

PENNSYLVANIA BULLETIN

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

No. 504, November 2016

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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THE GOVERNOR

Notice of Veto

November 4, 2016

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

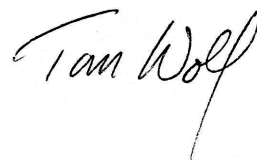
Pursuant to Article IV, Section 15 of the Pennsylvania Constitution, I am returning herewith, without my approval, House Bill 245, Printer's Number 4110.

I cannot agree to sign this bill as it makes certain changes to the Local Tax Enabling Act that will result in a revenue loss for a number of school districts in this Commonwealth. More specifically, this bill amends the definition of Earned Income by greatly expanding the credit that a taxpayer may take for out-of-state tax liability. Under this bill, a taxpayer could claim a credit for out-of-state taxes against the entire amount of income earned by the taxpayer, not merely the existing base rate of Earned Income Tax. Allowing the credit to be limited against the taxpayer's base rate of Earned Income Tax would be revenue neutral for school districts. This expansion beyond the base rate, however, will result in certain school districts losing local revenue.

I cannot support a provision that would cause even a limited number of school districts to lose revenue in this fashion. All school districts are still feeling the strain from the harmful budget decisions made prior to my administration. My administration aims to continue to work with the General Assembly to invest in education to continue to increase the Commonwealth's share of funding for all school districts. Finally, I look forward to receiving a modified version of this bill that does not negatively impact the finances of school districts.

For the reasons set forth above, I must withhold my signature from House Bill 245, Printer's Number 4110.

Sincerely,



Governor

[Pa.B. Doc. No. 16-1974. Filed for public inspection November 18, 2016, 9:00 a.m.]

THE GENERAL ASSEMBLY

Recent Actions during the 2016 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2016 Regular Session:

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2016 General Acts of Regular Session Enacted—ACT 102 through 115					
102	Oct 4	HB0380	PN2474	60 days	Domestic Relations (23 Pa.C.S.)—grounds for divorce and decree of court
103	Oct 4	HB0665	PN1187	Immediately	Decedents, Estates and Fiduciaries (20 Pa.C.S.) and Notaries Public (57 Pa.C.S.)—general provisions, short form certificates, implementation of power of attorney and durable powers of attorney
104	Oct 4	HB1711	PN2565	60 days	Staff Sgt. Jason M. Faley Memorial Bridge—designation
105	Oct 4	HB1787	PN2733	60 days	Michael R. Goodwin, Sr. Memorial Highway—designation
106	Oct 4	HB1990	PN3365	Immediately	Conveyance—Commonwealth property in New Milford Township, Susquehanna County
107	Oct 4	SB1038	PN1454	60 days	Juvenile detention homes—board of managers
108	Oct 4	SB1155	PN1998	120 days	Vehicles (75 Pa.C.S.)—special plates for current members of the armed forces of the United States
109	Oct 4	SB1226	PN1963	Immediately	Military Affairs (51 Pa.C.S.)—specific powers and duties, Veterans' Trust Fund, purpose, eligibility, amounts of assistance and appeals
110	Oct 26	HB0049	PN2546	60 days	Emergency and Law Enforcement Personnel Death Benefits Act—payment of death benefits to members of Pennsylvania Civil Air Patrol
111	Oct 26	HB1581	PN3089	60 days	Crimes Code (18 Pa.C.S.)—offense of strangulation
112	Oct 26	HB1619	PN2348	60 days	Interstate Medical Licensure Compact Act—enactment
113	Oct 26	SB0889	PN1519	60 days	Enforcement Officer Disability Benefits Law—extending benefits to employees of Pennsylvania Game Commission and Pennsylvania Boat Commission
114	Oct 28	HB2303	PN3962	Immediately	Agriculture Code (3 Pa.C.S.)—omnibus amendments
115	Oct 28	SB1311	PN2061	Immediately	Domestic Relations Code (23 Pa.C.S.) and Judicial Code (42 Pa.C.S.)—grounds for involuntary termination and release of information in confidential reports

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2016 Vetoes of Regular Session of Bills—Veto 003 through 006					
003	Oct 28	HB1618	PN4068	60 days*	Administrative Code of 1929—establishing Office of State Inspector General
004	Oct 28	HB1998	PN3515	60 days	General Local Government Code (53 Pa.C.S.)—special provisions for authorities in cities of first class
005	Oct 28	SB0286	PN1437	Immediately*	Delaware River Compact with New Jersey—omnibus amendments
006	Oct 28	SB0562	PN1897	60 days	Regulatory Review Act—omnibus amendments

* denotes an effective date with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$25.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, accompanied by a check or money order in the sum of \$25, payable to the “Commonwealth of Pennsylvania.”

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

[Pa.B. Doc. No. 16-1975. Filed for public inspection November 18, 2016, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 93]

Amendments to Rules of Organization and Procedure of the Disciplinary Board of the Supreme Court of Pennsylvania; Order No. 79; Correction

(Editor's Note: The effective date of the order published at 46 Pa.B. 6814 (October 29, 2016) is corrected as follows. The remainder of the order and annex are accurate as published.)

By this Order, the Disciplinary Board of the Supreme Court of Pennsylvania is amending its Rules of Organization and Procedure to modify Rules §§ 93.141 et. seq. to permit the annual registration of attorneys by electronic means.

The Disciplinary Board of the Supreme Court of Pennsylvania finds that:

(1) To the extent that 42 Pa.C.S. § 1702 (relating to rule making procedures) and Article II of the act of July 31, 1968 (P.L. 769, No. 240), known as the Commonwealth Documents Law, would otherwise require notice of proposed rulemaking with respect to the amendments adopted hereby, those proposed rulemaking procedures are inapplicable because the amendments adopted hereby relate to agency procedure and are perfunctory in nature.

(2) The amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Pa.R.D.E. 205(c)(12), orders:

(1) Title 204 of the *Pennsylvania Code* is hereby amended as set forth in Annex A hereto.

(2) The Secretary of the Board shall duly certify this Order, and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).

(3) The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin*.

*By the Disciplinary Board of the
Supreme Court of Pennsylvania*

JULIA FRANKSTON-MORRIS,
Secretary

[Pa.B. Doc. No. 16-1976. Filed for public inspection November 18, 2016, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Adoption of Phila. Crim. Rules *556 and *556.2 Governing Indicting Grand Jury Procedures and Protocols; President Judge Administrative Order No. 04 of 2016

Order

And Now, this 27th day of October, 2016, the Supreme Court Criminal Procedural Rules Committee having reviewed the following proposed rules as required by Pa.R.J.A. 103, and having determined that the said local rules are not inconsistent with the Statewide Rules of Criminal Procedures, it is hereby *Ordered* and *Decreed* that Philadelphia Criminal Rule *556 and Philadelphia Criminal Rule *556.2 are adopted as follows and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

As required by Pa.R.J.A. 103(d), this Administrative Order and the proposed local rules were submitted to the Supreme Court of Pennsylvania Criminal Procedural Rules Committee for review and written notification has been received from the Rules Committee certifying that the proposed local rules are not inconsistent with any general rule of the Supreme Court. This Administrative Order and the following local rules shall be filed with the Office of Judicial Records (formerly the Prothonotary, Clerk of Courts and Clerk of Quarter Sessions) in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this Administrative Order and the following local rules, as well as one copy of the Administrative Order and local rules shall be distributed to the Legislative Reference Bureau on a computer diskette for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. 103(d)(6) one certified copy of this Administrative Order and local rules shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at <http://courts.phila.gov>, and shall be incorporated in the compiled set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order and local rules shall also be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

By the Court

HONORABLE SHEILA WOODS-SKIPPER,
President Judge, Court of Common Pleas

Philadelphia Criminal Rule *556. Indicting Grand Jury.

The First Judicial District shall, from time to time, designate court of common pleas judges to serve as Supervising Judges of Philadelphia County Indicting Grand Jury(ies).

Note: By order dated September 27, 2012, the Pennsylvania Supreme Court granted the First Judicial District's "Petition for Empanelment of Indicting Grand Jury" and authorized the First Judicial District to empanel indictment grand juries, in accordance with Pa.R.Crim.P. 556 et seq., on or after December 18, 2012. See In re Petition for Empanelment of Indicting Grand Jury, No. 138 EM 2012.

Philadelphia Criminal Rule *556.2. Philadelphia County Indicting Grand Jury Procedures and Protocols.

1. When the District Attorney, at the time of a defendant's preliminary arraignment in Municipal Court, requests that a case be sent to the Indicting Grand Jury (IGJ) rather than being scheduled for a preliminary hearing in Municipal Court (MC), the case will be listed in 30 days in Common Pleas Courtroom 1107 before the IGJ Preliminary Hearing Supervising Judge for status.

2. After preliminary arraignment, the District Attorney's Office will file an ex parte motion pursuant Pennsylvania Rule of Criminal Procedure (Pa.R.Crim.P.) 556.2 with one of the IGJ Supervising Judges requesting approval to have the case heard by the IGJ. The motion must allege that witness intimidation has occurred, is occurring, or is likely to occur in the case. The motion is reviewed by an IGJ Supervising Judge for approval. If the motion is granted, the IGJ must act on the case within 21 days of the date the order granting the motion was signed by an IGJ Supervising Judge. If the District Attorney's Office requests a preliminary hearing after the motion authorizing presentment to the IGJ is granted by an IGJ Supervising Judge, then the case will remain in Common Pleas Court and be listed for a preliminary hearing in front of the IGJ Preliminary Hearing Supervising Judge in Courtroom 1107. If no motion has been signed and the District Attorney's Office requests that a preliminary hearing be held instead of the case proceeding by way of the IGJ, then the case will be sent back to Municipal Court for a preliminary hearing in the appropriate MC courtroom.

3. If the District Attorney's Office requests that a case be sent from a preliminary hearing room to Common Pleas Courtroom 1107 before the IGJ Preliminary Hearing Supervising Judge for status, the procedures delineated in # 2 above will also apply.

4. All bail motions filed prior to the first status date in Courtroom 1107 will be heard by the IGJ Preliminary Hearing Supervising Judge on the first status listing, unless the IGJ Preliminary Hearing Supervising Judge agrees to list the bail motion earlier. The IGJ Preliminary Hearing Supervising Judge will continue to handle any bail motions filed after the first status date, until the case is assigned for trial.

a. Until otherwise provided, all bail motions filed on IGJ cases must be served on Assistant District Attorney Norman Millard or paralegal Alyssa Ecker by fax or e-mail at least one business day prior. An Assistant District Attorney (ADA) will not be present to argue bail motions unless prior notice is given.

Fax: 215-683-7608/09/10

Email: norman.millard@phila.gov
alyssa.ecker@phila.gov

b. Bail motions will be heard on Fridays at 9:00 a.m. during the IGJ case status listings unless the defense attorney and the specially assigned ADA agree to list the motion on a different day consistent with the IGJ Preliminary Hearing Supervising Judge's calendar.

5. If the District Attorney's Office refiles a case that it intends to present to the Indicting Grand Jury, the District Attorney's Office must request the case be listed directly in Common Pleas Courtroom 1107 before the IGJ Preliminary Hearing Supervising Judge for status. The procedures delineated in # 2 above will also apply.

6. If a case is presented to the Indicting Grand Jury and the defendant is not indicted, the District Attorney's Office will immediately notify an IGJ Supervising Judge and the case will be dismissed. If the defendant is in custody on the matter, an order directing his/her release on that matter will be sent to the Philadelphia County Prison Record Room or the Pennsylvania Department of Corrections Record Room. If the defense attorney has made his/her e-mail address available to the District Attorney's Office, a copy of the order will be e-mailed. Otherwise, the defense attorney will be notified by telephone, fax or first class mail.

7. At the status listing in Courtroom 1107, if the grand jury has voted to indict the defendant, the IGJ Preliminary Hearing Supervising Judge will direct the clerk to hold the defendant for court on those charges listed in the indictment. If the case is held for court, defendants who are out of custody will be given notice about IGJ procedures and their rights in Courtroom 1107. (See Appendix C)

8. The case then will be sent to Courtroom 1104 for formal arraignment in Common Pleas Court. During formal arraignment, defense will be provided Bills of Information, a disclosure order (see Appendix A), and a copy of the Indictment (if not filed under seal).

9. Following formal arraignment in Common Pleas Court, the case will be sent directly for a scheduling conference to the trial judge designated for the zone where the alleged crime occurred. Family violence and sexual assault IGJ cases will be assigned to the designated trial judges, who handle family violence and sexual assault cases, on a random basis and not based on where the alleged crime happened. All homicide IGJ cases will be listed in front of the Homicide Calendar Judge in the Homicide Calendar Room—Courtroom 1105. The Homicide Calendar Judge will handle all motions to quash, bail motions and discovery motions for IGJ direct file cases while these cases are in the Homicide Calendar Room. The Homicide Calendar Judge will handle all bail motions and IGJ discovery motions on IGJ cases in the Homicide Program, assisted by an IGJ Supervising Judge as provided from time to time.

10. After formal arraignment of a defendant indicted by the IGJ and the assignment of the case to a trial judge, any bail motions and pretrial discovery motions will be listed before an IGJ Supervising Judge according to the zones outlined below. Likewise, bail motions and pretrial discovery motions for family violence and sexual assault IGJ cases will also be listed before an IGJ Supervising Judge based on which zone the case is assigned for trial at the time of formal arraignment. All pretrial discovery for IGJ cases shall be conducted pursuant to Pa.R.Crim.P. 556.10(B)(5), relating to the disclosure of grand jury material.

Indicting Grand Jury Zones and Case Types

IGJ Preliminary Hearing Supervising Judge
South & Southwest Zone Cases
Northeast & Northwest Zone Cases
Central & East Zone Cases
Direct File Juvenile Cases
Homicide Cases

11. All IGJ defendants in custody will have a video conference with a Trial Commissioner on the Thursday following their formal arraignment. During the conference defendants will be informed on how their case has been handled by the IGJ, how their case will proceed to trial, contact information for their attorney, and their rights under the IGJ Rules and Procedures in the FJD. (See Appendix D). IGJ cases will be listed for trial within six (6) to nine (9) months, if possible, unless a longer date is agreed upon by counsel. At the scheduling conference, the District Attorney's Office will provide to defense a notice of rights. (See Appendix B). The District Attorney's Office will provide pretrial discovery to defense, pursuant to Pa.R.Crim.P. 573; however, pursuant to Pa.R.Crim.P. 556.10(B)(5), the District Attorney's Office will withhold all testimony and evidence that would disclose the identity of any witness or victim who has been intimidated, is being intimidated, or is likely to be intimidated.

12. All IGJ cases listed for trial will also receive a status date, 60 days prior to trial, for a pretrial readiness conference. At this conference, the court will determine if the defense and the District Attorney's Office expect to be ready for trial. If both sides are ready for trial, IGJ material will be turned over to defense counsel, subject to the disclosure limitations listed below. A motion to quash and any other motions may be filed within 10 days of when the transcript from the IGJ and any other IGJ

discovery is turned over to defense counsel. If the case is not expected to be ready for trial, the case will get a new trial date and a new 60-day status date. The District Attorney's Office will not turn over IGJ material until the trial court has made a determination that the case is expected to go forward as scheduled. The 60-day date for disclosure of IGJ material may be modified by order of an IGJ Supervising Judge.

a. *Disclosure limitations:* pursuant to the standard disclosure order, defense counsel may not give copies of the grand jury material to the defendant to retain or copy in any way and may not disclose the grand jury material to any other parties without an additional disclosure order from an IGJ Supervising Judge. In connection with the standard disclosure order, grand jury material may be given to an investigator or mitigation specialist working for the defendant on a case where the defendant was indicted by the IGJ and is now awaiting trial.

b. After a determination that the case is ready for trial and disclosure of grand jury material to defense, the trial court will schedule a hearing for any filed motions to quash and other pretrial motions requested by defense counsel. Motions to quash and other pretrial motions will be heard by the trial court.

13. Defense motions to continue the trial for any IGJ defendant may not be granted without the approval of one of the designated IGJ Supervising Judges.

APPENDIX A—Disclosure Order

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
TRIAL DIVISION—CRIMINAL SECTION**

COMMONWEALTH OF PENNSYLVANIA :
 :
v. : —-51-CR-
 :
[DEFENDANT] :

ORDER

DISCLOSURE OF INDICTING GRAND JURY MATERIALS

AND NOW, this day of , 20 , pursuant to Pa.R.Crim.P. 556.10(B)(5) and Pa.R.Crim.P. 573(F), it is hereby ORDERED and DECREED that the Philadelphia District Attorney's Office shall disclose any Indicting Grand Jury materials, that were withheld from discovery pursuant to Pa.R.Crim.P. 556.10(B)(5) in connection with the above-captioned case, to defense counsel representing the above named defendant by sixty (60) days prior to the commencement of trial. Upon disclosure to defense counsel, such materials may be redacted as to not include the address, phone number, social security number, work information or closest relative information of any witnesses identified in the materials. Once these redacted materials are disclosed to the defense, no motion for a continuance based on said disclosure shall be granted unless granted by a Supervising Judge of the Indicting Grand Jury.

It is further ORDERED and DECREED that upon disclosure, counsel for the defendant shall not provide copies of the material disclosed and protected by this ORDER to the defendant. The defendant is not permitted to copy or retain these materials in any way. This ORDER does not prohibit counsel from showing these materials to the defendant, discussing these materials at meetings with the defendant or from reading from or discussing these materials in telephone conversations with the defendant.

IT IS SO ORDERED.

BY THE COURT:

IGJ SUPERVISING JUDGE

APPENDIX B—Notice of Rights



Commonwealth v. _____

CP-51-CR- _____

The Philadelphia County Indicting Grand Jury (IGJ) has indicted the defendant on the charge of _____ and related offenses, pursuant to Pa.R.Crim.P. 556. Bills of Information have been filed under the above-listed CP number. By order of an Indicting Grand Jury Supervising Judge, and in accordance with Pennsylvania Rules of Criminal Procedure (Pa.R.Crim.P.) 578 and 579, you have ten (10) days from the date when all Indicting Grand Jury material is disclosed to file a Motion to Quash the Bills of Information for your case before the trial judge. All Indicting Grand Jury material will be disclosed sixty (60) days prior to trial unless otherwise ordered by an Indicting Grand Jury Supervising Judge. (Note: the standard disclosure order authorizes IGJ discovery material to be disclosed sixty (60) days prior to trial, See Appendix A.)

Bail motions and any motions for disclosure of Indicting Grand Jury discovery (pursuant to Pa.R.Crim.P. 556.10(B)(5)) prior to the standard disclosure date of sixty (60) days before trial shall be filed before an Indicting Grand Jury Supervising Judge. See below for case type and zone designations.

Indicting Grand Jury Supervising Judges

IGJ Supervising Judge [Name]
IGJ Supervising Judge [Name]
IGJ Supervising Judge [Name]
IGJ Supervising Judge [Name]
IGJ Supervising Judge [Name]
IGJ Supervising Judge [Name]
Defense Attorney: _____

Zone Designations and Case Types

IGJ Preliminary Hearing Supervising Judge
South & Southwest Zone Cases
Northeast & Northwest Zone Cases
Central & East Zone Cases
Direct File Juvenile Cases
Homicide Cases
Date: _____

APPENDIX C

Defendants Out of Custody—Notice of IGJ Procedure and Rights



NOTICE OF INDICTMENT FOR DEFENDANTS OUT OF CUSTODY

Defendant: _____

CP-51-CR- _____ - _____

After you were arrested, your case was sent to a Philadelphia County Indicting Grand Jury instead of being listed for a preliminary hearing in Municipal Court. Evidence regarding the incident for which you are charged was presented to the Philadelphia County Indicting Grand Jury and the Grand Jury issued an indictment for the charge of _____ and related offenses. Following the indictment, an Indicting Grand Jury Supervising Judge ordered that you stand trial in Common Pleas Court. Your case is listed today for a Scheduling Conference before your assigned trial judge in Common Pleas Court. Today your case will be given a trial date.

Your attorney will be provided discovery today according to the Pennsylvania Rules of Criminal Procedure. However, Indicting Grand Jury material may not be disclosed to your attorney until 60 days prior to trial at the pretrial readiness conference before your assigned trial judge, unless otherwise ordered by the court. You will be subpoenaed to court for the pretrial readiness conference, which is generally scheduled sixty (60) days before your trial date. Upon disclosure of the Indicting Grand Jury material in your case, your attorney will have the right to file a motion to quash seeking to dismiss the case for insufficient evidence. The motion to quash will be heard by the assigned trial judge. Your attorney will also review the grand jury material with you prior to trial but you will not be permitted to retain a copy of the grand jury material.

At any time, your attorney may file a bail motion, as well as any other requests about the Indicting Grand Jury material, on your behalf with an Indicting Grand Jury Supervising Judge.

APPENDIX D

Defendants in Custody—Notice of IGJ Procedure and Rights



NOTICE OF INDICTMENT FOR CUSTODY DEFENDANTS

Date: _____

Defendant: _____

CP-51-CR- _____ - _____

After you were arrested, your case was sent to a Philadelphia County Indicting Grand Jury instead of being listed for a preliminary hearing in Municipal Court. Evidence regarding the incident for which you are charged was presented to the Philadelphia County Indicting Grand Jury and the Grand Jury issued an indictment for the charge of _____ and related offenses. Following the indictment, an Indicting Grand Jury Supervising Judge ordered that you stand trial in Common Pleas Court. The next listing for your case is on _____ in Courtroom _____ before Judge _____.

Your attorney will be provided discovery today according to the Pennsylvania Rules of Criminal Procedure. However, Indicting Grand Jury material may not be disclosed to your attorney until 60 days prior to trial at the pretrial readiness conference before your assigned trial judge, unless otherwise ordered by the court. You will be subpoenaed to court for the pretrial readiness conference, which is generally scheduled sixty (60) days before your trial date. Upon disclosure of the Indicting Grand Jury material in your case, your attorney will have the right to file a motion to quash seeking to dismiss the case for insufficient evidence. The motion to quash will be heard by the assigned trial judge. Your attorney will also review the grand jury material with you prior to trial but you will not be permitted to retain a copy of the grand jury material.

At any time, your attorney may file a bail motion, as well as any other requests about the Indicting Grand Jury material, on your behalf with an Indicting Grand Jury Supervising Judge.

Your attorney is _____ and can be reached at _____.

Defendant's Signature _____

By Trial Commissioner _____

[Pa.B. Doc. No. 16-1977. Filed for public inspection November 18, 2016, 9:00 a.m.]

PHILADELPHIA COUNTY

Designation of Indicting Grand Jury Judges; Administrative Order No. 05 of 2016

Order

And Now, this 27th day of October, 2016, it is hereby *Ordered* and *Decreed* that:

(1) the following Judges are designated as Supervising Judges of Philadelphia County's Indicting Grand Jury(ies) pursuant to Phila.R.Crim.P. 556:

Honorable Leon W. Tucker, Chief Supervising Judge
 Honorable Sierra Thomas Street
 Honorable Glenn B. Bronson
 Honorable Rose Marie DeFino-Nastasi
 Honorable Kathryn Streeter-Lewis
 Honorable Barbara A. McDermott
 Honorable Jeffrey Minehart

(2) the following Judges are designated as Indicting Grand Jury Zone and Case Type Supervising Judges pursuant to Phila.R.Crim.P. 556.2:

Supervising Judges

Honorable Rose Marie DeFino-Nastasi
 Honorable Barbara A. McDermott
 Honorable Rose Marie DeFino-Nastasi
 Honorable Sierra Thomas Street
 Honorable Kathryn Streeter-Lewis
 Honorable Glenn B. Bronson

Indicting Grand Jury Zone and Case Type

Preliminary Hearing IGJ Cases
 South & Southwest Zone IGJ Cases
 Northeast & Northwest Zone IGJ Case
 Central & East Zone IGJ Cases
 Direct File Juvenile IGJ Cases
 Homicide IGJ Cases

This Administrative Order shall be filed with the Office of Judicial Records (formerly the Prothonotary, Clerk of Courts and Clerk of Quarter Sessions) in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. Two certified copies of this Administrative Order shall be distributed to the Legislative Reference Bureau on a computer diskette for publication in the *Pennsylvania Bulletin*, and one certified copy shall be filed with the Administrative Office of Pennsylvania Courts, and shall be published on the website of the First Judicial District at <http://courts.phila.gov>. Copies of the Administrative Order shall also be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

By the Court

HONORABLE SHEILA WOODS-SKIPPER,
President Judge, Court of Common Pleas

[Pa.B. Doc. No. 16-1978. Filed for public inspection November 18, 2016, 9:00 a.m.]

Title 255—LOCAL COURT RULES

COLUMBIA AND MONTOUR COUNTIES Business of the Courts; Case No. X of 2016

Order

And Now, this 7th day of November, 2016, it is hereby *Ordered* and *Decreed* that revisions to the 26th Judicial District's Orphans' Court Local Rules are adopted for use in both Columbia, and Montour Counties, Court of Common Pleas of the 26th Judicial District, Commonwealth of Pennsylvania, and shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

The 26th Judicial District Court Administrator is *Ordered* and *Directed* to do the following:

1) File one (1) copy to the Administrative Office of Pennsylvania Courts via e-mail to adminrules@pacourts.us.

2) Forward two (2) paper copies and one (1) electronic copy in a Microsoft Word format to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Publish the local rules on the court's website to be incorporated into the set of local rules on the website within 30 days after the publication of the local rules in *Pennsylvania Bulletin*.

4) File one copy of the local rules in the appropriate filing offices for public inspection and copying.

By the Court

HONORABLE THOMAS A. JAMES, Jr.,
President Judge

Orphans' Court Actions

L.R. No. 1.6.

All interested parties in a matter may use mediation to resolve issues pending before the Court, and upon either partial or complete resolution, may petition the Court to approve the agreement of all interested parties as an order or decree of the Court.

A. The interested parties may engage the services of a mediator, either prior to or after any party in interest has filed a Pleading before the Court, including an Account filed by a fiduciary.

B. Upon the filing of a Pleading before the Court, including an Account filed by a fiduciary, the Clerk shall provide the filing party with generic information regarding availability of mediation for the resolution of disputes prior to adjudication by the Court.

C. The filing party shall provide such information to other interested parties. The information, which does not bind the Court, and which may be in the form of a standard brochure, should include:

1. A brief description of the mediation process;
2. The anticipated benefits of mediation for litigants and associated professionals; and
3. Contact information to initiate mediation.

D. All interested parties in a matter docketed before the Court may request to engage in mediation at any time during the pendency of the matter.

E. In such request for mediation, all interested parties shall identify:

1. The proposed mediator and the proposed source of payment of fees and costs of the mediator;
2. Names and contact information of all interested parties and nay counsel who shall participate in the mediation;
3. Names and information regarding any interested parties having diminished capacity or a legal disability, whose interests must be adequately protected; and
4. The scheduled date for the initial mediation conference.

F. All interested parties shall execute an agreement for confidential mediation, which is not inconsistent with this local rule, and which shall remain confidential.

G. Mediation shall not delay the required filing of any Pleading or ordered return dates, or the scheduling of Court Hearings, unless specifically requested by joinder of the interested parties and so ordered by the Court.

H. The Court will respect the confidentiality of the mediation process and of the mediator's obligation of confidentiality.

I. Upon completion of mediation, all interested parties shall sign a memorandum of principal terms, which either shall acknowledge that no resolution was reached, or shall embody the resolutions attained. This memorandum of principal terms shall include a list of unresolved issues to be determined by the Court. Where appropriate, the principal terms could provide for future review in light of changed circumstances or a change in the operative facts. The memorandum of principal terms agreed upon, or the statement of no resolution, shall be filed with the Court.

J. In no event shall the terms agreed upon depart from or violate any provisions of applicable law, specifically including the Older Adults Protective Services Act, the Act of Dec. 18, 1996, P.L. 1125, No. 169 (35 P.S. §§ 10225.101—10225.5102), as may be amended.

K. The interested parties may request that the Court approve the final mediated agreement, which embodies the principal terms agreed upon in the memorandum referenced above. The Court may grant approval in an order or decree. Alternatively, the Court may recommend any changes that the Court deems appropriate for approval. The parties to the mediation may accept the Court's recommendations, in which event the terms agreed upon, as modified, shall be approved, or the parties may decline to accept the Court's recommendations, in which event the matter is deemed not to have resulted in an agreement.

Auditors

L.R. No. 9.1. Auditors—Appointment and Notice of Hearing.

All auditors shall be selected and appointed by the Court. They shall be members of the Bar, not in any case holding the Offices of the Register of Wills or Clerk of the Orphans' Court.

L.R. No. 9.2(a). Auditors—Notice of Completed Report and Confirmation Nisi.

Every Auditor shall give at least five (5) days written notice to the parties appearing of record or their counsel, that his Report has been completed, is in his/her office, and may be examined by the parties in interest or their counsel: said notice shall also contain the date the Auditor proposes to file his Report with the court. Upon filing, said Auditor's Report shall be confirmed nisi by the Court and marked filed by the Clerk, and unless Exceptions are filed within 20 (twenty) days after such confirmation nisi, the Clerk shall enter the same confirmed absolutely.

L.R. No. 9.2(c). Auditors—Exceptions.

If Exceptions are filed to a report of an Auditor, simultaneously therewith, the party filing said Exceptions shall file a Praecipe for Argument.

Guardianships of Incapacitated Persons

L.R. No. 14.2(a). Contents of Petition.

Each Petition for the appointment of a guardian shall conform to PA Orphans' Court Rules, Chapter III (Petitions, Practices, and Pleadings), shall be in plain language, and shall include the following information:

1. The name and address of the Petitioner, along with a statement of the Petitioner's relationship, if any, to the alleged incapacitated person.
2. The name, date of birth, age, and post office address of the alleged incapacitated person.
3. The names and addresses of the spouse, parents, and presumptive adult heirs of the alleged incapacitated person. (Presumptive adult heirs are those individuals having attained the age of majority who would inherit the alleged incapacitated person's estate as intestate heirs, had the alleged incapacitated person deceased on the date of the filing of the Petition.)
4. The name and address of the person or institution providing professional residential services to the alleged incapacitated person.
5. The names and addresses of all other professional service providers covering the six (6) month period preceding the filing of the petition.
6. Each location at which the alleged incapacitated person has resided for the preceding three (3) year period.
7. The names and addresses of each person who at any time during the preceding (3) years is known to have administered any of the financial affairs of the alleged incapacitated person. If a power of attorney exists and is in effect, a copy of the power of attorney is to be attached to the petition as an exhibit, if available to the Petitioner.
8. A statement of whether the alleged incapacitated person is known to have a will and whether a copy of any known will is available for production at the time of hearing.

14.2(c). Service on Alleged Incapacitated Person.

Each Petition seeking appointment of a guardian shall be served upon the alleged incapacitated person by personal service. The contents and terms of the Petition shall be explained to the maximum extent possible in language and terms the individual is most likely to understand. Form G-01, a citation and notice in the form approved by the Supreme Court, shall be attached to and served with the petition on the alleged incapacitated person. A copy of the Petition shall be left with the alleged incapacitated person. Service shall be no less than twenty (20) days in advance of the scheduled hearing and shall be made by a person trained and experienced in evaluating individuals with incapacities of the type alleged in the Petition.

14.2(d). Notice to Others.

In addition to service upon the alleged incapacitated person, notice of the scheduling of the hearing shall be given to the following by United States Postal Service, certified mail, return receipt requested, to the last known address of:

- i. All persons residing within the Commonwealth who are sui juris and would be entitled to share in the estate of the alleged incapacitated person if he or she died intestate at that time.
- ii. The person or institution providing professional residential services to the alleged incapacitated person.
- iii. To each person known to have a power of attorney who at the time of the filing of the petition was acting pursuant to the power of attorney on behalf of the alleged incapacitated person.
- iv. To such other persons as the Court shall direct.

14.2(e). Affidavits.

Affidavits of Service of a Petition filed pursuant to these Rules upon an alleged incapacitated person shall be substantially in the following form:

(Caption)

AFFIDAVIT OF SERVICE

I, _____, an adult individual residing at _____, hereby verify and state as follows:

- 1. I am a person trained and experienced in evaluating persons with incapacities of the type alleged in the petition filed to the above term and number.
- 2. On _____, 20 __, at _____ m. I personally served a true and correct copy of the said petition and required citation and notice pursuant to O.C. Rules 1.8(a) and 14.5, upon the alleged incapacitated person at _____ (State place of service).
- 3. At the time of service of the petition, I left a true and correct copy of the petition and required citation and notice pursuant to O.C. Rules 1.8(a) and 14.5, with the alleged incapacitated person. In addition, I explained the contents and terms of the petition to the maximum extent possible in language and terms the alleged incapacitated person is most likely to understand.
- 4. I verify that the statements made in this Affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S § 4904 relating to unsworn falsifications to authorities.

(Signature)

14.2(f). Proof of Notice.

Proof of notice as required under these Rules shall be substantially in the following form:

(Caption)

PROOF OF NOTICE

I, _____, attorney for Petitioner in the above incapacity proceeding, certify that on _____, 20 __, I served notice of the hearing scheduled in the above captioned matter seeking an adjudication of incapacity by mailing a true and correct copy of the petition with order for hearing appended thereto by certified mail, return receipt requested, postage prepaid, to the following persons and/or institutions at the addresses indicated below:

Name	Adresse
_____	_____
_____	_____
_____	_____

Attached to this Proof of Notice are return receipt cards evidencing said service of notice.

Attorney for Petitioner

14.2(g). No responsive pleading shall be required to a Petition filed seeking an adjudication of incapacity. All averments in such a Petition shall be deemed denied.

14.2(h). Upon the filing of a petition seeking an adjudication of incapacity, the Court shall appoint interim counsel to represent the interests of the alleged incapacitated person in the incapacity proceeding. Such counsel shall act as legal counsel for the alleged incapacitated person in the proceeding until such time as other legal counsel shall have entered a written appearance on behalf of the alleged incapacitated person in accordance with these Rules.

14.2(i). Proceedings for appointment of an emergency guardian shall be conducted in accordance with 20 Pa.C.S.A. § 5513. A petition for the appointment of an emergency guardian is expected to be in substantially the form provided under these Rules. To the extent that compliance is not possible, the Petitioner shall aver the reason for the noncompliance, such as the lack of opportunity to ascertain the required information. In addition, the Petitioner shall aver in concise and summary form those factual averments upon which Petitioner relies in requesting the appointment of an emergency guardian.

14.2(j). Service of Petition and Citation. The Petition and Citation seeking the appointment of an emergency guardian shall be served upon the alleged incapacitated person promptly and so as to facilitate the opportunity for the incapacitated person to appear at the hearing on the petition. In addition, notice of the proceeding to be given to such other persons as required under these Rules or in such other manner as the Court shall direct, unless the Court shall determine such notice is not feasible in the circumstances.

14.2(k). Conduct of Hearing/Trial.

(k)(1) *Timing of Depositions.* Any Petitioner intending to present testimony by deposition of individuals qualified by training and experience in evaluating individuals with incapacities of the type alleged shall not schedule any such deposition at a date sooner than twenty (20) days following the service of the Petition upon the alleged incapacitated person.

(k)(2) *Presence of Alleged incapacitated Person.* The alleged incapacitated person shall be present at the hearing unless:

(k)(2)(a) The Court is satisfied, upon deposition or testimony of, or sworn statement by a physician or licensed psychologist, that the physical or mental condition of the alleged incapacitated person would be harmed by his presence and further that such person is unable to appreciate the subject matter of the petition and nature of the proceeding seeking an adjudication of incapacity; or

(k)(2)(b) It is impossible for the alleged incapacitated person to be present because of his earlier absence from the Commonwealth.

