.0"
PEM W-WRA-388	1,823	59	40° 53' 45.7"	76° 50' 0.2"
PEM W-WRA-493	1,515	0	40° 53' 45.5"	76° 50' 1.3"
PEM W-WRA-494	594	0	40° 53' 46.3"	76° 50' 1.1"
PEM W-WRA-495	577	0	40° 53' 46.4"	76° 50' 2.9"

<i>Resource</i>	<i>Temporary Impacts (ft<sup>2</sup>)</i>	<i>Permanent Impacts (ft<sup>2</sup>)</i>	<i>Latitude (North)</i>	<i>Longitude (West)</i>
PEM W-WRA-386	628	36	40° 53' 39.7"	76° 49' 55.2"
PEM W-WRA-385	809	48	40° 53' 38.2"	76° 49' 56.1"

This permit also authorizes the following mitigation for permanent wetland impacts:

<i>Resource</i>	<i>Temporary Impacts (ft<sup>2</sup>)</i>	<i>Permanent Impacts (ft<sup>2</sup>)</i>	<i>Latitude (North)</i>	<i>Longitude (West)</i>
PEM W-WRA-392	3,795	144	40° 53' 49.3"	76° 49' 58.0"
PEM W-WRA-388	1,823	59	40° 53' 45.7"	76° 50' 0.2"
PEM W-WRA-493	1,515	0	40° 53' 45.5"	76° 50' 1.3"
PEM W-WRA-494	594	0	40° 53' 46.3"	76° 50' 1.1"
PEM W-WRA-495	577	0	40° 53' 46.4"	76° 50' 2.9"
PEM W-WRA-386	628	36	40° 53' 39.7"	76° 49' 55.2"
PEM W-WRA-385	809	48	40° 53' 38.2"	76° 49' 56.1"

The total project will permanently impact 0.18 acre of streams and 0.71 acre of wetlands, including 0.59 acre of permanent conversion requiring 1.18 acre of mitigation. The project will temporarily impact 2.69 acres of streams and 2.76 acres of wetlands. Waterbody channel crossings shall be completed in the dry by hydraulic directional drilling, flumed method of crossing or dam and pump method of crossing. Wet cutting waterbody channels are not authorized under this permit authorization. Wetland crossings shall be completed by open trench methods as described in the permit documents. This permit also authorizes the construction, removal, and restoration of disturbed areas for temporary stream crossings for construction vehicle access and construction of pipeline.

The detailed information regarding the Chapter 105 permit application related to the authorization of this project, which is available in the DEP Northcentral Regional Office; please contact David W. Garg, P.E., Environmental Program Manager at 570-321-6581 to request a file review.

#### 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.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, PA 17701*

ESCP 2 # ESG 040001 50001  
 Applicant Name UGI, Sunbury, LLC  
 Contact Person Casey Morgan  
 Address 1525 SR 292 East  
 City, State, Zip Dallas, PA 18612  
 County Northumberland, Lycoming, Snyder, Montour, Union  
 Township(s) East Chillisquaque Twp, Point Twp, Franklin Twp, Moreland Twp, Monroe Twp, Shamokin Dam Borough,  
 Anthony Twp, Derry Twp, Limestone Twp, Liberty Twp



Receiving Stream(s) and Classification(s) UNTs to Beaver Run, CWF  
 Little Muncy Creek and UNT, CWF  
 German Run and UNTs, CWF  
 Laurel Run and UNT, CWF  
 West Branch Chillisquaque Creek and UNT, WWF  
 UNTs to Middle Branch Chillisquaque Creek, WWF  
 County Line Branch, WWF  
 Limestone Run, WWF  
 Chillisquaque Creek and UNTs, WWF  
 West Branch Susquehanna River and UNTs, WWF  
 UNTs to Susquehanna River, WWF

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>ESCGP-2 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG000630160001	Columbia Gas Transmission, LLC 1700 MacCorkle Avenue, SE P.O. Box 1273 Charleston, WV 25314	Indiana County	Center Township, Blacklick Township, Conemaugh Township, and Young Township	Conemaugh River (WWF), Elders Run (CSF), Roaring Run (CWF), Miller Run (TSF), Authmans Run (TSF), and Stewart Run (CWF)

*Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

*Erie County Conservation District, 1927 Wager Road, Erie, PA 16509*

<i>ESCGP -2 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG 00 049 16 0001	National Fuel Gas Corporation PO Box 2081 1100 State Street Erie, PA 16501	Erie	Venango Township and Wattsburg Borough	French Creek WWF

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-2 #ESX10-083-0017A—MROC Pad A Renewal  
 Applicant Triana Energy, LLC  
 Contact Walter Showen, III  
 Address 900 Virginia Street East  
 City Charleston State WV Zip Code 25301  
 County McKean Township(s) Lafayette & Bradord  
 Receiving Stream(s) and Classification(s) UNT of East  
 Branch Tunungwant Creek HQ-CWF, UNTs of Railroad  
 Run EV-CWF

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-2 # ESX29-115-16-0009  
 Applicant Name Williams Field Services Co LLC  
 Contact Person Lauren Miladinovich  
 Address Park Place Corp Ctr 2, 2000 Commerce Drive  
 City, State, Zip Pittsburgh, PA 15275-1026  
 County Susquehanna  
 Township(s) Bridgewater & Jessup  
 Receiving Stream(s) and Classification(s) S Branch of  
 Wyalusing Ck (CWF-MF)and UNT thereto, Trib to  
 White Creek (CWF-MF)

ESCGP-2 # ESX29-015-16-0014  
 Applicant Name Chesapeake Appalachia LLC  
 Contact Person Eric Haskins  
 Address 14 Chesapeake Lane  
 City, State, Zip Sayre, PA 18840  
 County Bradford  
 Township(s) Ulster  
 Receiving Stream(s) and Classification(s) UNT to Sugar  
 Ck (WWF, MF); Cash Ck (WWF, MF)  
 Secondary—Sugar Ck

ESCGP-2 # ESG29-081-16-0004  
 Applicant Name Anadarko Marcellus Midstream LLC  
 Contact Person Stephen Barondeau  
 Address 33 W Third St, Suite 200  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming  
 Township(s) Cascade  
 Receiving Stream(s) and Classification(s) Salt Run (EV)  
 Secondary—Wallis Run (EV)

ESCGP-2 # ESG29-081-16-0007  
 Applicant Name Regency Marcellus Gas Gathering LLC  
 Contact Person Kevin Roberts  
 Address 101 W Third St  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming  
 Township(s) Pine  
 Receiving Stream(s) and Classification(s) Bear Run (EV),  
 UNT to Blockhouse Ck (EV)  
 Secondary—Little Pine Ck (EV); Blockhouse Ck (EV)

ESCGP-2 # ESX29-131-16-0005  
 Applicant Name Chesapeake Appalachia LLC  
 Contact Person Brian Davis  
 Address 14 Chesapeake Lane  
 City, State, Zip Sayre, PA 18840  
 County Wyoming  
 Township(s) Washington  
 Receiving Stream(s) and Classification(s) Meshoppen Ck  
 (CWF); West Branch Meshoppen Ck (CWF)  
 Secondary—Susquehanna River (WWF); Meshoppen Ck  
 (CWF)

ESCGP-2 # ESX29-115-16-0013  
 Applicant Name Williams Field Services Co  
 Contact Person Matt Anderson  
 Address 310 SR 29 N

City, State, Zip Tunkhannock, PA 18657  
 County Susquehanna  
 Township(s) Brooklyn  
 Receiving Stream(s) and Classification(s) UNT to Dry Ck  
 (CWF-MF)

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## SPECIAL NOTICES

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### NPDES Permit Notice of Settlement under 25 Pa. Code § 92a.88

*Western Beaver County School District v. Commonwealth of Pennsylvania, Department of Environmental Protection; EHB Docket No. 2016-019-B*

*Southwest Regional Office: 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4000*

The above matter involved the appeal of the National Pollutant Discharge Elimination System Permit No. PA0030864 ("NPDES Permit"), which was issued to Western Beaver County School District on January 7, 2016, authorizing the discharge of treated sewage from the Fairview Elementary School Sewage Treatment Plant ("STP") at outfall 001 to a swale to Island Run. The STP is located in Ohioville Borough, Beaver County, and owned and operated by the Western Beaver County School District ("School District").

The Department's final action to resolve this NPDES Permit appeal was a settlement as reflected by a May 23, 2016 Consent Order and Agreement entered into by the Department and the School District. The School District challenged, inter alia, monitoring frequency requirements. The major provisions of the settlement require the School District (i) to continue to monitor at the frequency contained in the NPDES permit as issued; (ii) to design and construct additional treatment facilities to achieve compliance with the effluent limitations in the NPDES Permit; (iii) to develop a process Control Plan for the operation and maintenance of the STP; (iv) to pay a civil penalty of \$5,500 for past effluent limitation violations; and (v) to withdraw its EHB appeal with prejudice. Upon demonstrating compliance with all effluent limitations in the NPDES Permit, the School District can request the Department to decrease monitoring requirements for certain parameters regulated by the NPDES Permit. The Department will respond to the request.

Copies of the full agreement are in the possession of Bruce M. Herschlag, Assistant Regional Counsel, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4262; and Alfred L. Steff, Jr., Esquire, Wallover & Steff, 664 Fourth Street, Beaver, PA 15009, (724) 774-6270. Copies of the full agreement may be reviewed by an interested person on request during normal business hours.

Any person believing himself aggrieved by the above Consent Order and Agreement has a right to appeal to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, Pennsylvania 17105-8457. Appeals must be filed within 30 days of this publication.

If information concerning this notice is required in an alternative form, please contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Service at (800) 654-5984.

[Pa.B. Doc. No. 16-1258. Filed for public inspection July 22, 2016, 9:00 a.m.]

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### Aggregate Advisory Board Meeting Change

The Aggregate Advisory Board meeting originally scheduled to be held Wednesday, August 3, 2016, at 10 a.m. in the Department of Environmental Protection Central Office has been moved to the Glenn O. Hawbaker Facility, 118 Bedrock Lane, Pleasant Gap, PA 16823. The meeting will also be offered in a conference call format.

Questions concerning the meeting can be directed to Daniel E. Snowden, DEd at (717) 783-8846 or dsnowden@pa.gov. The agenda and meeting materials are available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Mining Advisory Committees," then "Aggregate Advisory Board").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Daniel E. Snowden, DEd at (717) 783-8846 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 16-1259. Filed for public inspection July 22, 2016, 9:00 a.m.]

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### Environmental Justice Advisory Board Meeting Change

The Environmental Justice Advisory Board meeting originally scheduled to be held Tuesday, August 2, 2016, at 10 a.m. in the Department of Environmental Protection Central Office has been moved to the Department of Environmental Protection Southwest Regional Office Building, Waterfront A Conference Room, 400 Waterfront Drive, Pittsburgh, PA 15222.

Questions concerning the meeting can be directed to Carl Jones, Director of Environmental Justice at (484) 250-5818 or caejone@pa.gov. The agenda and meeting materials will be available on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Environmental Justice Advisory Board").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Carl Jones directly at (484) 250-5818, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD), or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 16-1260. Filed for public inspection July 22, 2016, 9:00 a.m.]

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### Pennsylvania Small Business Advantage Grant Availability

The Department of Environmental Protection (Department) announces the availability of up to \$1 million of grant funding in the 13th year of the Commonwealth's Small Business Advantage Grant Program (Program) for

small businesses that adopt or acquire equipment or processes that promote pollution prevention or energy efficiency projects, or both. With over 900,000 small businesses in this Commonwealth, a well designed energy efficiency or pollution prevention project can help small businesses cut operating costs and complement the economy, while simultaneously protecting the environment.

The Program is a first-come, first-served grant program that provides up to 50% reimbursement matching grants, up to a maximum of \$9,500. Eligible projects must save the small business a minimum of \$500 and at least 25% annually in energy consumption or pollution related expenses.

An eligible applicant must have 100 or fewer employees, be a for-profit small business owner and be taxed as a for-profit business located within this Commonwealth. The project to which the grant will apply must be located within the applicant's Commonwealth facility.

For a copy of the application package and to review the Program's administrative requirements, contact the Department's Grants Center at (717) 705-5400 or from the Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov), search "Small Business Advantage Grants," then click "Small Business Ombudsman's Office." To ask a technical question concerning a project, write to [epadvantagegrant@pa.gov](mailto:epadvantagegrant@pa.gov) before submitting an application.

Applications may be submitted on or after July 25, 2016, and will be accepted until the funds are exhausted for this fiscal year. Faxes or other electronic submissions will not be accepted.

Completed applications can be mailed to the Department of Environmental Protection Grants Center, P.O. Box 8776, Harrisburg, PA 17105-8776, or hand-delivered

or sent by other shipping services to the Department of Environmental Protection Grants Center, 15th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301. The application package contains the materials and instructions necessary for applying for the Small Business Advantage Grant.

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 16-1261. Filed for public inspection July 22, 2016, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Lease Office Space to the Commonwealth

#### Montgomery County, Chester County, Delaware County or Philadelphia County

Proposers are invited to provide the Department of General Services with 93,082 usable square feet of office space for the Office of Attorney General in Montgomery County, Chester County, Delaware County or Philadelphia County. For more information on SFP No. 94812, which is due on Thursday, September 1, 2016, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact Jerry Munley, (717) 525-5231, [gmunley@pa.gov](mailto:gmunley@pa.gov).

CURTIS M. TOPPER,  
*Secretary*

[Pa.B. Doc. No. 16-1262. Filed for public inspection July 22, 2016, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals), with the exception of 28 Pa. Code § 153.1 (relating to minimum standards). Exception requests related to 28 Pa. Code § 153.1 are listed separately in this notice.

<i>Facility Name</i>	<i>Regulation</i>
Lansdale Hospital	28 Pa. Code § 107.61 (relating to written orders)
Regional Hospital of Scranton	28 Pa. Code § 107.61
UPMC Mercy	28 Pa. Code § 101.12 (relating to exceptions for innovative programs)

The following hospitals are requesting exceptions under 28 Pa. Code § 153.1. Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities (Guidelines)*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception, as well as the publication year of the applicable *Guidelines*.