(k)(3) *Request for Hearing at Residence.* A request for the hearing to be held at the residence of the alleged incapacitated person shall be presented to the Court by Motion no later than ten (10) days prior to the scheduled date of the hearing. Such Motion shall set forth the basis upon which the location of the hearing shall be changed. Included in the motion shall be the consent of all persons or entities to whom notice of hearing shall have been given. If a consent cannot be obtained because a person or entity objects to the change of location or for some other valid reason such as lack of capacity, the Moving Party shall note in the Motion that such consent could not be obtained and specify the reason therefore. Notice of the filing of the Motion shall be given to the alleged incapacitated person and to all persons and entities who received notice of the scheduling of the hearing.

(k)(4) *Notification Regarding Counsel.* The Court shall appoint counsel to represent the alleged incapacitated person in any matter for which counsel has not been retained by or on behalf of that individual. If counsel has been retained for the alleged incapacitated person, counsel shall enter a written appearance prior to the scheduled hearing. At the time of hearing the Court shall determine the alleged incapacitated person's ability to pay for counsel. If the Court finds such person is unable to make such payment, the costs of appointment of counsel shall be paid by the County.

(k)(5) *Closure of Hearing; Non-Jury Nature.* The hearing shall be closed to the public unless the alleged incapacitated person or his counsel objects. The hearing shall be without a jury unless written request for a jury trial is filed by the alleged incapacitated or their counsel, no later than twenty (20) days following service of the Petition upon the alleged incapacitated person.

(k)(6) *Evidentiary Standard.* No person shall be found to be incapacitated in the absence of the presentation of clear and convincing evidence.

(k)(7) *Grounds for Dismissal.* If the Court determines that the proceeding has not been instituted to aid or benefit the alleged incapacitated person, or that the Petition is incomplete or fails to provide sufficient facts to proceed, the proceeding may be dismissed.

(k)(8) *Production of Will.* The alleged incapacitated person's last known will shall be produced by the Petitioner at the time of hearing, if the same is available. In the event that Court makes a determination of incapacity, the Court shall receive a copy of said will and direct that the same be made part of the record under seal of the Court, unless the Court finds in its discretion that the nature of the incapacity does not warrant incorporation of a copy of the will into the record. The Court may further order a guardian to present a copy of any will of a person

adjudicated incapacitated if located subsequent to the hearing, regardless of whether such will predates or postdates a will previously made part of the record.

14.2(l). Submission of Proposed Findings of Fact.

On the date of the scheduled guardianship hearing, counsel for each party participating therein shall present to the Court proposed specific findings of fact concerning:

1. The nature of any condition or disability which impairs the individual's capacity to make and communicate decisions.

2. The extent of the individual's capacity to make and communicate decisions.

3. The need for guardianship services, if any, in light of such facts as the availability of family, friends, and other supports to assist the individual in making decisions, and in light of the existence, if any, of advance directives such as durable powers of attorney or trusts.

4. The type of guardian, limited or plenary, of the person or estate, needed based on the nature of any condition or disability and the capacity to make and communicate decisions.

5. The proposed duration of the guardianship.

14.2(m). Proposed Final Order.

The proposed final order, which has been appended to the petition under Local Rule 14.2(A)(13) shall specify the precise scope of authority requested for the guardian and the specific areas to which the guardian shall be assigned powers.

14.2(n). Notice of Post-Trial Rights.

At the conclusion of a proceeding in which the person has been adjudicated incapacitated, the Court shall inform the person of his right to appeal and to petition to modify or terminate the guardianship. A review hearing may be set at such time in the discretion of the Court.

14.2(o). Production of Will Following Hearing.

Following an adjudication of incapacity in which the Court shall have ordered the production of any will of the incapacitated person, upon locating any will of the incapacitated person, the guardian shall present a Motion directly to the Court requesting that copies of such will or wills be made a part of the record under seal. Such Motion shall contain an Order directing the filing of the copy or copies of the incapacitated person's will as part of the record under seal of the Court.

Adoptions

L.R. No. 15.1. Adoptions—Notice of Intent to Adopt.

(a) Whenever a Notice of Intent to Adopt is filed within the 26th Judicial District, a copy thereof shall promptly be filed with the Clerk of Columbia or Montour County, as applicable, who shall in turn transmit said copy to the Director of Columbia or Montour County Office of Children's Services, as applicable. Said agency shall forthwith conduct a home investigation for each proposed adoption and shall present a report thereof to the Court prior to the scheduled date of the adoption proceeding.

(b) No such additional filing fee will be required when the proposed adopting parent or parents are among the persons exempt from filing a Report of Intention to Adopt under 23 Pa.C.S.A. § 2531(c).

(c) No such additional filing fee will be required when the intermediary is a public or voluntary child care agency other than Columbia County or Montour County Office of Children and Youth Services in which case the investigative report will be prepared by the child care agency as intermediary.

[Pa.B. Doc. No. 16-1979. Filed for public inspection November 18, 2016, 9:00 a.m.]

WASHINGTON COUNTY

Community Service Program and Furlough Into Service Program; No. 2016-1

Order

And Now, this 27th day of October, 2016, *It Is Hereby Ordered* that Community Service Program and Furlough Into Service Program (“FITS Program”) are court-approved programs administered jointly under the Clerk of Courts, Community Services Department, Domestic Relations Office, and the Adult Probation Office.

These programs have been in effective collectively since 1994 (Community Services Program), 1997 (FITS Program), and 2014 (Domestic Relations Office). Supervision of participants in the program shall be by the Director of Community Services until further order of court.

Defendants in all summary and criminal cases in which fines and costs are assessed as part of their sentence shall be eligible for participation in the Community Services Program unless the judge at the time of sentencing states the contrary. The determination for inclusion in the program shall be by the Clerk of Courts or the Adult Probation Office upon establishment that the defendant is unable to pay the fines, fees, and/or costs ordered by the court. Defendants shall submit sufficient documentation regarding their inability to pay, and the determination of the Clerk of Courts or Adult Probation Office shall be filed of record. Defendants admitted to the program shall be eligible to work off fines, fees, and/or costs per hour through approved community service based on the prevailing minimum wage of the Commonwealth of Pennsylvania.

Defendants in criminal cases where work-release or weekend status is approved as part of their sentence, or defendants found in contempt of court for failure to pay support in a domestic relations case shall be eligible for participation in the FITS Program, unless the judge at the time of sentencing, or finding of contempt, states the contrary. Selection and removal of defendants from the FITS Program shall be at the discretion of the Warden of the Washington County Correctional Facility or their designee. Defendants admitted to the program shall be eligible to work off fines, fees, and/or costs per hour through approved community service based on the prevailing minimum wage of the Commonwealth of Pennsylvania.

Defendants in magisterial district judge cases (traffic, summary, and juvenile) in which fines, fees, and/or costs are assessed as part of their sentence shall be eligible for participation in the Community Services Program, unless the magisterial district judge at the time of sentencing states the contrary. Determination for inclusion in the program shall be by the magisterial district judge after a payment determination hearing is held, and the magisterial district judge concludes that the defendant is unable

to pay the ordered fines, fees, and/or costs. Defendants admitted to the program shall be eligible to work off fines, fees, and/or costs per hour through approved community service based on the prevailing minimum wage of the Commonwealth of Pennsylvania.

The hours worked shall be applied to fines, fees, and/or costs in order of priority as provided by 42 Pa.Con.Stat. § 1721. Participants in the Community Service Program and the FITS Program shall not be permitted to apply credit from either program to court-ordered restitution, reparations, penalties, or support payments.

This Order shall apply to all cases in which there are outstanding fines, fees and/or costs, any pending case awaiting sentencing or a finding of contempt, and any case otherwise eligible as set forth above until further order of court.

It is *Ordered* that this Administrative Order shall be effective thirty (30) days after the publication thereof in the *Pennsylvania Bulletin*.

It is further *Ordered* that, in accordance with Pa.R.Crim.P. 105, the District Court Administrator shall:

(a) File one (1) certified copy hereof with the Administrative Office of the Pennsylvania Courts;

(b) Distribute two (2) certified copies hereof to and one (1) CD-ROM copy that complies with the requirement of PA. Code § 13.11(b), to the Legislative Reference Bureau for publication in *Pennsylvania Bulletin*;

(c) File one (1) certified copy hereof with the Criminal Procedural Rules Committee;

(d) File one (1) certified copy with the Clerk of Courts;

(e) Cause a copy hereof to be published in the *Washington County Bar Journal* once a week for two successive weeks at the expense of the County of Washington; and

(f) Supervise the distribution hereof to all Judges of this Court and the Magisterial District Judges of the County of Washington.

By the Court

KATHERINE B. EMERY,
President Judge

[Pa.B. Doc. No. 16-1980. Filed for public inspection November 18, 2016, 9:00 a.m.]

YORK COUNTY

Amendment of Local Rules of Civil Procedure; 2016-MI-000552

Administrative Order Amending York County Local Rules of Civil Procedure

And Now, this 2nd day of November, 2016, it is *Ordered* that York County Local Rules of Civil Procedure are hereby amended as follows, effective January 1, 2017:

New rules 1915.3, 1915.4, 1915.4-3, 1915.4-4, 1915.7, 1915.11, 1915.11-2, 1920.33, 1920.51, and 1920.55-2 are adopted.

Existing rule 1940.4 is amended as indicated.

Existing rules 1915.3(a), 1915.3(b), 1915.3(c), 1915.3(d), 1920.33, 1920.51, and 1920.55-2 are rescinded and replaced by new rules.

Existing rules 1915.5, 1920.31, 1920.55-1, 1970, 1972, 1973, 1974, and 1975 are rescinded and not replaced.

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

By the Court

JOSEPH C. ADAMS,
President Judge

[York R.C.P. 1915.3(a). Commencement of Action.

(1) All complaints relating to custody. . .

...

(2) If any minor child subject...until further order of court.]

- this rule is rescinded in its entirety and is replaced by new rule 1915.3

[York R.C.P. 1915.3(b). Reference to Conciliator.

(1) *Assignment.* The district court administrator shall. . .

...

(10) *Record.* No record shall be made at the conciliation conference.]

- this rule is rescinded in its entirety and is replaced by new rule 1915.3

[York R.C.P. 1915.3(c). Entry of Court Order.

Upon review of the conciliator's. . .the parties by the court.]

- this rule is rescinded in its entirety and is replaced by new rule 1915.3

[York R.C.P. 1915.3(d). Scheduling of Trial.

(1) If the parties are unable. . .

...

(2) The failure of a party...imposition of other appropriate sanctions.]

- this rule is rescinded in its entirety and is replaced by new rule 1915.3

York R.C.P. 1915.3. Commencement of Action. Complaint. Order.

(A) The moving party shall file complaints and petitions with the prothonotary. The moving party shall then present to the district court administrator a copy of the filing bearing the prothonotary's time-stamp, along with proof of payment to the prothonotary of any required fee.

(B) Custody complaints, petitions for modification of a custody order and first petitions for contempt of a custody order shall be heard by a conciliator.

(1) When presented by the moving party, the district court administrator will assign a conciliator and provide the moving party with an order scheduling a conciliation conference.

(2) The district court administrator shall immediately file the order with the prothonotary.

(3) The prothonotary shall provide to the moving party a sufficient number of time-stamped copies of the order for the moving party to serve with the complaint or petition on all other parties.

(4) The moving party shall serve copies of the pleading and scheduling order on all other parties pursuant to Pa.R.C.P. No. 1930.4. All copies shall bear the time-stamp of the prothonotary.

(C) Petition for second or subsequent adjudication of alleged contempt of a custody order and petitions for special relief shall be heard in motions court.

(1) Pursuant to York R.C.P. 208.3(A), the moving party shall complete a notice of presentment at least five (5) days in advance of the intended motions court date.

(2) The moving party shall file an original and one (1) copy of the motion and an original and one (1) copy of the notice of presentment with the prothonotary. The prothonotary shall time-stamp all documents, retain the original of the motion and the original of the notice of presentment for docketing, and provide the copy of the motion and the copy of the notice of presentment to the motions court judge.

(3) The moving party shall also obtain the prothonotary's time-stamp on a sufficient number of additional copies of the motion and notice of presentment, which the moving party shall serve on all parties pursuant to Pa.R.C.P. No. 1930.4.

York R.C.P. 1915.4. Prompt Disposition of Custody Cases.

(A) If the parties are unable to agree to a resolution, the court may issue an interim order and shall issue an order scheduling a pre-trial conference, at which time counsel and all parties shall be present.

(B) The failure of a party to comply with any pre-trial order shall not be sufficient basis to prevent the scheduling of the pre-trial conference with the court. Rather, the court may take such dilatory actions into account when assessing costs and counsel fees, imposition of other appropriate sanctions, and entry of a final order.

York R.C.P. 1915.4-3. Non-Record Proceedings.

(A) *Conference.* In the event the conciliation lasts more than one (1) hour or a subsequent conciliation is held, the conciliator may address the issue of the assessment of an additional fee, which shall be added to the costs.

(B) *Attendance.* All parties are mandated to be present and available at the conciliation conference. Failure of a party to appear at the conference may provide grounds for the entry of a temporary or final order. Conciliation shall commence at the designated time with or without counsel for the parties being present.

(C) *Continuance.* Should a party request a continuance of the established date, the party requesting the continuance shall be responsible for arranging such continuance, which shall include the preparation of an application for continuance in the standard form approved by the court, which includes a proposed order for the change of conference date. The application shall be presented to the conciliator not less than two (2) business days prior to the conference. Absent consent by all parties, the rescheduled conference shall be held within twenty (20) days of the originally scheduled date.

(D) *Memorandum by Parties.* Each party shall file a conciliation memorandum with the prothonotary at least three (3) business days prior to the date of the conciliation conference. The memorandum shall be substantially in the form published on the York County website and available at the court self-help center. The memorandum filed by each party shall address the following:

(1) proposed order (this should be the same relief that is set forth in the complaint filed by the moving party);

(2) names and addresses of factual witnesses;

(3) names and addresses of expert witnesses;

(4) issues for resolution;

(5) estimated length of trial;

(6) whether a home study is requested; and

(7) whether the party will agree to a joint psychologist for evaluation or requests psychological evaluations.

York R.C.P. 1915.4-4. Pre-Trial Procedures.

All parties or counsel shall meet at least two (2) weeks prior to trial for the purpose of drafting a comprehensive joint statement of stipulated facts and issues. The parties shall file the joint statement of stipulated facts and issues with the prothonotary at least one (1) week prior to trial, unless otherwise directed by the court. The stipulation shall consider the factors enumerated in 23 Pa.C.S. § 5328.

[York R.C.P. 1915.5. Question of Jurisdiction or Venue.

If a party raises a . . . pursuant to YCCiv.208.2 and 208.3(a).]

- this rule is rescinded in its entirety

York R.C.P. 1915.7. Consent Order.

(A) Parties do not have to be present before the court to enter a stipulation/agreement. Parties shall file with the prothonotary an original and one (1) copy of the stipulation/agreement and an original and one (1) copy of a motion requesting the court to adopt the stipulation/agreement. The moving party shall also provide to the prothonotary an original proposed order.

(B) The prothonotary shall time-stamp all documents except the proposed order, retain the original stipulation/agreement and the original motion for docketing, and provide the copy of the stipulation/agreement, the copy of the motion, and the proposed order to the court.

(1) If the stipulation/agreement pertains to an existing docketed case with an open action already assigned to a judge, the prothonotary shall provide the documents to the assigned judge.

(2) If the stipulation/agreement initiates a new custody action, or it pertains to an existing docketed case that does not have an open action already assigned to a judge:

(a) the filing party shall pay any required filing fee to the prothonotary;

(b) the filing party shall also file a criminal record/abuse history verification form for each party to the action, as well as for any other required individuals;

(c) pursuant to Pa.R.C.P. No. 1930.8, the filing party shall also file an entry of appearance form executed by each self-represented party; and

(d) the prothonotary shall provide the documents to the administrative judge of the family division.

(C) The filing party shall obtain the prothonotary's time-stamp on a sufficient number of additional copies of the stipulation/agreement and motion, which the filing party shall serve upon all parties pursuant to Pa.R.C.P. No. 1930.4.

(D) The prothonotary shall serve a time-stamped copy of the court's signed order upon all parties.

York R.C.P. 1915.11. Appointment of Attorney for Child.

Any motion of a party to appoint an attorney for the child shall be presented to the district court administrator pursuant to York R.C.P. 208.3(A). A list of approved attorneys is available through the prothonotary's office.

York R.C.P. 1915.11-2. Appointment of Guardian Ad Litem.

Any motion of a party to appoint a guardian ad litem (GAL) for the child shall be presented to the district court administrator pursuant to York R.C.P. 208.3(A). A list of approved custody GALs is available through the prothonotary's office.

[York R.C.P. 1920.31. Joinder of Related Claims. Child and Spousal Support. Alimony. Alimony Pendente Lite. Counsel Fees. Expenses.

(a) Joinder of Related Claims—Child. . .

. . .

(3) Sanctions for failure to file. . . her expenses. See Pa.R.C.P. 1920.33(b)(6)]

- this rule is rescinded in its entirety

[York R.C.P. 1920.33. Joinder of Related Claims. Distribution of Property. Enforcement.

(a) *Filing of Inventories.*

. . .

(b) *Pretrial Statements.*

. . .

(4) *Filing date.* The pretrial statement shall be. . . concerning conferences with the master.]

- this rule is rescinded in its entirety and is replaced by new rule 1920.33

York R.C.P. 1920.33. Joinder of Related Claims. Equitable Division. Enforcement.

(A) *Filing of Inventories.* The name of the account holder and the last four (4) digits of the account number shall be used to identify assets such as investment accounts, bank accounts, insurance policies, retirement accounts, and the like.

(B) *Pretrial Statements.*

(1) The parties shall file pre-trial statements with the prothonotary. The pre-trial statement shall be in chart form with assets listed by category in the same order as found on the master's memorandum. Failure to comply with these requirements may lead to the imposition of sanctions against the non-complying party. The pre-trial statement shall

list all exhibits that will be proffered at trial. Each exhibit shall be described concisely so that it can be easily identified.

(2) *Filing Date.* The pre-trial statement shall be filed no less than fifteen (15) days prior to the settlement conference.

[York R.C.P. 1920.51. Appointment of Master. Notice of Hearing.

(a) *Appointment of Masters.*

...

(b) *Scheduling of Preliminary Proceedings and...*

...

(2) *Preliminary proceedings.*

...

(xi) *Notice of Master's Hearing.* When...master's memorandum of that proceeding.]

- this rule is rescinded in its entirety and is replaced by new rule 1920.51

York R.C.P. 1920.51. Appointment of Master. Notice of Hearing.

(A) *Cases in Which a Master May Be Appointed.* A hearing master may be appointed to hear all matters authorized by Pa.R.C.P. No. 1920.51, including discovery disputes, except child support, partial custody or visitation.

(B) *Procedure to Appoint a Master.*

(1) The moving party shall present to the prothonotary the original and one (1) copy of a motion to appoint a master.

(a) If the moving party seeks appointment of a master solely to address an issue of alimony pendente lite, the filing party must include the following documents as attachments to the motion to appoint a master:

(i) a copy of the initial pleading the party previously filed raising a claim for alimony pendente lite, bearing the prothonotary's time-stamp of initial filing; and

(ii) a fully executed background for APL form as prescribed by the master.

(b) If the moving party seeks appointment of a master solely to address a discovery issue, the filing party must include as an attachment to the motion to appoint a master a fully executed discovery status conference information sheet as prescribed by the master.

(2) The moving party shall pay any required filing fee. The court may limit the number of hours of the master's time that will be provided, and may impose additional fees if the parties exceed the time allotted. Fees shall be regarded as costs of the case, and the master may recommend that either party bear those costs or reimburse the other party in full or in part for fees previously paid.

(3) The moving party shall also obtain the prothonotary's time-stamp on a sufficient number of additional copies of the motion, which the moving party shall serve on all parties pursuant to Pa.R.C.P. No. 1930.4.

(4) The prothonotary shall serve the copy of the motion upon the master.

(5) The court shall issue an order appointing a master and an order to schedule such further proceedings as may be necessary. The master shall file both orders with the prothonotary.

(6) The prothonotary shall serve copies of the appointment and scheduling orders upon all parties.

(C) *Request for Return of Appointment Fees.* In any action where the appointment of a master is withdrawn after the appointment has been made by the court, the party who paid the fees specified in this subsection may petition the court for the return of the fees less fifty dollars (\$50.00), provided that no initial conference has been held and written notice of discontinuance or revocation of the appointment of a master has been delivered to the master no less than fifteen (15) days in advance of the first scheduled proceeding.

(D) *Certification that discovery is substantially complete.* In all cases except for discovery appointments, the moving party shall certify in the motion to appoint that discovery is substantially complete with respect to the claims being presented to the master. Failure to comply with this requirement may result in the denial of the motion or rescission of the appointment. "Substantially complete" means that both parties have all documents and other information necessary to proceed to trial, except for recent pay statements, updated account statements, and proof of change of circumstances that may be provided before the hearing.

(E) *Scheduling of Preliminary Proceedings and Hearings Before the Master.*

(1) *Attendance at Conferences.* Both parties and their counsel shall attend all conferences unless excused in advance by the master. A request for a party to be excused or for a party to participate by electronic means must be made in writing and delivered to opposing counsel and to the master no less five (5) business days in advance of the scheduled conference. Failure of any party or counsel to attend a scheduled proceeding before the master may subject the offending party or attorney to appropriate sanctions, which may include a monetary penalty. Furthermore, the master may proceed with the conference or hearing without the participation of that party provided written notice of the conference or hearing had been given.

(2) *Continuance Requests.* Any request for continuance shall be submitted by the moving party to the master for consideration. All continuance requests shall be made on the application for continuance form promulgated by the court. The response and signature of opposing counsel should be included on the form. Once the master rules on the request, the master shall file the form with the prothonotary, who shall serve all parties.

(3) *Sanctions by Masters.* If either party fails to comply with the discovery deadlines established by the master in the preliminary conference memorandum or otherwise:

(a) the master, on motion of the adverse party or sua sponte, may continue the matter until discovery is complete and/or recommend any sanction outlined in Pa.R.C.P. No. 1920.33(d) or Pa.R.C.P. No. 4019(c)(1), (2), (3), or (5); and

(b) the aggrieved party may elect to file, pursuant to York R.C.P. 208.3(A), a motion in motions court for a protective order, or to compel discovery in accordance with the master's directive or otherwise. The court may, either on the recommendation of the master, request of a party or sua sponte, impose counsel fees against the non-complying party if the court sustains the master's discovery directive and the requested information was not provided prior to the presentation of the motion to compel.

[York R.C.P. 1920.55-1. Alternative Hearing Procedures for Matters Referred to a Master.

(a) All matters referred to a . . .

...

(b) Motions directly pertaining to matters. . .

...

(3) The master may refer the motion. . . such motions without any recommendation.]

- this rule is rescinded in its entirety

[York R.C.P. 1920.55-2. Master's Report. Notice. Exceptions. Final Decree.

(a) *Stenographic record. Contents of Report.*

...

(g) *Transmitting the record. If no. . . preparing or filing this praecipe.]*

- this rule is rescinded in its entirety and is replaced by new rule 1920.55-2

York R.C.P. 1920.55-2. Master's Report. Notice. Exceptions. Final Decree.

(A) At the conclusion of any master's hearing in which it appears the action remains contested, the master shall direct the court reporter to prepare and file with the prothonotary a transcript of the proceedings within thirty (30) days.

(B) After conclusion of any hearing, the master shall file the record and a written report and recommendation in accordance with Pa.R.C.P. No. 1920.55-2(a). The master shall file the original with the prothonotary for docketing and shall provide copies to the district court administrator and all parties.

(C) *Final decree.*

(1) If any party timely files exceptions to the master's report pursuant to York R.C.P. 208.3(B), the moving parties and respondents shall cite to the page numbers of the transcript that support their respective positions on all issues raised by the exceptions and responses, and shall include any proposed order. Upon expiration of the time for filing exceptions and responses, the district court administrator shall assign the matter to a judge and provide to the judge the master's report and recommendation, and all exceptions, responses and proposed orders filed by the parties. The judge shall dispose of the exceptions and issue a final decree.

(2) If no party timely files exceptions to the master's report, the district court administrator shall assign the matter to a judge and provide to the judge the master's report and recommendation. The judge shall issue a final decree.

[YCCiv.] York R.C.P. 1940.4. Minimum Qualifications of the Mediator. Selection of Mediators. Training.

[(A) Prior to the last day of each calendar year, the York County Bar Association Family Law Section shall present to the President Judge a list of attorneys authorized to practice before the York County Court of Common Pleas, or other qualified professionals, who have agreed to serve as mediators for cases eligible for mediation under YCCiv. 1970. The President Judge, in consultation with the Supervising Judge of the Family Court may strike names from the list and shall promptly appoint the mediators and set their fees by administrative order. A copy of the administrative order shall promptly be forwarded to the York County Bar Association.

(B)] (A) *Mediation Training Requirements:* [Persons] In addition to any requirements in Pa.R.C.P. No. 1940.4, persons selected as mediators [for cases submitted under YCCiv. 1970] must have fulfilled the requirements of a recognized organization of family mediators (which shall include at least forty (40) hours of approved training in family law mediation), or have received thirty (30) hours of custody mediation training approved by the [York County Family Court Division] court.

[(C)] (B) No person shall serve as a mediator in case where the mediator or any member of his or her firm:

(1) previously or currently represents one or more parties;

(2) is personally acquainted with or related to one or more of the parties;

(3) has personal knowledge or familiarity with the case;

(4) has been or may be called as a witness in the case; or

(5) has participated as a conciliator or master in the case.

[York R.C.P. 1970. Cases Eligible Family Law Mediation.

(a) Family law cases which shall. . .

...

(b) Pursuant to these rule, no. . . for mediation under this section.]

- this rule is rescinded in its entirety

[York R.C.P. 1972. Motion for Mediation.

(a) An attorney for any party. . .

...

(e) The motion and order of. . . served on the assigned mediator.]

- this rule is rescinded in its entirety

[York R.C.P. 1973. Conduct of Mediation Conferences.

(a) All mediation conferences shall be. . .

...

(g) All discussions during the mediation...addressed in the mediation conference.]

- this rule is rescinded in its entirety

[York R.C.P. 1974. Duties and Compensation of Mediator.

(a) Within ten (10) days of service...

...

(d) At the conclusion of the...implement such documents and agreements.]

- this rule is rescinded in its entirety

[York R.C.P. 1975. Sanctions for Failing to Participate in Mediation.

(a) In the event that any...

...

(b) The sanctions permitted by this...law or rule of court.]

- this rule is rescinded in its entirety

[Pa.B. Doc. No. 16-1981. Filed for public inspection November 18, 2016, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated October 5, 2016, pursuant to Pennsylvania Rules of Disciplinary Enforcement 219 which requires that all attorneys admitted to practice in any court of this Commonwealth must pay an annual assessment of \$200.00. The Order became effective November 4, 2016.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

ALICE LYNN BROWN
JOHANNESBURG, SOUTH AFRICA

TOM Y. CHAN
SHANGHAI, CHINA

SUNG YONG PARK
TOKYO, JAPAN

SHIOU-PING SHYU
TONGXIAO, CHINA

KATHARINE REED ALLEN
CHARLOTTESVILLE, VA

ANTHONY ARTURI
ROCHELLE PARK, NJ

ABIGAIL SUSAN BAIRD
BOSTON, MA

SYLVIA IRIS BARRETT
CAMBRIDGE, MA

KIM BERNARD BATTAGLINI
HOUSTON, TX

PETER S. BEJSIUK
MOORESTOWN, NJ

WILLIAM STEVEN BERMAN
MARLTON, NJ

BRIAN ANDREW BIGGS
WILMINGTON, DE

CAROL J. BILZI
WASHINGTON, DC

WILLIAM OWEN BLOME
ARLINGTON, VA

ALEX R. BLUM
SPRINGFIELD, NJ

ANN VICTORIA BOOTH-BARBARIN
WILMINGTON, DE

ALFRED WESLEY BRIDGES, JR.
BORDENTOWN, NJ

DANIELL AARON BROTTMAN
GLEN DORA, NJ

DAVID JACKSON BROWN
ROCKVILLE, MD

DYLAN DEAN BROWN
LINWOOD, NJ

CAROLYN BUCCERONE
NASHVILLE, TN

STEPHEN JAMES BUIVIDAS
CHERRY HILL, NJ

SEAN ROSS CALLAGHAN
WASHINGTON, DC

ROBERT PAUL CAMPBELL
AKRON, OH

BRIAN FREDERIC CARL
HOUSTON, TX

CHERYL LYNN CHAFIN
AMHERST, NH

JISUN CHANG
NEWARK, DE

TRAN B. CHE
STAMFORD, CT

GEORGE A. CIERVO
COLLINGSWOOD, NJ

MEREDITH SIEGEL COHEN
CHERRY HILL, NJ

THERESA CONCEPCION
NEW YORK, NY

GILBERT MORRIS COOGLER
NEW YORK, NY

KACEE COPUS
NEW BRAUNFELS, TX

FRANKLIN CORNETTE 2nd
WESTON, WV

LAURA ANNE CORSELL
HARVEY CEDARS, NJ

CLAUDIA ALEJANDRA COSTA
RIDGEFIELD, NJ

CHARLES WESLEY COTTRELL
MARSHALL, TX

AMY COVERT
NEW YORK, NY

NICOLE D. CRAWFORD-MABENGEZA
WASHINGTON, DC

JONATHAN ELLIOT CUTLER
NEW YORK, NY

ENANTE DAROUT
ROSELLE, NJ

TANUJA M. DEHNE
PRINCETON, NJ

SCOTT PETER DEMARTINO
WASHINGTON, DC

DAVID ALLEN DENHAM
WILMINGTON, DE

GIOVANNI F. DI CENSO
PEPPER PIKE, OH

SHERYL DICKER
MAMANONECK, NJ

WILLIAM M. DIEFENDERFER, III
GREAT FALLS, VA

BARBARA DILAURO
CHERRY HILL, NJ

WILLIAM B. DIXON
NAPLES, FL

JOHN CHRISTOPHER DUGAN
PINE HILL, NJ

KACY KOVAR DUSEK
FULSHEAR, TX

JOSEPH ANTHONY ERNST
EAST SYRACUSE, NY

CHRISTINE QUBAIN ERNST
ATLANTA, GA

DOMINIC FRANCIS FAHEY
HADDONFIELD, NJ

ZACHARY JOSEPH FANSLER
BETHEL, AK

JASON MATTHEW FORGEY
FRISCO, TX

JAMES A. FOX
RUTHERFORD, NJ

SARAH CASSIDY GAGE
KAILUA, HI

JOHN JOSEPH GARAGOZZO
MICKLETON, NJ

GRACE L. GAVIGAN
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ROBYN MARIA GNUDI KALOCSAY
FORT LEE, NJ

ANNE MARIE KERIN GOCHIS
SOMERVILLE, MA

JEFFREY M. GOLDSTEIN
WASHINGTON, DC

MICHAEL EVAN GORDON
LOS ANGELES, CA

MICHAEL GOUDA
MEDFORD, NJ

MONNYE RAYE GROSS
CLAYTON, MO

MICHAEL ROSS HAHN
GIBBSBORO, NJ

EDWARD GEORGE HANRATTY
FREEHOLD, NJ

DIETRICH ANDREW HARRIS
IRVINGTON, NJ

ANGELA DENISE HART
BETHESDA, MD

RICHARD GARY HESS
NEW CASTLE, VA

MICHAEL EVERETT HEYGOOD
IRVING, TX

NYASHA HUNGWE
LOS ANGELES, CA

SUSAN ELISABETH ISRAEL
TEANECK, NJ

THOMAS MCADOO JANUTOLO, JR.
BLUEFIELD, WV

KAITLIN MARIA JENKINS
MORRISTOWN, NJ

JOHN JAMES JEROME
LAKEVILLE, CT

ANNIE KAPLAN
WASHINGTON, DC

FRANCIS P. KARAM
NEW YORK, NY

CHRISTINE KENNY
NEWARK, NJ

JACOB JUNIUS KETCHAM
WILMINGTON, DE

PETER SUNGTAE KIM
WASHINGTON, DC

RUFUS CHOATE KING
BOSTON, MA

ADAM DAVID KLEIN
CHERRY HILL, NJ

JENNIFER KOUZI MITTELMAN
HASTINGS-ON-HUDSON, NY

BRIAN KOWALSKI
MOORESTOWN, NJ

JESSICA RACHEL LAINE
VOORHEES, NJ

DAVID SCOTT MACK
SHORT HILLS, NJ

MUFTIAH MARIE MCCARTIN
ARLINGTON, VA

IAN MCMAHON MCCUTCHEON
BOSTON, MA

ALLISON DANKO MCFEATTERS
CHARLOTTESVILLE, VA

JENNIFER L. MCGUCKIN-MIGNANO
FRANKLINVILLE, NJ

SCOTT THOMAS MICCIO
COLLINGSWOOD, NJ

YVETTE ALMA MICHAUD
HOUSTON, TX

EDWARD PATRICK MONAGHAN
SILVER SPRING, MD

DANIEL CHRISTIAN MONG
DENVER, CO

PRISCILLA MATRID MOORE
WESTBROOK, CT

EARL NEWELL
GARRISONVILLE, VA

WALTER JOHN O'BRIEN
LEWES, DE

BEATRICE PACHECO
ARLINGTON, VA

VISHAL S. PETIGARA
PRINCETON, NJ

JAMES F. PETRAGLIA
YOUNGSTOWN, OH

PETER PIZZI
NEW YORK, NY

BERNARD FERMAN PLANTZ
NEW BRUNSWICK, NJ

JAMES THOMAS PODGORNEY
BARBERTON, OH

DAVID ALVIN POWELL
RANDOLPH AFB, TX

MICHAEL RAYMOND PRATT
CHAPEL HILL, NC

THOMAS POGUE PRESTON
DOVER, DE

MICHAEL E. PREVOZNIK
MADISON, NJ

JOHN WILLIAM PSZWARO
MOUNT LAUREL, NJ

JOHN PATRICK QUIRKE
EAST BRUNSWICK, NJ

SUMITA RAY
SUNNYVALE, CA

ORLANDO MITCHEL RIVERA
CHERRY HILL, NJ

JOHN EDWARD ROGERS
KENILWORTH, IL

GREG IRVING ROSE
NOTTINGHAM, MD

BRYAN THOMAS RIANCHO ROWLAND
WEST DEPTFORD, NJ

BEHNAM SALEHI
SAN FRANCISCO, CA

GREGORY JOHN SAMUROVICH
NEW YORK, NY

STANLEY I. SCHULDINER
WALDWICK, NJ

GREGORY JOHN SCHWENDEMAN
MELBOURNE, FL

PAUL ALLEN SCOFF
DURHAM, NH

RONALD C. SCOTT
PUNTA GORDA, FL

MICHAEL B. SEDLOCK
COLUMBUS, OH

CELESTE THOMAS SEGURE
ADDISLEIGH PARK, NY

JOHN SHASANMI
NEW YORK, NY

SARA DANIELLE SHEINKIN
NEW YORK, NY

HEATHER DAWN SMALL
ELIZABETH, NJ

STAGER CLAY SMITH
MARIETTA, GA

SEAN PATRICK SMITH
CHERRY HILL, NJ

LARRY D. SOBEL
RANCHO PALOS VERDES, CA

PRERNA SONI
NEW YORK, NY

JOSEPH FRANK SPIRITO, III
RIO GRANDE, NJ

MATTHEW DANIEL SPITTAL
MARLTON, NJ

EFTHALIA CHRISTINA STAIKOS
NEWPORT BEACH, CA

DEBORAH STEINCOLOR
JERSEY CITY, NJ

ROBYN M. STOBER
DENVER, CO

DENA BETH SUKOL
SACRAMENTO, CA

DANIEL BRETT SULLIVAN
WEST MILFORD, NJ

MICHAEL PATRICK TIUFEKCHIEV
POTOMAC FALLS, VA

ELIZABETH ANN TURCHI
STATEN ISLAND, NY

PATRICIA DAFFODIL TYMINSKI
LOS ANGELES, CA

LAURA B. WALLENSTEIN
CHERRY HILL, NJ

JAMES L. WEINBERG
SHAKER HEIGHTS, OH

YSABEL WILLIAMS
EDGEWATER, NJ

MICHAEL EDWARD WILSON
VENICE, FL

SEAN MICHAEL WIRTH
FREEHOLD, NJ

MEGAN ANN WRIGHT
FRISCO, TX

ABENA YEBOA
NEW YORK, NY

ANDREW WILLIAM ZABROSKE
WASHINGTON, DC

SUZANNE E. PRICE,
Attorney Registrar
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 16-1982. Filed for public inspection November 18, 2016, 9:00 a.m.]

SUPREME COURT

**Relocation of Magisterial District 51-3-01 within the
Fifty-First Judicial District; No. 404 Magisterial
Rules Doc.**

Order

Per Curiam

And Now, this 3rd day of November 2016, upon consideration of the Petition for Relocation of Magisterial District 51-3-01 of the Fifty-first Judicial District (Adams County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the relocation of Magisterial District 51-3-01 within Adams County, outside of the boundaries of the magisterial district from which the judge is elected, to be effective immediately, is granted.

Said Magisterial District shall be located within the boundaries of Magisterial District 51-3-04 within Adams County.

[Pa.B. Doc. No. 16-1983. Filed for public inspection November 18, 2016, 9:00 a.m.]

RULES AND REGULATIONS

Title 12—COMMERCE, TRADE AND LOCAL GOVERNMENT

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

[12 PA. CODE CH. 145]

Corrective Amendment to 12 Pa. Code §§ 145.3 and 145.31

The Department of Community and Economic Development has discovered discrepancies between the agency text of 12 Pa. Code §§ 145.3 and 145.31 (relating to scope; and requirement of certification) as deposited with the Legislative Reference Bureau and the official text as published at 46 Pa.B. 6976, 6984, 6985 (November 5, 2016). The dates in 12 Pa. Code §§ 145.3 and 145.31(c) were incorrect.

Therefore, under 45 Pa.C.S. § 901: the Department has deposited with the Legislative Reference Bureau a corrective amendment to 12 Pa. Code §§ 145.3 and 145.31. The corrective amendment to 12 Pa. Code §§ 145.3 and 145.31 is effective as of November 6, 2017, the effective date of adoption of the final-form rulemaking amending these sections.

The correct versions of 12 Pa. Code §§ 145.3 and 145.31 appear in Annex A.

(Editor's Note: See 46 Pa.B. 7269 (November 19, 2016) for a document correcting the preamble of the final-form rulemaking published at 46 Pa.B. 6976.)

Annex A

TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT

PART V. COMMUNITY AFFAIRS AND DEVELOPMENT

Subpart C. COMMUNITY DEVELOPMENT AND HOUSING

CHAPTER 145. INDUSTRIAL HOUSING AND COMPONENTS

GENERAL PROVISIONS

§ 145.3. Scope.

Except to the extent otherwise stated in the act and the provisions of this chapter and in other applicable laws of the Commonwealth which are not inconsistent with or superseded by the act and this chapter, this chapter governs the design, manufacture, storage, transportation and installation of industrialized housing, buildings, and housing or building components which are sold, leased or installed, or are intended for sale, lease or installation, for use on a site in this Commonwealth. Industrialized buildings manufactured before November 6, 2017, may continue to be utilized in this Commonwealth subject to approval of the local code official.

SCOPE

§ 145.31. Requirement of certification.

(a) No person may sell, lease or install for use on a site in this Commonwealth industrialized housing, buildings,

or housing or building components unless the industrialized housing, building, or housing or building component is certified and bears insignia of certification issued by the Department. The insignia of certification issued by the Department shall be attached to the industrialized housing, building, or housing or building component under this chapter, and they shall be subject to subsequent removal in accordance with this chapter.

(b) Industrialized housing, buildings, and housing or building components of the manufacturer which have never been occupied and which serve for model or demonstration purposes for the manufacturer do not have to bear insignia of certification under this chapter until the time that the industrialized housing, building, or housing or building components are first offered for sale or lease.

(c) This chapter does not apply to industrialized buildings or building components produced before November 6, 2017.

[Pa.B. Doc. No. 16-1984. Filed for public inspection November 18, 2016, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

[12 PA. CODE CH. 145]

Industrial Housing and Components; Correction

Errors occurred in the preamble of the final-form rulemaking published at 46 Pa.B. 6976 (November 5, 2016) regarding references to the dates in §§ 145.3 and 145.31(c) (relating to scope; and requirement of certification). The affected portions of the preamble are corrected as follows. The remainder of the preamble to the final-form rulemaking is accurate as published.

(Editor's Note: See 46 Pa.B. 7269 (November 19, 2016) for corrective amendments to §§ 145.3 and 145.31.)

DENNIS M. DAVIN,
Secretary

Comments to Proposed and Draft Final-Form Rulemakings

This final-form rulemaking complies with the amendments to section 4(j) of the act (35 P.S. § 1651.4(j)) as amended by Act 8 mandating that the Department promulgate regulations to administer a certification program to oversee the production, installation and inspection of industrialized buildings, as opposed to industrialized housing. Thus, this regulation cannot comply with section 4(d) of the act, as section 4(d) of the act deals only with industrialized housing, not industrialized buildings. As previously stated, §§ 145.3 and 145.31 have been revised to make clear that these sections apply to industrialized housing, buildings, or housing or building components produced after November 6, 2017.

Analysis

Section 145.31 is amended to include industrialized buildings and building components in the requirements of certification and to eliminate unnecessary regulation. In the draft final-form rulemaking, this section was revised to provide that Chapter 145 would apply to industrialized housing, buildings, or housing or building components produced after the effective date of the final-form rule-

making. The section was then revised in this final-form rulemaking from the draft final-form rulemaking per the MBI's request by providing that Chapter 145 does not apply to industrialized housing, buildings, or housing or building components produced before November 6, 2017.

Tolling Letter Analysis

On August 30, 2016, at the suggestion of IRRC, the Department tolled the review period for this final-form rulemaking and resubmitted the regulations to IRRC, the House Commerce Committee and the Senate Community, Economic and Recreational Development Committee with the following changes:

- Section 145.3 was revised to clarify that the effective date of this final-form rulemaking is 1 year from publication in the *Pennsylvania Bulletin* and industrialized buildings manufactured before the effective date of this final-form rulemaking may continue to be utilized in this Commonwealth subject to approval of the local code official. The clarification was accomplished by:

- o Adding a sentence to state that industrialized buildings manufactured before the effective date of this final-form rulemaking may continue to be utilized in the Commonwealth subject to approval of the local code official.

- Section 145.31(c) was revised to clarify that the effective date of this final-form rulemaking is 1 year from publication in the *Pennsylvania Bulletin* and Chapter 145 does not apply to industrialized buildings or building components produced before the effective date of this final-form rulemaking. The clarification was accomplished by adding subsection (c).

[Pa.B. Doc. No. 16-1985. Filed for public inspection November 18, 2016, 9:00 a.m.]

Title 22—EDUCATION

STATE BOARD OF PRIVATE LICENSED SCHOOLS

[22 PA. CODE CH. 73]

Fees

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

Description and Need for Amendments

The amendments to § 73.151(a) prescribe amended fees for biennial licensure or registration of all schools and licensure of admissions representatives. The amendments to § 73.151(b) increase the user fees for other services provided by the Board. The Board's fees are fixed by § 73.151. Section 10 of the act (24 P.S. § 6510) authorizes the Board to increase its fees by regulation if the Board's

revenues from fees, fines and civil penalties are not sufficient to meet Board expenditures over a 2-year period.

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

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

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

The current staffing level will need to be maintained for the foreseeable future. While there has not been a change to the actual number of staff supporting the work of the Board since 2002, one position dedicated to specialized associate degrees was covered by general funds until 2010 because the work is governed by regulations promulgated by the State Board of Education. That position was transferred to the Board account in 2010 because the work services the private licensed school community. This change adds a financial burden on the Board's funds.

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

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

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

To accommodate the need for additional revenue the Board is raising its fees. The following table shows former fees and the amended fees:

	<i>Board Activity</i>	<i>Former Fee</i>	<i>Amended Fee</i>
1.	Initial School License	\$1,500	\$7,500
2.	Initial School License for Schools Presenting Only Seminars	\$750	\$2,000
3.	Biennial School Licensure or Registration (as shown in Annex A)	\$500—4,400	\$1,000—6,500 plus \$500 for each additional \$500,000 revenue over \$1,000,000 with a cap of \$35,000

	<i>Board Activity</i>	<i>Former Fee</i>	<i>Amended Fee</i>
4.	Admission Representatives License	\$300	\$600
5.	New Program Application	\$700	\$1,400
6.	Change of Ownership	\$1,200	\$5,000
7.	New School Orientation	\$200	\$300
8.	School Site Inspection	\$500	\$750
9.	Board Directed Site Visit	\$500	\$750
10.	Board Directed Team Visit	\$800	\$1,000

For the implementation of the renewal fees in § 73.151(a)(3), schools will receive a reminder 11 weeks prior to the expiration of the license. Those schools that have already received the reminder prior to November 19, 2016, will renew in accordance with the prior fee schedule. Reminders sent following November 19, 2016, will include the new fee structure and the new renewal fees will be required.

Summary of Comments and Responses to Proposed Rulemaking

Notice of proposed rulemaking at 46 Pa.B. 1555 (March 26, 2016), with a 30-day public comment period. The Board received a general comment from the Pennsylvania Association of Private School Administrators acknowledging the need for an increase of fees and stating an appreciation for the Board’s work on minimizing the fee amount. Additionally, on May 25, 2016, the Board received the comments from the Independent Regulatory Review Commission (IRRC) regarding: the initial licensing and change of ownership fees; the implementation of the biennial fee for license and registration renewal; the new director seminar fee; the effective date; time frame; and summary of proposed amendments. The Board’s responses to IRRC’s comments are addressed in a separate comment and response document.

Fiscal Impact and Paperwork Requirements

This final-form rulemaking will not have fiscal impact on the Commonwealth or its political subdivisions and will, as required by law, impose costs upon the private sector sufficient to meet the Commonwealth’s expenses in regulating private licensed schools. As a result of this final-form rulemaking, the Board will alter some of its forms to reflect the new fees. This final-form rulemaking does not create additional paperwork for the private sector.

Effective Date

These amendments will become effective upon publication in the *Pennsylvania Bulletin*. The Board’s objective is to have the changes to the regulations in effect by December 1, 2016.

Sunset Date

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

Statutory Authority

This final-form rulemaking is authorized under section 10 of the act.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 14, 2016, the Board submitted a copy of the notice of proposed rulemaking, published at

46 Pa.B. 1555, to IRRC and the Chairpersons of the House and Senate Education Committees for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on October 19, 2016, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 20, 2016, and approved the final-form rulemaking.

K. Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A 30-day public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 46 Pa.B. 1555.

(4) This final-form rulemaking is necessary and appropriate for administration and enforcement of the authorizing act.

L. Order

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

(a) The regulations of the Board, 22 Pa. Code Chapter 73, are amended by amending § 73.151 to read as set forth in Annex A.

(b) The Coordinating Secretary of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.

(c) The Coordinating Secretary of the Board shall submit this order and Annex A to IRRC and the House and Senate Committees as required by the Regulatory Review Act (71 P.S. §§ 745.1—745.14).

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

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

PATRICIA LANDIS,
Coordinating Secretary

(*Editor's Note:* See 46 Pa.B. 7051 (November 5, 2016) for IRRC's approval order.)

Fiscal Note: Fiscal Note 6-334 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 22. EDUCATION

PART III. STATE BOARD OF PRIVATE LICENSED SCHOOLS

CHAPTER 73. GENERAL PROVISIONS

FEES

§ 73.151. Fees.

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

(1) For an original school license or registration—\$7,500. The fee for an original school license or registration includes the user fee for the application for approval of one new program. Each additional new program application submitted with a new license application shall be accompanied by an additional new program approval fee as set forth in subsection (b)(1).

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

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

<i>Gross Tuition Revenue</i>	<i>Fee</i>
\$0—4,999	\$1,000
\$5,000—9,999	\$2,000
\$10,000—49,999	\$2,500
\$50,000—99,999	\$2,700
\$100,000—149,999	\$2,800
\$150,000—199,999	\$3,000
\$200,000—249,999	\$3,500
\$250,000—299,999	\$4,000
\$300,000—399,999	\$4,500
\$400,000—499,999	\$5,000
\$500,000—749,999	\$5,500
\$750,000—999,999	\$6,000
\$1,000,000 and over	\$6,500 plus \$500 for each additional \$500,000 in revenue with \$35,000 cap

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

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

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

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

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

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

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

[Pa.B. Doc. No. 16-1986. Filed for public inspection November 18, 2016, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

[49 PA. CODE CH. 39]

Notice Requirements

The State Board of Examiners of Nursing Home Administrators (Board) adds §§ 39.92 and 39.93 (relating to reporting of crimes and disciplinary actions; and return of actively suspended or revoked licenses) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

Sections 8.1(b) and 12(a)(4) and (6) of the Nursing Home Administrators License Act (act) (63 P.S. §§ 1108.1(b) and 1112(a)(4) and (6)) authorize the Board to discipline licensees who have been convicted of or plead guilty or nolo contendere to a felony or have been disciplined by the licensing authority of another state, territory or country. Section 9.1 of the act (63 P.S. § 1109.1) requires licensees to notify the Board of disciplinary sanctions by other licensing boards within 90 days of disposition or on biennial renewal applications, whichever is sooner. Additionally, section 13(a.1) of the act (63 P.S. § 1113(a.1)) directs the Board to require a person whose license has been suspended or revoked to return the license in the manner the Board directs.

Background and Purpose

Although the previously cited sections of the act authorize the Board to discipline licensees with felony convictions, the Board's regulations do not require that its licensees report these convictions to the Board in advance of biennial renewal. It may be almost 2 years before the Board first learns of the convictions. To ensure that the Board receives information about these convictions in a timelier manner, the Board adds § 33.92 to expedite the reporting of felony convictions. Because the Board is adding the reporting requirements for felony convictions, the Board finds it prudent to include the reporting requirement for disciplinary sanctions taken by other states against licensees as provided in section 9.1 of the act.

Additionally, although the act directs the Board to require licensees to return suspended and revoked licenses to the Board, there was no requirement that they be returned within a specified time. To ensure that licensees return their licensure documents in a timelier

manner, the Board is adding § 39.93 to require their return within 30 days of a voluntary surrender, suspension or revocation.

Summary and Responses to Comments

Notice of proposed rulemaking was published at 44 Pa.B. 5490 (August 16, 2014), with a 30-day public comment period during which the Board did not receive any comments. The Independent Regulatory Review Commission (IRRC) submitted a letter advising that it did not have objections, comments or recommendations. Neither the House Professional Licensure Committee (HPLC) nor the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) submitted comment.

As there were no comments, objections or recommendations regarding the proposed rulemaking, the Board has not made substantive amendments to this final-form rulemaking. However, the Board is correcting an error made in the publication of the proposed rulemaking pertaining to the use of the legal term of art “disposition in lieu of trial” which is used in section 12(a)(4) of the act and is commonly used in criminal law. See, for example, section 18 of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-118).

Fiscal Impact and Paperwork Requirements

The requirement that licensees report criminal actions and disciplinary sanctions to the Board within 30 and 90 days, respectively, should have a slight fiscal and paperwork impact on the Board and licensees. Currently, licensees report this information on their biennial renewal applications. Under this final-form rulemaking, these reports shall be made sooner, triggering additional paperwork responsibilities for licensees. The Board anticipates that it will see an increase in reports as licensees comply with the regulatory requirement thereby incurring additional enforcement costs.

Sunset Date

The Board continuously monitors the effectiveness of its regulations. Therefore, a sunset date has not been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August 5, 2014, the Board submitted a copy of the notice of proposed rulemaking, published at 44 Pa.B. 5490, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, the Board shall submit to IRRC, the HPLC and the SCP/PLC copies of comments received during the public comment period, as well as other documents when requested.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on October 19, 2016, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective October 19, 2016.

Additional Information

Additional information may be obtained by writing to Christina Stuckey, Board Administrator, State Board of Examiners of Nursing Home Administrators, P.O. Box 2649, Harrisburg, PA 17105-2649, ST-NHA@pa.gov.

Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking is necessary and appropriate for the regulation of nursing home administrators in this Commonwealth.

Order

The Board orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 39, are amended by adding §§ 39.92 and 39.93 to read as set forth in Annex A.

(b) The Board shall submit a copy of Annex A to the Office of the Attorney General and the Office of General Counsel for approval as required by law.

(c) The Board shall submit this order and Annex A to IRRC, the HPLC and the SCP/PLC as required by law.

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

(e) The regulations shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

MARY ANN HEWSTON,
Chairperson

(Editor’s Note: See 46 Pa.B. 7051 (November 5, 2016) for IRRC’s approval order.)

Fiscal Note: Fiscal Note 16A-6217 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 39. STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

STANDARDS OF PROFESSIONAL PRACTICE AND PROFESSIONAL CONDUCT

§ 39.92. Reporting of crimes and disciplinary actions.

(a) A licensee shall notify the Board of having been convicted of a felony, or having received probation without verdict, disposition in lieu of trial or an Accelerated Rehabilitative Disposition in the disposition of felony charges, within 30 days of the conviction or other disposition, or on the biennial renewal application, whichever is sooner. As used in this section, “convicted” includes a judgment, an admission of guilt or a plea of nolo contendere.

(b) A licensee shall notify the Board of disciplinary action in the nature of a final order taken against the licensee by the licensing authority of another state,

territory or country within 90 days of receiving notice of the disciplinary action, or on the biennial renewal application, whichever is sooner.

§ 39.93. Return of actively suspended or revoked licenses.

A licensee who has voluntarily surrendered a license instead of discipline or whose license has been actively suspended or revoked by the Board shall return the surrendered, suspended or revoked license to the Board within 30 days of the action.

[Pa.B. Doc. No. 16-1987. Filed for public inspection November 18, 2016, 9:00 a.m.]

**BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**

[49 PA. CODE CH. 43b]

Schedule of Civil Penalties—Massage Therapists

The Commissioner of Professional and Occupational Affairs (Commissioner) deletes § 43b.23 and adds § 43b.23a (relating to schedule of civil penalties—massage therapists) to read as set forth in Annex A.

Effective Date

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*. The schedule of civil penalties will apply to violations that occur on or after the effective date.

Statutory Authority

Section 5(a) of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) (63 P.S. § 2205(a)) authorizes the Commissioner, after consultation with licensing boards in the Bureau of Professional and Occupational Affairs (Bureau), to promulgate a schedule of civil penalties for violations of the acts or regulations of the licensing boards.

Background and Need for this Final-Form Rulemaking

Act 48 authorizes agents of the Bureau to issue citations and impose civil penalties under schedules adopted by the Commissioner in consultation with the Bureau's boards and commissions. Act 48 citations streamline the disciplinary process by eliminating the need for formal orders to show cause, answers, adjudications and orders, and consent agreements. At the same time, licensees who receive an Act 48 citation retain their due process right to a hearing prior to the imposition of judgment. The use of Act 48 citations has increased steadily since 1996, when the program was first implemented, and they have become an important part of the Bureau's enforcement efforts.

Upon consultation with a representative of the Commissioner, the State Board of Massage Therapy (Board) determined that it should utilize the Act 48 citation process to decrease costs to its licensees and more efficiently conduct its duties. The Board has participated in the Act 48 citation program since 2010, when the Commissioner adopted the statement of policy in § 43b.23 setting forth a schedule of civil penalties for a number of offenses. At this time, the Commissioner and the Board believe it is necessary to promulgate the schedule of civil penalties by regulation and make certain revisions to improve their deterrent effect. To that end, this final-form rulemaking establishes a schedule of civil penalties for four general categories of matters that

routinely arise before the Board: cases involving licensure display or improper advertising; cases involving unlicensed individuals holding themselves out as licensed; cases involving individuals practicing while their licenses are lapsed/expired/inactive; and cases involving violations of the continuing education and CPR requirements.

Summary of Comments and the Board's Response

Notice of proposed rulemaking was published at 44 Pa.B. 5487 (August 16, 2014), with a 30-day public comment period. On August 18, 2014, the Commissioner received a comment from Ed Portley, a licensed massage therapist and continuing education provider, who commended the Board for "considering the increase in civil penalties for violations to the massage therapy law. It is my opinion that the previous fees were not much of a deterrent to individuals who find licensure an inconvenience." As a result of the public comment, the Commissioner and the Board reconsidered the proposed rulemaking and determined that it was necessary to increase the civil penalties for unlicensed practice to further enhance the deterrent effect. First, the Commissioner increased the civil penalty for a violation of section 14(a) of the Massage Therapy Law (act) (63 P.S. § 627.14(a)) from \$500 to \$1,000 for a first offense of holding oneself out as a massage therapist or practicing massage therapy while unlicensed. Likewise, the Commissioner increased the civil penalty for violation of section 14(c) of the act from \$500 to \$1,000 for a first offense of employing an individual in massage therapy who is not licensed. The Commissioner, in consultation with the Board, reasoned that these two offenses are serious offenses and the civil penalty should be more of a deterrent to individuals who might violate these sections of the act.

Neither the House Professional Licensure Committee (HPLC) nor the Senate Consumer Protection and Public Licensure Committee (SCP/PLC) submitted comments on the proposed rulemaking. However, on October 15, 2014, the Independent Regulatory Review Commission (IRRC) submitted comments to the Commissioner. The first three comments from IRRC related to citations to the act, and the Commissioner made necessary corrections. In addition to the edits suggested by IRRC, the Commissioner added cross-references to section 4(6) of the act (63 P.S. § 627.4) and § 20.32(a) (relating to continuing education hours, maintenance of certificates of completion) to support the civil penalty schedule for failure to complete 24 hours of continuing education courses. The Commissioner and the Board agreed that reference to section 14 of the act was too broad with regard to the violation of holding oneself out as a massage therapist or practicing massage therapy while unlicensed and has limited the statutory provision to section 14(a) of the act. Finally, the Commissioner and the Board agree that section 14(b) of the act is not relevant to the offense of holding oneself out as a licensed massage therapist while one's license is expired. Section 14(b) of the act expressly permits one whose license is maintained in inactive status to use various titles or otherwise hold oneself out as a massage therapist. A person whose license is expired is similarly situated as one whose license is inactive. Therefore, the Commissioner, in consultation with the Board, deleted the proposed civil penalty from this final-form rulemaking.

In its last comment, IRRC noted that section 14(e) of the act describes three conditions in the requirement to practice with "a valid, unexpired, unrevoked and unsuspended license," while the proposed rulemaking only set forth a civil penalty for practicing on an expired license. IRRC suggested that all three license statuses be

addressed in the schedule. The Board and the Commissioner chose not to establish a schedule of civil penalties for practicing on a revoked or suspended license because these are more egregious offenses than practicing on an expired license, which may have occurred due to an oversight. Under section 5(a) of Act 48, the maximum civil penalty that may be imposed by citation is only \$1,000, while the maximum civil penalty that may be imposed by the Board in a formal disciplinary proceeding is \$10,000 under section 5(b)(4) of Act 48. In addition, the Board may wish to take other disciplinary or corrective actions that are not possible under the citation process when an individual practices on a revoked or suspended license. An Act 48 civil penalty schedule is only proper for a violation that the Board would typically address through a monetary civil penalty alone. However, the Commissioner added cross-references to § 20.31(b) and (i) (relating to expiration, renewal and reactivation of license) as additional support for this civil penalty because these regulations expressly prohibit practice when a license has not been renewed and authorize disciplinary action for an individual who practices massage therapy on an inactive or expired license. In addition, upon review the Commissioner realized that the schedule of civil penalties for this violation omitted certain time periods. As proposed, the penalty for practicing on a lapsed license from 0—12 months would be \$250 and for practicing from 13—18 months would be \$500. However, practice for a period between 12 and 13 months was inadvertently omitted from the schedule. Likewise, there is no place in the schedule for violations of between 18 and 19 months. Therefore, the Commissioner revised the schedule to clearly incorporate all possible time periods.

Description of Amendments to this Final-Form Rulemaking

The Commissioner revised the schedule to include the appropriate legal citation to the section of the act under which the offense of “[f]ailure to hold current certification to administer CPR” would occur. The section was previously cited as “63 P.S. § 627.6(b)(i)” and has been corrected to “§ 627.6(b)(1)(i).”

The Commissioner also revised the relevant legal citation relating to “[f]ailure to complete 24 hours of continuing education courses” to reflect the correct citation to “63 P.S. §§ 627.6(b)(1)(ii) and 627.4(6)” and to include the additional cross-reference to § 20.32(a) for further clarity.

The citation for the offense of “[h]olding oneself out as a massage therapist or practicing massage therapy while unlicensed” is revised to provide a more specific citation to section 14(a) of the act, rather than section 14 of the act. The schedule of civil penalties for this violation was also revised to provide for a higher civil penalty of \$1,000 for a first offense, rather than \$500 as proposed. This revision is based on the public comment and Board discussion regarding the need for the civil penalties to be high enough to result in a deterrent effect on those individuals who find licensure to be an inconvenience.

The schedule of civil penalties was revised to delete the violation for “[h]olding oneself out as a licensed massage therapist while license is expired” because section 14(b) of the act expressly permits an individual whose license is inactive to continue to use various titles or otherwise hold out that one is licensed as a massage therapist. Individuals whose licenses are expired are similarly situated as those whose licenses are maintained in inactive status. Therefore, the Commissioner deleted the proposed civil penalty from the schedule.

The Commissioner revised the civil penalty for a first offense violation of “[e]mploying an individual in massage therapy who is not licensed” from \$500 to \$1,000. This revision is based on the public comment and Board discussion regarding the need for the civil penalties to be high enough to have a deterrent effect.

Finally, the Commissioner revised the schedule relating to “[p]racticing massage therapy on an expired license” to include practicing massage therapy on an inactive license and added the appropriate citation to § 20.31(i). As proposed, there was not a specific statement that would have allowed for a citation for practice on an inactive license. Inasmuch as practicing on an inactive license is akin to practicing on an expired license, the final-form rulemaking has been revised to cover both situations. Otherwise, practicing on an expired license would result in a citation, while practicing on an inactive license would result in more costly formal disciplinary proceedings. As previously noted, the Commissioner declines to include practicing on a suspended or revoked license in this schedule because those offenses are more appropriately resolved by the Board through formal disciplinary proceedings. In addition, the schedule related to this offense was revised to close inadvertent loopholes created by omitting time frames between 12 and 13 months and between 18 and 19 months from the schedule.

Fiscal Impact and Paperwork Requirements

This final-form rulemaking does not have adverse fiscal impact on the Commonwealth or its political subdivisions, and will reduce the paperwork requirements for the Commonwealth and the regulated community by eliminating the need for orders to show cause, answers, consent agreements and adjudications/orders for those violations subject to the Act 48 citation process. The only fiscal impact of would be borne by persons who violate the act or regulations of the Board and are subject to the civil penalties imposed by the new schedule.

Sunset Date

The Board, the Bureau and the Commissioner continually monitor the effectiveness of regulations affecting their operations. As a result, a sunset date has not been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August 5, 2014, the Commissioner submitted a copy of the notice of proposed rulemaking, published at 44 Pa.B. 5487, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, the Commissioner shall submit to IRRC, the HPLC and the SCP/PLC copies of comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Commissioner considered all comments from IRRC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on October 19, 2016, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 20, 2016, and approved the final-form rulemaking.

Contact Person

Further information may be obtained by contacting Carol Niner, Board Administrator, State Board of Mas-

sage Therapy, P.O. Box 2649, Harrisburg, PA 17105-2649, RA-MASSAGETHERAPY@PA.GOV.

Findings

The Commissioner finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and only one public comment was received.

(3) The amendments to this final-form rulemaking do not enlarge the purpose of the proposed rulemaking published at 44 Pa.B. 5487.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in this preamble.

Order

The Commissioner, acting under the authority of Act 48, orders that:

(a) The regulations of the Commissioner, 49 Pa. Code Chapter 43b, are amended by adding § 43b.23a and deleting § 43b.23 to read as set forth in Annex A.

(b) The Commissioner shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Commissioner shall submit this order and Annex A to IRRC, the HPLC and the SCP/PLC as required by law.

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

(e) This order shall take effect on publication in the *Pennsylvania Bulletin*.

IAN J. HARLOW,
Commissioner

(*Editor's Note:* See 46 Pa.B. 7051 (November 5, 2016) for IRRC's approval order.)

Fiscal Note: Fiscal Note 16A-723 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL PENALTIES AND PROCEDURES FOR APPEAL

§ 43b.23. (Reserved).

§ 43b.23a. Schedule of civil penalties—massage therapists.

STATE BOARD OF MASSAGE THERAPY

<i>Violation under 63 P.S.</i>	<i>Violation under 49 Pa. Code</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
	Section 20.42(a)(14)	Failure to display current license or wallet card.	1st offense—\$250 2nd and subsequent offenses—\$500
	Section 20.42(a)(15)	Failure to include massage therapy license number in advertisements.	1st offense—\$250 2nd and subsequent offenses—\$500
	Section 20.42(a)(16)	Failure to display name and title.	1st offense—\$250 2nd and subsequent offenses—\$500
Section 627.6(b)(1)(i)		Failure to hold current certification to administer CPR.	1st offense—\$250 2nd offense—\$500 Subsequent offense—formal action
Sections 627.6(b)(1)(ii) and 627.4(6)	Section 20.32(a)	Failure to complete 24 hours of continuing education courses approved by the Board during the 24 months preceding license renewal.	1st offense—\$100 per credit hour up to 10 credit hours More than 10 credit hours—formal action 2nd and subsequent offenses—formal action
Section 627.14(a)		Holding oneself out as a massage therapist or practicing massage therapy while unlicensed.	1st offense—\$1,000 2nd and subsequent offenses—formal action
Section 627.14(c)		Employing an individual in massage therapy who is not licensed.	1st offense—\$1,000 2nd and subsequent offenses—formal action

<i>Violation under 63 P.S.</i>	<i>Violation under 49 Pa. Code</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
Section 627.14(d)		A business utilizing the words massage, massage therapist, massage practitioner, masseur, masseuse, myotherapist or any derivative of these terms or abbreviations, unless the services of the business are provided by licensees.	1st offense—\$500 2nd and subsequent offenses—formal action
Section 627.14(e)	Section 20.31(b) and (i)	Practicing massage therapy on an expired or inactive license.	1st offense—12 months or less—\$250 More than 12 months but no more than 18 months—\$500 More than 18 months but no more than 24 months—\$1,000 More than 24 months—formal action 2nd offense—12 months or less—\$500 More than 12 months but no more than 18 months—\$1,000 More than 18 months—formal action Subsequent offenses—formal action

[Pa.B. Doc. No. 16-1988. Filed for public inspection November 18, 2016, 9:00 a.m.]

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 75]

[L-2014-2404361]

Implementation of the Alternative Energy Portfolio Standards Act of 2004

The Pennsylvania Public Utility Commission (Commission), on June 9, 2016, adopted an amended final rulemaking order amending existing regulations to comply with the act of July 17, 2007 (P.L. 114, No. 35) (Act 35 of 2007) and the act of October 15, 2008 (P.L. 1592, No. 129) (Act 129 of 2008), and to clarify issues of law, administrative procedure and policy.

Executive Summary

The Alternative Energy Portfolio Standards (AEPS) Act of 2004, effective February 28, 2005, establishes alternative energy portfolio standards for electric distribution companies (EDCs) and electric generation suppliers (EGSs) operating in Pennsylvania. 73 P.S. §§ 1648.1—1648.8 and 66 Pa.C.S. § 2814. EDCs and EGSs must supply 18 percent of their retail electric sales using alternative energy resources by 2021, meeting their AEPS requirements through the purchase of alternative energy credits (AECs) in amounts corresponding to the percentage of retail electric sales required from alternative energy sources. 52 Pa. Code § 75.61.

The AEPS Act requires that the Pennsylvania Public Utility Commission (PUC) and the state Department of Environmental Protection (DEP) work cooperatively to monitor the performance of all aspects of the AEPS Act and prepare an annual report for the state Senate Environmental Resources and Energy Committee and the state House Environmental Resources and Energy Committee.

The AEPS Act requires the PUC to develop technical and net metering interconnection standards for customer-generator facilities. 73 P.S. § 1648.5. Act 35 of 2007 amended certain net metering and interconnection definitions and provisions. Act 129 of 2008 amended the AEPS Act by modifying the scope of eligible Tier I alternative energy sources and Tier I compliance obligations. 66 Pa.C.S. § 2814.

The Commission has previously implemented rulemakings to implement the AEPS Act and its subsequent legislative amendments. Now, the Commission has revised its regulations pertaining to the net metering, interconnection, and portfolio standards provisions of the AEPS Act pursuant to Act 35 of 2007 and Act 129 of 2008, and the Pennsylvania Public Utility Code, 66 Pa.C.S. §§ 101 et. seq., as well as to clarify certain issues of law, administrative procedure, and policy.

Public Meeting held
October 27, 2016

Commissioners Present: Gladys M. Brown, Chairperson, statement follows; Andrew G. Place, Vice Chairperson; John F. Coleman, Jr.; Robert F. Powelson; David W. Sweet

Implementation of the Alternative Energy Portfolio Standards Act of 2004; L-2014-2404361

Second Amended Final Rulemaking Order

The Commission is charged with carrying out the provisions of the Alternative Energy Portfolio Standards Act of 2004 (the “AEPS Act”), 73 P.S. § 1648.1, et seq. This obligation includes the adoption of any regulations necessary for its implementation and enforcement. The Commission has promulgated regulations pertaining to the net metering, interconnection and portfolio standard provisions of the AEPS Act.

Based on our experience to date in implementing the current regulations, the 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 procedure and policy. The Commission has received and reviewed numerous public comments and is issuing final rules, as amended herein, based on the further comments submitted to and concerns expressed by the Independent Regulatory Review Commission (IRRC) and the Office of Attorney General (OAG). In its first disapproval order, the IRRC determined that approval of the rulemaking was not in the public interest. Specifically, the IRRC noted that Section 75.13(a)(3) of the proposed final-form rulemaking would have required alternative energy systems to be sized to generate no more than 200% of the customer-generator's annual electric consumption. IRRC determined that the Commission does not have the statutory authority to impose the limit in § 75.13(a)(3) of the final-form regulation. IRRC also stated that if the Commission decides to proceed with this rulemaking by deleting the limit on net metering subsidies included in § 75.13(a)(3) of the final-form 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.

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 modified 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 in the Amended Final Rulemaking Order adopted and entered on June 9, 2016 at this Docket. Specifically, the Commission removed the proposed Section 75.13(a)(3) and the reference to that section in the definition of utility. This Commission found that it was 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.