<i>Facility Name</i>	<i>Guidelines Section</i>	<i>Relating to</i>	<i>Publication Year</i>
Geisinger Community Medical Center	2.2-3.4.5.2	Space requirements (ultrasound facilities)	2014
St. Luke's Hospital—Anderson Campus	2.1-2.6.11.2	Equipment and supply storage room or alcove	2014
Warren General Hospital	3.7-3.2.3.1	Area (space requirements)	2014

All requests previously listed are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov). Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed



previously. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 16-1263. Filed for public inspection July 22, 2016, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Bonham Nursing Center  
477 Bonnieville Road  
Stillwater, PA 17878  
FAC ID # 022802

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.20(a) (relating to resident bedrooms):

Messiah Lifeways at Messiah Village  
100 Mount Allen Road  
Mechanicsburg, PA 17055  
FAC ID # 910802

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 16-1264. Filed for public inspection July 22, 2016, 9:00 a.m.]

### Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board (Board), established under section 1252 of the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52), will hold a public meeting on Friday, August 5, 2016, from 10 a.m. to 3 p.m. in the large conference room of the

Community Center, 2nd Floor, Giant Food Store, 2300 Linglestown Road, Harrisburg, PA 17110.

Currently in this Commonwealth, nearly 250,000 individuals are living with brain injury. On average, 8,600 residents of this Commonwealth sustain long-term disabilities from brain injury each year. The Department of Health's (Department) Head Injury Program (HIP) strives to ensure that eligible individuals who have a traumatic brain injury receive high quality rehabilitative services aimed at reducing functional limitations and improving quality of life. The Board assists the Department in understanding and meeting the needs of persons living with traumatic brain injury and their families. This quarterly meeting will provide updates on a variety of topics including the number of people served by HIP. In addition, meeting participants will discuss budgetary and programmatic issues, community programs relating to traumatic brain injury and available advocacy opportunities.

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 Julie Hohny, Division of Child and Adult Health Services, (717) 772-2762, 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.

This meeting is subject to cancellation without notice.

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 16-1265. Filed for public inspection July 22, 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.

Parcel 11, Borough of Bethel Park, Allegheny County. The parcel contains approximately 16,607.77 ± square feet of unimproved land located along Baptist Road at the intersection with Millennium Drive. The estimated fair market value of the parcel is \$8,400.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days



from the date of publication of this notice to H. Daniel Cessna, PE, District Executive, Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 16-1266. Filed for public inspection July 22, 2016, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Sierra Club v. DEP and Lackawanna Energy Center, LLC, Permittee; EHB Doc. No. 2016-104-L

Sierra Club has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Lackawanna Energy Center, LLC located in Jessup Borough, Lackawanna County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 16-1267. Filed for public inspection July 22, 2016, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Additions to List of Class A Wild Trout Waters

The Fish and Boat Commission (Commission) approved the addition of three stream sections to its list of Class A Wild Trout Streams as set forth at 46 Pa.B. 2382 (May 7, 2016). Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource and to conserve that resource and the angling that it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 16-1268. Filed for public inspection July 22, 2016, 9:00 a.m.]

### Classification of Wild Trout Streams; Additions and Revisions

The Fish and Boat Commission (Commission) approved the addition of 99 new waters to its list of wild trout streams and the revision of the section limits of 6 streams already on the list as published at 46 Pa.B. 2377 (May 7, 2016). Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Commission to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams. The Commission's Fisheries Management Division maintains the complete list of wild trout streams and it is available on the Commission's web site at [http://www.fish.state.pa.us/trout\\_repro.htm](http://www.fish.state.pa.us/trout_repro.htm).

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 16-1269. Filed for public inspection July 22, 2016, 9:00 a.m.]

### Classification of Wild Trout Streams; Proposed Additions and Revisions; September 2016

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time to time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

At the next Commission meeting on September 26 and 27, 2016, the Commission will consider changes to its list of wild trout streams. Specifically, the Commission will consider the addition of the following streams or portions of streams to the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Bedford	UNT to Ravers Run (RM 2.75)	Headwaters to Mouth	Ravers Run	40.187840 78.303210
Bedford	UNT to Raystown Branch Juniata River (RM 39.23)	Headwaters to Mouth	Raystown Branch Juniata River	40.214470 78.264470

## NOTICES

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<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Blair	UNT to Sinking Run (Arch Spring)	Headwaters to Mouth	Sinking Run	40.606088 78.202852
Cambria	UNT to Laurel Run (RM 5.35)	Headwaters to Mouth	Laurel Run	40.410427 78.896031
Cambria	UNT to Laurel Run (RM 5.73)	Headwaters to Mouth	Laurel Run	40.414319 78.892338
Cambria	UNT to Williams Run (RM 0.53)	Headwaters to Mouth	Williams Run	40.487214 78.773909
Cambria	Williams Run	Outflow Williams Run Reservoir to Mouth	South Branch Blacklick Creek	40.480953 78.771072
Cameron	Cards Hollow Run	Headwaters to Mouth	West Creek	41.471828 78.349297
Cameron	Reed Hollow Run	Headwaters to Mouth	West Creek	41.480546 78.401441
Centre	Arctic Springs Run	Headwaters to Mouth	Sixmile Run	40.904252 78.108979
Centre	Gum Stump Run	Headwaters to Mouth	Wallace Run	40.978836 77.849785
Centre	Korman Gap Run	Headwaters to Mouth	Pine Creek	40.879502 77.414558
Centre	UNT to Sixmile Run (RM 5.72)	Headwaters to Mouth	Sixmile Run	40.877835 78.115779
Chester	Ring Run	Headwaters to 45 meters downstream of Hickory Hill Road (T-434) Bridge	Brandywine Creek	39.871944 75.596944
Clearfield	UNT to Jack Dent Branch (RM 1.99)	Headwaters to Mouth	Jack Dent Branch	41.229641 78.360309
Columbia	Bee Sellers Hollow	Headwaters to Mouth	Fishing Creek	41.133333 76.361944
Elk	Lappin Run	Headwaters to Mouth	Spring Creek	41.407791 78.933823
Elk	Little Crow Run	Headwaters to Mouth	Spring Creek	41.408051 78.933525
Elk	Little Run	Headwaters to Mouth	Spring Creek	41.430080 78.955223
Elk	UNT to Little Toby Creek (RM 2.80)	Headwaters to Mouth	Little Toby Creek	41.336700 78.831415
Erie	Alder Run	Headwaters to Fenno Road Bridge	French Creek	41.970833 79.861111
Erie	Hubbel Run	Headwaters to UNT at RM 2.93	French Creek	41.997849 79.809637
Erie	UNT to South Branch French Creek (RM 18.94)	Headwaters to Mouth	South Branch French Creek	41.917794 79.691445
Fayette	Bruner Run	Headwaters to Mouth	Youghiogheny River	39.926983 79.486234
Fayette	UNT to Mill Run (RM 5.13)	Headwaters to Mouth	Mill Run	39.807108 79.658772
Fayette	UNT to Poplar Run (RM 3.12)	Headwaters to Mouth	Poplar Run	40.039019 79.446222
Forest	Kemp Run	Headwaters to Mouth	Spring Creek	41.479980 78.984749
Forest	Pearsall Run	Headwaters to Mouth	Spring Creek	41.454842 78.970306
Forest	Pigeon Run	Headwaters to Mouth	Spring Creek	41.469231 78.964310