As explained more fully below, the Commission subsequently resubmitted the final-form regulations, as modified by the June 9, 2016 order, to IRRC, which again disapproved of the regulations. IRRC issued its second disapproval order on July 12, 2016, in which it found that the Commission's deletion of 75.13(a)(3) and the revised definition of "utility" created an unclear and ambiguous regulation and delivered it to the Legislative standing committees on the same day. Neither Committee reported a concurrent resolution on the final-form regulations as of July 26, 2016, accordingly, the Committees were deemed to have approved the final-form regulations in accordance with 71 P.S. § 745.7(d).

On August 11, 2016, the Commission delivered the final-form regulations to the OAG for form and legality review pursuant to the Commonwealth Attorneys Act at 71 P.S. § 732-204(b). On October 5, 2016, the OAG directed the Commission to change the definition of "utility" in Section 75.1 as prescribed by the OAG. Upon consideration of the direction of OAG to modify the definition of "utility" the Commission has modified the final-form regulations by incorporating the changes to the definition of "utility" in Section 75.1 as directed by the OAG. The Commission has also provided in this Order more explanation on the independent load requirement based on the concerns raised by the IRRC during its June 30, 2016 public meeting.

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 in its initial disapproval order and as directed by the OAG, will continue to meet this need. As such, the Commission has determined that it will proceed in accordance with Section 7(d) of the Regulatory Review Act, 71 P.S. § 745.7(d), to adopt and promulgate amended final-form regulations addressing the concerns expressed by IRRC in its initial disapproval order and the OAG.

Background

The AEPS Act, which became effective February 28, 2005, establishes an alternative energy portfolio standard for Pennsylvania. The Pennsylvania General Assembly charged the Commission with implementing and enforcing this mandate in cooperation with the Pennsylvania Department of Environmental Protection (DEP). 73 P.S. §§ 1648.7(a) and (b). The Commission determined that the Act is in pari materia with the Public Utility Code, and that it would develop the necessary regulations to be codified at Title 52 of the Pennsylvania Code. 1 Pa.C.S. § 1932.

The AEPS Act has been amended on two occasions. Act 35 of 2007, which took effect July 19, 2007, amended certain definitions and provisions for net metering and interconnection. Act 129 of 2008, which became effective on November 14, 2008, amended the AEPS Act by modifying the scope of eligible Tier I alternative energy sources and the Tier I compliance obligation. See 66 Pa.C.S. § 2814.

The Commission has previously issued the following rulemakings to implement the AEPS Act and its subsequent amendments:

- The Commission issued final, uniform net metering regulations for customer-generators. Final Rulemaking Re Net Metering for Customer-generators pursuant to Section 5 of the Alternative Energy Portfolio Standards Act, 73 P.S. § 1648.5, L-00050174 (Final Rulemaking Order entered June 23, 2006). These regulations were approved by the Independent Regulatory Review Commission (IRRC) and became effective on December 16, 2006.
- The Commission issued final, uniform interconnection regulations for customer-generators. Final Rulemaking Re Interconnection Standards for Customer-generators pursuant to Section 5 of the Alternative Energy Portfolio Standards Act, 73 P.S. § 1648.5, L-00050175 (Final Rulemaking Order entered August 22, 2006, as modified on Reconsideration September 19, 2006). These regulations were approved by the IRRC and became effective on December 16, 2006.
- The Commission revised the net metering regulations and certain definitions to be consistent with the Act 35 of 2007 amendments through a final omitted rulemaking. Implementation of Act 35 of 2007; Net Metering and Interconnection, Docket No. L-00050174 (Final Omitted Rulemaking Order entered July 2, 2008). These revisions were approved by IRRC and became effective November 29, 2008.
- The Commission issued final regulations governing the portfolio standard obligation. Implementation of the Alternative Energy Portfolio Standards Act of 2004, L-00060180 (Final Rulemaking Order entered September 29, 2008). These regulations were approved by IRRC and became legally effective December 20, 2008.

The above-referenced regulations are codified at Chapter 75 of the Public Utility Code, 52 Pa. Code §§ 75.1, et seq.

The Commission issued an Order to implement the AEPS related provisions of Act 129 in 2009. Implementation of Act 129 of 2008 Phase 4—Relating to the Alternative Energy Portfolio Standards Act, Docket M-2009-2093383 (Order entered May 28, 2009). This rulemaking will also codify the processes and standards identified in that Order.

The Commission issued a Notice of Proposed Rulemaking (NoPR) for comment on February 20, 2014. See Implementation of the Alternative Energy Portfolio Standards Act of 2004, Proposed Rulemaking Order, Docket No. L-2014-2404361 (Order entered February 20, 2014). The Proposed Rulemaking Order and proposed rules were published in the *Pennsylvania Bulletin* on July 5, 2014, at 44 Pa.B. 4179. Comments were due within 30 days of the publication of the proposed rules in the *Pennsylvania Bulletin* or August, 4, 2014. On August 1, 2014, the Commission, at the request of the Pennsylvania Department of Agriculture, issued a Secretarial Letter extending the comment period to September 3, 2014. Comments were received from the Independent Regulatory Review Commission and many other interested parties.

Other parties filing comments included Acuity Advisors and CPAs; the Ad Hoc Coalition of Customer Generators; Robin Alexander; the American Biogas Council (ABC); Karen Berry; Brubaker Farms; Vincent Cahill & Claire Hunter; the Center for Dairy Excellence; Chesapeake Bay Commission; Chesapeake Bay Foundation; Citizen Power; Citizens for Pennsylvania's Future and the PennFuture Energy Center (PennFuture); Crayola, Inc. (Crayola); Dauphin County Board of Commissioners; the Dauphin County Industrial Development Authority (DCIDA); Pennsylvania Department of Agriculture (PDA); Duquesne Light Company (Duquesne); the Distributed Wind Energy Association and United Wind et al. (DWEA/UW); the Energy Association of Pennsylvania (EAP); Enviro-Organic Technologies, Inc.; the Estate Security Formula/Gary L. James; State Representative Garth Everett; State Representative Robert L. Freeman; State Representatives Mindy Fee & David Hickernell; Granger Energy of Honey Brook LLC and Granger Energy of Morgantown LLC (Granger); Keith Hodge; the House Committee on Agriculture and Rural Affairs; Ideal Family Farms, LLC; Kish View Farm; L&S Sweeteners; Lancaster County Agriculture Council; Lancaster County Conservation District (LCCD); Lancaster Veterinary Associates (LVA); Lancaster County Solid Waste Management Authority (LCSWMA); Lehigh County Authority; Elsa Limbach; Kurt Limbach; Lycoming County Commissioners; the Mid-Atlantic Renewable Energy Association; Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company (FirstEnergy); the Pennsylvania Milk Marketing Board; Larry Moyer; the Neighbors of Yippee Farms; the Office of Consumer Advocate (OCA); Oregon Dairy, Inc. (Oregon Dairy); the Office of Small Business Advocate (OSBA); Paradise Energy Solutions (PES); Professional Dairy Managers of Pennsylvania (PDMP); PECO Energy Company (PECO); PennAg Industries Association (PennAg); Pa Biomass Energy Association; DEP; Pennsylvania Farm Bureau (Farm Bureau); Pennsylvania Municipal Authorities Association; Pennsylvania State University (PSU); Pennsylvania Waste Industries Association; PJM Interconnection, LLC (PJM); PPL Electric Utilities Corporation (PPL); RCM International LLC; Reinford Farms; the Retail Energy Supply Association (RESA); the Sustainable Energy Education & Development Support of Northeast Pennsylvania; Sensenig Dairy; Sierra Club and Sierra Club Members & Supporters (Sierra Club); Solare

America; SRECTrade, Inc. (SRECTrade); Sunrise Energy, LLC (Sunrise); the Sustainable Energy Fund (SEF); Tetra Tech, Inc.; the United States Department of Justice, Federal Bureau of Prisons (DOJ); State Representative Greg Vitali; Wanner's Pride-N-Joy Farm, LLC; John R. Williamson; State Senator Gene Yaw; and Yippee Farms.

The Commission issued an Advance Notice of Final Rulemaking (ANoFR) for comment on April 23, 2015. See Implementation of the Alternative Energy Portfolio Standards Act of 2004, Advance Notice of Final Rulemaking Order, Docket No. L-2014-2404361 (Order entered April 23, 2015). The Advance Notice of Final Rulemaking Order and proposed rules were published in the *Pennsylvania Bulletin* on May 9, 2015, at 45 Pa.B. 2242. Comments were due within 20 days of the publication of the proposed rules in the *Pennsylvania Bulletin* or May 29, 2015.

Comments were received from Ar-Joy Farms LLC; Arlin Benner and Family; Brubaker Farms (dated 5/25/15 and 5/26/15); the Center for Dairy Excellence; Citizen Power; (PennFuture); Crayola, Inc.; DCIDA; DEP; Duquesne; EAP; FirstEnergy; State Representative Robert W. Godshall (dated 4/27/15 and 5/26/15); Granger; Hard Earned Acres, Inc.; PennFuture, the Clean Air Council, the Reinvestment Fund, the Mid-Atlantic Renewable Energy Association (MAREA), the Sierra Club, the Solar Unified Network of Western Pennsylvania (SUNWPA), and the Pennsylvania Solar Energy Industries Association (hereinafter Joint Commentators); Kish View Farm; Herb Kreider; Land O'Lakes, Inc. (Land O'Lakes); State Representative John A. Lawrence; LCSWMA; the League of Women Voters of Pennsylvania (LWV); Lycoming County Commissioners (dated 5/1/15 and 5/27/15); MAREA; MAREA et al; Larry Moyer; the National Milk Producers Federation (Milk Producers); Oakhill Farm; OCA; OSBA; PES; PDA; PDMP; PECO; the PennEnvironment Research and Policy Center; Farm Bureau; Pennsylvania Interfaith Power & Light (PA IPL); Pennsylvania State Grange (PSG); PSU; Pennsylvania Waste Industries Association (PWIA); PPL; RCM International LLC; Reinford Farms; Schrack Farms; Sensenig Dairy; SolarCity; Sunrise (dated 4/24/15, 5/2/15, 5/14/15, 5/15/15, 5/16/15 and 6/5/15); SUNWPA; TeamAg Inc.; and Turkey Hill Dairy.

The Commission adopted the Final Rulemaking Order on February 11, 2016, that adopted the revisions to its regulations pertaining to the alternative energy portfolio standard obligation, and its provisions for net metering and interconnection. See Implementation of the Alternative Energy Portfolio Standards Act of 2004, Final Rulemaking Order, Docket No. L-2014-2404361 (Order entered February 11, 2016). The Commission submitted the final-form regulations to the IRRC and the Legislative oversight Committees on March 22, 2016.

Comments were submitted to IRRC by Representatives Greg Vitali and Peter J. Daley, II; Senator Robert M. Tomlinson; Crayola, Inc.; DCIDA; DEP; DOJ; Duquesne; East Lycoming School District; Farm Bureau; FirstEnergy; Granger; LCSWMA; Lego V; Lehigh County Authority; Larry Moyer; PECO; PSU; PWIA; PennFuture, Clean Air Council, Reinvestment Fund, MAREA, Sierra Club, Environmental Defense Fund, SUNWPA, Environmental Entrepreneurs, and Pennsylvania Solar Energy Industries Association (Solar Energy and Environmental Advocates); SRECTrade; Sunrise; SUNWPA; and Turkey Hill Dairy.

The IRRC held a public meeting to review the final-form regulations on May 19, 2016, during which Robert C. Altenburg (PennFuture), David N. Hommrich (Sun-

rise), Larry Moyer and Mark Hammond testified. At the May 19, 2016 public meeting, the IRRC disapproved the final-form regulations and issued its Order on June 2, 2016.

Upon consideration of IRRC's concerns as outlined in the June 2, 2016 disapproval Order, and comments submitted to IRRC, the Commission, on June 9, 2016, issued an Amended Final Rulemaking Order that adopted modified final-form regulations that removed the non-statutory limits on a customer-generator's ability to net meter excess generation it produces. Specifically, the Commission removed § 75.13(a)(3) and the reference to that section in the definition of utility.

The Amended Final Rulemaking Order was delivered to IRRC and the Legislative oversight Committees on June 13, 2016 in accordance with 71 P.S. § 745.7(c). Following the submission to IRRC, IRRC staff contacted Commission staff informing Commission Staff that the format of the modified final-form regulations was not in compliance with § 311.4 of IRRC's regulations. On June 21, 2016, Law Bureau sent a letter to IRRC Chairman Bedwick with a copy of the revised pages of the modified final-form regulation in the corrected format to illustrate the changes. On June 22, 2016, IRRC Chairman Bedwick sent a letter to Law Bureau noting that the June 21, 2016 letter did not formally amend the final-form regulations, which could only be accomplished with a withdrawal and resubmittal by July 12, 2016.

Comments critical of the amended final-form regulations were submitted to IRRC by several interested parties, including Senator Charles T. McIlhinney, Jr. IRRC held a public meeting to review the modified final-form regulations on June 30, 2016, during which IRRC disapproved the modified final-form regulations. IRRC issued its second disapproval Order on July 12, 2016, in which it found that the Commission's deletion of 75.13(a)(3) and the revised definition of "utility" created an unclear and ambiguous regulation. In addition, IRRC stated that they were not convinced of the need for all provisions of this rulemaking, noting that while the limit was deleted from the rulemaking, other provisions that limit a customer-generator's ability to net meter remain. The IRRC order failed to identify which provisions it believes establishes such a limit. Finally, IRRC determined that the revised final-form regulations did not comply with IRRC's regulation at 1 Pa. Code § 311.4 (report for a disapproved regulation submitted with revisions). For these reasons, IRRC found that promulgation of this regulation was not in the public interest.

IRRC issued its second disapproval order on July 12, 2016, in which it found that the Commission's deletion of 75.13(a)(3) and the revised definition of "utility" created an unclear and ambiguous regulation and delivered its order to the Legislative standing committees on the same day. Neither Committee reported a concurrent resolution on the final-form regulations as of July 26, 2016: accordingly, the Committees were deemed to have approved the final-form regulations in accordance with 71 P.S. § 745.7(d).

On August 11, 2016, the Commission delivered the final-form regulations to the OAG for form and legality review pursuant to the Commonwealth Attorneys Act at 71 P.S. § 732-204(b). On October 5, 2016, upon its review, the OAG directed the Commission to change the definition of "utility" in Section 75.1 as prescribed by the OAG.

Summary of Changes

For reasons of efficiency, the Commission will propose revisions to the portfolio standard, interconnection and

net metering rules through a single rulemaking proceeding. The proposed changes to the existing regulations include, but are not limited to, the following:

- The addition of definitions for aggregator, default service provider, grid emergencies, microgrids, utility, and moving water impoundments.
- Revisions to the interconnection rules to reflect the increase in limits on customer-generator capacity contained in the Act 35 of 2007 amendments.
- Revisions to net metering rules and inclusion of a process for obtaining Commission approval to net meter alternative energy systems with a nameplate capacity of 500 kilowatts or greater.
- Clarification of the virtual meter aggregation language.
- Clarification of net metering compensation for customer-generators receiving generation service from electric distribution companies (EDCs), default service providers (DSPs) and electric generation suppliers (EGSs).
- Clarification of entities that do not qualify for net metering subsidies.
- Revisions to the definitions for low-impact hydropower and biomass to conform with the Act 129 of 2008 amendment.
- Addition of provisions for adjusting Tier I compliance obligations on a quarterly basis to comply with the Act 129 of 2008 amendments.
- Addition of provisions for reporting requirements for new low-impact hydropower and biomass facilities in Pennsylvania to comply with the Act 129 of 2008 amendments.
- Clarification of Commission procedures and standards regarding generator certification and the use of estimated readings for solar photovoltaic facilities.
- Clarification of the authority given to the Program Administrator to suspend or revoke the qualification of an alternative energy system and to withhold or retire past, current or future alternative energy credits for violations.
- Clarification of the process for verification of compliance with the AEPS Act.
- Standards for the qualification of large distributed generation systems as customer-generators.

Discussion

A. IRRC Disapproval Orders

In its initial disapproval order, the IRRC determined that approval of the rulemaking was not in the public interest. The IRRC found that the Commission did not have the statutory authority in regard to certain elements of the rulemaking, and was in violation of Section 5.2(a) of the Regulatory Review Act (RRA). 71 P.S. § 745b(a). Specifically, the IRRC stated that Section 75.13(a)(3) of the proposed rulemaking would have required alternative energy systems to be "sized to generate no more than 110% of the customer-generator's annual electric consumption" and that the Commission increased the percentage from 110% to 200% in the final-form rulemaking. IRRC determined, based on its review of the Commission's written responses to IRRC's comments and the statements presented at the meeting of May 19, 2016 by interested parties, that the Commission does not have the statutory authority to impose the limit in § 75.13(a)(3) of the final-form regulation. IRRC also stated that if the

Commission decides to proceed with this rulemaking by deleting the limit on net metering subsidies included in § 75.13(a)(3) of the final-form 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. IRRC Order at 1-2.

IRRC also found that the rulemaking was not in the public interest relating to the RRA criterion of need. 71 P.S. § 745b(b)(3)(iii). IRRC noted that in its comments to the proposed rulemaking it stated that the Commission had not established the overall need for the changes being offered. In response to Question 10 of the Regulatory Analysis Form submitted with the final-form regulation, the purpose of the limit in § 75.13(a)(3) "is to avoid having default service customers pay substantial net metering subsidies to merchant scale alternative energy systems." After review of this information, IRRC found that the Commission has not definitively quantified what the substantial net metering costs will be to other customers. In addition, IRRC noted that during the public meeting, the Commission stated that over-sized systems are not currently a problem in the Commonwealth, but could be in the future. Based on these responses, the IRRC found that the Commission had not established the compelling need for this rulemaking. IRRC Order at 3.

The final reason the IRRC found the rulemaking was not in the public interest relates to the RRA criteria of whether the regulation represents a policy decision of such a substantial nature that it requires legislative review. 71 P.S. § 745b(b)(4). IRRC stated that its comments noted that the implementation of the proposed limits on net metering subsidies could potentially curtail the development of alternative energy in the Commonwealth in conflict with the AEPS Act. IRRC further commented that any deviation from the intent of the AEPS Act would represent a policy decision that requires legislative review and encouraged the Commission to work closely with the members of the General Assembly and the designated standing committees to ensure the final-form regulation was within the scope of the Commission's granted regulatory authority. IRRC goes on to state that if the Commission continues to believe that some customer-generators that produce excess energy are causing economic harm to default service customers, IRRC encouraged the Commission to consult with the legislature to achieve a statutory remedy to this problem. IRRC Order at 3.

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 modified 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 removed the proposed Section 75.13(a)(3) and the reference to that section in the definition of utility. In addition, the Commission renumbered the remaining subsection under Section 75.13(a) as directed by the IRRC.

In its second disapproval Order, IRRC again found that the rulemaking was not in the public interest for three reasons. First, IRRC found that the deletion of § 75.13(a)(3) and the revised definition of "utility" had created a regulation that was unclear and ambiguous, noting that this violates Section 5.2(b)(3)(ii) of the RRA, 71 P.S. § 745.5b(b)(3)(ii). Second, IRRC found that although the Commission had deleted the limit in § 75.13(a)(3), it believed that other provisions limit a customer-generator's ability to net meter, without identi-

fying what those other provisions were. IRRC again found that a compelling need for all of the provisions of the rulemaking was not established by the Commission, in accordance with Section 5.2(b)(3)(iii) of the RRA, 71 P.S. § 745.5b(b)(3)(iii). Finally, IRRC found that the revised definition of "utility" found under § 75.1 and the revised portion relating to qualifications for net metering in § 75.13(a)(3) were not formatted in compliance with IRRC regulations at 1 Pa. Code § 311.4, violating Section 5.2(b)(6) of the RRA, 71 P.S. § 745.5b(b)(6), that requires compliance with the RRA or the IRRC regulations. IRRC determined that the regulation was not consistent with the statutory criteria of clarity and need and accordingly, found that promulgation of the regulation was not in the public interest.

The Commission disagrees with IRRC that the deletion of § 75.13(a)(3), as requested by IRRC in its initial disapproval Order, or the revised definition of "utility" creates an unclear and ambiguous regulation. However, the Commission can appreciate its concern and, accordingly, as directed by the OAG, the Commission has clarified the definition of "utility" to address those concerns. As to the second set of concerns, the Commission disagrees with IRRC that any of the remaining provisions of the regulations in any way limit a customer-generator's ability to net meter, and IRRC has not identified any specific provision that impose any limits beyond those contained in the AEPS Act.

Finally, as to formatting, this concern is overstated. The Commission staff provided IRRC with the revised pages of the final-form regulations following the IRRC's formatting, which IRRC published on its webpage. Accordingly, IRRC, the designated standing committees and the public were fully informed of the changes being offered by the Commission.

IRRC indicated in its July 12, 2016 disapproval Order cover letter that its disapproval bared the final publication of the regulations for 14 days. IRRC further noted that if either the Senate Consumer Protection and Professional Licensure Committee or House Consumer Affairs Committee reports out a concurrent resolution, the bar would continue until the General Assembly completes its review pursuant to Section 7(d) of the RRA, 71 P.S. § 745.7(d). Section 7(d) of the RRA, 71 P.S. § 745.7(d), further states in part that "[i]f, by the expiration of the 14-calendar-day period, neither committee reports a concurrent resolution, the committees shall be deemed to have approved the final-form or final-omitted regulation, and the agency may promulgate that regulation." As neither the Senate Consumer Protection and Professional Licensure Committee nor House Consumer Affairs Committee reported out a concurrent resolution they are deemed to have approved these final-form regulations and the Commission may proceed with promulgation of the regulations. 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 in its initial disapproval order and as directed by the OAG, will continue to meet this need.

The following sections identify proposed revisions to the rules and the Commission's rationale.

B. General Provisions: § 75.1 Definitions

We have revised and clarified several definitions to conform with the amendments to and the intent of the

AEPS Act. Furthermore, we have added definitions to provide clarity and guidance in accordance with the intent of the AEPS Act as amended.

1. *Aggregator*

We have added a definition for aggregator as this term is used later in these regulations. In the context of the AEPS Act, an aggregator is a person or entity that maintains a contract with alternative energy system owners to combine the alternative energy credits from multiple alternative system owners to facilitate the sale of the credits. In implementing the AEPS Act, we have found that due to the small size of many residential solar photovoltaic systems, most of these small alternative energy system owners have difficulty selling the few credits they produce in a year due to the administrative burdens and costs associated with finding a buyer. Due to these barriers, persons and entities have stepped in to assist these small system owners by combining or aggregating the credits produced by many of these small systems and selling those bundled credits. These aggregators are often the point of contact for EDCs and the program administrator when the systems are certified and the output is verified.

a. *Comments*

In their comments, SEF, SRECTrade, and PPL support the changes proposed in the NoPR, and suggest minor modifications. SEF NoPR comments at 2, SRECTrade NoPR comments at 2, PPL NoPR comments at 4.

b. *Disposition*

Consequently, a slight change was made to the definition for aggregator in the ANoFR. Comments supporting the proposed revised definition in the ANoFR were received from PPL and FirstEnergy. PPL ANoFR comments at 4, FirstEnergy ANoFR comments at 2. As such, we adopt the definition of aggregator as proposed in the ANoFR.

2. *Alternative Energy Sources*

The definition of alternative energy sources was revised to reflect the amendments to the definition for low-impact hydropower and biomass facilities from Act 129. The definition of Tier II alternative energy source will also be revised consistent with the change to the definition for biomass facilities in Act 129. See 66 Pa.C.S. § 2814.

a. *Comments*

SEF and PPL submitted comments supporting the proposed revisions. SEF NoPR comments at 2, PPL NoPR comments at 4, PPL ANoFR comments at 4. FirstEnergy submits comments opposing the proposed revision in the NoPR to the definition of Tier II alternative energy sources. FirstEnergy believes that the Commission intended for generation of electricity utilizing by-products of the pulping process and wood manufacturing process to be from facilities located within the commonwealth rather than outside. FirstEnergy recommends making changes to the proposed revision to the definition of Tier II alternative energy sources. FirstEnergy NoPR comments at 4.

b. *Disposition*

The Commission declines to adopt FirstEnergy's proposal as FirstEnergy's request is based on a faulty conclusion, as generation of electricity utilizing by-products of the pulping process and wood manufacturing process to be from facilities located within the Commonwealth is now under the definition of biomass energy and is a Tier I alternative energy source. Whereas electricity

generation utilizing by-products of the pulping process and wood manufacturing process from facilities located outside the Commonwealth remains a separate Tier II alternative energy source.

3. *Low-Impact Hydropower*

The definition of low-impact hydropower was revised in the ANoFR to reflect amendments to the definition for low-impact hydropower from Act 129. Language was added to clarify that only changes made to an existing hydroelectric power plant after the effective date of the AEPS Act will be considered incremental. No opposing comments were received to the proposed changes to the definition in the ANoFR. As such, we adopt the proposed amendments to the definition of low-impact hydropower and biomass facilities proposed in the ANoFR.

4. *Distributed Generation System*

We have also proposed more precise definitions for elements of the definition for distributed generation systems, which is defined in the AEPS Act as "the small-scale power generation of electricity and useful thermal energy." 73 P.S. § 1648.2. The current regulation simply repeats the definition in the AEPS Act. This definition is too ambiguous to be useful, and does not provide satisfactory regulatory guidance to potential applicants regarding whether they can qualify a system as an alternative energy source. To provide clarity, we have added a capacity limit to provide guidance as to which facilities qualify. In addition, we have added a definition for useful thermal energy that is technology and fuel neutral but does not include common merchant generation facilities, such as combined-cycle electric generation facilities. We believe the proposed definition captures the intent of the General Assembly to use the waste heat from the generation of electricity to offset the use of another fuel source to generate heat for a purpose other than the generation of electricity. The proposed definition will permit a combined heat and power facility with a nameplate capacity of five megawatts or less to qualify as a Tier II alternative energy source.

Defining small-scale is more difficult. Unlike useful thermal energy, the phrase small-scale is not a commonly recognized or defined term in the context of the regulation of electric generation. However, given that this is a form of distributed generation, we find it reasonable to apply the capacity limits for customer-generators to the definition of distributed generation systems. Accordingly, we will limit this Tier II alternative energy source to five megawatts of capacity as well. We note, however, that such distributed generation does not have to qualify as a customer-generator to qualify as a Tier II alternative energy source.

a. *Comments*

In their comments, PPL supports the changes proposed in the NoPR and ANoFR to the definition for distributed generation systems. PPL, however, is concerned that the term "useful thermal energy" is subjective and could result in different and possibly conflicting interpretations regarding whether such energy is eligible for purposes of net metering. PPL recommends that the Commission provide further clarification. PPL NoPR comments at 4-5, PPL ANoFR comments at 6-7.

Comments provided by PECO to the ANoFR state that the proposed revised definition will indicate that distributed generation systems may not have a nameplate capacity that is greater than five megawatts. PECO believes that this designation will lead to confusion over the allowable nameplate capacities for distributed genera-

tion systems as set forth in the definition for customer-generator. PECO, based on the proposed language, states that customers may mistakenly believe that it is acceptable to interconnect a distributed generation system between three and five megawatts without having to comply with the requirements and specifications contained in the definition of customer-generator. To avoid such misunderstandings, PECO recommends that the Commission revise the proposed regulations to clarify that distributed generation systems with nameplate capacities between three and five megawatts are only allowable if they comply with the requirements set forth in the definition of customer-generator. PECO ANoFR comments at 3.

Sunrise states in its ANoFR comments that it seems as if the Commission intends to preclude the use of combined-cycle electric generation from net metering. Sunrise ANoFR comments in a letter dated 6/5/15.

b. *Disposition*

We agree in part and disagree in part with PECO's recommendation that distributed generation systems sized between three and five megawatts are only allowable if they comply with the requirements set forth in the definition of customer-generator. For purposes of net metering, we agree with PECO that a customer with a distributed generation system sized between three megawatts and five megawatts must comply with the requirements set forth in the definition of customer-generator and be approved under the appropriate interconnection procedures. We, however, disagree that such restrictions apply to distributed generation systems that are not receiving net metering. The AEPS Act permits all defined alternative energy systems of any size to qualify as a Tier I or Tier II resource, as defined in the AEPS Act, and generate associated alternative energy credits that can be used by EDCs and EGSs for compliance obligations. PECO's suggested change would treat distributed generation systems differently from other alternative energy sources by requiring distributed energy systems to qualify for net metering to qualify as an alternative energy system. PECO has not suggested, and the Commission cannot identify, a justifiable reason to treat distributed energy systems differently. We, therefore, decline to adopt PECO's suggestion and adopt the definition of distributed generation system as proposed.

5. *Customer-Generator And Utility*

We also revised the definition of customer-generator and added a definition for utility to make it clear that the definition applies to retail electric customers and not electric utilities, such as EDCs and merchant generators that are in the business of providing electric services. In addition, the changes make it clear that non-electric utilities, such as water and wastewater utilities are not included in the definition's prohibition against utilities qualifying as a customer-generator.

The AEPS Act defines customer-generator as “[a] nonutility owner or operator of a net metered distributed generation system with a nameplate capacity of not greater than 50 kilowatts if installed at a residential service or not larger than 3,000 kilowatts at other customer service locations. . . .” 73 P.S. § 1648.2. In analyzing this definition, we note that the legislature used the word “customer” in this term. Customer is commonly understood as “one that purchases a commodity or service.”¹ Furthermore, it must be noted that the Public Utility Code defines customer as a retail electric

customer in the context of the electric utility industry. See 66 Pa.C.S. § 2803. The Public Utility Code further defines a retail electric customer as a direct purchaser of electric power. Id. In the context of the AEPS Act, the commodity or service being provided is electricity or electric service. Accordingly, the term customer-generator by itself connotes an entity which is primarily an end user of electricity or electric service from EDCs, from EGSs and from merchant generators. The person or entity must purchase electricity or electric service to be considered a customer under the AEPS Act.

Furthermore, this definition specifically identifies a customer-generator as a “nonutility owner or operator” of the distributed generation system. While the AEPS Act does not define what a utility or nonutility is, common usage of the term utility, in the context of the purchase of electricity or electric service, is defined as “a service (as light, power, or water) provided by a public utility.”² Thus, a nonutility would be one who does not provide a service, such as electric service in the context of the AEPS Act. A customer-generator is one who is not in the business of providing electric power to the grid or other electric users. As such, we have defined a utility in this context as a person or entity whose primary business is electric generation, transmission, or distribution services, at wholesale or retail, to other persons or entities.

a. *Comments On Customer-Generator*

In their comments, PPL, Duquesne and FirstEnergy, support the changes proposed in the NoPR and ANoFR to the definition of customer-generator. PPL NoPR comments at 5-6, PPL ANoFR comments at 4-5, Duquesne NoPR comments at 2, FirstEnergy NoPR comments at 3, FirstEnergy ANoFR comments at 2. Comments to the NoPR opposing the addition of “retail electric customer” in the definition were received from Granger, PennFuture, and DWEA/UW. Granger NoPR comments at 20–22, PennFuture NoPR comments at 4-5, DWEA/UW NoPR comments at 4.

The IRRC states in their comments to the NoPR that adding the term “retail electric customer” could alter the landscape of the alternative energy market that, to some degree, relies on the third party ownership model. The IRRC asks that the Commission further explain how it ascertained that the inclusion of this term is consistent with the intent of the General Assembly and the overall purpose of the Act. IRRC NoPR comments at 5.

Sunrise, Granger, DEP, PDA, and the Farm Bureau disagree with the proposed definition of customer-generator and suggest changes in their comments to the ANoFR. Sunrise avers that the Commission's proposed regulations contravene the AEPS Act and intent of the legislature by imposing size limitations on net metering. Sunrise ANoFR comments in a letter dated 5/2/15.

Granger believes the phrase “retail electric customer” should be removed from the proposed definition and that the use of the phrase is not consistent with the AEPS Act. The use of the phrase could prohibit customer-generators who manage their own internal distribution system from using a net metered alternative energy system. Granger proposes that ‘grandfathering’ be extended to the expansion of existing projects up to the full nameplate capacity set forth in the Act. Granger ANoFR comments at 7-8.

The DEP urges the Commission to maintain net metering rules which are flexible enough to encourage innovation in the deployment of new technologies. For example,

¹ See *Webster's Ninth New Collegiate Dictionary* 318 (1983).

² See *Webster's Ninth New Collegiate Dictionary* 1300 (1983).

at the residential level, retail electric customers may lease solar equipment from a solar company and allow the company to own and operate the equipment. In other instances, a farm operating a bio digester may choose to establish a separate legal entity to operate the distributed generation system. DEP ANoFR comments at 1.

The PDA echoes the comments of the DEP. PDA opposes the definition suggesting it be altered to be consistent with the change suggested for § 75.13(a)(4) by inserting “unless it is designed to produce no more than 200% of the customer-generator’s annual electric consumption or satisfies the conditions set forth in § 75.13 (a)(3)(IV).” PDA ANoFR comments at 2-3.

b. *Disposition Of Customer-Generator*

We disagree with Sunrise and Granger statements that the proposed regulations contravene the AEPS Act and the intent of the legislature. The AEPS Act defines customer-generator as a “nonutility owner or operator” of the distributed generation system. As such, the customer is defined as “one that purchases a commodity or service.” Furthermore, the Public Utility Code defines customer as a retail electric customer and a direct purchaser of electric power.

In response to IRRC’s comment, we initially note that net metering is only one part of the entire regulatory scheme created by the General Assembly to promote alternative energy. The primary regulatory scheme is the requirement that 18 percent of all electric retail sales to Commission jurisdictional electric service customers are to be supplied from the statutorily identified alternative energy sources.³ This requirement is met primarily by EDCs and EGSs purchasing alternative energy credits, which are created when an alternative energy source generates one megawatt-hour of electricity. Under this scheme, the alternative energy source owner receives at least two streams of revenue from the generation of each megawatt-hour of electricity it produces: one from the actual sale of the electricity itself, and one from the sale of the alternative energy credit, which EDCs and EGSs are mandated to purchase to meet the 18 percent requirement. In addition, some of these alternative energy systems are able to receive production tax credits for each megawatt-hour of generation or investment tax credits.

While net metering is one of the regulatory schemes created to promote alternative energy, it is not available to all alternative energy systems. The General Assembly limited net metering to only customer-generators. The AEPS Act defines customer-generator as:

A nonutility owner or operator of a net metered distributed generation system with a nameplate capacity of not greater than 50 kilowatts if installed at a residential service or not larger than 3,000 kilowatts at other customer service locations, except for customers whose systems are above three megawatts and up to five megawatts who make their systems available to operate in parallel with the electric utility during grid emergencies as defined by the regional transmission organization or where a microgrid is in place for the primary or secondary purpose of maintaining critical infrastructure, such as homeland security assignments, emergency services facilities, hospitals, traffic signals, wastewater treatment plants or telecommunications facilities, provided that technical rules for operating generators

³ While small scale net metered systems provide a portion of the alternative energy available to meet this 18 percent of all retail electric sales requirement, we note that meeting this requirement relies primarily on utility scale generation that is precluded from net metering by the AEPS Act.

interconnected with facilities of an electric distribution company, electric cooperative or municipal electric system have been promulgated by the Institute of Electrical and Electronic Engineers and the Pennsylvania Public Utility Commission.

This long and comprehensive definition has many elements that limit which persons or entities are considered as customer-generators. The rules of statutory construction require the Commission to interpret and apply this definition in a manner that gives full effect to all the words in the definition. 1 Pa.C.S. § 1921(a).

To begin with, the term itself—customer-generator—includes the term “customer” before the term “generator,” expressly implying that the person or entity seeking customer-generator status must first be a customer of the EDC receiving retail electric service from the EDC. Next, the definition expressly refers to electric customers, specifically, “residential service,” “other customer service locations,” and “except for customers,” that clearly identify the predicate that customer-generator status is entirely intended for persons or entities that are in fact electric customers. One cannot have residential service or have other customer service locations unless one is first a customer of the EDC. Furthermore, the definition specifically gives examples of retail electric customer facilities. Specifically, it mentions emergency services facilities, hospitals, traffic signals, wastewater treatment plants and telecommunications facilities, all of which are customer facilities that operate and use electric service independent of any associated alternative energy system. Adding the term “retail electric customer” to the definition of customer-generator in these regulations is consistent with the AEPS Act and makes clear and explicit what was intended by the General Assembly. Reading the definition otherwise would make the word “customer” in customer-generator and the terms “residential service,” “other customer service locations,” and “except for customers,” and the specific references to retail electric customer facilities superficial, meaningless and without effect.

Furthermore, the AEPS Act is replete with references and terms defined in and covered by the Public Utility Code that relate to the same persons or things or the same class of persons or things. As such, both statutes must be read in *pari materia* and construed together as one statute. See 1 Pa.C.S. § 1932. As discussed previously, the Public Utility Code defines a customer as “[a] retail electric customer.” See 66 Pa.C.S. § 2803. Accordingly, the definition of customer-generator applies to retail electric customers and is adopted as proposed.

c. *Comments On Utility*

PPL and Duquesne submitted comments supporting the changes proposed in the NoPR and ANoFR to the definition of utility. PPL NoPR comments at 6, PPL ANoFR comments at 7, Duquesne NoPR comments at 3.

Granger, DCIDA, Solare America, LCSWMA, DOJ and numerous other parties feel that the proposed definition of utility excludes net metering projects involving companies that do not fit the new definition. Granger NoPR comments at 17–20, DCIDA NoPR comments at 9–13, Solare America NoPR comments at 1, LCSWMA NoPR comments at 1, DOJ NoPR comments at 1-2.

PennFuture, the American Biogas Council, Citizen Power, and many other commentators stated that the proposed definition of utility is too broad and a threat to the “third-party ownership” model. PennFuture NoPR comments at 3-4, the American Biogas Council NoPR comments at 2-3, Citizen Power NoPR comments at 2.

In their comments, the IRRC noted that commentators indicated that the definition of utility is overly broad and could be interpreted to include entities not intended by the Commission, such as landlords. Concerns have been raised that this definition, read in conjunction with the revised definition of customer-generator, would threaten the third-party ownership model. The IRRC asks the Commission to provide a more precise definition of this term and to consider using the statutory term “public utility.” IRRC NoPR comments at 5.

PSU comments strongly emphasize that non-profits are not eligible for tax breaks and must partner with ‘third parties’ for the capital needed to finance renewable energy projects. PSU NoPR comments at 3—7.

Based on suggestions and comments from stakeholders that were received in regards to the proposed changes in the NoPR, the definition of utility was amended in the ANoFR to exclude persons or entities that own or operate alternative energy systems that are clearly not merchant generators.

Comments opposing the changes proposed in the ANoFR to the definition of utility were received from many parties. PES, Citizen Power, and others believe that the definition is still too broad and request changes to the definition of utility. RCM International LLC, PDMP, PDA, and many other parties feel that the definition of utility may conflict with the 200% limitation waiver found in § 75.13(a)(3)(IV) and request the definition be subject to § 75.13(a)(3)(IV). Sunrise avers that the word ‘public’ was dropped in haste and that the Commission should cease from gratuitous wordsmithing. PDA ANoFR comments at 1-2, Citizen Power ANoFR comments at 2, RCM International LLC ANoFR comments at 1, PDMP ANoFR comments at 2, PES ANoFR comments at 1, Sunrise ANoFR comments in a letter dated 4/24/15.

The Lycoming County Commissioners request in their comments to the ANoFR that clarity be provided by adding that a utility is a person or entity that provides electric generation, transmission or distribution services at wholesale or retail, to other persons or entities for the public good and who are regulated by the public utility commission. Lycoming County Commissioners ANoFR comments at 1-2 in a letter dated 5/1/15 and 1—3 in a letter dated 5/27/15.

DCIDA submits that the proposed definition of utility is confusing and will generate misunderstandings. The size limitation language used in the definition creates a situation where existing facilities could be considered not eligible for net metering. DCIDA avers that the Commission has not satisfied the criteria to promulgate the proposed definition and that said definition is not in the public interest. DCIDA ANoFR comments at 6—8.

In their comments addressing the definition of utility, LCSWA, PPL, and others request that all existing net metering installations be allowed to continue net metering and not be subject to the proposed definition of utility. LCSWA ANoFR comments at 1, PPL ANoFR comments at 15.

d. *OAG Directed Change*

On August 11, 2016, the Commission submitted the final-form regulations to the OAG for review as to form and legality in accordance with the Commonwealth Attorneys Act at 71 P.S. § 732-204(b). The OAG has 30 days to determine if a “regulation is in improper form, not statutorily authorized or unconstitutional.” Id. The Commission may revise the regulation to meet the objections of the OAG. Id. If an agency disagrees with the OAG

objection, “it may promulgate the rule or regulation with or without the revisions and shall publish with it a copy of the Attorney General’s objections.” Id. However, the OAG can:

appeal the decision of the agency by filing a petition for review with the Commonwealth Court in such manner as is provided for appeals from final orders of government agencies pursuant to 42 Pa.C.S. § 763 (relating to direct appeals from government agencies) and may include in the petition a request for a stay or supersedeas of the implementation of the rule or regulation which upon a proper showing shall be granted.

Id.

On September 1, 2016, the OAG sent a memo to Commission staff tolling the thirty-day statutory review period and seeking clarification on the regulations. Commission staff discussed the regulations with OAG staff and on September 1, 2016, provided responses to OAG staff questions. On October 5, 2016, the OAG sent a memo, attached to this Order in Annex B, directing the Commission to amend the definition of “utility” in Section 75.1 to read as follows:

Utility—a business, person or entity whose primary purpose, character, or nature is the generation, transmission, distribution or sale of electricity at wholesale or retail. This term excludes building or facility owners or operators that manage the internal distribution system serving such building or facility and that supply electric power and other related power services to occupants of the building or facility.

The OAG memo then states that “this regulation is hereby approved for form and legality, contingent upon the adoption of this revised definition by the Commission at a Commission Public Meeting as soon as is practical.”

e. *Disposition Of Utility*

To begin with, the Commission finds that the definition of “utility” as modified by the OAG provides further clarity consistent with the original intent of the Commission. In the Notice of Proposed Rulemaking Order, issued on February 20, 2014, the Commission stated that “we have defined a utility in this context as a person or entity whose *primary business* is electric generation, transmission, or distribution services, at wholesale or retail, to other persons or entities.” See Implementation of the Alternative Energy Portfolio Standards Act of 2004, Notice of Proposed Rulemaking Order at Docket No. L-2014-2404361, entered February 20, 2014 at 8 (emphasis added).⁴ The language OAG directed to include, “a business, person or entity whose primary purpose, character, or nature is . . .” encapsulates the intent of the Commission for the term utility to apply to persons or entities whose primary business is electric generation, transmission, or distribution services, at wholesale or retail. We also find that the phrase “to other persons or entities” is superfluous, as wholesale and retail services by their nature involves other persons or entities. Accordingly, as directed by the OAG, the Commission amends its June 9, 2016, Amended Final Rulemaking Order, at this Docket, by adopting and incorporating these changes to the definition of “utility” in Section 75.13 of the final-form regulations found in Annex A of this order.

As discussed above, the Commission must interpret and apply the definition of customer-generator in a manner

⁴ We also note that the same language appears on page 13 of the February 11, 2016, Final Rulemaking Order, and page 17 of the June 9, 2016, Amended Final Rulemaking Order, as well as in Section B.5.a. of this Order.

that gives full effect to all the words in the definition. 1 Pa.C.S. § 1921(a). The definition of customer-generator specifically states that they are “[a] nonutility owner or operator of a net metered distributed generation system. . . .” 73 P.S. § 1648.2. As such, only distributed generation systems owned and operated by nonutilities can qualify as a customer-generator. Or, in other words, a distributed generation system that is owned or operated by a utility cannot qualify as a customer-generator. The Commission has determined that it is easier to identify what a utility is as opposed to identifying all persons or entities that are not utilities.

To begin with, neither the term nonutility nor the term utility is defined in the AEPS Act. Nor are they defined in the Public Utility Code. The Public Utility Code, does however, define the term “public utility,” which several parties state should be used for the purposes of the term “nonutility” in the definition of customer-generator. The Public Utility Code, in part, defines a public utility as follows:

(1) Any person or corporation now or hereafter owning or operating in this Commonwealth equipment or facilities for:

(i) Producing, generating, transmitting, distributing or furnishing natural or artificial gas, electricity, or steam for the production of light, heat, or power to or for the public for compensation.

See 66 Pa.C.S. § 102. The Public Utility Code goes on to indicate which persons or entities are not public utilities. Specifically, the Public Utility Code indicates, in part, the term “public utility” does not include the following:

(2) The term does not include:

(i) Any person or corporation, not otherwise a public utility, who or which furnishes service only to himself or itself.

* * * * *

(v) Any building or facility owner/operators who hold ownership over and manage the internal distribution system serving such building or facility and who supply electric power and other related electric power services to occupants of the building or facility.

(vi) Electric generation supplier companies, except for the limited purposes as described in sections 2809 (relating to requirements for electric generation suppliers) and 2810 (relating to revenue-neutral reconciliation).

Id. As the Public Utility Code explicitly excludes from the definition of “public utility” persons or entities that furnish services only to themselves, or who manage the internal distribution system serving occupants of a building or facility they own and operate, or EGSs, the term “public utility” is not synonymous with the use of the word “utility” in the definition of customer-generator. Had the General Assembly intended to specifically exclude persons or entities that furnish services only to themselves, or who manage the internal distribution system serving occupants of a building or facility they own and operate, or EGSs, from the term “utility” in the definition of the customer-generator, it would have specifically included the term “public utility” in that definition.

But the General Assembly did not use the term “public utility” in the definition of customer-generator. Therefore, we must presume that the General Assembly intentionally chose the term “utility” in this definition for another

reason. Initially, we note that the AEPS Act involves the generation of electricity by specifically identified alternative energy systems of any size or capacity. We also note that since the restructuring of the electric utility industry with the enactment of the Electric Generation Customer Choice and Competition Act (Electric Competition Act), 66 Pa.C.S. §§ 2801, et seq., in 1996, no electric public utility owns or operates electric generation facilities. The Electric Competition Act specifically required the:

electric utilities to unbundle their rates and services and to provide open access over their transmission and distribution systems to allow competitive suppliers to generate and sell electricity directly to consumers in this Commonwealth. The *generation of electricity will no longer be regulated as a public utility* function except as otherwise provided for in this chapter. Electric generation suppliers will be required to obtain licenses, demonstrate financial responsibility and comply with such other requirements concerning service as the commission deems necessary for the protection of the public.

66 Pa.C.S. § 2802(14) (emphasis added). The Commission must presume that the General Assembly knew this fact when it enacted the AEPS Act on November 30, 2004, almost eight years after it enacted the Electric Competition Act. Therefore, as no public utility has owned or operated electric generation facilities since the implementation of the Electric Competition Act in the 1990s, it would make the word “nonutility” surplus language if it were interpreted as meaning “nonpublic utility,” which the rules of statutory construction preclude. See 1 Pa.C.S. § 1921; see also *Commonwealth v. Ostrosky*, 909 A.2d 1224, 1232 (Pa. 2006).⁵

Finally, the rules of statutory construction preclude an interpretation that would produce a result that was “unreasonable.” 1 Pa.C.S. § 1922(1). Net metering allows the customer-generator to obtain above-market prices for electricity produced by certain alternative energy resources. This benefit is subsidized by ratepayers and constitutes a transfer of wealth from the utility’s general body of ratepayers to customer-generators in order to promote alternative energy resources. However, to allow de facto merchant generators to obtain the customer-subsidized benefits of net metering would be, in the Commission’s judgement, an unreasonable interpretation of the statute and would result in unjust and unreasonable rates.

For these reasons, the Commission finds that the General Assembly had a broader interpretation of the term “utility” in mind when it defined customer-generator to include any person or entity that provides electric generation, transmission or distribution services, at wholesale or retail, to other persons or entities, and that this term includes within its scope, merchant generators. These are entities that do not qualify for net metering subsidies.

We, however, do not find that the definition was intended to be so broad that it would preclude, from

⁵ We also note that the definition of customer-generator in the AEPS Act specifically references critical infrastructure such as wastewater treatment plants and telecommunications facilities, both of which are owned and operated by public utilities. See 66 Pa.C.S. § 102 (definition of Public utility (1)(vi) “conveying or transmitting messages or communications. . . by telephone or telegraph. . . .” And (1)(vii) “Sewage collection, treatment, or disposal for the public for compensation.”). Accordingly, interpreting the term “nonutility” as meaning “nonpublic utility” would preclude public utilities that own and operate wastewater treatment plants and telecommunications facilities from qualifying as customer-generators. There is no indication in the AEPS Act that indicates that only owners and operators of wastewater treatment plants and telecommunications facilities that are not regulated public utilities can qualify as a customer-generator. Again, interpreting “nonutility” to mean “nonpublic utility” would create a direct conflict within the statute. We must interpret the statute in a manner that gives effect to all provisions, if possible. See 1 Pa.C.S. § 1933.

qualifying for net metering subsidies, persons or entities that own or operate distributed generation systems to supply their own power needs or to buildings or facilities they own and where they manage the internal distribution system serving such buildings or facilities. In the February 11, 2016 Final Rulemaking Order, we had revised the definition of utility to exclude owners or operators of an alternative energy system that was designed to produce no more than 200% of a customer-generator's annual electric consumption or that satisfies the conditions set forth in § 75.13(A)(3)(iv). However, as the IRRC disapproved of this limitation in its June 2, 2016 Order, we will delete this reference in this amended final rulemaking. We, however, will retain the language that excludes building or facility owner/operators that manage the internal distribution system serving such building or facility and that supply electric power and other related power services to occupants of the building or facility.

Regarding comments that suggest that this definition should only be applied to new facilities, the Commission declines to adopt such a provision. As noted throughout this rulemaking, the Commission is revising the regulations to provide clarity to all interested parties and to facilitate uniform application throughout the Commonwealth. As this provision is simply providing clarity as to what the term "nonutility" means in the definition of customer-generator as enacted in the AEPS Act, and as the Commission is charged by the General Assembly to carry out the responsibilities delineated within the AEPS Act, we cannot ignore this provision of the AEPS Act and must enforce it. To do otherwise, would simply permit all parties, including sophisticated parties in the business of generating electricity to claim ignorance as to the meaning of the statutory language and qualify as a customer-generator based on that ignorance or misinterpretation. We note that if these parties had any question as to their status, they could have sought a declaratory order removing this uncertainty. See 66 Pa.C.S. § 331(f). To date, no party sought such relief.

6. *Grid Emergencies And Microgrid*

The AEPS Act permits facilities with a nameplate capacity of between three megawatts and up to five megawatts to qualify as customer-generator facilities provided that they make their systems available to operate in parallel with the electric utility during grid emergencies as defined by the regional transmission organization (RTO) or where a microgrid is in place for the primary or secondary purpose of maintaining critical infrastructure. In the proposed rulemaking we added definitions for grid emergencies and microgrid to provide guidance on when facilities with a nameplate capacity of between three megawatts and up to five megawatts meet the conditions to qualify as a customer-generator.

The proposed definition for grid emergencies came from PJM Manual 13 Emergency Operations.⁶ As PJM is currently the only RTO serving Pennsylvania, this definition is appropriate.

The proposed definition for microgrid references and incorporates the description of a microgrid provided by the Institute of Electrical and Electronic Engineers (IEEE) standard 1547.4. This standard can be found in the IEEE Guide for Design, Operation, and Integration of Distributed Resource Island Systems with Electric Power Systems.

⁶ See PJM Manual 13, PJM Manual for Emergency Operations at 3, which is available at the following link: <http://www.pjm.com/-/media/documents/manuals/m13.ashx>.

a. *Comments*

Comments supporting the changes proposed in the NoPR to the definition of grid emergencies with suggestions for modification and clarification were received from PPL, FirstEnergy, PECO, and EAP. PPL NoPR comments at 6-7, FirstEnergy NoPR comments at 3, PECO NoPR comments at 3-4, EAP NoPR comments at 3.

PECO stated that it understands that the Commission's proposed definition of grid emergencies was taken from the PJM Manual 13 Emergency Operations. The manual provides guidance, rules, instructions and procedures as defined in PJM's Open Access Transmission Tariff (OATT). In light of the fact that the OATT is the authoritative document for PJM grid operations, PECO believes that the definition of grid emergencies should be based on and incorporate the OATT's complete definition of "emergency condition" for clarity and to avoid potential conflicts with FERC-approved provisions. PECO NoPR comments at 3-4.

Oregon Dairy, Inc. submitted comments opposing the changes proposed in the NoPR to the definition of grid emergencies. Oregon Dairy, Inc. avers that the proposed definition is a limitation on renewable project capacity and not a realistic route to larger projects. Oregon Dairy, Inc. NoPR comments at 2.

The Commission agreed with the comments submitted by PECO and proposed a revision in the ANoFR to the definition of grid emergency to reference the PJM OATT.

PPL supports the changes proposed in the ANoFR to the definition of grid emergencies, but recommends further clarification. PPL ANoFR comments at 5.

In response to several requests for clarification and modification to the definition of grid emergencies, the Commission finds that the proposed definition covers all and any emergency and that adding supplementary language to clarify as suggested by PPL would be duplicative and unnecessary. Accordingly, we adopt the definition of grid emergencies as an emergency condition as defined in the OATT or successor document, as proposed in the ANoFR.

In their comments, PPL and FirstEnergy, support the changes proposed in the NoPR and ANoFR to the definition of microgrid with FirstEnergy proposing several edits to the definition. PPL NoPR comments at 6, PPL ANoFR comments at 6, FirstEnergy NoPR comments at 4.

b. *Disposition*

The edits to the proposed definition of "microgrid" suggested by FirstEnergy provide clarity, specifically applicable to EDC distribution systems. As these regulations relate to EDC distribution systems, we find that the added clarity suggested by FirstEnergy to be appropriate and have adopted the definition of microgrid with the edits suggested by FirstEnergy.

7. *Moving Water Impoundment*

The definitions for large-scale hydropower and low-impact hydropower in the AEPS Act both contain the phrase "the hydroelectric potential of moving water impoundments." The AEPS Act, however, does not define what moving water impoundments are. We have proposed a definition for moving water impoundments to provide guidance and clarity. This definition is intended to make it clear that in addition to hydroelectric facilities that utilize dams to impound water, electric turbines placed in rivers or streams without a dam also qualify as hydropower within the AEPS Act.

a. *Comments*

Comments supporting the changes proposed in the NoPR to the definition of moving water impoundments were received from PECO, PPL and FirstEnergy. PECO NoPR Comments at 4, PPL NoPR Comments at 7, PPL ANoFR Comments at 6, FirstEnergy NoPR comments at 2-3. PECO, however, believes that the language should be expanded to make it clear that systems that do not directly involve naturally flowing water (in rivers and streams), such as systems that generate electricity by removing water from the natural flow, placing it in a containment tank and then using the pressure reducing valves, would not qualify as moving water impoundments. PECO NoPR Comments at 4.

b. *Disposition*

We appreciate PECO's suggestion to add language to the definition in an attempt to clarify that only a system that generates electricity from naturally flowing water qualifies as a moving water impoundment. We, however, find that PECO's suggested language creates ambiguity as opposed to adding clarity. We find that the proposed definition, when read in context with the definitions for large-scale hydropower and low-impact hydropower found in the AEPS Act, clearly indicates what types of impoundments would qualify. As such, the definition of moving water impoundments is adopted as proposed.

8. *Default Service Provider*

We have addressed the role of default service providers (DSPs) in net metering provisions of the regulations. While we acknowledge that EDCs currently fill the role of DSP, the Public Utility Code does provide for an alternative supplier to supply default service upon Commission approval. Therefore, we proposed a definition for DSP that is consistent with the definition found in the Pennsylvania Public Utility Code at 66 Pa.C.S. § 2803.

a. *Comments*

Comments supporting the changes proposed in the NoPR to the definition of default service provider were received from PPL and FirstEnergy. PPL NoPR Comments at 7, PPL ANoFR Comments at 4, FirstEnergy NoPR Comments at 3. In its comments, FirstEnergy states that default service providers generally provide generation and transmission service. The transmission service included in the price to compare is market based transmission service. FirstEnergy proposes to add this clarification to the definition of default service provider in order to align the definition with those services actually provided by the DSP. FirstEnergy NoPR Comments at 3. PECO avers that the definition proposed should be replaced with a reference to the statutory definition provided in the Pennsylvania Public Utility Code at 66 Pa.C.S. § 2803. PECO NoPR Comments at 4.

b. *Disposition*

We decline to adopt FirstEnergy's suggestion to add a reference to transmission service. The definition is not intended to identify all possible services provided by the DSP, but simply to inform what entities can be designated as the DSP and when they serve that role. We note that all DSPs must have a Commission approved default service plan that will identify what services they provide to specific rate classes and a process for determining and publicizing the price for such service. Regarding PECO's suggestion, we decline to simply reference the Public Utility Code section where the definition of DSP can be found. We find it appropriate to provide the definition in

these regulations out of convenience for any interested party. Accordingly, we adopt the definition of DSP as proposed.

C. *Net Metering: § 75.13. General Provisions*

This section features several revisions related to who can qualify for net metering and the compensation they receive. In addition, we have addressed the role of DSPs in net metering and the compensation they provide. While we acknowledge that EDCs currently fill the role of DSP, the Public Utility Code does provide for an alternative supplier to supply default service upon Commission approval. The addition of DSPs to this section simply acknowledges this possibility and provides guidance and clarity regarding a DSP's role in providing net metering and compensation under net metering.

1. *Section 75.13(a)*

Currently, Section 75.13(a) requires EDCs to offer net metering to customer-generators and provides that EGSs may offer net metering to customer-generators under the terms and conditions set forth in agreements between the EGS and the customer-generator taking service from the EGS. The current regulation is silent as to which customer-generators can net meter, other than that they must be using Tier I or Tier II alternative energy sources.

We proposed a provision for DSPs and a move of the EGS net metering role to subsection 75.13(b) and re-lettering of the remaining subsections. In our proposed new section (a), we require EDCs and DSPs to offer net metering to customer-generators that generate electricity on the customer-generator's side of the meter using Tier I or Tier II alternative energy sources, on a first come, first served basis, provided they meet certain conditions.

a. *Independent Load*

The first condition requires the customer-generator to have load, independent of the alternative energy system, behind the meter and point of interconnection of the alternative energy system. To be independent, the electric load must have a purpose other than to support the operation, maintenance or administration of the alternative energy system. This provision makes explicit what was previously implied in the AEPS Act and the regulations.

This requirement is implied in the AEPS Act definition of net metering where it states that net metering is the means of measuring the difference between the electricity supplied by an electric utility and the electricity generated by the customer-generator when any portion of the electricity generated by the alternative energy generating system is used to offset part or all of the customer-generator's requirements for electricity. If there is no independent load behind the meter and point of interconnection for the alternative energy system, by definition, the customer-generator has no requirement for electricity to offset. In addition, this requirement is implied in the current regulations, where it states that EDCs shall offer net metering to customer-generators that generate electricity on the customer-generator's side of the meter. Again, there would be no need for a customer's electric meter if there was no independent demand for electricity. Furthermore, we note that both alternative and traditional electric generation facilities require electric service to start, operate and maintain those facilities. Thus, to preclude utilities, such as merchant generators, from qualifying for net metering, we require load independent of the generation facility. To do otherwise would be

contrary to the definition of a customer-generator that only includes nonutility owners and operators of alternative energy systems.

i. *Comments*

Comments supporting the above mentioned revisions proposed in the NoPR were received by PPL, OSBA, SEF, FirstEnergy, Duquesne, and EAP. PPL NoPR Comments at 8–10, OSBA NoPR Comments at 2, SEF NoPR Comments at 2, FirstEnergy NoPR Comments at 5-6, Duquesne NoPR Comments at 4-5, EAP NoPR Comments at 4-5. PPL recommends that the Commission require that independent load must be permanent and present at the customer-generator service for a customer-generator to maintain net metering status. This would help avoid situations where merchant generators install temporary load solely for the purpose of being deemed eligible for net metering. Importantly, PPL notes that those alternative energy systems that do not meet the independent load requirement are not foreclosed from receiving value for the excess generation produced by their alternative energy systems. Indeed, these facilities already have the ability to sell the excess generation in the wholesale electric market in competition with other similarly situated merchant generators. This approach will avoid rate-payers being forced to subsidize these merchant generators, which, in turn will avoid higher rates for customers. PPL NoPR Comments at 9-10, PPL ANoFR Comments at 10–12.

Many commentators, such as Robin Alexander, Larry Moyer, Sunrise, Enviro-Organic Technologies, Inc., Granger and PSU submitted comments opposing the independent load requirement at the host meter. These commentators aver that it may not be practicable to have generation located behind a meter with load and the change is contrary to “virtual net metering.” PSU avers that the “behind the meter” and “independent load requirement” contravene with the definition in the AEPS Act. Robin Alexander NoPR Comments at 2-3, Larry Moyer Part A NoPR Comments at 3–5, Larry Moyer Part B NoPR Comments at 2, Larry Moyer ANoFR Comments at 2–4, Sunrise NoPR Comments in a letter dated 7/22/14, Enviro-Organic Technologies, Inc. NoPR Comments at 2, Granger NoPR Comments at 22–27, PSU NoPR Comments at 10-11, PSU ANoFR Comments at 11–15. Other commentators, such as RCM International LLC and PDMP, oppose the independent load requirement and request an exemption for farms. RCM International LLC NoPR Comments at 2, PDMP NoPR Comments at 3. The OCA suggests clarifying language so installations at new construction projects are not excluded. OCA NoPR Comments at 2.

The IRRC requests clarification on how the independent load requirement will be implemented for new construction that may incorporate an alternative energy system and would the owner be precluded from qualifying as a customer-generator because they do not have electric load at the time of the application to the EDC or DSP. IRRC NoPR Comments at 6.

The LWV strongly objects to preventing property owners from putting solar into their own field, on their own property unless they already use electricity there. LWV argues that the law allows a field to be used to generate electricity if it is less than two miles away and customers get full credit. The LWV believes that alternate energies need to be encouraged, supported and promoted and that the laws adequately do that. LWV ANoFR Comments in a letter dated 5/27/15.

ii. *Disposition*

The Commission analyzed and considered the many comments submitted by parties that oppose the proposed clarification requiring independent load. We, however, disagree with the commentators that object to the independent load requirement. We find that independent load must be present and permanent for a customer-generator to obtain and maintain net metering status. Furthermore, we are convinced that the independent load requirement of the generation facility is critical in preventing utilities, such as merchant generators, from qualifying for net metering.

As discussed previously, a customer-generator must be a nonutility retail electric customer that has either a residential or other electric service location as a predicate to qualifying as a customer-generator. Without independent electric load, there would be no establishment of a retail electric customer at a residential or other electric service location. The interconnection would simply involve generation service.

Furthermore, the term net metering is defined as follows:

The means of measuring the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator when any portion of the electricity generated by the alternative energy generating system is used to offset part or all of the customer-generator’s requirements for electricity.

72 P.S. § 1648.2. As the customer-generator must be a retail electric customer with a residential or other service location, there must be a need for load at the customer-generator location to net against the generation from the customer-generator. Otherwise, it would simply be a generator, not a customer-generator.

This definition also requires that the customer-generator must have a requirement for electricity. The first sentence in the definition of net metering states that it is “[t]he means of measuring the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator when any portion of the electricity generated. . . is used to offset part or all of the customer-generator’s requirements for electricity.” The “electricity supplied by an electric utility” is for the “independent load.” The second part of this sentence refers to offsetting “part or all of the customer-generator’s requirements for electricity,” depends upon the existence of independent load, for if there is no independent load, there is no requirement for electricity that would be offset or netted against. Again, without independent load at the customer-generator location, there would be no requirement for electricity to net against the generation produced by the customer-generator.

Several commentators conflate the term “virtual net metering” with the term “virtual meter aggregation” in suggesting that no independent load is required at the point of interconnection of the customer-generator. Initially we note that it is these commentators, not the Commission, that are creating net metering terms and conditions that are not in the AEPS Act. The term “virtual net metering” is neither found nor defined in either the AEPS Act or the Public Utility Code. This term implies that the electric load and the generator do not have to be co-located for net metering.

We also point to the language in the AEPS Act that requires the Commission to develop technical and net

metering interconnection rules as further evidence of the General Assembly's intent that independent load is required for all customer-generator interconnections. Specifically, Section 5 of the AEPS Act states the following:

The commission shall develop technical and net metering interconnection rules for customer-generators intending to operate renewable *onsite generators* in parallel with the electric utility grid, consistent with rules defined in other states within the service region of the regional transmission organization that manages the transmission system in any part of this Commonwealth.

73 P.S. § 1648.5 (emphasis added). This requirement specifically references onsite generators in relation to net metering interconnection for customer-generators. The reference to onsite generation demonstrates the clear intent by the General Assembly that customer-generators must be behind the meter generation. What many of the commentators refer to as virtual net metering, which again is neither referenced in nor defined in the AEPS Act, involves offsite generation that is connected to no load and is simply connected directly to the grid. Had the General Assembly intended customer-generators to virtually net meter offsite generation, they would have simply stated that the Commission shall develop technical and net metering interconnection rules for customer-generators intending to operate renewable generators in parallel with the electric utility grid. But that is not what the General Assembly enacted.

In contrast, the AEPS Act does permit net metering for “[v]irtual meter aggregation on properties owned or leased and operated by a customer-generator and located within two miles of the boundaries of the customer-generator's property and within a single electric distribution company's service territory...” 73 P.S. § 1648.2 (definition for Net Metering). This term references the aggregation of two or more electric service meter locations virtually, as opposed to physically connecting all meter service locations, operated by one customer. Such customers may include a farm or commercial business with multiple dislocated barns or buildings that have separate electric service locations that are under one account holder. In this scenario, the operator may install an alternative energy system at one of the two or more service locations and net meter the generation from that system against the load requirements at all of the service locations, provided they are within two miles of each other and are within the same EDC service territory. To interpret this as being equivalent to virtual net metering would be creating ambiguity where none exists in the language contained in the AEPS Act. We also note that interpreting virtual meter aggregation as virtual net metering would permit a person to install an alternative energy system with a nameplate capacity greater than 50 kW and virtually net meter their residential service, circumventing the statutory limit contained in the AEPS Act. This interpretation would lead to an absurd result that is directly contrary to the intent of the General Assembly. See *Commonwealth v. McCoy*, 962 A.2d 1160, 1168 (Pa. 2009) (the interpretation that gives effect to all of the statute's phrases and does not lead to an absurd result must prevail).

We further note that the existing regulations at 52 Pa. Code § 75.13(c) explicitly require load at the point of interconnection for the generator. Section 75.13(c) states in part the following:

For customer-generators involved in virtual meter aggregation programs, a credit shall be applied first

to the meter through which the generating facility supplies electricity to the distribution system, then through the remaining meters for the customer-generator's account equally at each meter's designated rate.

52 Pa. Code § 75.13(c). There would be no ability to apply a credit at the meter through which the generating facility supplies electricity to the distribution system if there was no electric load requirement at that meter. This demonstrates that the Commission continues to be consistent and has added this explicit language simply to add precision to the regulations, not to create a new requirement as some have asserted.

Regarding comments, including those provided by IRRRC, related to independent load at new construction projects, we believe that the proposed regulation does not exclude the installation of alternative energy at a new construction site. Once the new construction is built, operational and receiving retail electric service and the alternative energy system is operating, net metering would begin at that time. If the alternative energy system is operating before the new construction is built, operational and receiving retail electric load, there is nothing to net meter, so net metering would not apply. In such a scenario, the owner of the alternative energy system could sell the power from the facility at an avoided cost of wholesale power in accordance with federal and state regulations until the new construction is operational.

Finally, regarding the permanency of the independent load at the customer-generator location, we find that no additional language is needed in the regulations. To qualify for net metering and to be a customer-generator, there must be independent load. If there is no independent load, then the alternative energy system would simply be a generator and no longer qualify for net metering at that point in time. For these reasons, we adopt the requirement for independent load as proposed in the NoPR.

b. *Nonutility*

The second condition requires that the owner or operator of the alternative energy system may not be a utility. As noted previously, the AEPS Act defines a customer-generator as a nonutility owner or operator of a net metered distributed generation system. Again, this condition makes explicit in the rule what is required by the AEPS Act.

i. *Comments*

Comments supporting the above mentioned proposed condition were received from Duquesne, PPL and FirstEnergy. Duquesne NoPR Comments at 3, PPL NoPR Comments at 8, FirstEnergy NoPR Comments at 5.

Granger, Crayola, DOJ, Tetra Tech, Inc., PSU and numerous other stakeholders filed opposing comments. Granger NoPR comments at 17—20, Crayola NoPR Comments at 1-2, DOJ NoPR Comments at 1-2, Tetra Tech, Inc. NoPR Comments at 2, PSU NoPR Comments at 3—7.

Oregon Dairy, Solare America and LCSWA, feel that all renewable projects involving “parties in the business of providing electric service” (merchant generators) will be disqualified from the net metering program. Oregon Dairy NoPR Comments at 2, LCSWA NoPR Comments at 1, Solare America NoPR Comments at 1.

In its comments to the ANoFR, the National Milk Producers Federation and Land O'Lakes suggest inserting the phrase “which is primarily in the business of providing electric power to the grid or other users” to the

section to provide clarity for dairy farms. National Milk Producers Federation ANoFR Comments at 2, Land O'Lakes ANoFR Comments at 1.

DCIDA states that it has concern it will be unfairly categorized as a utility. The AEPS Act provides that net metering is available to "non-utility" energy generators. But, the Commission is engaged in efforts to define certain "non-utility" energy generators as "utilities" for purposes of the AEPS Act so that they are not eligible to net meter. DCIDA expressed concern for potential confusion because the Commission continues to propose a definition that departs from statutory definitions, published guidelines and established precedent to create the proposed definition. DCIDA ANoFR Comments at 5—8.

ii. *Disposition*

The AEPS Act definition for customer-generator requires that the owner or operator of the net metered distributed generation system be a nonutility. Accordingly, we adopt the condition as proposed in the NoPR for § 75.13(a)(2).

c. *Size Limit*

The third condition proposed in the NoPR required that the alternative energy system be sized to generate no more than 110% of the customer-generator's annual electric consumption at the interconnection meter and all qualifying virtual meter aggregation locations. The AEPS Act sets maximum nameplate capacity limits for customer-generators by customer class, with 50 kilowatts for residential service and three megawatts at other service locations and up to five megawatts under certain circumstances. To this point, the Commission has not set more restrictive size limitations on customer-generators, except in a policy statement permitting net metering of third-party owned and operated systems. See *Net Metering—Use of Third Party Operators, Final Order at Docket No. M-2011-2249441* (entered March 29, 2012). In that order, the Commission set the 110% size limit as a reasonable way to limit the possibility of merchant generators posing as customer-generators. The Commission further noted that the majority of comments supported the limit as a reasonable and balanced approach to support the intent of the AEPS Act and limiting the potential for merchant generators to use net metering to circumvent the wholesale electric market and gain excessive retail rate subsidies at retail customer expense. See *Net Metering—Use of Third Party Operators, Final Order at 8*.