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Forest	UNT to Tionesta Creek (RM 25.85)	Headwaters to Mouth	Tionesta Creek	41.596407 79.179359
Forest	UNT to Tionesta Creek (RM 35.19)	Headwaters to Mouth	Tionesta Creek	41.611462 79.041733
Huntingdon	Maddern Run	Headwaters to Mouth	Mill Creek	40.503925 77.886337
Huntingdon	UNT to Great Trough Creek (RM 27.79)	Headwaters to Mouth	Great Trough Creek	40.182790 78.113810
Indiana	Rishell Run	Headwaters to Mouth	Little Mahoning Creek	40.829071 78.939819
Indiana	UNT to Carney Run (RM 1.01)	Headwaters to Mouth	Carney Run	40.526822 78.910395
Indiana	UNT to Little Mahoning Creek (RM 27.94)	Headwaters to Mouth	Little Mahoning Creek	40.818298 78.926361
Jefferson	Indiancamp Run	Headwaters to Mouth	Little Sandy Creek	41.032533 79.050625
Jefferson	Stony Run	Headwaters to Mouth	Clover Run	40.941040 78.829680
Jefferson	UNT to Clover Run (RM 3.98)	Headwaters to Mouth	Clover Run	40.934851 78.822334
Jefferson	UNT to Clover Run (RM 2.22)	Headwaters to Mouth	Clover Run	40.942637 78.842705
Lancaster	Peters Creek	Headwaters to Mouth	Susquehanna River	39.757882 76.232177
Lehigh	UNT to UNT to Ontelaunee Creek (Slate Run)	Headwaters to Mouth	UNT to Ontelaunee Creek (Slate Run)	40.683102 75.805624
Luzerne	Pond Creek	Headwaters to Mouth	Sandy Run	41.009444 75.769444
Lycoming	Buck Run	Headwaters to Mouth	Little Muncy Creek	41.257004 76.504967
Lycoming	French Settlement Run	Headwaters to Mouth	Mosquito Creek	41.211520 77.029810
Lycoming	Third Gap Run	Headwaters to Mouth	White Deer Valley Run	41.111659 77.090254
Lycoming	UNT to Mosquito Creek (RM 4.46)	Headwaters to Mouth	Mosquito Creek	41.190531 77.068400
Lycoming	West Branch Little Muncy Creek	Headwaters to Mouth	Little Muncy Creek	41.251331 76.533371
McKean	Berger Hollow Run	Headwaters to Mouth	South Branch Knapp Creek	41.934158 78.480670
McKean	Coon Hollow Run	Headwaters to UNT at RM 1.10	Bell Run	41.930641 78.226685
McKean	Drake Hollow Run	Headwaters to Mouth	Indian Creek	41.987000 78.424880
McKean	Lynch Hollow Run	Headwaters to Mouth	Kings Run	41.955997 78.280479
McKean	UNT to Knapp Creek (RM 5.32)	Headwaters to Mouth	Knapp Creek	41.934630 78.445450
McKean	UNT to Knapp Creek (RM 6.06)	Headwaters to Mouth	Knapp Creek	41.937116 78.455290
McKean	UNT to Marvin Creek (RM 5.37)	Headwaters to Mouth	Marvin Creek	41.780504 78.505967
Monroe	Stony Run	Headwaters to Mouth	Tobyhanna Creek	41.110000 75.622222

## NOTICES

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<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Monroe	Twomile Run	Headwaters to Mouth	Tobyhanna Creek	41.100000 75.614444
Monroe	UNT to Bush Kill (RM 9.90) (Resica Falls)	Headwaters to Mouth	Bush Kill	41.109612 75.093765
Monroe	UNT to Kettle Creek (RM 3.0)	Headwaters to Mouth	Kettle Creek	40.959014 75.292968
Monroe	UNT to McMichael Creek (RM 13.30)	Headwaters to Mouth	McMichael Creek	40.929935 75.360282
Monroe	UNT to McMichael Creek (RM 14.73)	Headwaters to Mouth	McMichael Creek	40.935616 75.382943
Monroe	UNT to McMichael Creek (RM 6.40)	Headwaters to Mouth	McMichael Creek	40.966058 75.263190
Northampton	UNT to Little Martins Creek (RM 1.64)	Headwaters to Mouth	Little Martins Creek	40.806739 75.182156
Northampton	UNT to Little Martins Creek (RM 2.16)	Headwaters to Mouth	Little Martins Creek	40.813570 75.181961
Northampton	UNT to Little Martins Creek (RM 3.23)	Headwaters to Mouth	Little Martins Creek	40.825523 75.175293
Northampton	UNT to Martins Creek (RM 6.11)	Headwaters to Mouth	Martins Creek	40.843949 75.202333
Northampton	UNT to Martins Creek (RM 8.80)	Headwaters to Mouth	Martins Creek	40.879706 75.209735
Perry	Bargers Run	Headwaters to Mouth	Susquehanna River	40.566820 76.992251
Pike	UNT to Saw Creek Pond	Headwaters to Mouth	Saw Creek	41.169463 75.070075
Potter	Doyle Hollow Run	Headwaters to Mouth	Bell Run	41.902126 78.203026
Potter	Moore Hollow Run	Headwaters to 1.0 km upstream from the Mouth	Cowanesque River	41.916775 77.623436
Potter	UNT to Right Branch Big Nelson Run (RM 1.89)	Headwaters to Mouth	Right Branch Big Nelson Run	41.587030 77.987780
Potter	UNT to Right Branch Big Nelson Run (RM 2.39)	Headwaters to Mouth	Right Branch Big Nelson Run	41.592500 77.982020
Potter	UNT to Teed Hollow Run (RM 0.44)	Headwaters to Mouth	Teed Hollow Run	41.697730 77.939490
Schuylkill	Koenigs Creek	Koenigs Creek Dam to Mouth	Little Schuylkill River	40.674812 75.994377
Schuylkill	Stuhls Run	Headwaters to Mouth	Muddy Branch	40.664812 76.303839
Schuylkill	UNT to Schuylkill River (RM 131.45)	Headwaters to Mouth	Schuylkill River	40.734588 76.081146
Schuylkill	UNT to West Creek (RM 0.75)	Headwaters to Mouth	West Creek	40.673548 76.282761
Snyder	UNT to Moyers Mill Run (RM 0.26)	Headwaters to Mouth	Moyers Mill Run	40.808552 77.177910
Snyder	UNT to Moyers Mill Run (RM 0.41)	Headwaters to Mouth	Moyers Mill Run	40.810204 77.179077
Somerset	Bucks Run	PA/MD state line to Mouth	Puzzley Run	39.729779 79.243743
Somerset	Elklick Creek	Outflow Laurel Falls Lake to Cranberry Run	Casselman River	39.818889 79.036944
Somerset	Licking Run	Headwaters to Groff Road Bridge at RM 0.36	Laurel Hill Creek	39.814876 79.342944
Somerset	UNT to Allen Creek (RM 0.74)	Headwaters to Mouth	Allen Creek	39.990789 79.271660



<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Somerset	UNT to Allen Creek (RM 1.68)	Headwaters to Mouth	Allen Creek	40.002022 79.277357
Somerset	UNT to Brush Creek (RM 10.30)	Headwaters to Mouth	Brush Creek	39.868160 78.897250
Somerset	UNT to Brush Creek (RM 8.93)	Headwaters to Mouth	Brush Creek	39.878837 78.882758
Somerset	UNT to Clear Shade Creek (RM 11.57)	Headwaters to Mouth	Clear Shade Creek	40.221367 78.693253
Somerset	UNT to Enos Run (RM 1.10)	Headwaters to Mouth	Enos Run	39.755522 79.225718
Somerset	UNT to Sandy Run (RM 4.59)	Headwaters to Mouth	Sandy Run	39.947330 79.341320
Somerset	UNT to Wills Creek (RM 11.82)	Headwaters to Mouth	Wills Creek	39.822350 78.759530
Somerset	UNT to Wills Creek (RM 18.24)	Headwaters to Mouth	Wills Creek	39.819725 78.836731
Somerset	UNT to Wills Creek (RM 21.16)	Headwaters to Mouth	Wills Creek	39.809040 78.874970
Somerset	UNT to Wills Creek (RM 22.54)	Headwaters to Mouth	Wills Creek	39.814792 78.896906
Warren	Dale Run	Headwaters to Mouth	Allegheny River	41.647186 79.406532
Warren	UNT to Allegheny River (RM 178.43)	Headwaters to Mouth	Allegheny River	41.768101 79.290604
Warren	UNT to Dutchman Run (RM 1.63)	Headwaters to Mouth	Dutchman Run	41.800839 79.096876
Westmoreland	Laurel Run	Headwaters to Mouth	White Oak Run	40.157501 79.284447
Westmoreland	UNT to Right Fork Mill Creek (RM 1.69)	Headwaters to Mouth	Right Fork Mill Creek	40.225579 79.114032

The Commission also will consider the following revision to the section limits of streams on the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Current Limits</i>	<i>Revised Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Somerset	North Fork Bens Creek	Headwaters to North Fork Reservoir	Headwaters to Mouth	Bens Creek	40.272222 78.978333

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

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

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 16-1270. Filed for public inspection July 22, 2016, 9:00 a.m.]

### **Closure; Muncy Access Area, West Branch Susquehanna River, Lycoming County**

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 53.4(a) (relating to limiting access to Commission property and other restrictions), has closed the Commission's Muncy Access Area, West Branch Susquehanna River, Lycoming County, to all public use. This restriction is effective when posted at the site and

will remain in effect until further notice. It is unlawful for any person to enter or remain upon Commission property during the times it is closed to public use, without the express written consent of the Executive Director or his designee.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 16-1271. Filed for public inspection July 22, 2016, 9:00 a.m.]

### Proposed Changes to List of Class A Wild Trout Waters; September 2016

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. With rare exceptions, the Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Biomass Class Criteria include provisions for:

(i) *Wild Brook Trout Fisheries*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild Brown Trout Fisheries*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) *Mixed Wild Brook and Brown Trout Fisheries*

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) *Wild Rainbow Trout Fisheries*

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

(v) *Mixed Wild Brook and Rainbow Trout Fisheries*

(A) Combined brook and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

(vi) *Mixed Wild Brown and Rainbow Trout Fisheries*

(A) Combined brown and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brown trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

During recent surveys, Commission staff documented the following stream sections to have Class A wild trout populations. The Commission intends to consider adding these waters to its list of Class A Wild Trout Streams at its meeting on September 26 and 27, 2016.

<i>County</i>	<i>Stream</i>	<i>Section</i>	<i>Limits</i>	<i>Tributary to</i>	<i>Mouth Lat / Lon</i>	<i>Brook Trout (kg / ha)</i>	<i>Brown Trout (kg / ha)</i>	<i>Rainbow Trout (kg / ha)</i>	<i>Length (miles)</i>	<i>Survey Year</i>
Carbon	UNT to Black Creek (RM 4.95)	1	Headwaters to head of concrete sluice	Black Creek	40.937846 75.828292	37.63	—	—	1.24	2015
Forest	UNT to Tionesta Creek (RM 25.85)	1	Headwaters to mouth	Tionesta Creek	41.596470 79.179359	31.07	—	—	0.90	2015
Luzerne	Dreck Creek	2	Outlet of Dam "G" to mouth	Hazle Creek	40.960822 75.885000	45.20	—	—	1.32	2015
Pike	Deep Brook	1	Headwaters to mouth	Vandermark Creek	41.334167 74.798058	35.69	—	—	2.93	2015

Persons with comments, objections or suggestions concerning the additions are invited to submit comments in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 16-1272. Filed for public inspection July 22, 2016, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, June 30, 2016, and announced the following:

*Action Taken—Regulation Disapproved: Second Disapproval Order Issued*

Pennsylvania Public Utility Commission # 57-304: Implementation of the Alternative Energy Portfolio Standards Act of 2004 (Amends 52 Pa. Code Chapter 75).

### Second Disapproval Order

Public Meeting Held  
June 30, 2016

*Commissioners Voting:* George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; W. Russell Faber; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Order Issued July 12, 2016*

*Pennsylvania Public Utility Commission—  
Implementation of the Alternative Energy Portfolio  
Standards Act of 2004  
Regulation No. 57-304 (# 3061)*

On June 23, 2014, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code Chapter 75. The proposed regulation was published in the July 5, 2014 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on March 22, 2016. At its May 19, 2016 public meeting, the Commission voted to disapprove the final-form regulation. On June 13, 2016, the PUC resubmitted the regulation under Section 7(c) of the Regulatory Review Act (RRA), exercising the option to resubmit its regulation with modifications and a report responding to the disapproval order. 71 P.S. § 745.7(c).

This final-form rulemaking revises the PUC's regulations pertaining to net metering, interconnection, and portfolio standard compliance provisions of the Alternative Energy Portfolio Standards Act (AEPS Act) to comply

with Act 35 of 2007 and Act 129 of 2008 amendments to the AEPS Act and to clarify certain issues of law, administrative procedure and policy.

The June 2, 2016 order issued by IRRC listed three reasons for the disapproval. First, it was determined that the PUC lacked the statutory authority to impose a limit on the amount of energy a customer-generator could sell back to their EDC. Section 75.13(a)(3) limited the amount of electricity an alternative energy system can generate to no more than 200% of the customer generator's annual electric consumption. The disapproval order stated that if the PUC decided to move forward by deleting that provision of the regulation, it should ensure that other provisions of the regulation do not limit a customer-generator's ability to net-meter excess generation it produces. Second, it was determined that the PUC did not establish a compelling need for imposing the limit found in § 75.13(a)(3). Finally, it was determined that imposing such a limit would be a policy decision of such a substantial nature that it would require legislative review.

On June 13, 2016, the PUC submitted a revised Regulatory Analysis Form, Preamble and final-form rulemaking. Quoted below, from page 10 of the Preamble, is the PUC's response to the disapproval order:

Upon consideration of the IRRC's concerns as outlined in its June 2, 2016 Order and the public comments submitted to IRRC regarding this rulemaking, the Commission will modify the final-form regulations by removing any reference to non-statutory limits to a customer-generator's ability to net meter excess generation it produces. Specifically, the Commission will remove the proposed Section 75.13(a)(3) and the reference to that section in the definition of utility. In addition, the Commission will renumber the remaining subsection under Section 75.13(a) as directed by the IRRC. As previously stated, based on our experience to date in implementing the current regulation, this Commission finds that it is necessary to update and revise these regulations to comply with Act 129 of 2008, and Act 35 of 2007, and to clarify certain issues of law, administrative procedures and policy. The final-form regulations, modified as requested by IRRC, will continue to meet this need.