While we declined to extend the application of the 110% limitation of systems owned or operated by a customer-generator in the policy statement,⁷ we proposed that this same reasonable and balanced approach be applied to all new customer-generators as it more appropriately supports the intent of the AEPS Act. Again, we point out that the AEPS Act defines net metering as a means for a customer-generator to offset part or all of the customer-generator's requirements for electricity. In addition, it ensures that the customer-generator is not acting like a utility or merchant generator, receiving excessive retail rate subsidies from other retail rate customers.

As we adopted in the policy statement, the 110% limit was a design limit to be based on historical or estimated annual system output and customer usage, both of which are affected by weather that is beyond the control of the customer.⁸ It is not to be used as a hard kilowatt-hour cap on the customer-generator's annual system output.

We believe that this approach appropriately captures the intent of the AEPS Act regarding net metering and is consistent with how net metering is treated in other states.⁹

i. *Comments*

Comments supporting the above mentioned condition were received from Duquesne, OSBA, PPL, PECO, FirstEnergy and EAP. Duquesne NoPR Comments at 6-7, OSBA NoPR Comments at 3, PPL NoPR Comments at 10—13, PECO NoPR Comments at 5—8, FirstEnergy NoPR Comments at 5, EAP NoPR Comments at 4-5.

Many stakeholders filed comments opposing the system size restrictions for different reasons, such as lack of clarity and difficulty to determine the usage which is subject to change (weather, changes in occupancy, new construction, etc.). Other commentators stated that the size limitation conflicts with the language of the AEPS Act and the legislative intent.

In its comments, the IRRRC states that commentators have questioned the Commission's statutory authority for this provision and also how it will be implemented. The IRRRC asks the Commission to provide a citation to specific statutory language that would allow for the limitation being proposed under this subsection. IRRRC NoPR Comments at 6.

Several parties filed comments requesting an exemption from the 110% size limitation for farm based alternative energy/anaerobic digester systems. Others felt that the proposed provisions were silent regarding the treatment of existing facilities that exceed the proposed limitation and suggested that existing facilities should be "grandfathered" and that the size limitation only be applied to future projects. As a result, the Commission proposed the following changes and modifications in the ANoFR under Section 75.13(a)(3):

1. The size limitation for alternative energy systems must be sized to generate no more than 200% of the customer-generator's annual electric consumption at the interconnection meter location when combined with all qualifying virtual meter aggregation locations as of the date of the interconnection application.
2. For existing service location accounts, annual electric consumption shall be based on electric usage data from any 12 consecutive month period occurring within 60 months prior to submission of the customer-generator's interconnection request.
3. For new service location accounts, annual electric consumption shall be based on the building type, size and anticipated usage of electric equipment and fixtures planned for the new service location.
4. The 200% of the customer-generator's annual electric consumption limitation applies to any interconnection application for a new alternative energy system or expansion of an existing alternative energy system submitted 180 days after the effective date of this rulemaking.
5. The 200% of the customer-generator's annual electric consumption limitation does not apply to alternative energy systems when the Department provides confirmation to the Commission that a customer-generator's alter-

⁹ See, 26 Del. Admin. Code 3001-8.6.2: "The customer-Generator Facility is designed to produce no more than 110% of the Customer's aggregate electrical consumption. . . ." See also, N.J.A.C. 14:8-4.3(a): EDCs "shall offer net metering. . . provided that the generating capacity of the customer-generator's facility does not exceed the amount of electricity supplied. . . to the customer over an historical 12-month period. . . ." And, N.J.A.C. 14:8-7.3(a)(2): "The generating capacity of the eligible customer's system does not exceed the combined metered annual energy usage of the customer's qualified facilities."

⁷ See *Net Metering—Use of Third Party Operators, Final Order at 9*.
⁸ *Id.* at 10.

native energy system is used to comply with the Department's Pennsylvania Chesapeake Watershed Implementation Plan in compliance with section 303 of the Federal Clean Water Act at 33 USC § 1313 (relating to water quality standards and implementation plans) or is an element of a farm's approved nutrient management plan in compliance with the Nutrient Management Act at 3 Pa.C.S. §§ 501, et seq. (relating to nutrient management and odor management).

Comments opposing the 200% size limitation proposed in the ANoFR were received from Duquesne, PPL, FirstEnergy, PECO, OSBA, and EAP. These commentators preferred the initially proposed size limitation of 110% for customer-generators. In its comments, Duquesne supports an alternative energy size limitation; however, it believes that a 200% cap is not in line with the spirit of the AEPS Act and prefers a size limitation consistent with the Commission's initially proposed 110% cap. Duquesne asserts that the AEPS Act was enacted to encourage residential customers to offset a portion or all of their electric usage. As a 110% limitation is closer to the customer's actual usage, such a limitation decreases the ability of a customer-generator from obtaining excessive rate subsidies at the expense of other retail customers. Duquesne requests that the Commission utilize a 110% size limitation and clarify whether a credit should be received only up to the size limitation set by the Commission. Duquesne ANoFR Comments at 2-3.

PPL believes that the 110% size limitation initially proposed is more consistent with the intent of the net metering provision of the AEPS Act. PPL, however, suggests that if the 200% limitation is adopted, EDC's may have to install additional equipment to accommodate the larger sized alternative energy systems, which in turn, would increase costs to electric customers. Although PPL continues to support the 110% size limitation, it recognizes that the proposed 200% size limitation is a significant improvement over the current regulatory scheme with no cap. PPL asserts that a limit on the size of alternative energy systems for purposes of net metering is a reasonable and balanced approach to supporting the intent of the AEPS Act by limiting the potential for merchant generators to use net metering as a way to circumvent the wholesale electric market and realize retail rate subsidies at the expense of retail customers. PPL ANoFR Comments at 12—14.

FirstEnergy supports the initially proposed 110% size limit of an alternative energy system, and feels that an increase to 200% over the previous proposal's limit of 110% of customer-generator's annual electric consumption should be rejected. FirstEnergy notes that net metering customers in Pennsylvania are paid an amount for excess generation kWh that is equal to the Price to Compare, which includes certain transmission costs. FirstEnergy asserts that allowing for a 200% limit in Pennsylvania will result in a higher level of cross-subsidization whereby default service customers, who currently pay net metering cost as part of default service charges, would be required to pay an increased amount. FirstEnergy ANoFR Comments at 2-3.

PECO believes that the originally proposed 110% rule is fundamentally sound for new alternative energy systems because it is consistent with the intent of the AEPS Act, which defines net metering as a means to primarily offset part or all of the customer-generator's requirements for electricity. PECO states that the 110% rule also provides more reasonable protections to customers and guarantees protections that the proposed 200% rule can-

not, such as preventing system oversizing, avoidance of merchant generators posing as customer-generators, establishment of clear jurisdictional boundaries between the Federal Energy Regulatory Commission (FERC) and the Commission, and containment of cost shifting. PECO notes that it provided seven examples of states with aggressive renewable goals in the NoPR, with only one state (Maryland) using a 200% rule. Accordingly, PECO recommends that the Commission adopt the initially proposed 110% size limit. PECO ANoFR Comments at 4—6.

OSBA and EAP also oppose the 200% size limitation increase. OSBA submits that the Commission has not fully considered the impact of excess net metering generation on default service rates for small businesses and recommends staying with the more reasonable 110% limitation. OSBA ANoFR Comments at 1-2. EAP suggests a targeted exception for agricultural customer-generators as opposed to raising the generation cap in general. If the Commission wishes to maintain consistency with "how net metering is treated in other states," the 200% limit appears excessive and not in keeping with the majority of the states. EAP ANoFR Comments at 3-4.

Many parties feel that the 200% size limitation is in conflict with the AEPS Act and legislative intent. Sunrise notes that the proposed rule would constrain the size of renewable energy systems by enforcing a size limitation established as a percentage of onsite load. Sunrise asserts that system size limits are defined in the Act and the proposed limitations are in conflict. Sunrise ANoFR Comments in a letter dated 5/2/15.

DCIDA and Granger state that the 200% limitation is beyond the scope of the Commission's statutory authority and the intent of the General Assembly. Granger opines that consumption limits would materially harm landfill gas projects. DCIDA ANoFR Comments at 9-10. Granger ANoFR Comments at 9—14.

DEP states that a further limit on the ability to benefit from net metering is not authorized by law. DEP ANoFR Comments at 2. PWIA states that the rulemaking is unlawful because it disregards and contradicts the plain language of Act 213. PWIA asserts that the Act does not restrict consumption as a percentage of capacity, nor does it authorize the Commission to impose such restrictions. PWIA ANoFR Comments at 1-2.

Many other stakeholders, such as the Farm Bureau, Ar-Joy Farms LLC, and Herb Kreider believe that the proposed 200% size limitation will place the farmers' ability to augment their systems and still qualify for net metering in jeopardy. The Farm Bureau believes that the farmers' future ability to viably utilize on-farm generation systems to meet legal environmental requirements will be seriously compromised, even under the revised standards. The Farm Bureau asserts that the proposal to increase the limitation from 110% to 200%, while helpful, does not sufficiently take into account current and future needs farm families will have. The Farm Bureau urges the Commission to reconsider its final regulation and include language that provides for an outright farm exemption from the restriction in capacity. Farm Bureau ANoFR Comments at 2—4. Ar-Joy Farms LLC and Herb Kreider disagree with the 200% size limitation on methane digesters. Ar-Joy Farms LLC ANoFR Comments at 2, Herb Kreider ANoFR Comments in a letter dated 5/26/15.

Many more comments opposing the 200% size limitation were received from other stakeholders, such as the Joint Commentators, MAREA et al, SUNWPA, Citizen

Power and OCA. The Joint Commentators opine that the Commission’s authority to impose a 200% of annual load limitation remains in question and the benefits of such a limitation have not been shown to outweigh the costs. The Joint Commentators assert that providing the agriculture exclusion shows the lack of authority and necessity for the limit. Furthermore, the Joint Commentators argue that the Commission has not provided a sufficient cost-based analysis of the need for the cap and that the approach is not tailored to solve an actual problem. Joint Commentators ANoFR Comments at 6–10. MAREA et al urges the Commission to withdraw changes that would add a new generation limit on system size. MAREA et al ANoFR Comments at 1.

SUNWPA opposes the 200% size limitation proposed for solar energy systems because most solar systems are sized to meet existing demand. Its extensive experience with solar customers shows that it is extremely rare that a customer will size a system to overproduce. Placing a limit on production is a disincentive for energy efficiency and increasing the amount of solar to the grid should be encouraged in order to address climate change and to lessen impacts of air pollution that will help Pennsylvania meet the impending EPA Clean Power Plan regulations. SUNWPA ANoFR Comments at 1-2.

Citizen Power believes that the proposed 200% size limitation, as applied to residential customers, is unnecessary. Citizen Power recognizes that the purpose of the 200% limit is to exclude generation utilities and merchant generators from obtaining customer-generator status. Citizen Power supports the elimination of the 200% size limit for residential customers, at least until there is some evidence that such a restriction is necessary. Citizen Power ANoFR Comments at 2-3.

In its comments, OCA states that it recognizes the need to strike a balance between encouraging the development of alternative energy systems while preventing possible harm to ratepayers. The OCA suggests that the Commission may wish to consider whether a limitation for residential customers is necessary, asserting that there is not a significant concern with residential customers becoming a merchant generator. The OCA submits that while the 200% limit for residential customers is an improvement from the initial 110% proposal, it may still unnecessarily limit the expansion of residential solar installations. The OCA submits that it may be inefficient to place a size limitation in addition to the 50 kW capacity limit on residential solar installations. OCA ANoFR Comments at 3-4.

ii. *Disposition*

Based on IRRC’s June 2, 2016 Order and the necessity of having the remaining provisions of this final rule-making promulgated, we will remove this limitation and the associated subsections and renumber the remaining subsections.

d. *Historical Usage*

i. *Existing Service Locations*

Comments opposing the 60 month timeframe to calculate the annual electric consumption for existing service locations were received from PECO and EAP. PECO believes that such an approach allows customers to “cherry pick” the most advantageous 12-months during the 5-year period. PECO is concerned that the proposed 60 month period may be excessive because it could allow customers to set their system sizes with outdated information. PECO recommends an approach which strikes an appropriate balance, such as using a consecutive 12

month period that occurs within the 24 months before the interconnection request is filed. PECO ANoFR Comments at 8.

EAP requests that the Commission reconsider its proposal to allow a customer with existing service locations to apply any 12 consecutive month period of electric usage data occurring within the last 60 months to determine its future annual electric consumption for purposes of net metering. EAP asserts that this window provides an excessive amount of discretion to the customer-generator to pick the highest-usage months. EAP recommends reducing this window to 24 or 36 months to account for any outlier usage or weather-dependent usage years. EAP ANoFR Comments at 4.

ii. *Disposition*

Based on IRRC’s June 2, 2016 Order and the necessity of having the remaining provisions of this final rule-making promulgated, we will remove this limitation and the associated subsections and renumber the remaining subsections.

iii. *New Service Locations*

PES and PECO submitted comments concerning the annual electric consumption estimates for new service locations. PES asserts that there should be clarity regarding what is acceptable documentation for expected additional electrical load of a building, as in the case of new construction, or a building expansion. PES recommends additional clarity regarding the standard measurement for calculating the annual building consumption. PES ANoFR Comments at 2.

PECO supports the annual consumption estimates for new locations based on building type, size and anticipated usage of electric equipment and fixtures for commercial/industrial customers due to the high degree of variability in the way businesses operate and use energy. For residential customers, PECO believes that there is less variability and as such the annual consumption estimate should be based on the size (square footage) and heating source of the property. PECO recommends that the proposed regulation be revised to specify that: (1) the consumption estimate for commercial/industrial customers be based on building type, size and anticipated usage or electric equipment and fixtures planned for the new service location; and (2) the consumption estimate for residential customers be based on the home size and the primary heating source. Furthermore, PECO recommends that the Commission establish estimating units, such as kWh per square foot, based on the type of heating source in order to estimate the annual usage for purposes of setting the appropriate system size limit. PECO ANoFR Comments at 8-9.

iv. *Disposition*

Based on IRRC’s June 2, 2016 Order and the necessity of having the remaining provisions of this final rule-making promulgated, we will remove this limitation and the associated subsections and renumber the remaining subsections.

e. *Application Of Rule To New Systems*

Comments relative to the 200% size limitation that applies to any interconnection application for a new alternative energy system or expansion of an existing alternative energy system submitted 180 days after the effective date of this rulemaking were received from PECO and PPL. In its comments, PECO states that the ANoFR carved out an exception to the system size limitation for existing systems and those currently under

development. PECO believes that the proposed exception is reasonable and should be adopted. PECO ANoFR Comments at 6-7.

PPL recommends that any alternative energy systems that have been approved for net metering by an EDC should be exempt from the new regulations proposed in the ANoFR and permitted to remain on net metering. PPL, however, requests that the Commission reconsider its position on grandfathering facilities that have not been approved for net metering. PPL submits that grandfathering customers that apply within 180 days from the date of the revised regulations become final will create a rush of applications from prospective developers to beat the revised regulations deadline. PPL ANoFR Comments at 15-16.

i. *Disposition*

Based on IRRC's June 2, 2016 Order and the necessity of having the remaining provisions of this final rule-making promulgated, we will remove this limitation and the associated subsections and renumber the remaining subsections.

f. *Exception To 200% Limit*

Several comments were received in regards to the exception to the 200% size limitation for alternative energy systems used to comply with the Department's Pennsylvania Chesapeake Watershed Implementation Plan or as an integral element for compliance with the Nutrient Management Act. TeamAg Inc., State Representative Robert W. Godshall, Brubaker Farms, DEP, and several other parties stated that the use of the word "may" leaves room for doubt. The commentators requested that the word "may" be replaced with "shall" in order to improve clarity. These commentators also indicated other suggested changes to the language in this paragraph including replacing "is used to comply" with "complies," removing the word "integral" and replacing "for compliance" with "of a farm's approved Nutrient Management Plan in compliance." Team Ag Inc. ANoFR Comments at 1, State Representative Robert W. Godshall ANoFR Comments in a letter dated 5/26/15, Brubaker Farms ANoFR Comments in a letter dated 5/25/15 at 2-3, DEP ANoFR Comments at 3.

Many stakeholders, such as PSG, the Milk Producers, and Land O'Lakes feel that the Commission should recognize the benefits of farm anaerobic digester installations and exempt them from any negative changes to the net metering rules. PSG ANoFR Comments in a letter dated 5/21/15, the Milk Producers ANoFR Comments at 2, Land O'Lakes ANoFR Comments at 2.

In its comments, PECO agrees that the proposed regulations should not hinder the use of anaerobic digester technologies to advance the Chesapeake Bay restoration plan. PECO, however, believes that the Commission should consider exploring DEP's proposal to implement alternative limits that more accurately reflect actual energy production by farms with digesters. PECO requests that the Commission establish a working group to explore the possibility of adopting alternative limits for anaerobic digester technologies. PECO ANoFR Comments at 7.

Arlin Benner submitted comments stating that he is relieved to see that the Commission is seeking a way to prevent farm anaerobic digesters from being lumped in with all the entities that are actually in the business of generating energy. Arlin Benner suggests that no subjective confirmation responsibility be placed in the hands of the DEP, and that DEP's confirmation be based on the

permitting and nutrient management requirements already in place for that farm. Arlin Benner ANoFR Comments in a letter dated 5/23/16.

In its comments, the OSBA states that the Commission's order exacerbates the problem faced by default service customers by proposing to exempt certain manure to energy generators from the excess generation limitation entirely. The OSBA has reviewed the comments and reports from the DEP, PDA and the Chesapeake Bay Commission and can find no quantitative assessment of the economic impact of a restriction on excess net metering generation on the economics of these operations. The OSBA is concerned that the Commission is adopting an exemption based on unsubstantiated claims and that the proposed policy will have some vague, unspecified impact on one particular group of customers. As no evidence has been advanced regarding the impact, the OSBA suggests that the exemption apply only to those customers who can demonstrate that it is economically necessary for the manure to energy generation option to be viable. OSBA ANoFR Comments at 2-3.

i. *Disposition*

Based on IRRC's June 2, 2016 Order and the necessity of having the remaining provisions of this final rule-making promulgated, we will remove this limitation and the associated subsections and renumber the remaining subsections.

g. *Residential Service Limit*

The fourth, fifth and sixth conditions proposed in the NoPR under section § 75.13(a) simply require that the customer-generator's alternative energy system cannot exceed the nameplate capacity limits, by rate class, as set forth in the AEPS Act. As noted above, these are maximum limits on the size of net metered systems. We recognize that even with the 200 percent of annual electric consumption size limitation, some systems may be able to exceed the statutory maximum size limits due to large annual electric demand. Accordingly, we have included these conditions to make it clear that customer-generator systems cannot exceed the statutory nameplate capacity limits.

Stakeholders did not comment on the proposed changes in the NoPR regarding the fifth and sixth conditions. However, several parties provided comments to the ANoFR regarding the fourth condition. In this rule-making, Section § 75.13(a)(4) refers to limiting the nameplate capacity for residential service locations to 50 kilowatts.

TeamAg Inc., State Representative Robert W. Godshall, Brubaker Farms, PDA, PDMP and several other parties stated that many dairy farms in Pennsylvania receive their electricity as residential service and these farms with residential service accounts would be excluded from the benefits of net metering with this current language. Commentators suggested adding "unless the service is for a normal agricultural operation as defined in the Pennsylvania Right to Farm Act" to the end of section § 75.13(a)(4). TeamAg Inc. ANoFR Comments at 2, State Representative Robert W. Godshall ANoFR Comments in a letter dated 5/26/15, Brubaker Farms ANoFR Comments at 3, PDA ANoFR Comments at 2, PDMP ANoFR Comments at 2.

Oak Hill Farms stated that they operate a 40 kilowatt anaerobic digester on a residential rate with PPL. If they accepted the maximum amount of food waste allowed by DEP, electric production would double to roughly 64 to 80 kilowatts per hour. Oak Hill Farms asserts that limiting

farms with residential service to 50 kilowatts is not a policy that will encourage smaller farms to build digester projects. Oak Hill Farms ANoFR Comments at 1.

i. *Disposition*

As it is currently written in the AEPS Act, a customer-generator system cannot exceed the nameplate capacity limit of 50 kilowatts at residential service locations. The Commission does not have the authority to set a limit greater than the statutory limit. We note however, that adding a larger anaerobic digester will typically convert the service from a residential service rate to a non-residential service rate, thus increasing the statutory size limitation to three megawatts and resolving the concerns raised. We will, however, renumber this subsection to § 75.13(a)(3) as we are removing the proposed subsection 75.13(a)(3) in response to IRRC's June 2, 2016 Order. Accordingly, we adopt the language in the new Section § 75.13(a)(3) as proposed in the NoPR and subsequently set forth in the ANoFR.

h. *Other Service Location Limits*

In the ANoFR, Sections § 75.13(a)(5) and (6) were combined. The conditions refer to limiting the nameplate capacity for other customer service locations to three megawatts, except when the alternative energy system has a nameplate capacity not larger than five megawatts and meets the conditions in section § 75.16 (relating to large customer-generators). No comments were received. Accordingly, we adopt the language in Section § 75.13(a)(5) and (6) as proposed in the ANoFR. We, however, have renumbered this subsection to § 75.13(a)(4) as we are removing the proposed subsection 75.13(a)(3) in response to IRRC's June 2, 2016 Order.

i. *Commission Approval Of 500 Kilowatt Systems*

Finally, in the seventh condition proposed in the NoPR under section 75.13(a), we imposed a requirement that all alternative energy systems with a nameplate capacity of 500 kilowatts or greater obtain Commission approval for net metering in accordance with a process we proposed. We noted that this approval process will ensure uniform application of the net metering rules throughout the Commonwealth. We noted that the limiting of Commission review to systems equal to or greater than 500 kilowatts appropriately balances the need for consistent application with the additional administrative efforts and costs such a review imposes. We further noted that customer-generators who have the capital to invest in these large and more costly systems will have the resources to comply with this review process. In addition, we noted that the total number of such systems applying for net metering in a year will remain relatively small such that it will not burden the EDCs or the Commission.

Comments supporting the requirement that all alternative energy systems with a nameplate capacity of 500 kilowatts or greater obtain Commission approval were received from Duquesne and PPL. Duquesne NoPR Comments at 3-4, PPL NoPR Comments at 13. PPL states that unlike smaller-sized alternative energy systems, which are much easier for the EDC to determine whether the customer qualifies as a customer-generator eligible for net metering, PPL believes that alternative energy systems sized at 500 kilowatts and above often require significant resources and time to determine whether they qualify as a customer-generator or are a merchant generator. Furthermore, PPL believes that the Commission's review will ensure that these larger-sized alternative energy systems are treated uniformly and consistently throughout the Commonwealth, which will be a signifi-

cant benefit to the owners of larger-sized alternative energy systems operating in multiple service territories. Finally, PPL believes that this condition will help ensure that customer-generators whose systems are above three megawatts properly make their systems available to operate in parallel with the electric utility during grid emergencies. PPL NoPR Comments at 13.

Comments opposing the requirement were received from, DCIDA, LVA, and others. DCIDA NoPR Comments at 13-14, LVA NoPR Comments at 1. DCIDA avers that the need for this costly burden is not clear. DCIDA states that the Commission expresses the need for uniform application of the net metering rules throughout the Commonwealth, but notes that it will only review and approve a relatively small number of such applications. DCIDA asserts that nothing explains why review and approval of only the largest alternative energy systems will ensure that the rules are uniformly applied to all customer-generators and alternative energy systems in the Commonwealth. That being said, DCIDA states that there is little for the Commission to actually approve. DCIDA asserts that in the normal course of action, the Commission does not review applications to begin service and there is nothing in the Act which suggests that the Commission should be reviewing the applications. DCIDA also asserts that there is simply no basis for the Commission to deny net metering to a customer-generator and alternative energy system that satisfies the statutory eligibility criteria. DCIDA argues that under the AEPS Act and the Public Utility Code, the Commission's role is to ensure that the EDC does not violate the customer-generators' statutory right to use net metering and not to grant or deny the statutory right of net metering to any customer-generator. DCIDA NoPR comments at 13-14.

In its comments, the IRRC notes that the Act sets forth criteria for alternative energy systems eligibility, but it does not require approval by the Commission. The IRRC requests clarification on what is the Commission's statutory authority for this provision as it relates to systems of this size. IRRC NoPR Comments at 6.

The seventh condition proposed in the NoPR under section 75.13(a), is listed as the sixth condition in the ANoFR. Only minor language changes were proposed in the ANoFR.

Comments to the ANoFR supporting Commission approval to net meter for all alternative energy systems with a nameplate capacity of 500 kilowatts or greater were received from PECO and EAP. PECO ANoFR Comments at 9-10, EAP ANoFR Comments at 4-5.

i. *Disposition*

In response to DCIDA comments, the Commission finds that this approval process ensures uniform and consistent application of the net metering rules throughout the Commonwealth and that administrative efforts and costs will be minimal due to the small number of such systems applying for net metering in a year. We stress that the Commission's review is simply to ensure that those entities that claim to meet the definition of customer-generator do in fact meet that definition, as expressed in the AEPS Act and the Commission's regulations. In addition, the Commission's review will ensure that the virtual meter aggregation provisions in the AEPS Act and the Commission's regulations are complied with.

In response to IRRC's request for clarification of the Commission's authority to review these net metering applications, and DCIDA's assertion that the Commission has no such authority, we point out that, as previously

stated, the AEPS Act specifically gave this Commission the responsibility to carry out the responsibilities delineated within the AEPS Act. See 73 P.S. § 1648.7. Net metering is established, defined and delineated in the AEPS Act and is one of many items that the Commission has the responsibility, given by the General Assembly, to carry out. Furthermore, the AEPS Act specifically required the Commission to “develop technical and net metering interconnection rules for customer-generators intending to operate renewable onsite generators in parallel with the electric utility grid. . . .” 73 P.S. § 1648.5.

Significantly, net metering involves the rate that net metering customer-generators receive for not only the demand for energy they offset and net out each month, but the rate for any excess remaining at the end of the year, which is paid for by other customers. As we noted above, the establishment of such rates and the public utility tariffs that not only contain these rates, but also the net metering and interconnection service provisions, falls squarely within the Commission’s authority pursuant to the Public Utility Code. See 66 Pa.C.S. §§ 1301—1318, 2807. The Commission’s authority is further demonstrated by its promulgation of the current net metering rules. See 52 Pa. Code §§ 75.11—75.15, 75.21, 75.22, 75.31—75.40, 75.51. Indeed, based on both the AEPS Act and the Public Utility Code, the Commission is the only agency given responsibility to carry out and enforce the net metering provisions. For these reasons, language proposed in Section 75.13(a)(6) referencing Commission approval to net meter for all alternative energy systems with a nameplate capacity of 500 kilowatts or greater is adopted as proposed in the ANoFR. We, however, have renumbered this subsection to § 75.13(a)(5) as we are removing the proposed subsection 75.13(a)(3) in response to IRRC’s June 2, 2016 Order.

2. Section 75.13(b)

As noted above, we moved the reference to EGSs offering net metering to subsection (b) and re-lettered the remaining subsections. In addition, we added the phrase “or as directed by the Commission” to this subsection. This phrase is intended to make it clear that the Commission has the authority to direct EGSs to offer net metering in certain circumstances. In particular, the Commission would have the authority to direct EGSs to offer net metering if the EGSs are acting in the role of default service provider. This provides consistent and clear guidance along with the addition of references to DSPs added to these rules.

Comments supporting the clarification to this section proposed in the NoPR and ANoFR were received from PPL. PPL NoPR Comments at 14, PPL ANoFR Comments at 16-17. No opposing comments were received to Section 75.13(b). Accordingly, we adopt the proposed language clarifying that the Commission has the authority to direct EGSs to offer net metering in certain circumstances. In particular, the Commission would have the authority to direct EGSs to offer net metering if the EGSs are acting in the role of default service provider.

3. Section 75.13(c)

No language changes were proposed in the NoPR to previous subsection (b), re-lettered as subsection (c). Nevertheless, comments were received from RESA suggesting that specific operational protocols be added to the language. RESA recommends adding that the tariff shall require that the EDC’s electronic data interchange transactions convey to the customer’s EGS, in a timely manner, a net metered customer’s actual net consumption

information. RESA suggests that the tariff shall also require that electronic data interchange transactions identify all net metered customers. In addition, RESA suggests that each EDC’s wholesale settlement reporting transactions for net metered customers reflect the customer’s actual net consumption information. RESA states that inclusion of these specific operational protocols is important to ensure that EGSs wishing to offer net metering to their customers have timely and necessary access to information about the customer to facilitate net metering. RESA NoPR Comments at 2-3.

In response to RESA’s comments, the Commission finds that this suggestion is beyond the scope of the current rulemaking and requires further investigation and review. Accordingly, the Commission declines to adopt RESA’s proposal.

4. Section 75.13(d)

Formerly subsection (c), subsection (d) is revised to include DSP, add a hyphen between the words “customer” and “generator” and to provide clarity on how excess generation in one billing period is to be treated in subsequent billing periods. These changes are not intended to change how net metering has been implemented; we are simply providing clarity so the regulation accurately reflects the Commission’s intent and actual practice.

a. Comments

Comments supporting the clarification to this section proposed in the NoPR were received from PPL and FirstEnergy. FirstEnergy, however, requests modifications to the language. PPL NoPR Comments at 14, FirstEnergy NoPR Comments at 6. In its comments, FirstEnergy states that given the statutory possibility of a non-EDC serving as a DSP, it makes sense to add “DSP” to this section of the proposed regulation. FirstEnergy, however, asserts that the language as drafted is not entirely clear as to the obligations of the EDC in contrast to the obligations of the DSP. Specifically, FirstEnergy avers that a question remains as to which of those entities would be responsible for providing what specific credits to a customer-generator in the event that the day comes where the DSP is not the EDC. FirstEnergy requests modifications to clarify the Commission’s intent on this point. FirstEnergy NoPR Comments at 6.

b. Disposition

The Commission declines to adopt FirstEnergy’s suggested language as it fails to address the situation where the EDC is acting as the DSP. The language suggested by FirstEnergy states as follows: “An EDC shall credit a customer-generator at the EDC’s unbundled distribution kWh rate and the DSP, *where it differs from the EDC*, shall credit a customer-generator at the full generation and market based transmission kWh rate. . . .” (emphasis added). The phrase, “the DSP, where it differs from the EDC,” suggested by FirstEnergy, would make this section applicable only to situations where the EDC is not acting as the DSP, making the regulation less clear regarding situations where the EDC is acting as the DSP. The Commission finds that the language, as proposed, and read in conjunction with the other subsections, is clear in that the EDC and DSP are only responsible for the portion of the unbundled service(s) they provide. An EDC that is not providing generation and transmission services as the DSP is not required to provide credits for those services to the customer-generator, which will be provided by the entity acting as the DSP. Vice versa, when an EDC is acting as the DSP, it would be required,

as the EDC providing distribution services and DSP, providing generation and transmission services, to provide a credit for all three services.

We will, however, add language clarifying that the net metering credits apply to kilowatt-hour charges. We agree with PPL that a customer-generator is responsible for the customer charge, demand charge, and applicable riders' charges under the applicable rate schedule. See PPL NoPR Comments at 17-18, PPL ANoFR Comments at 22—25. We again note that this does not change the original intent of the regulations, but simply provides more clarity. Accordingly, we adopt the language in this section as proposed in the NoPR and as modified in Annex A.

5. Section 75.13(e)

The re-lettered subsection (e) is being revised to provide clarity on how excess generation amounts are determined at the end of the year and how the compensation is to be computed. These changes are not intended to change how net metering has been implemented; they are simply providing clarity so the regulation accurately reflects the Commission's intent. The revision makes it clear that only the customer-generator's excess generation that was not offset by that customer's usage is to be compensated at the price-to-compare (PTC) rate. In addition, we stated that the DSP is to use a weighted average of the PTC rate based on the rate in effect when the excess generation was actually delivered. This was intended to compensate the customer-generator in a manner that more accurately represents the value of the excess generation.

a. Comments

Comments supporting the clarification to this section proposed in the NoPR were received from the SEF, FirstEnergy, and EAP. SEF NoPR Comments at 2, FirstEnergy NoPR Comments at 6-7, EAP NoPR Comments at 5. FirstEnergy believes that this change is consistent with the legislation, provides clarity to market participants, and is largely consistent with existing practices. FirstEnergy notes, however, that it recently spent significant time and capital to automate the process by which customer-generators are compensated for excess generation, with the automated process fully implemented in August 2013. As a result, FirstEnergy states that it currently calculates the PTC charges by applying the current PTC pricing to the customer's total generated energy, or "metered outflow." FirstEnergy states that its system accumulates both the generated energy and the monthly PTC charges on that generated energy throughout the year. When the customer is netted out and compensated each year end, the system calculates the weighted average PTC as being equal to the accumulated PTC charge on generated energy, divided by the accumulated generated kWh. The credit is then calculated by applying a weighted average PTC value to any excess generation remaining. Due to the recent automation of the process, and given that the average cash out values are not significant, FirstEnergy requests that their process be determined to be compliant with the regulations. FirstEnergy NoPR Comments at 6-7.

EAP generally supports the proposed changes to 52 Pa. Code § 75.13(e) regarding excess generation calculation at the end of the year and the manner in which compensation for the excess is to be computed. EAP appreciates the clarification that the EDC/DSP is to use a weighted average of the PTC rate based on the rate in effect when the excess generation was delivered. EAP notes that this methodology more accurately reflects the

true value of the excess. EAP, however, requests further clarification on this matter relative to the exact methodology or formula that is to be used. EAP recommends that whatever the method is, it should be both easily understandable to the net metering customer, uniform across EDCs/DSPs in the state and cost-effective to implement. EAP NoPR Comments at 5.

Duquesne agrees with the provision to use the weighted average of the PTC rate for compensation of excess kilowatt hours at the end of the year. Duquesne believes that each EDC should address credits and compensation through their individual tariffs. Duquesne ANoFR Comments at 3.

Comments opposing the clarification to this section proposed in the NoPR were received from PPL and OSBA. PPL NoPR Comments at 14—17, and OSBA NoPR Comments at 2-3. In its comments, PPL notes that cashing out using the weighted average of the PTC based on the rate in effect when excess generation was actually delivered is a new requirement that is not currently contemplated in the plain language of the net metering regulations. Although the Commission discussed using a weighted average generation and transmission rate to calculate a customer-generator's yearend compensation in a prior rulemaking (Final Omitted Rulemaking Order July 2, 2008), the applicable regulations in this section provide that a customer-generator's yearend compensation should be calculated at the PTC. PPL appreciates the Commission's efforts to clarify the yearend compensation to customer-generators, but submits that there are additional and critical considerations that must be taken into account before such a proposal can be implemented. PPL notes that the use of a weighted average generation and transmission rate will require individual price-to-compare rates for each individual customer-generator, asserting that not only will this be complicated, time consuming, and expensive, it will cause massive confusion for customers. If the proposed approach is adopted, PPL recommends that the Commission consider the time and cost involved to implement the proposed weighted average annual cash out method. Further, additional costs will be necessary to upgrade PPL's billing system to accommodate the weighted average annual cash out method. PPL NoPR Comments at 14—17, PPL ANoFR Comments at 17—21.