The PUC also amended the Regulatory Analysis Form to reflect the changes made to the regulation.

Upon review of the revised regulatory package, comments and statements presented by the regulated community, and statements provided by the PUC at our public meeting of June 30, 2016, we again find that the rulemaking is not in the public interest for the following reasons.

First, the deletion of § 75.13(a)(3) and the revised definition of "utility" has created a regulation that is unclear and ambiguous. This violates Section 5.2(b)(3)(ii) of the RRA. 71 P.S. § 745.5b(b)(3)(ii). Based on the revised definition, we are unable to ascertain who would be eligible for net-metering under the PUC's regulations. As illustrated by the comments and statements made by parties that must comply with this regulation, this lack of clarity and regulatory uncertainty will cause confusion for the regulated community.

Second, the PUC has not convinced this Commission of the need for all provisions of this rulemaking. While we acknowledge that the rulemaking aligns certain sections of the PUC's regulations with statutory changes made by



Act 35 of 2007 and Act 129 of 2008, it also makes other changes that are driven by PUC policy. Our order of June 2, 2016, found that the PUC did not establish a compelling need for imposing a limit on the amount of energy a customer-generator could sell back to their EDC. The disapproval order stated that if the PUC decided to move forward by deleting that provision of the regulation, it should ensure that other provisions of the regulation do not limit a customer-generator's ability to net-meter excess generation it produces. Although the limit was deleted from the rulemaking, other provisions that limit a customer-generator's ability to net-meter remain. After a review of the report submitted by the PUC, we again find that a compelling need for all of the provisions of the rulemaking has not been established. 71 P.S. § 745b(b)(3)(iii).

Finally, the revised definition of "utility" found under § 75.1 and the revised provision relating to qualifications for net metering in § 75.13(a)(3) were not formatted in compliance with this Commission's regulations at 1 Pa. Code § 311.4 (report for a disapproved regulation

submitted with revisions). This violates Section 5.2(b)(6) of the RRA which requires compliance with the RRA or the regulations of the Commission. 71 P.S. § 745.5b(b)(6). Proper formatting allows this Commission, the designated standing committees and the public to understand the changes being offered by the promulgating agency. It allows for meaningful participation by those with an interest in a rulemaking.

We have determined this regulation is not consistent with the statutory criteria of clarity and need and accordingly, we find promulgation of this regulation is not in the public interest.

*By Order of the Commission:*

This regulation is disapproved.

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 16-1273. Filed for public inspection July 22, 2016, 9:00 a.m.]

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed 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>
16A-6517	State Board of Physical Therapy Post-Act 38 Revisions 46 Pa.B. 2417 (May 14, 2016)	6/13/16	7/13/16

**State Board of Physical Therapy  
Regulation # 16A-6517 (IRRC # 3148)  
Post-Act 38 Revisions  
July 13, 2016**

We submit for your consideration the following comments on the proposed rulemaking published in the May 14, 2016 *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 State Board of Physical Therapy (Board) to respond to all comments received from us or any other source.

**Section 40.17. Foreign-educated physical therapists applying to take the licensure examination and pursue a clinical experience.—Protection of the public health, safety and welfare; Clarity.**

Under paragraph (3), the Board proposes to amend the existing language to require a foreign-educated applicant to provide documentation of "having held legal authorization" to practice in the country of professional education. This language is being added to implement Act 38 of 2008 amendments made to the Physical Therapy Practice Act (63 P.S. § 1306(i)(2)) which requires an applicant for licensure who has been educated outside the United States to provide proof of "holding" an unrestricted license in the country where the applicant was educated.

We understand and agree with the Board's explanation for the proposed changes as stated in the Preamble to the

proposed regulation. However, the Board should include language in the final-form rulemaking to clarify that if the unrestricted license in the country where the applicant was educated is not active at the time of application that such license was in good standing at the time its active status was terminated.

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 16-1274. Filed for public inspection July 22, 2016, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Agency Contract Termination of Jack E. Mosholder Family Limited Partnership under Act 143; Mutual Benefit Group; Doc. No. AT16-07-003

A pre-review telephone conference initiated by this office is scheduled for August 17, 2016, at 9:30 a.m. A review of the agency contract termination is scheduled for September 1, 2016, at 9:30 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before August 15, 2016.

Motions preliminary to those at the review, protests, petitions to intervene or notices of intervention, if any,

must be filed on or before August 2, 2016, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before August 15, 2016.

At the pre-review telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the review, estimated time for the review, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

On or before August 10, 2016, each party shall file with the Administrative Hearings Office a pre-review statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the review; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case.

Contemporaneously with service of the pre-review statement on the opposing party, each party shall supply the other: (1) a copy of any listed document not previously supplied; and (2) a copy of any report generated by an expert witness designated on the pre-review statement. Any report subsequently received from a party's expert witness prior to review shall be supplied to the other party within 2 business days. Copies of documents and expert reports need not be filed with the Administrative Hearings Office. A party will be precluded at review from using a document not listed and supplied unless the use was not reasonably foreseeable. Experts may testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

The Presiding Officer will consider a written request for continuance of the scheduled pre-review telephone conference/review, for good cause only. Prior to requesting a continuance, a party must contact the opposing party. All continuance requests must indicate whether the opposing party objects to a continuance.

Persons with a disability who wish to attend the previously-referenced administrative review and require an auxiliary aid, service or other accommodation to participate in the review, contact Donna R. Fleischauer, Human Resources Director at (717) 705-3873.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-1275. Filed for public inspection July 22, 2016, 9:00 a.m.]

### **Application for Approval of Proposed Merger of Bankers Standard Fire and Marine Company with and into Bankers Standard Insurance Company**

Bankers Standard Fire and Marine Company, a domestic stock property and casualty insurance company, has filed an application for approval to merge with Bankers Standard Insurance Company, a domestic stock property and casualty insurance company, with Bankers Standard Insurance Company surviving the merger. The filing was made under Article XIV of The Insurance Company Law

of 1921 (40 P.S. §§ 991.1401—991.1413); 15 Pa.C.S. §§ 1921—1932 (relating to merger liabilities and sale of assets); and the GAA Amendments Act of 1990 (15 P.S. §§ 21101—21404).

Persons wishing to comment on the merger 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 Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-1276. Filed for public inspection July 22, 2016, 9:00 a.m.]

### **Application for Approval to Reinsure the Entire Book of Business of a Domestic Insurer**

Pennsylvania Life Insurance Company, a stock life insurance company organized under the laws of the Commonwealth, has submitted an application for approval to reinsure its entire schedule of policies with Constitution Life Insurance Company, a stock life insurance company organized under the laws of the State of Texas. The filing was submitted under section 319 of The Insurance Company Law of 1921 (40 P.S. § 442).

Persons wishing to comment on the grounds of public or private interest in this transaction are invited to submit a written statement to the Insurance Department (Department) within 15 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the 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 Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@pa.gov. Comments received will be part of the public record regarding the filing and will be forwarded to the applicant for appropriate response.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-1277. Filed for public inspection July 22, 2016, 9:00 a.m.]

### **Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insurer 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 Philadelphia, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held at Strawbridge and Clothier, Justice Hearing Room No. 4030, 801 Market Street, Philadelphia, PA 19107.

Appeal of Travelers Home & Marine Insurance Company; File No. 16-130-193407; Nancy Rodriguez; Doc. No. P16-04-007; August 30, 2016, 9 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. 16-1278. Filed for public inspection July 22, 2016, 9:00 a.m.]

### **Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insureds have requested hearings as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile insurance policies. The hearings will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held at Strawbridge and Clothier, Justice Hearing Room No. 4030, 801 Market Street, Philadelphia, PA 19107.

Appeal of Dave H. Phillips; File No. 16-130-195239; Allstate Fire & Casualty Insurance Company; Doc. No. P16-04-021; August 30, 2016; 10 a.m.

Appeal of Gayle Robinson; File No. 16-188-198181; Nationwide Property & Casualty Insurance Company; Doc. No. P16-07-001; August 30, 2016, 1 p.m.

Appeal of Diana McCafferty; File No. 16-116-197162; Mutual Benefit Insurance Company; Doc. No. P16-06-014; August 31, 2016, 9 a.m.

Appeal of Darryl Hubbard; File No. 16-130-197224; IDS Property Casualty Insurance Company; Doc. No. P16-06-018; August 31, 2016, 10 a.m.

Appeal of Rhonda Maxwell; File No. 16-119-195038; Omni Insurance Company; Doc. No. P16-05-002; August 31, 2016, 11 a.m.

Appeal of Cecilia Lucas; File No. 16-114-195060; State Farm Mutual Automobile Insurance Company; Doc. No. P16-05-009; August 31, 2016, 2 p.m.

Parties may appear with or without counsel and offer relevant testimony and other relevant evidence, or both. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

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 a previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-1279. Filed for public inspection July 22, 2016, 9:00 a.m.]



### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the companies' termination of the insureds' homeowners policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by the appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held at Strawbridge and Clothier, Justice Hearing Room No. 4030, 801 Market Street, Philadelphia, PA 19107.

Appeal of Edna E. Jennings; File No. 16-119-194758; Allstate Vehicle & Property Insurance Company; Doc. No. P16-04-006; August 30, 2016, 11 a.m.

Appeal of Elmer and Mary Ann Chestnut; File No. 16-115-195004; Nationwide Property & Casualty Insurance Company; Doc. No. P16-05-004; August 30, 2016, 2 p.m.

Appeal of Rosemarie Collins; File No. 16-115-194572; Erie Insurance Company; Doc. No. P16-04-018; August 30, 2016, 3 p.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence, or both. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend a previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-1280. Filed for public inspection July 22, 2016, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insurer 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 insureds' homeowners policy. The hearing will be held in accordance with the requirements

of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by the appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held at Strawbridge and Clothier, Justice Hearing Room No. 4030, 801 Market Street, Philadelphia, PA 19107.

Appeal of Liberty Mutual Insurance; File No. 16-188-197709; Marc and Eurinika Harris; Doc. No. P16-07-004; August 31, 2016, 3 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. 16-1281. Filed for public inspection July 22, 2016, 9:00 a.m.]

### Transamerica Life Insurance Company (AEGJ-130645667); Rate Increase Filing for Several Individual LTC Forms

Transamerica Life Insurance Company is requesting approval to increase the premium an aggregate 63.3% on 332 policyholders with the following individual LTC policies from Transamerica Life, Life Investors and Transamerica Occidental: LI 1-P PRO 4 (PA) 402, LI 1-P PRO 4 (PA-F) 402, TLC 1-P TRM (PA) 407, TLC 1-P TRM (PA-F) 407, TOL 1-P TCO (PA) 402, TOL 1-P TCO (PA-F) 402 and TLC 1-SC-R 0510.

Unless formal administrative action is taken prior to October 6, 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](http://www.insurance.pa.gov). To view these filing notices, hover the cursor over the word "Consumers" in the blue bar at the top of the webpage then select "Long Term Care Rate Filings" 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 and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-1282. Filed for public inspection July 22, 2016, 9:00 a.m.]

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## MILK MARKETING BOARD

### Rescheduled Meeting

The August 3, 2016, meeting of the Milk Marketing Board as announced at 46 Pa.B. 3048 (June 11, 2016) has been rescheduled for August 2, 2016, at 1 p.m. in Room 309, Agriculture Building, Harrisburg, PA 17110.

TIM MOYER,  
*Secretary*

[Pa.B. Doc. No. 16-1283. Filed for public inspection July 22, 2016, 9:00 a.m.]

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## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by August 8, 2016. Documents filed in support of the applications are available for inspection and copying at the Office of the

Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

### Applications of the following for approval to *begin operating as common carriers for transportation of persons* as described under each application.

**A-2016-2543168. Gilson Transportation, LLC** (381 Walker Township Park Lane, Mifflintown, Juniata County, PA 17059) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Huntingdon, Juniata and Mifflin, to points in Pennsylvania, and return.

**A-2016-2553437. AB Limo & Car Service, LLC** (429 Musket Drive, Morrisville, Bucks County, PA 19067) persons in limousine service, from points in Bucks, Chester and Montgomery Counties, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

**A-2016-2553454. New Age Adult Day Care Services, LLC** (55 Buck Road, Suite 12, Huntingdon Valley, Bucks County, PA 19006) in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in the Counties of Bucks and Montgomery.

**Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights* as described under the application.**

**A-2016-2553673. ECS Carriers, LLC** (2324 Hill Camp Road, Pottstown, Montgomery County, PA 19465) in limousine service, between points in Pennsylvania, which is to be a transfer of all rights authorized under the certificate issued at A-00114584 to Delaware Valley Limousine, Inc., subject to the same limitations and conditions.

**Application of the following for approval to *begin operating as a broker for transportation of persons* as described under the application.**

**A-2016-2553773. AVO T&L, LLC** (1419 Chaffee Drive, Suite 2, Titusville, FL 32780) for a brokerage license evidencing the Commission's approval of the right and privilege to operate as a broker, to arrange for the transportation of persons between points in Pennsylvania.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 16-1284. Filed for public inspection July 22, 2016, 9:00 a.m.]

# PHILADELPHIA PARKING AUTHORITY

## Taxicab and Limousine Division Fee Schedule for the 2017 Fiscal Year

The following table lists fees for the Taxicab and Limousine Division (TLD) for Fiscal Year 2017, beginning July 1, 2016.