PPL also notes that not all alternative energy systems produce excess generation during the same periods, which could have significant impact on net metering customers on time of use (TOU) rates. Therefore, PPL recommends that the Commission establish a pre-defined weighted average for TOU rates based upon the generation type. As an alternative to the use of a weighted average generation and transmission rate to calculate a customer-generator's year-end compensation, PPL recommends that the Commission consider adopting a straight PTC average for the year. PPL asserts that using a straight PTC average will reduce customer confusion, complexity, and the time and resources that would otherwise be required to implement the weighted average proposal. PPL recommends that the Commission adopt a reasonable time period for EDCs to design, implement, and test the modifications to their respective information technology systems necessary to implement the new weighted methodology, and that the Commission consider the cost involved to implement the proposed weighted average annual cash out method. PPL NoPR Comments at 14—17, PPL ANoFR Comments at 17—21.

OSBA states that EDCs and DSPs are obligated to cash out any annual excess net generation at the end of the

year. This excess generation becomes part of the default service supply, as it implicitly offsets the purchases that the DSP must make. OSBA notes, however, that this type of default service supply has a negative impact on regular default service customers. OSBA notes that the net generator is compensated at the full PTC, which includes transmission service charges, but it is unclear that the customer-generator provides transmission cost benefits that are commensurate with the credits it receives. OSBA asserts that it is equally unclear that, to the extent that any transmission cost offsets are realized, those benefits are assigned only to the customer class that is paying for the net generation. OSBA NoPR Comments at 2-3. The OSBA generally concludes that the payment for net generation should reflect the timing of that net generation. However, it must be recognized that any net generation involves periods of ‘exports’ to the grid and ‘imports’ to the grid. While the proposed language makes it clear that it is the Commission’s intent to use a more representative price-to-compare, it is unclear how this will work in practice. OSBA ANoFR Comments at 4-5.

IRRC notes that a commentator asked for clarification on the exact methodology to make the required determinations, and another stated that the proposed language will be time consuming and costly to implement. The IRRC asks the Commission to work with the regulated community to develop a more precise and less costly alternative to the proposed language. IRRC NoPR Comments at 6.

b. *Disposition*

Upon review of the comments, the Commission recognizes that the applicable rates for generation and transmission to be credited and paid to customer-generators for excess generation varies by rate class and, in some instances, between customers within a rate class. The Commission also recognizes the potential significant costs associated with establishing and automating the process of computing the amount to be paid to each customer-generator for the excess generation at the end of the year. While some parties have requested that we establish specific formulae to compute the amount to be paid for excess generation, no party provided a formula that would apply to all rate designs or customer service classes. While our intent was to provide clarity to all EDCs and customer-generators regarding how the rate for excess generation is to be determined, we find that the proposed language created more confusion, as it results in varied outcomes based on the particular rate, such as time-of-use and real-time price plans, and multiple interpretations based on the rate.

For these reasons, we will delete the proposed sentence that referenced the weighted average of the PTC rate. We will continue our current practice of reviewing and approving each EDC’s tariff provisions addressing this compensation during base rate and default service rate proceedings that provide an opportunity for all effected stakeholders to be heard and to propose alternatives. We will, however, retain the clarifying language regarding what constitutes year-end excess generation and the reference to DSP.

6. *Section 75.13(f)*

The issue in the re-lettered subsection (f) involves the compensation level for customer-generators who exercise the option for retail choice. When a customer shops, they cease to pay the default service provider’s price to compare (which includes all generation and transmission charges) and instead takes this service at a price offered by an EGS.

The current regulation acknowledges this fact, noting that the compensation for kilowatt-hours produced is a matter between an EGS and customer-generator. The regulation merely requires that the terms of the compensation be clearly stated in the service agreement. However, the regulation is silent as to how distribution charges are to be treated by the EDC. Customer-generators who shop are still responsible for the regulated distribution rates of the EDC. Like customer-generators who currently net meter while taking service from the EDC/DSP, customer-generators who take supply service from an EGS shall also receive a credit against the unbundled kilowatt-hour based distribution charges. This credit shall be equal to the unbundled kilowatt-hour distribution charge of the EDC for the customer-generator’s kilowatt-hour rate schedule. As with the generation charges for customer-generators taking EDC/DSP service, any excess kilowatt-hours in any billing period are to be carried forward and credited against the customer-generator’s kilowatt-hour distribution charges in subsequent billing periods until the end of the year. Any kilowatt-hour distribution credits remaining at the end of the year are zeroed-out such that the customer-generator receives no payments from the EDC, or any remaining kilowatt-hour distribution charge credits into the next year. This language is intended to provide clarity, not to change the current practice under the existing rules.

a. *Comments*

Comments supporting the clarification to this section proposed in the NoPR and ANoFR were received from PPL. PPL, however, recommends that the Commission consider adding clarifying language explicitly stating that the “customer-generator is responsible for the customer charge, demand charge, and applicable riders charges under the applicable Rate Schedule.” PPL NoPR Comments at 17-18, PPL ANoFR Comments at 22—25.

b. *Disposition*

In response to PPL’s request for clarification, the Commission agrees that a customer-generator is responsible for the customer charge, demand charge, and applicable riders charges under the applicable rate schedule. Accordingly, we have added further clarifying language to confirm that the distribution kilowatt-hour rate credit shall be applied against kilowatt-hour distribution usage charges. Accordingly, we adopt the language in this section as proposed in the NoPR and as modified in Annex A.

7. *Section 75.13(j)*

In the re-lettered subsection (j), we added references to default service and the default service rate. This change simply recognizes DSPs and the role EDCs currently play in providing default service.

PPL provided comments supporting the clarification to this section proposed in the NoPR and ANoFR. PPL NoPR comments at 18, PPL ANoFR comments at 25. No opposing comments were received to Section 75.13 (j). Accordingly, we adopt the proposed language that references default service and the default service rate.

8. *Section 75.13(k)*

In the re-lettered subsection (k), we added references to DSPs and clarify when charges may be applied to customer-generators. The current rule states that an EDC may not charge a customer-generator a fee or other type of charge unless the fee or charge would apply to other customers. This prohibition conflicts with regulation

§ 75.14(e), which states that “[i]f the customer-generator requests virtual meter aggregation, it shall be provided by the EDC at the customer-generator’s expense.” In addition, rule § 75.14(e) states that “the customer-generator shall be responsible only for any incremental expense entailed in processing his account on a virtual meter aggregation basis.” The re-lettered subsection (k) now allows EDCs to charge a fee that is specifically authorized under this chapter or by order of the Commission. This is intended to remove any conflicts in the regulations and provide clarity.

a. *Comments*

Comments supporting the clarification to this section proposed in the NoPR were received from PPL and PECO. PPL supports and appreciates the Commission’s efforts to clarify that EDCs are permitted to impose fees or charges for providing virtual meter aggregation. PPL believes that imposing the costs to automate the virtual meter aggregation billing system on the limited number of existing virtual meter aggregating customers would erode any benefits that could potentially be realized by those customers. PPL submits that, to the extent that EDCs are required to automate virtual meter aggregation and/or provide additional data regarding the host and satellite accounts, EDCs should be permitted to fully recover the costs incurred, subject to review in an appropriate Commission proceeding. PPL recommends that the Commission provide additional guidance on the “incremental costs” that should be directly charged to virtual meter aggregating customers and those that should be recovered through base rates. PPL NoPR Comments at 18–20.

In its comments, PECO states the extent to which the proposed section 75.13(k) could be utilized to develop fair and reasonable charges for net metering customers should be adequately and fully considered. Accordingly, the general nature and structure of future net metering charges should be addressed as part of the separate, comprehensive review of net metering and interconnection policies and related AEPS issues. PECO NoPR Comments at 8.

Many stakeholders oppose the proposed NoPR clarification to this section indicating that the revised language would authorize the Commission to impose any fee at any time at its discretion. Larry Moyer, SEF, SRETrade, MAREA, Vincent Cahill & Claire Hunter and other numerous stakeholders filed related comments. Larry Moyer Part B NoPR Comments at 3-4, SEF NoPR Comments at 6-7, SRETrade NoPR Comments at 2-3, MAREA NoPR Comments at 1, Vincent Cahill & Claire Hunter NoPR Comments at 3-4.

The SEF opposes the revision to this section because it could create a venue for EDCs to charge net metering customers who do not utilize virtual meter aggregation. The language proposed by the Commission is overly broad and could be interpreted to include charging all net metering customers a fee. Instead, SEF proposes to modify the section to make it clear that any additional charge would only apply to customer-generators that utilize virtual meter aggregation and only to cover reasonable administrative costs. SEF NoPR Comments at 6-7.

SRETrade opposes the revisions because the proposed language is overly broad and could be interpreted to include charging a minimum bill to all net metering customers. Accordingly, SRETrade urges that the Commission rely on the original intention of § 75.14(e), and

restrict the applicability of § 75.13(k) to the fees permitted under § 75.14(e). SRETrade NoPR Comments at 2-3. MAREA urges that we withdraw the changes to 75.13(k) giving the Commission authority to approve utility company requests to charge net metered customers special fees. MAREA NoPR Comments at 1.

IRRC comments state that this subsection would allow for the imposition of a fee or charge and it raises the following additional concerns. First, how will this fee be calculated and what factors would the Commission consider when allowing such a charge or fee? Second, would the charge or fee be limited to customer-generators, or could it be imposed on any customer of an EDC or DSP? Third, will the proposed charge or fee be exclusively tied to section 75.14(e)? If this provision remains in the final rulemaking, the IRRC recommends that the regulation specifically cite that section and delete the phrase “under this chapter.” The IRRC also questions under what circumstances the Commission may, by order, impose a charge or fee and asks the Commission to quantify how much of a cost the charges or fees will impose on the regulated community. Finally, the IRRC questions the reasonableness of a provision that would stifle the development of alternative energy and whether the result is consistent with the intent of the Act. IRRC NoPR Comments at 7.

Comments opposing the clarification to this section proposed in the ANoFR were received from the DEP, PennFuture Joint Commentators, LWV, PA IPL, SolarCity and many other stakeholders. DEP ANoFR Comments at 3-4, PennFuture Joint Commentators ANoFR Comments at 4-5, LWV ANoFR Comments at 1, PA IPL ANoFR Comments at 2, SolarCity ANoFR Comments at 1.

The DEP states that the proposed regulation amends the language prohibiting EDCs from charging fees or other types of charges for net metering by adding an exception for fees or charges “specifically authorized by this chapter or by order of the Commission.” The preamble of the proposed regulation explains that this language was added in order to resolve an inconsistency in the regulations. Specifically, in § 75.14(e), the PUC permits EDCs to charge fees for incremental expenses related to the processing of an account in order to provide virtual meter aggregation. While the DEP agrees that it is appropriate for customer-generators to pay for the costs related to virtual meter aggregation as outlined in the ANoFR, inclusion of the phrase “or by order of the Commission” is unnecessary and unsupported by statutory authority. The inconsistency identified by the PUC is fully resolved by the inclusion of the phrase “specifically authorized by this chapter” which clearly would include the fees in § 75.14(e). A blanket authorization to impose fees as the PUC may see fit goes far further than needed to address the inconsistency, and opens the door for the future imposition of fees not intended under the AEPS Act. As with the virtual meter aggregation fees, any future additional fees should be properly vetted within the context of the Regulatory Review Act, and consistent with the intent of the Act. DEP ANoFR Comments at 3-4.

The Joint Commentators oppose the changes in this section and believe that the actual proposed language allows fees to be charged to any net-metered customer, not just customers whose accounts are aggregated through virtual meter aggregation. They further state that the proposed language does not restrict the fees to administrative costs of aggregating and billing virtual meter aggregation accounts. In fact, there are no standards or reasons given as to when and why the Commis-

sion could order an additional fee. The Joint Commentators feel that the language needs to be rewritten so that it is firmly within the limits of the Act. The new language should clearly apply only to the administrative costs of billing virtual meter aggregation systems. Joint Commentators ANoFR Comments at 4-5.

PA IPL opposes the changes in § 75.13(k) that would give the Commission authority to allow utilities to charge any new fees that are not also levied upon non-net metered customers. PA IPL believes levying these fees would violate the AEPS guarantee that net metered customers receive the full retail rate for all generation of their solar installation up to their annual usage. Moreover, the proposed change fails to provide any basis for determining this fee. If there is to be a fee, it should be based on a full cost of service study that evaluates both the costs and the benefits of each specific net metered system. PA IPL ANoFR Comments at 2.

b. *Disposition*

In response to concerns raised by IRRC and other parties, we note that in addition to making this section consistent with § 75.14(e), the regulations also permit interconnection fees that are set by the Commission. These fees are addressed in the existing regulations at 52 Pa. Code §§ 75.21, 75.22, 75.31—75.40. Specifically, 52 Pa. Code § 75.33 (Fees and forms) states that “[t]he Commission will determine the appropriate interconnection fees for Levels 1, 2, 3, and 4.” The Commission establishes these fees through orders based on filings submitted by the EDCs, which give all interested parties an opportunity to be heard and an evidentiary hearing if needed. See Commission Policy Statement at 52 Pa. Code § 69.2102 (relating to the purpose of interconnection application fees). We also note that any fee an EDC seeks to impose for the costs associated with virtual meter aggregation must also receive Commission review and approval through a process that gives notice to interested parties and gives interested parties an opportunity to be heard. The Commission will rule on such fee petitions through an order adopted at a public meeting. Thus, the proposed language simply makes clear what § 75.14(e) and § 75.33 already established and removes the inconsistency.

Regarding the possibility of other fees, the Commission has full ratemaking authority related to electric service by an electric public utility. See 66 Pa.C.S. § 1301. The Commission has a well-established process for setting electric public utility rates that affords all interested parties ample notice and opportunity to be heard. See 66 Pa.C.S. 1308. Through these ratemaking proceedings, cost of service studies, as suggested by PA IPL, may reveal unjust and unreasonable intra- or inter-class subsidies that require changes in the rates or fees imposed on specific customer classes. See, e.g., *Lloyd v. Pa. PUC*, 904 A.2d 1010 (Pa. Cmwlth. 2006) (discussing cost of service). The Commission has had such authority since its inception. Any rates, costs or fees approved by the Commission are based on the evidence presented during appropriate proceedings, such as rate case proceedings. See 66 Pa.C.S. §§ 1308-1309. Thus the Commission cannot, at this time, determine when such rates, costs and fees will be imposed or their impact on any particular customer class or customer. The Commission is in no way setting or establishing any new rates or fees with this rulemaking.

The language change proposed simply puts all parties on notice of the possibility of fees. Again, as stressed throughout this process, the purpose of many of these changes is to provide clarity and to fully inform all

stakeholders of these and other regulatory issues. No party has cited to any restriction in the AEPS Act that preempts or in any way restricts the Commission’s ratemaking authority. As always, when setting rates and fees, the Commission will provide all interested parties ample notice and opportunity to be heard regarding such rates and fees. Accordingly, we find that the proposed language for 75.13(k) is appropriate and fully within the Commission’s authority and adopt the language as proposed.

D. *Net Metering: § 75.12 and § 75.14. Meters And Metering*

We are proposing to clarify the definition of virtual meter aggregation in Section 75.12 and the application of virtual meter aggregation in Section 75.14(e). In addition, we are proposing to revise the definition of year and yearly in Section 75.12.

1. *Virtual Meter Aggregation*

We are proposing several changes to the provisions regarding virtual meter aggregation to clarify when it is available.¹⁰ Virtual metering was initially proposed in this regulation for the purpose of facilitating the development of distributed generation in the agricultural setting, particularly for systems referred to as anaerobic or methane biodigesters. The Commission learned that it was not uncommon for a farmer to own multiple, non-contiguous parcels of land that were separately metered to measure the load served at each location. The Commission chose to permit the virtual metering of these parcels to achieve the policy objectives of the AEPS Act:

The fundamental intent of Act is the expansion and increased use of alternative energy systems and energy efficiency practices. Regulatory and economic barriers have been in place that prevented systems such as anaerobic digesters from being more economical or further developed. This rulemaking provides an opportunity to advance the use of these alternative energy systems in a way that will benefit the customer-generator, ratepayers and the environment by allowing exceptions for this important class of customers. Accordingly, we will permit virtual meter aggregation for customer-generators.

As pointed out by the Pennsylvania Farm Bureau, the proposed definition and application of virtual meter aggregation do not fit the reality of a typical Pennsylvania farm operation that has adequate animal units to produce required amounts of manure for anaerobic digesters to operate efficiently. The Pennsylvania Department of Agriculture recently surveyed 26 farms in the state that either have manure digesters operating, digesters under construction or in the planning stages. Out of the 21 farm operations that responded to the survey, there are 148 individual meters involved, which represents an average of seven meters per farm.

Additionally, a study completed by Dr. James Cobb from the University of Pittsburgh, in 2005, titled *Anaerobic Digesters on Dairy Farms*, indicates a potential of 50–60 digesters being developed on Pennsylvania dairy farms in the foreseeable future.

¹⁰ The amendments proposed in this section include, but are not limited to, the concerns noted by the Commission in *Larry Moyer v. PPL Electric Utilities Corp.*, Opinion and Order, Docket No. C-2011-2273645 at 17–20 (entered January 9, 2014), in which the Commission referred the issue of whether an interconnected alternative energy system qualifies for net or virtual metering if there is no non-generational load at the interconnection point, to the Law Bureau to consider whether the regulations need to be clarified.

The digesters will not be developed to this extent if the proposed metering aggregation restrictions remain in place.

Final Rulemaking Re Net Metering for Customer-Generators Pursuant to Section 5 of the Alternative Energy Portfolio Standards Act, Docket L-00050174 at 21 (Order entered June 22, 2006).

Subsequent to the Commission's 2006 rulemaking, the General Assembly amended the AEPS Act and included the definition for virtual meter aggregation within the definition of net metering in 73 P.S. § 1648.2.¹¹ The language in the amended AEPS Act is nearly identical to the language adopted by the Commission in this proposed rulemaking.

Since the Commission's regulations became effective, various parties have presented scenarios to the Commission for virtual meter aggregation that do not comport with our intent to permit a limited amount of virtual meter aggregation. This includes fact patterns where distributed generation is proposed to be installed at a location with no load, but then virtually aggregated with another location that has no distributed generation. Another example includes a retail customer hosting distributed generation that it neither owns nor operates and then aggregating it with a meter account owned and operated by an entirely different customer at another location within the two mile limit. The Commission proposed revisions in the NoPR to Sections 75.12 and 75.14 to clarify the acceptable scope of virtual meter aggregation.

a. *NoPR Comments*

Comments supporting the changes proposed in the NoPR to the definition of virtual meter aggregation in Section 75.12 were received from FirstEnergy. FirstEnergy supports the Commission's proposed changes to the definition, but believes that the definition would also benefit from further clarification of what qualifies for virtual meter aggregation, as there is often confusion in application of this term as to how broadly the legislature intended this term to be applied. FirstEnergy suggests that for clarification purposes it also be specified that retail electric accounts in the name of different legal entities or customers should not be included in the virtual meter aggregation of a customer-generator. FirstEnergy NoPR Comments at 4-5 and 7-8.

Comments opposing the changes proposed in the NoPR to the definition of virtual meter aggregation in Section 75.12 were received from numerous parties. PSU feels that the proposed amendment requiring measurable electric load independent of the alternative energy systems and the proposed requirement that a customer-generator have electric load behind the meter and point of interconnection, will severely curtail the deployment of alternative energy systems by customer-generators that have multiple varied, non-contiguous tracts of property. PSU asserts that this frustrates the fundamental intent of the Act. PSU NoPR Comments at 7-9. Citizen Power disagrees with the proposed modification that requires that each location must have measurable electric load, independent of the alternative energy system, in order to be aggregated. Citizen Power NoPR Comments at 2-3.

In its comments, PPL states that it generally supports the proposed changes. However, PPL believes the requirement that virtual meter aggregation systems have independent load needs further clarification. PPL recommends

that the requirement for independent load be modified to make it clear that it applies to the satellite account (e.g. the primary account for the residence or building) rather than the host account (e.g. the account for the alternative energy system). PPL believes that applying the requirement for independent load to the host account is entirely inconsistent with the purpose of virtual meter aggregation and would render virtual meter aggregation meaningless. PPL NoPR Comments at 20-21.

The ABC opposes the proposed change to the definition that adds a requirement that all service locations must have separate existing measurable load. This proposed change would prevent appropriate siting for virtual net metered systems, as it requires systems to be installed in close proximity to a customer-generator's existing meters that have a measurable load. These proposed modifications create a new hurdle for project development and limit the potential for additional renewable resources for Pennsylvania. ABC NoPR Comments at 4. The LCCD expresses its concern regarding the application of virtual meter aggregation and states that it is unclear which end-users can be included in the maximum two miles distance from the property that is generating the renewable energy. LCCD NoPR Comments at 1.

b. *ANoFR Proposal*

In the ANoFR, the Commission proposed language to clarify that the meter accounts to be aggregated must be held by the same person or entity. This clarifying language is to ensure consistency with the AEPS Act requirement that the meters to be virtually aggregated must be on properties owned or leased and operated by one customer-generator and must be located within a single EDC service territory.

c. *ANoFR Comments*

Comments supporting the changes proposed in the ANoFR to the definition of virtual meter aggregation in Section 75.12 were received from FirstEnergy. FirstEnergy strongly supports this definition and recommends that it be adopted. FirstEnergy ANoFR Comments at 2.

Comments opposing the changes proposed in the ANoFR to the definition of virtual meter aggregation in Section 75.12 were received from several stakeholders, such as Granger, OCA, PA IPL, and many others. Granger states that the changes proposed to Section 75.12 would require each meter of a customer-generator to have measurable load not related to the alternative energy system. Granger feels that the proposed regulations could prevent the use of virtual net metering and would impact the ability to locate alternative energy systems. Granger, therefore, believes that there is little, if any, justification for creating and applying such a restriction on any customer-generator. There are legitimate scenarios where a customer-generator may wish to build a stand-alone, alternative energy system and use virtual net metering to offset that customer-generator's demands at another location. Granger asserts that no reasonable explanation has been presented for prohibiting such arrangements, and no statutory support can be found for an "independent" load requirement for virtual net metering under the AEPS Act. Granger NoPR Comments at 23-27, Granger ANoFR Comments at 14-15.

In its comments, the OCA states that the ANoFR proposes to modify the definition of virtual meter aggregation in Section 75.12. As compared to the original revision in the NoPR, this definition clarifies that the meter accounts to be aggregated must be held by the

¹¹ See P.L. 114, No. 35 of 2007.

same person or entity. The OCA appreciates the clarification, but continues to have concern about the independent load requirement. The wording appears to require independent load at each meter. This may preclude a residential customer from locating solar panels on their property if that location required a separate meter but has no independent load at that location. Requiring load behind each meter location for residential installations could limit the development of residential alternative energy systems. The OCA states that there are many reasons a residential customer-generator may need to locate an alternative energy system at some distance from the home, where the meters that would have the independent load are located. The OCA recommends, for residential installations, that the Commission clarify the requirement of having independent load. OCA NoPR Comments at 5—8, OCA ANoFR Comments at 4—6.

The PA IPL opposes the proposed change in § 75.12 to the definition of virtual meter aggregation that adds a requirement that all service locations must have separate existing measurable load. It should be sufficient that the customer-generator have measurable electric load, not that each meter of the customer-generator have measurable load. This proposed change would prevent appropriate siting for virtual net metered systems as it requires systems to be installed in proximity to a customer-generator's existing meters that have a measurable load. PA IPL asserts that this violates the AEPS legislation's intent to promote new clean distributed generation. PA IPL ANoFR Comments at 3.

PPL supports the virtual meter aggregation revisions, but again recommends that, for the purposes of virtual meter aggregation only, the requirement for independent load be modified to make it clear that it applies to the satellite account(s) (the primary account(s) for the residence(s) or building(s) rather than the host account (the account for the alternative energy system), because there could be no independent load on the host account. PPL notes that this modification, together with the 200% size limitation, will continue to limit the potential for merchant generators to use virtual meter aggregation as a way to circumvent the wholesale electric market and realize retail rate subsidies at retail customers' expense. PPL ANoFR Comments at 27-28.

Additional comments opposing the changes proposed in the ANoFR to the application of virtual meter aggregation were received from many commentators, such as the DEP, and Larry Moyer. DEP ANoFR Comments at 4, Larry Moyer ANoFR Comments at 1—4.

In its comments, the DEP states that under the ANoFR, customer-generators can aggregate generation and load at different locations subject to certain conditions. One of these conditions is that all service locations to be aggregated must have measurable load independent of any alternative energy system. The Commission identifies as a problem "fact patterns where distributed generation is proposed to be installed at a location with no load, but then virtually aggregated with another location that has no distributed generation" and seemingly intends the identification of this issue as a problem to be self-evident. The DEP disagrees. DEP argues that it would not be unreasonable, for example, for a property owner with multiple acres to install solar panels on a remote corner of their property. If it makes more economic sense to interconnect this generation to a nearby distribution line instead of connecting the system back to the customer-generator's meter, that option should remain available to both the customer-generator and the electric distribution

company. The result of requiring load independent of the distributed generation system will add additional costs or disqualify systems unnecessarily. The Commission's proposed limitations requiring that service location accounts be held by the same entity provides an adequate safeguard against the merchant generator concerns related to independent load at the distributed generation site. Ultimately, the intent of the net-metering and virtual metering provisions of the Act is to encourage the installation of distributed alternative energy generation. DEP ANoFR Comments at 4.

Larry Moyer opposes the independent load requirement, claiming that the proposed regulations limit access to virtual meter aggregation. Mr. Moyer states that the proposed change eliminates broad access to virtual meter aggregation as stated in the AEPS Act. He claims that the revisions discriminate against residential customers and favor commercial customers. Larry Moyer ANoFR Comments at 1—4.

d. Disposition

Issues raised regarding what is and is not virtual meter aggregation and whether independent load is required were addressed above in the disposition for changes to § 75.13(a) (Independent Load) at Section C.1.a.ii of this Order. As such, they will not be restated here. The Commission, however, agrees with FirstEnergy that further clarifying language regarding what service locations are and who qualifying account holders are for virtual meter aggregation is needed, and has added language providing the clarification requested by FirstEnergy. Accordingly, we adopt the proposed changes as modified in Annex A.

2. Year And Yearly

In the existing regulations, the term year and yearly, as it applies to net metering, is defined as the planning year as determined by the PJM Interconnection, LLC regional transmission organization. The Commission selected this definition initially to avoid confusion, as it is the same as the AEPS Act compliance year of June 1 through May 31.¹² In implementing these regulations over the last seven years, it has become clear that the vast majority of net metered customer-generator systems are solar photovoltaic systems. We recognize that these solar photovoltaic systems produce their peak outputs during the months of May through September. Accordingly, with a year ending in May, many of these systems may have excess generation that receives a payment at the price-to-compare rate as opposed to receiving a fully bundled credit toward their subsequent billing periods. Therefore, we initially proposed to revise the definition for year and yearly as it applies to net metering to the period of time from May 1 through April 30.

a. NoPR Comments

Comments supporting the changes proposed in the NoPR to the term "year and yearly" as it applies to net metering to the period of time from May 1 through April 30 were received from several stakeholders, such as Robin Alexander, PES, and SEF. Robin Alexander NoPR Comments at 4, PES NoPR Comments at 1, SEF NoPR Comments at 2.

Comments opposing the changes proposed in the NoPR were received from PPL, PECO and EAP. PPL NoPR Comments at 21-22, PECO NoPR Comments at 9-10, EAP NoPR Comments at 3-4. In its comments, PPL recom-

¹² See Implementation of Act 35 of 2007 Net Metering and Interconnection, Final Omitted Rulemaking Order at Docket No. L-00050174, entered on July 22, 2008 at 11 and 12.

mends a change and states that the proposal appears to be directed primarily towards maximizing the value received by photovoltaic alternative energy systems, which produce the majority of their excess generation between May and August and, in theory, would be able to bank more excess generation at the full retail rate and carry it forward. PPL submits that the proposed change in the yearly period will disassociate the net metering period from the PJM planning period and price-to-compare issuance periods, which run June 1 through May 31. The proposed change will further complicate its billing systems and needlessly confuse customers. PPL NoPR Comments at 21-22.

PECO disagrees with the proposed changes for several reasons. First, the proposal would misalign the net metering program with existing regulatory and operational frameworks for PJM and implementation of the AEPS Act and default service. Second, the change would likely increase cost-shifting for net metering customers at the expense of other distribution customers. Finally, PECO would have to incur additional costs to implement software changes to accommodate a different net metering calendar. PECO NoPR Comments at 9-10.

In its NoPR comments, the IRRIC states that commentators are concerned that the amendment to this definition will impose costs on EDCs that relate to modifications to information technology and billing systems. The IRRIC asks the Commission to work with the regulated community to gain a better understanding of how the proposed amendment would be implemented and the corresponding financial implications of such changes. IRRIC NoPR Comments at 5.

b. *ANoFR Proposal*

Consequent to IRRIC's request to work with the regulated community, a revision to this section was proposed in the ANoFR and the term "year and yearly" as it applies to net metering was changed to the period of June 1 through May 31.

c. *ANoFR Comments*

Comments supporting the changes proposed in the ANoFR to the term "year and yearly" as it applies to net metering were received from FirstEnergy, PPL and PECO. In its comments, FirstEnergy supports the alignment of the net metering term year to the PJM planning year. FirstEnergy ANoFR Comments at 2. PPL and PECO strongly support the change back to the period of time June 1 through May 31. PPL ANoFR Comments at 9, PECO ANoFR Comments at 2.

d. *Disposition*

The Commission finds that the changes to the definition of year and yearly to the period of time from June 1 through May 31 provides clarity to all interested stakeholders in a manner that does not increase EDC costs borne by ratepayers. Accordingly, we adopt the proposed definition for year and yearly as it applies to net metering to the period of time from June 1 through May 31.

E. *Net Metering: § 75.16. Large Customer-Generators*

This section has been added to address distributed generation systems with a nameplate capacity of greater than three megawatts and up to five megawatts, which for purposes of this rulemaking we will refer to as large customer-generators. The AEPS Act states that systems of this size may qualify for customer-generator status if they meet certain conditions, such as being able to support the transmission grid during an emergency, or being part of a

microgrid and able to maintain critical infrastructure.

In the existing regulations at 52 Pa. Code § 75.1, the definition for customer-generator found in the Act is repeated word for word. In the proposed Section 75.16 we provide clarification so that potential applicants have a reasonable level of certainty that their systems will qualify for customer-generator status before making an investment to purchase and install such a system.

The proposed Section 75.16 identifies the standards that must be met to qualify as a large customer-generator. A customer-generator will be considered to be supporting the grid if an RTO, such as PJM, has formally designated it as a resource that the RTO will call upon during a grid emergency. For example, the PJM Operating Agreement and Open Access Transmission Tariff (OATT)¹³ identifies certain emergency rules and procedures in which it may call upon generation resources to run at maximum output to provide support during a generation or transmission emergency. These procedures and associated rules are also delineated in PJM's Reliability Assurance Agreement on file with FERC. Should a customer with a distributed generation system of between three megawatts and five megawatts have all or a portion of its system designated an emergency type support resource by an RTO, it may seek qualification as a customer-generator from the Commission. The applicant will have the burden of demonstrating through appropriate documentation that it has been designated by the RTO as a grid support generation resource.

We note that the customer-generator definition, requiring the large facilities to operate in parallel with the local utility during grid emergencies or be part of a microgrid to support critical infrastructure, implies that a customer-generator is capable of operating off the grid under certain circumstances. In the case of the grid emergency requirement, the generation facility is able to increase generation output supplied to the local grid or remove all output to the local grid during a grid emergency. Thus, entities that own facilities with a nameplate capacity of between three megawatts and up to five megawatts that normally supply most or all of their output to the local utility cannot qualify as customer-generators, as they cannot make their generation available to operate in parallel with local utilities during grid emergencies. In contrast, this definition implies that where a microgrid exists to support critical infrastructure, the generating facility can normally supply energy to and operate in parallel with the local utility, but is able to operate off the local utility grid during grid emergencies to support the continued operation of critical infrastructure. A large distributed generation system may also qualify for customer-generator status if it is part of a microgrid and provides generation to critical infrastructure. Examples of critical infrastructure are provided within the AEPS Act and have been included in the definition of customer-generator in the regulation.

1. *NoPR Comments*

Comments supporting the changes proposed in the NoPR to this section were received from PPL and PECO. PPL generally supports the proposed changes that address distributed generation systems with a nameplate capacity of greater than three megawatts and up to five megawatts, and to identify the standards that must be met to qualify as a large customer-generator. PPL, however, feels that the definition of grid emergencies needs

¹³ See PJM Agreements/Governing Documents, available at <http://www.pjm.com/documents/agreements.aspx>.

further clarification. PPL NoPR Comments at 22. PECO supports the proposed changes in this section, but requests clarification regarding the extent to which a system that operates continuously or is powered by wind or solar energy could satisfy the large customer-generator requirement of proposed Section 75.16(b)(3). PECO NoPR Comments at 10.

Comments opposing the changes proposed in the NoPR to this section were received from several stakeholders, such as LCSWA, SRETrade, DOJ and PJM. LCSWA and DOJ comment that the requirement to limit generation to emergencies called by PJM is, effectively, a limitation on renewable project capacity to less than three megawatts and not a realistic route to large projects. LCSWA NoPR Comments at 2, DOJ NoPR Comments at 2. SRETrade states that the definition of customer-generator imposes very specific pre-qualifications to the qualification of a customer-generator. SRETrade argues that while it would certainly be beneficial if such generators could serve as a grid support generation resource, it seems onerous to require a retail electric customer to serve as a grid support generation resource in order to be qualified as a customer-generator. SRETrade avers that the proposed changes in this section create a conflict between the intention of the definition of customer-generator and these specific, onerous requirements. SRETrade asserts that these procedures could impact a customer's net meter eligibility. Therefore, SRETrade suggests that the Commission adjust the proposed language in section 75.16 to match the intention of the definition of customer-generator, so that customers will not be required to have their system pre-qualified by rigorous RTO procedures before they are able to seek qualification by the Commission. SRETrade NoPR Comments at 3–5.

PJM states in its comments that it supports the Commission's requirement that each distributed generation system be able to support the transmission grid during an emergency. PJM, however, notes that most, if not all, distributed generations systems participating in the Commission's retail net metering program do not satisfy the requirements under PJM's governing agreements to be designated and compensated as generators that may be called upon to respond to grid emergencies. PJM states that the proposed regulations will not result in the distributed generation systems being available to respond to grid emergencies. PJM requests that the Commission adopt a preferred method that it will use to request support from customer-generators during grid emergencies. PJM NoPR Comments at 2–4.

The IRRC notes that commentators believe that it is unrealistic for some renewable energy projects of this size, such as wind and solar, to be available during grid emergencies as required under subsection (b). IRRC requests clarification on how systems that operate continuously or are powered by wind or solar can comply with this provision. Another commentator notes that the provision, as written, would not allow a system to respond during grid emergencies because of governing agreements with RTOs. The IRRC asks the Commission to explain how this section will be implemented and to amend the NoPR accordingly to address these concerns. IRRC NoPR comments at 7.

2. *ANoFR Proposal*

The Commission recognized IRRC's and other commentators' concerns to the NoPR and proposed changes in the ANoFR to the standards that qualify a distributed generation system with a nameplate capacity above three

megawatts and up to five megawatts for customer-generator status by eliminating the requirement that the RTO designate the alternative energy system as a generation resource.

3. *ANoFR Comments*

PPL submitted comments supporting the changes proposed in the ANoFR to Section 75.16. PPL ANoFR Comments at 28. No opposing comments were received.