### Fees

All Fees are Non-Refundable

<i>Fee Description</i>	<i>Fee</i>
Limousine Replacement Registration Sticker	\$50
Remote Carrier Vehicle Registration	\$15
Dispatcher Change in Colors and Markings Scheme Application Fee	\$500
Driver Certificate Renewal Application Fee (per designation)	\$125
Duplicate Driver Certificate Replacement Fee	\$25
New Taxicab Driver Certification Application Fee (Classroom Training )	\$175
New Limousine Driver Certification Application Fee	\$145
Individual Medallion or CPC Ownership Transfer Fee	\$3,000 or 3.5% of purchase price, whichever is greater
New and Annual Renewal Broker Registration Fee	\$1,200
New Dispatcher Certificate of Public Convenience Application Fee	\$15,000
New Limousine Certificate of Public Convenience Application Fee for One Class of Service	\$12,000
Application Fee for Each Additional Classification for Limousine Service for New Applicants for Any Limousine Service	\$3,000
Application Fee for Each Additional Limousine Certificate of Public Convenience for One Class of Service by a Current Limousine Certificate Holder	\$6,000
Protest Fee	\$5,000
Petition Filing Fee	\$250
New Car and Replacement Vehicle Transfer	\$200
Age or Mileage Compliance Inspection Fee	\$200
PA State and TLD Biannual Inspection Fee for vehicles with 200,000 Miles and Above	\$100
PA State and TLD Biannual Inspection Fee for Wheelchair-Accessible Vehicles or Vehicles with less than 200,000 Miles	\$75
Emission Inspection Waiver Fee	\$100
Inspection Fee for Any Vehicle After Two Failed Inspections	\$125
Offsite Vehicle Inspection Fee	\$150
Inspection Rescheduling Fee	\$100
Fee for Medallion Return after Sheriff Levy	\$200
Administrative Hearing Fee (Upon Determination of Liability)	\$75
Taxicab Replacement Posting	\$10 (each posting)
PennDOT Processing Fee for all Vehicle Registration Changes (Above PennDOT Costs)	\$20
Check Declined for Payment	\$200
Limousine Tariff Amendments and/or Changes	\$50
Voluntary Suspension of Individual Medallion	\$75

<i>Fee Description</i>	<i>Fee</i>
Voluntary Suspension of Certificate of Public Convenience with 0—5 Vehicles Registered Under it During Current Fiscal Year or Previous Fiscal Year	\$100
Voluntary Suspension of Certificate of Public Convenience with 6—10 Vehicles Registered Under it During Current Fiscal Year or Previous Fiscal Year	\$125
Voluntary Suspension of Certificate of Public Convenience with 11+ Vehicles Registered Under it During Current Fiscal Year or Previous Fiscal Year	\$150

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 16-1285. Filed for public inspection July 22, 2016, 9:00 a.m.]

## STATE BOARD OF NURSING

### **Bureau of Professional and Occupational Affairs v. Nicole Mitchell, LPN; File No. 14-51-14454; Doc. No. 2139-51-2015**

On February 11, 2016, Nicole Mitchell, LPN, license no. PN266921 of Warrington, Bucks County, was automatically suspended based on a conviction under The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

Individuals may obtain a copy of the final order by writing to Bridget K. Guilfoyle, Board Counsel, State

Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

KRISTIN MALADY, BSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 16-1286. Filed for public inspection July 22, 2016, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### **Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program**

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under section 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, so individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

#### **Odor Management Plan—Public Notice Spreadsheet—Actions**

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Marvin J. Eby 8766 Kuhn Road Greencastle, PA 17225	Franklin County/ Peters Township	92.7	Layers	New	Approved
Hemlock Lane Farm LP 121 Hemlock Lane Williamsburg, PA 16693	Blair County/ Catharine Township	713.4	Swine	New	Approved

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Presque Isle Downs, Inc. 8199 Perry Highway Erie, PA 16509	Erie County/ Summit Township	154.42	Equine	Amended	Approved
Rohrer Dairy Farm, LLC— Home Farm 124 Charlestown Road Washington Boro, PA 17582	Lancaster County/ Manor Township	0	Cattle	Amended	Approved
Hidden Hollow, LLC 262A Belmont Road Gordonville, PA 17529	Lancaster County/ Leacock Township	0	Cattle	New	Approved
Rohrer Farms, LLC— Lime Rock Road Farm 35 Limerock Road Lititz, PA 17543	Lancaster County/ Warwick Township	256	Pullets	Amended	Approved

PATRICK McDONNELL,  
*Acting Chairperson*

[Pa.B. Doc. No. 16-1287. Filed for public inspection July 22, 2016, 9:00 a.m.]

## STATE TAX EQUALIZATION BOARD

### 2015 Common Level Ratios

The State Tax Equalization Board (Board) has established a Common Level Ratio for each county in the Commonwealth for the calendar year 2015. The ratios were mandated by Act 267-1982.

The law requires the Board to use statistically acceptable techniques, to make the methodology for computing ratios public and to certify, prior to July 1, the ratio to the Chief Assessor of each county each year.

The statistically acceptable technique which the Board used for the 2015 Common Level Ratio is to determine the arithmetic mean of the individual sales ratios for every valid sale received from the county for the calendar year 2015.

The methodology used is to include every valid sale from 1% to 500% to compute an average mean. Using this average mean as a base, the Board has defined high and low limits by multiplying and dividing this computed average mean by 4. After the high and low limits are defined, the extreme upper sales ratio limit is 200%. Using these computed limits, the Board has utilized the valid sales, rejecting those sales which exceed the limits. The resulting arithmetic mean ratio is the ratio which the Board is certifying as the Common Level Ratio for each county for 2015.

The Common Level Ratios for 2015 are as follows.

### 2015 Common Level Ratios

<i>County</i>	<i>CLR</i>
*Adams	116.0%
*Allegheny	87.1%
Armstrong	43.9%
Beaver	27.8%
*Bedford	96.6%
*Berks	74.3%

<i>County</i>	<i>CLR</i>
*Blair	10.8%
Bradford	33.3%
*Bucks	11.1%
*Butler	10.9%
*Cambria	24.7%
Cameron	67.7%
Carbon	52.8%
Centre	28.0%
*Chester	53.8%
Clarion	37.7%
Clearfield	14.7%
*Clinton	88.4%
Columbia	27.1%
Crawford	37.8%
*Cumberland	99.8%
*Dauphin	73.2%
*Delaware	65.0%
Elk	43.7%
*Erie	95.3%
*Fayette	72.5%
Forest	23.7%
*Franklin	14.0%
*Fulton	38.8%
*Greene	67.8%
Huntingdon	24.3%
*Indiana	19.8%
*Jefferson	49.2%
*Juniata	18.2%
*Lackawanna	14.4%
*Lancaster	75.5%



<i>County</i>	<i>CLR</i>
*Lawrence	87.0%
*Lebanon	106.5%
*Lehigh	99.0%
*Luzerne	103.8%
*Lycoming	74.6%
*McKean	93.8%
Mercer	29.0%
Mifflin	48.2%
Monroe	22.4%
*Montgomery	56.1%
*Montour	77.0%
Northampton	34.3%
*Northumberland	25.6%
*Perry	97.5%
*Philadelphia	98.3%
Pike	24.7%
*Potter	34.4%
Schuylkill	45.9%

<i>County</i>	<i>CLR</i>
*Snyder	17.1%
Somerset	40.1%
*Sullivan	70.4%
Susquehanna	36.4%
*Tioga	70.5%
*Union	77.9%
*Venango	84.4%
Warren	33.1%
Washington	10.7%
*Wayne	90.6%
*Westmoreland	17.3%
Wyoming	18.3%
*York	88.0%

\*Counties with a predetermined assessment ratio of 100%

PETER BARSZ,  
*Chairperson*

[Pa.B. Doc. No. 16-1288. Filed for public inspection July 22, 2016, 9:00 a.m.]