4. *Disposition*

In regards to concerns raised by IRRC and other parties about the ability of intermittent resources to meet the conditions proposed in Section 75.16, we note that it is the language in the AEPS Act that requires these conditions. The Commission is without authority to promulgate regulations that conflict with this language and permit systems that cannot meet these conditions to net meter. The AEPS Act definition for customer-generator states, in part, the following:

except for customers whose systems are above three megawatts and up to five megawatts who make their systems available to operate in parallel with the electric utility during grid emergencies as defined by the regional transmission organization or where a microgrid is in place for the primary or secondary purpose of maintaining critical infrastructure, such as homeland security assignments, emergency services facilities, hospitals, traffic signals, wastewater treatment plants or telecommunications facilities. . . .

73 P.S. § 1648.2 (definition of customer-generator). This definition specifically requires the alternative energy systems to operate in parallel during a grid emergency. Grid emergencies could occur during any time for a multitude of reasons, such as weather, high demand or equipment failures that result in high or low voltage conditions on the grid. During high voltage conditions, the grid operator must be able to decrease the flow of electricity on the grid by reducing generation until the grid voltage returns to safe levels. During low voltage conditions, the grid operator must be able to either increase generation or decrease customer demand by ramping up generation or calling on demand response resources to reduce demand until the grid voltage returns to safe levels. To meet these AEPS Act requirements, the alternative energy system must be available whenever a grid emergency occurs. If the alternative energy system is unable to respond due to a system design limitation or other contractual obligation, it does not satisfy the requirements contained in the AEPS Act.

Regarding microgrids designed to maintain critical infrastructure, we note that by definition, a microgrid must be able to island itself from the grid and continue to provide power to the customers and facilities connected to that microgrid. If an alternative energy system can demonstrate that it is a distributed resource that supports a microgrid when the microgrid is disconnected from the larger grid, it will qualify as a large customer-generator. Again, this is a requirement imposed by the AEPS Act, not the Commission. In promulgating these regulations, the Commission is providing an avenue for nonutility owners or operators of alternative energy systems to qualify as customer-generators when the alternative energy systems have a nameplate capacity above three megawatts and up to five megawatts as required by the AEPS Act.

Allowing such systems to qualify for net metering when they cannot meet the AEPS Act requirements would be contrary to the plain language of the AEPS Act and beyond the Commission's authority to grant. We again note that while the purpose of the AEPS Act is to promote alternative energy, the General Assembly placed limits on how such systems are to be promoted. The size limitations contained in the definition of customer-generator are such that the Commission cannot contravene. For these reasons we adopt the proposed language as modified in Annex A.

F. Net Metering: § 75.17. Process For Obtaining Commission Approval Of Customer-Generator Status

Since the inception of the AEPS Act and these regulations, the EDCs have been solely responsible for interconnecting and approving net metering for all customer-generators. While this has worked well for EDCs and customer-generators, the Commission has received some reports of inconsistent application of the net metering rules. As such, we are proposing a process for seeking Commission approval of all customer-generators with a nameplate capacity of 500 kilowatts or greater.

Under the proposed process, EDCs are to submit completed net metering applications for alternative energy systems with a nameplate capacity of 500 kilowatts or greater to the Commission's Bureau of Technical Utility Services (TUS) within 20 days of receiving them, along with a recommendation on whether the proposed alternative energy system complies with these rules and the EDC's net metering tariff. The EDC is to serve its recommendation on the applicant, who has 20 days to submit a response to TUS. TUS must review the application, EDC recommendation and applicant response and, pursuant to delegated Commission authority, approve or disapprove the application within 30 days of its submission. TUS is to describe in detail its reasons for disapproval of an application. The applicant or the EDC may appeal TUS's determination to the Commission within 20 days after service of notice in accordance with Section 5.44 (relating to petitions for appeal from actions of staff).

In the ANoFR, the Commission shortened the time EDCs have to submit an application with its recommendation to TUS from 20 to 15 days. In addition, TUS now has 10 days, as opposed to 30 days, to review an EDC recommendation to approve a net metering application. Finally, for review of an EDC recommendation to deny a net metering application, TUS is to issue its determination within 30 days of receipt of the EDC's recommendation or within five days of receipt of an applicant's reply, whichever is earlier.

1. NoPR Comments

Comments supporting the changes proposed in the NoPR to this section were received from PPL, FirstEnergy and EAP. EAP NoPR Comments at 5-6. PPL supports the proposed process, but notes that, if adopted, the interconnection regulations should also be updated and reconciled with the proposed process. PPL NoPR Comments at 22. FirstEnergy also supports the changes to Section 75.17; however, it feels that the process outlined is expected to increase the costs borne by EDC's in processing net metering applications for units in excess of 500 kW. FirstEnergy urges the Commission to increase the fees an EDC may charge for the review of such applications. FirstEnergy NoPR Comments at 8.

Numerous stakeholders, such as PennAg, Sunrise and PECO, submitted comments opposing the changes proposed in the NoPR to the process for obtaining Commission approval of customer-generator status.

PennAg urges the Commission to waive the requirement for obtaining Commission approval of customer-generator status with a nameplate capacity of 500 kilowatts or greater for farms. PennAg NoPR Comments at 2. Sunrise opposes the increase of the proposed processing time from 10 days to 20 days for the initial EDC application, followed by an additional 30 days for TUS. Sunrise asserts that adding a minimum of 40 days to this process is nearly certain to doom most large projects. Sunrise NoPR Comments in a letter dated 7/24/15. PECO believes that Section 75.17(b) should be revised so that it provides an adequate review timeframe, consistent with the existing process. In particular, PECO suggests that EDCs should be given 10 business days to determine whether an application is complete and then 20 business days to evaluate the completed application and communicate that evaluation to TUS. PECO NoPR Comments at 11.

2. ANoFR Proposal

The Commission acknowledged these concerns and consequently proposed language in the ANoFR that shortened the time EDCs have to submit an application with its recommendation from 20 to 15 days.

3. ANoFR Comments

Comments supporting Commission approval for net metering systems over 500 kilowatts and opposing the shortened EDC review time changes proposed in the ANoFR were received from FirstEnergy, PECO, PPL and Duquesne. FirstEnergy ANoFR Comments at 4-5, PECO ANoFR Comments at 9-10, PPL ANoFR Comments at 28-29, Duquesne ANoFR Comments at 3-4. FirstEnergy notes that it supports the Commission's involvement in the approval of large systems, but it objects to the reduced timeframe. FirstEnergy avers that the revised timeframe does not provide adequate time for an effective review and is inconsistent with the standard interconnection process and creates a direct conflict within the regulations. FirstEnergy further states that requiring an EDC to submit its recommendation to TUS prior to completion of the review is inappropriate. FirstEnergy recommends that all projects over 500 kilowatts be submitted to TUS concurrent to the time they are submitted to the EDC. FirstEnergy proposes that the EDC would wait for TUS to rule on project eligibility prior to a full engineering review. FirstEnergy ANoFR Comments at 4-5.

PECO supports Commission approval to net meter for projects over 500 kilowatts. PECO, however, states that the proposed shortened review time could jeopardize safety and reliability especially with larger projects. PECO recommends adoption of the timeframe proposed in the NoPR. PECO ANoFR Comments at 9-10.

In its comments, the IRRC states that this section establishes the process through which EDCs obtain PUC approval to net meter alternative energy systems with a nameplate capacity of 500 kilowatts or greater, and asks if this process will run simultaneously with the review procedures set forth in subchapter (c), relating to interconnection standards for new customer-generators. The IRRC asks the Commission to ensure this new section does not delay a potential customer-generator's ability to employ a new alternative energy system as quickly as possible. IRRC NoPR Comments at 7.

PPL and Duquesne support Commission approval of customer-generator status for systems with a nameplate capacity of 500 kilowatts or greater; however, they oppose

the shortened time period for EDC technical review. PPL ANoFR Comments at 28-29, Duquesne ANoFR Comments at 3-4.

Comments opposing the changes proposed in the ANoFR to this section were received from DCIDA, PSU and SolarCity. In its comments, DCIDA references its previous comments under Section 75.13(a)(6) and states that the Commission has not responded to the IRRC's inquiry to justify the alleged costly burden to have systems over 500 kilowatts reviewed and approved for net metering by the Commission. DCIDA ANoFR Comments at 10. PSU avers that the added review time creates an undue burden and discourages the research, deployment and development of renewable energy systems. PSU ANoFR Comments at 17-18.

In its comments, SolarCity states that the proposed procedure for Commission approval for alternative energy systems with a nameplate capacity of 500kW or greater will further delay project development timelines. SolarCity notes that all customer-generators are required to size the alternative energy system to generate no more than 200% of the customer-generator's annual electric consumption, regardless of nameplate capacity. SolarCity suggests that any inconsistency in the application of net metering rules or the application of an EDC's tariff should be dealt with by the respective EDC prior to granting approval to interconnect. SolarCity ANoFR Comments at 1.

4. *Disposition*

The Commission reviewed the comments submitted in reference to the proposed shortened review time for EDCs to submit an application with its recommendation to TUS. We agree that revising this section to 15 days instead of 20 days could jeopardize safety and reliability. As such, we increase the time EDCs have to submit an application with its recommendation to TUS from 15 days to 20 days, as previously proposed in the NoPR. We note, however, that these are calendar days and not business days. In response to IRRC's comments, we also note that the proposed regulation does not prohibit this review process from running concurrent with the interconnection timelines in subchapter (c), and we anticipate that they would. We also find that this timeline will not unreasonably delay the employment of an alternative energy system as the timeline is similar to the interconnection timelines and should run concurrently with those timelines. Furthermore, we note that we are not seeking anything in this process that the developer would not already be required to provide the EDC. The Commission finds that these timelines appropriately balance the rights of all interested parties while providing little or no delay in the development of new alternative energy systems. Accordingly, this subsection is adopted as found in Annex A.

G. *Interconnection: § 75.22. Definitions*

The Commission is proposing a revision to the definition for "electric nameplate capacity." Parties have asked for clarification in the solar photovoltaic context as to whether it is the capacity of the panels that should be measured, or that of the inverter that converts the electricity from direct current (DC) to alternating current (AC). For example, while the panels of a particular residential location may have a DC capacity of 50 kW, the inverter may only be able to convert a maximum of 45 kW to AC. The other five kW is lost in the conversion process.

The Commission has been asked to designate the capacity limit as that of the inverter to enable customer-generators to maximize their output and possible compensation. Accordingly, under the above fact pattern, a residential customer might install panels with 55 kW of DC capacity, but as long as the inverter's AC capacity was no greater than 50 kW, it would qualify as a customer-generator.

The AEPS Act describes a customer-generator in the residential context as the owner or operator of a "net-metered distributed generation system with a nameplate capacity of not greater than 50 kilowatts." See 73 P.S. § 1648.2. The key word in this description is "system." The definition does not refer to individual components of a generator, such as panels or inverters, but to the entire generation system. Therefore, the Commission finds that as the General Assembly referred to the distributed generation system, the General Assembly intended for customer-generators to have the full benefit of the capabilities of the entire generation system, which in the case of a solar photovoltaic system is the output at the inverter, not the panels. Therefore, electric nameplate capacity will be revised to refer to the limits of the inverter or inverters (if more than one is needed) at a particular customer-generator location, as opposed to the generation device.

1. *Comments*

Comments supporting the changes proposed in the NoPR to the definition of electric nameplate capacity were received from PPL and SEF. PPL NoPR Comments at 23, PPL ANoFR Comments at 30, SEF NoPR Comments at 2.

Comments opposing the changes proposed in the NoPR to the definition of electric nameplate capacity were received from SRECTrade. SRECTrade urges the Commission to elaborate on this definition as to its applicability to the alternative energy credit certification under Section 75.63. As is, it is unclear whether the nameplate capacity as used in Section 75.63 is subject to the revised definition under Section 75.22, or if the nameplate capacity as used in Section 75.63 will continue to reference the facility's DC capacity. SRECTrade NoPR Comments at 5.

2. *Disposition*

As described above, electric nameplate capacity is based on the capacity capabilities of the entire generation system, which in the case of a solar photovoltaic system is the output at the inverter, not the panels. The Commission finds that the proposed changes to the definition of electric nameplate capacity in Section 75.22 does not conflict with the language relating to the alternative energy credit certification under Section 75.63. Nameplate capacity refers to the maximum watt output the system is capable of generating at any given time. Section 75.63 refers to the certification of alternative energy credits, which represents one megawatt-hour of generation from the alternative energy system or the actual generation output over time. Any reference to nameplate capacity found in Section 75.63 has the same meaning as that being established in Section 75.22. Consequently, the Commission adopts the proposed language to the definition of electric nameplate capacity to refer to the limits of the inverter or inverters (if more than one is needed) at a particular customer-generator location, as opposed to the generation device.

H. *Interconnection: §§ 75.31, 75.34, 75.39, And 75.40. Capacity Limits*

These sections have been revised to reflect the increase of the capacity limit for customer-generators from 2 MW to 5 MW found in Act 35.

1. *Comments*

PPL provided comments supporting the changes proposed in the NoPR and ANoFR to these sections. PPL NoPR Comments at 23, PPL ANoFR Comments at 30. PECO notes that various requirements of the interconnection provisions have been revised to indicate that qualifying facilities may be equal to or less than five megawatts. PECO believes that this designation will lead to confusion over the allowable nameplate capacities for commercial customers. PECO fears that applicants may mistakenly believe it is acceptable to interconnect a system between three and five megawatts without having to comply with the requirements and specifications emphasized in this rulemaking for large customer-generators. To avoid such misunderstandings, PECO recommends that the Commission revise the proposed regulations to clarify that systems with nameplate capacities between three and five megawatts are only allowable if they comply with the requirements set forth in the definition of customer-generator. PECO ANoFR Comments at 10-11.

FirstEnergy states that it has very serious concerns about the proposed changes to the level of review process for generators with electric nameplate capacities between two and five megawatts. The existing regulations call for Level 3 review for any application over two megawatts, whereas under the current proposal, virtually all applications greater than ten kilowatts, with the exception of rotating equipment, would be eligible for a Level 2 review. Reducing the level of review for projects exceeding two megawatts implicates the safety and reliability of an EDC's system, and suggests that this revision be rejected. FirstEnergy ANoFR Comments at 6—8.

2. *Disposition*

The Commission agrees with FirstEnergy that changing the interconnection review procedures for Level 2 small generation facilities to five megawatts as proposed in NoPR negatively impacts the safety and reliability of the EDC's system. Therefore, as defined in Section 75.34, the electric nameplate capacity rating for Level 2 interconnection review procedures will remain as two megawatts or less. As for applicability and interconnection review procedures for Level 3 and 4, as described in Sections 75.31, 75.39 and 75.40, the electric name plate capacity ratings that shall be used are five megawatts or less, as proposed.

I. *Interconnection: § 75.51. Disputes*

The current regulations at § 75.51(c) provide that the Commission may designate a Department of Energy National Laboratory, PJM Interconnection L.L.C., or college or university with distribution system engineering expertise as a technical master. Once the Commission designates a technical master, the parties to a dispute are to use the technical master to help resolve the dispute.

To date the Commission has not designated a technical master. This is due to the fact that there are costs involved in identifying and retaining such expertise, which are not justified by the number of disputes. To date we are not aware of any interconnection disputes that have not been resolved through the normal Commission complaint or alternative dispute resolution processes. As such, we are proposing to delete this subsection.

1. *Comments*

PPL provided comments supporting the proposed changes in the NoPR regarding the removal of the technical master. PPL NoPR Comments at 23, PPL ANoFR Comments at 30.

Comments opposing the proposed changes were received from PennFuture and DWEA/UW. PennFuture NoPR Comments at 10, DWEA/UW NoPR Comments at 9, and PennFuture Energy Center NoPR Comments at 2. DWEA/UW states that it understands the Commission has not made use of its power to appoint a technical master, but nevertheless recommends that the Commission retain the provisions proposed for deletion. DWEA/UW is particularly concerned that residential customers and small businesses are already at a disadvantage when faced with disputes regarding the technical application of the regulations and, with increasing complexity, this is expected to continue. For this reason, DWEA/UW asserts that it is premature to delete the provisions. Furthermore, DWEA/UW states that even if the Commission does not make use of its power to designate a technical master, that ability, and the ability of an appointed master to determine costs for the review, serves as an incentive for the parties to make effective use of the existing alternative dispute resolution process. DWEA/UW NoPR Comments at 9.

In its comments, the IRRC notes that given the potential for more disputes arising as a result of the implementation of this rulemaking, the IRRC questions the reasonableness of this change at this time and asks the Commission to provide a fiscal analysis of the costs associated with the designation by the Commission of a technical master. IRRC NoPR Comments at 8.

Opposing comments to the ANoFR regarding the removal of the technical master were received from PA IPL, PennFuture and the Joint Commentators. PA IPL and PennFuture state that it is not supporting the proposed deletion in Section 75.51(c) of the Commission's ability to appoint a technical master to assist in the resolution of any disputes under the interconnection application/review process. PennFuture understands the Commission has not made use of its power to appoint a technical master, but nevertheless sees no reason to cancel this authority. PennFuture is particularly concerned that residential customers and small businesses are already at a disadvantage when faced with disputes regarding the technical application of the regulations and, with increasing complexity, this is expected to continue. For this reason, PennFuture asserts that it is premature to delete the provisions. PA IPL ANoFR Comments at 3. PennFuture ANoFR Comments at 2.

The Joint Commentators state that although the technical master provision has not been used thus far, that is not a sufficient reason to remove the option altogether. The Joint Commentators assert that removing the technical master option hurts residential owners and small businesses who likely cannot afford to hire an attorney or a technical expert to represent them if there is ever a dispute over their generation amount, net metering, etc. The Joint Commentators state that considering the complexity that an additional percentage based cap and the virtual net metering physical aggregation requirement creates, generators are more likely to see an issue arise than under the old rule. The Joint Commentators assert that having a technical master serve as a mediator is a valuable option that needs to remain in the regulation. Joint Commentators ANoFR Comments at 12-13.

2. Disposition

After reviewing all comments, the Commission is not convinced that having the option to designate a technical master as a mediator is in fact necessary. To date we are not aware of any interconnection disputes that have not been resolved through the normal Commission complaint or alternative dispute resolution processes. The assertions by PennFuture, Pa IPL and the Joint Commentators are misplaced for several reasons. Initially, it must be noted that the current regulation does not eliminate the costs borne by those seeking a review by a technical master as opposed to hiring their own experts. The current regulations simply require the Commission to approve the costs for the technical master to be borne by those customers who seek such a review.

Furthermore, the technical master would only review the actual physical interconnection of the generation system with the distribution system. The technical master has no role in determining whether the generation owner qualifies for net metering as PennFuture and the Joint Commentators suggest. The current regulation specifically states that “[u]pon designation, the parties shall use the technical master to resolve disputes related to *interconnection*.” 52 Pa. Code § 75.51 (relating to disputes) (emphasis added). The physical interconnection only gets more complicated as the size of the generator increases and applies to all generators, whether they qualify for net metering or not. Accordingly, the provisions of this rulemaking related to net metering have no bearing on the complexity or costs of the physical interconnection as PennFuture and the Joint Commentators imply.

Regarding IRRC’s request that we provide a fiscal analysis of the costs associated with designating a technical master, we are unable to provide such data. As this provision has never been used, and the Commission has never reviewed or approved any costs for a technical master, the Commission has no information or experience to base such an analysis. Furthermore, we note that the costs are likely to vary depending on the experience level of the chosen technical master and the time, as well as any travel and lodging expenses, the technical master would devote to any individual dispute. In light of these variables and the lack of available relevant data, any fiscal analysis or projection the Commission would provide on this issue would be speculative at best. For these reasons, we adopt the deletion of this subsection.

J. *Alternative Energy Portfolio Requirement: § 75.61. EDC And EGS Obligations*

This section has been revised to note that the requirements are subject to the quarterly adjustment provisions of Act 129 of 2008. See 66 Pa.C.S. § 2814(c).

Comments supporting the proposed changes in the NoPR regarding this section were received from FirstEnergy and PPL. FirstEnergy supports the changes, it, however, feels that additional revisions are necessary to make the compliance process more accurate, administratively convenient and financially stable. FirstEnergy NoPR Comments at 8, PPL NoPR Comments at 23, PPL ANoFR Comments at 30.

No opposing comments were received to Section 75.61(b). IRRC’s and other commentators’ concerns regarding any impact on current owners of credits is addressed below under Section L. As such, we adopt the proposed language that the alternative energy portfolio requirements are subject to the quarterly adjustment provisions of Act 129 of 2008.

K. *Alternative Energy Portfolio Requirement: § 75.62. Alternative Energy System Qualification*

Section 75.62(g) has been added to note that alternative energy system status may be suspended or revoked for violations of the provisions of this chapter. The penalty provision is primarily intended to discourage and, if necessary, punish fraudulent behavior by owners of alternative energy systems. While this authority was implied in the current regulations, we propose adding this provision to make this authority explicit to provide clarity.

Comments supporting the proposed changes in the NoPR regarding this section were received from FirstEnergy and PPL. FirstEnergy NoPR Comments at 8, PPL NoPR Comments at 23, PPL ANoFR Comments at 30.

No opposing comments were received to Section 75.62(g). As such, we adopt the proposed language that alternative energy system status may be suspended or revoked for violations of the provisions of this chapter.

L. *Alternative Energy Portfolio Requirement: § 75.63. Alternative Energy Credit Certification*

Section 75.63(g) has been supplemented with a proposed end to the use of estimates for future small solar photovoltaic systems and to clarify when estimated readings may be used by existing small solar photovoltaic systems. To begin with, the revision provides that small solar photovoltaic systems installed or that increase capacity on or after 180 days from the effective date of the regulation must use metered data to verify alternative energy credit certification. In adopting the current regulations, we allowed for the use of estimates for small solar photovoltaic systems of 15 kilowatts or less to reduce the cost of installing and operating such systems. Since then, the cost of solar photovoltaic panels have decreased such that the minimal cost of a revenue grade meter no longer provides a barrier to the installation of these small systems. As such, we propose to require all new solar photovoltaic systems to have a revenue grade meter to measure system output for alternative energy credit certification.

The other revisions to Section 75.63(g) provide that estimated reads may be used for existing small solar photovoltaic systems only when no other technology is available, and that once actual metered data begins to be used, estimates are no longer permitted. The revision also prevents estimated data in the context of panels whose orientation can be manually adjusted by the owner/operator, given the problems associated with production verification in this circumstance. Finally, the revisions define the solar modules that are eligible for use with estimates and provide the program administrator express authority to verify the output of those systems.

Three additional subsections have been added in order to resolve issues that have been identified in implementation of the Act. Subsection (i) has been added to clarify that credits can be certified from the time the application is filed with the Commission, so long as either metered data is available, or an inverter reading is included when PV Watts estimates are permitted to be used. This is done to avoid penalizing an applicant for the time it takes the administrator to review and approve the application.

Subsection (j) is being proposed to address incomplete or incorrect applications. The Commission’s preference is that the program administrator give an applicant a reasonable period of time, at the administrator’s discretion depending on the nature of the issue, to correct the deficiency before rejecting the application. When an appli-

cation is rejected, the applicant is penalized because the applicant loses the opportunity to earn credits for the period when the application was first filed to the time when it was rejected. Credits may only be earned from the time of the filing of the second application. This section puts applicants on notice of the importance of filing a complete and correct application, the need to timely respond to the administrator's notice to them, and the penalty for failing to do so.

Subsection (k) has been added to resolve an ambiguity over the vintage of alternative energy credits. Generally, credits may only be banked for use for two years. It is therefore necessary that the right vintage year be assigned to a credit, as documented by the certificate created in PJM-EIS's credit registry, the Generator Attribute Tracking System (GATS). Sometimes data may be entered in the credit registry for production that overlaps two different reporting periods. This section confirms that credits will be allocated to the appropriate reporting period, regardless of when the data is entered into the credit registry.

1. *Comments To Section 75.63(g)*

Comments supporting the changes proposed in the NoPR to Section 75.63(g) were received from PPL and FirstEnergy. PPL NoPR Comments at 24, FirstEnergy NoPR Comments at 9. PPL states in its comments that it generally supports this proposal. PPL, however, notes that with respect to using estimated data for small systems, there must be a limit implemented as to what it means to have or not have the technology to capture this data. PPL also recommends including a provision that the cost for any additional metering requested by a customer-generator be the responsibility of the customer-generator. PPL NoPR Comments at 24, PPL ANoFR Comments at 31.

Comments opposing the changes to Section 75.63(g) were received from SEF and SRECTrade. SEF NoPR Comments at 2, SRECTrade NoPR Comments at 6—8. SRECTrade states that this section has been supplemented with a proposed end to the use of estimates for future small solar photovoltaic systems and to clarify when estimated readings may be used by existing small solar photovoltaic systems. SRECTrade suggests that the language should be modified to clarify that all facilities greater than 15 kW shall be verified using metered data, and that facilities 15 kW or less may be verified using either metered data or estimates. SRECTrade recognizes that the Commission intended to propose these revisions in an effort to require all new solar photovoltaic systems to have a revenue grade meter to measure system output, but SRECTrade asserts that this requirement is far more burdensome than the cost of a revenue grade meter alone. SRECTrade argues that while the cost of a revenue grade meter may have decreased in recent years, the burden of requiring small systems to report their generation in lieu of utilizing estimates has not changed. SRECTrade asserts that this requirement will have the impact of discouraging small systems from obtaining alternative energy credit certification or deterring existing facilities from expanding. SRECTrade NoPR Comments at 6—8.

2. *Disposition To Section 75.63(g)*

The Commission disagrees with SRECTrade that the requirement that all new alternative energy systems be metered, including small solar photovoltaic systems with a nameplate capacity of 15 kW or less, will unreasonably burden the development of such systems. We find that the

metering is necessary to ensure that all systems are actually producing generation and that the generation amount is accurately reported. The use of estimates provides an average output, at best, for these systems that may be higher or lower than the actual system output. We note that inverter readings for these small systems are acceptable meter data, as the inverters accurately measure the output, eliminating any cost concerns related to purchasing a revenue grade electric meter. While there may be some inconvenience imposed on system owners to read and report the meter readings, the Commission is not convinced that the inconvenience is unreasonable. We further note that owners of alternative energy systems are not required to participate in alternative energy credit (AEC) markets, and are free to pick and choose when to participate based on many reasons, including the effort involved in reporting system output and the price they get for the AECs they generate. Finally, we note that systems with a nameplate capacity of just over 15 kW have always been required to use metered data, and we find that the metering requirement is no more burdensome than that placed on these other small systems.

In conclusion, we find that the benefit of more accurate generation output readings results in more reliable and accurate AECs and outweighs the minimal cost and inconvenience this new requirement imposes. For these reasons, we adopt Section 75.63(g) as proposed.

3. *Disposition To Sections 75.63(i), (j) And (k)*

FirstEnergy provided comments supporting the changes proposed in the NoPR to Section 75.63(i). FirstEnergy NoPR Comments at 9. No other comments were received regarding changes to these subsections.

Accordingly, we adopt the proposed language to Section 75.63(i) clarifying that credits can be certified from the time the application is filed with the Commission, so long as either metered data is available, or an inverter reading is included when PV Watts estimates are permitted to be used. In addition, we adopt the proposed language to Sections 75.63(j) and (k).

M. *Alternative Energy Portfolio Requirement: § 75.64. Alternative Energy Credit Program Administrator*

We have added provisions to Section 75.64(b) to note that alternative energy system status may be suspended or revoked and that the credits from a suspended or revoked system may be withheld or retired for violations of the provisions of this chapter. The penalty provision is primarily intended to discourage, and if necessary, punish, fraudulent behavior by owners or aggregators of alternative energy systems. While this authority was implied in the current regulations, we propose adding this provision to make this authority explicit to provide clarity.

In Section 75.64(c) we have proposed revisions that more accurately reflect the current reporting requirements, timing and processes for determining and verifying EDC and EGS compliance with the AEPS Act obligations.

Finally, in Section 75.64(d) we have proposed a provision that expressly states that the program administrator may not certify an alternative energy credit that does not meet the requirements of § 75.63 (relating to alternative energy credit certification). This provision is being proposed to provide explicit authority to the program administrator that was previously implied.

1. *Comments To Section 75.64(b)*

PPL provided comments supporting the changes proposed in the NoPR to Section 75.64(b). PPL NoPR Comments at 24, PPL ANoFR Comments at 31.

PECO and FirstEnergy provided comments opposing the changes proposed in the NoPR to Section 75.64(b). PECO states that it appreciates the Commission's desire to clarify the authority of the program administrator with respect to non-compliant alternative energy systems. PECO, however, has concerns regarding the Commission's proposal to authorize retirement of past or current alternative energy credits (AECs) which are deemed to have been generated from non-compliant systems after they have been qualified. If the AECs at issue have already been qualified and transferred to a third party, the unexpected retirement of those AECs would not only punish the non-compliant system but also the current owner of the AECs. PECO believes that the simplest solution would be to provide that the program administrator has authority to take action only with respect to AECs that have not been sold or otherwise transferred to a third party. PECO asserts that the administrator would still be able to address non-compliance by suspending or revoking system status and withholding or retiring AECs that are still owned by the owner of the non-compliant system. PECO NoPR Comments at 11-12, PECO ANoFR Comments at 11-12.

FirstEnergy agrees with the Commission's proactive approach to addressing fraudulent AEC supplier practices; it, however, contends that the prescribed punishment must be careful not to impact innocent market participants. For instance, FirstEnergy notes that where AECs have been purchased and used, or are going to be used for compliance, having the AECs invalidated could place a huge financial and regulatory burden on market participants who have transacted for properly certified AECs for use at the time of purchase. FirstEnergy suggests that, in order to avoid potential undue harm to innocent parties, AECs from a facility that has been deemed non-compliant but which have already been sold and transferred from the seller's account to the purchaser remain valid for compliance use by the purchaser. FirstEnergy goes on to state that current AECs that have not been sold and transferred, as well as future AECs, would be addressed as defined within the rulemaking. FirstEnergy also suggests that the Commission consider a financial penalty, including the disgorgement of profits from the fraudulent seller, for AECs that have already been sold and transferred in order to create a disincentive for such action without impacting innocent market participants. FirstEnergy NoPR Comments at 9-10.

IRRC states that commentators have expressed concern with how alternative energy credits which are deemed to have been generated from non-complaint alternative energy systems will be treated. The concern is that current owners of the credits could be unfairly penalized for the non-compliance by an alternative energy system. This would have a negative impact on the current owner of the credit. To provide regulatory stability, the IRRC recommends that the Commission clarify how these credits will be treated. IRRC NoPR Comments at 8.

2. *Disposition To Section 75.64(b)*

Regarding concerns raised by IRRC, PECO and FirstEnergy, we initially note that that this provision simply identifies, for all interested parties, the possible actions the program administrator has authority to take regarding AECs. It does not dictate what action is to be

taken in all fact patterns. The specific action the program administrator takes will be determined on a case-by-case basis dependent on the facts in each case, including whether the credits have been transferred to a third-party. We further note that any decision of the program administrator may be appealed to the Commission consistent with Section 5.44 (relating to petitions for appeal from actions of staff) of our Regulations. See 52 Pa. Code § 75.64(e). This subsection gives all interested parties notice to include provisions in contracts to account for these possible outcomes. Furthermore, we note that instances when such action can be taken by the program administrator involve situations where the validity of the credits produced or being produced is in question. In short, these provisions are being put in place to put all parties on notice that the Commission will not tolerate inappropriate manipulation of the AEC market. We find that this provision will provide greater confidence to purchasers of AECs that the credits they purchase are valid.

Regarding FirstEnergy's suggestion that the Commission include a provision for penalties or the disgorgement of profits for system owners or aggregators that acted fraudulently, we find no provision, and FirstEnergy has not identified any provision, in the AEPS Act or the Public Utility Code giving the Commission such authority. We find that the remedies FirstEnergy seeks are best left to the contracting parties to account for and for the courts to determine. Accordingly, we adopt the changes to Section 75.64(b) as proposed.

3. *Comments To Section 75.64(c)*

PECO provided comments opposing the changes proposed for Section 75.64(c). PECO states that under this proposed section, the AEPS program administrator would notify EDCs and EGSs of their compliance obligations within 45 days of the end of the reporting period and verify compliance at the end of the 90-day true-up period. PECO recommends that an initial compliance assessment by the program administrator between day 46 and day 75 of the true-up period be added to the current assessment process. PECO asserts that this initial assessment would alert EDCs and EGSs of any impending AEC shortfall and also offer an opportunity for EDCs and EGSs to adjust their retirement portfolios in the last 15 days of the true-up period to reduce the risk of an alternative compliance payment. PECO NoPR Comments at 12-13, PECO ANoFR Comments at 12.

Comments submitted to the ANoFR, opposing the changes proposed to Section 75.64(c) were received from Duquesne and PECO. Duquesne ANoFR Comments at 4. PECO ANoFR Comments at 12. Duquesne recommends that the program administrator provide the EDCs and EGSs with an initial assessment of their compliance status prior to the program administrator's determination of compliance at the end of the true-up period. Duquesne asserts that such an initial assessment would provide the EDCs and EGSs with notice of potential issues and give them an opportunity to cure and adjust their alternative energy credits that may be used for compliance to reduce the risk of having to make alternative compliance payments. Duquesne ANoFR Comments at 4.

4. *Disposition To Section 75.64(c)*

We reviewed all NoPR and ANoFR comments in reference to the proposed changes and are not persuaded that an initial assessment of the EDC and EGS compliance status prior to the program administrator's determination of compliance at the end of the true-up period is neces-

sary. The Commission is merely clarifying timing and processes to determine and verify compliance with the AEPS Act obligations that are currently in use. We also note that based on past experience, the vast majority of EGSs have not retired credits to their Pennsylvania account until near the end of the 90 day true-up period, making any assessment 46 to 75 days into the true-up period pointless.

Furthermore, we note that the program administrator¹⁴ is to be available to respond to questions and inquiries from all interested stakeholders, including EGSs and EDCs. As such, EGSs and EDCs are free to contact the program administrator any time before, during and after the true-up period the get the confirmation PECO and FirstEnergy seek. We find that EGSs and EDCs are run by sophisticated individuals who have the knowledge, information and experience to determine how and when to purchase and retire the appropriate amount of credits and confirm their compliance with the AEPS Act requirements. Accordingly, the language in Section 75.64(c) is hereby adopted as proposed.

5. *Disposition To Section 75.64(d)*

No comments opposing or supporting the changes proposed in the NoPR to Section 75.64(d) were received. As such, we adopt the proposed language to Sections 75.64(d) that expressly states that the program administrator may not certify an alternative energy credit that does not meet the requirements of § 75.63 (relating to alternative energy credit certification).

N. *Alternative Energy Portfolio Requirement: § 75.65. Alternative Compliance Payments*

In this section we are clearly identifying the Commission's Bureau of Technical Utility Services as the Bureau with the responsibility of providing notice of and processing alternative compliance payments.

PPL provided comments supporting the changes proposed for Section 75.65. PPL NoPR Comments at 24, PPL ANoFR Comments at 31. No other comments regarding this were received. Accordingly, we adopt the proposed language identifying the Commission's Bureau of Technical Utility Services as the Bureau with the responsibility of providing notice of and processing alternative compliance payments.

O. *Alternative Energy Portfolio Requirement: § 75.71 And § 75.72. Quarterly Adjustment of NonSolar Tier I Obligation*

In 2008, the General Assembly again amended the AEPS Act¹⁵ by adding two new Tier I resources and requiring the Commission to increase the percentage share of Tier I requirements on a quarterly basis to reflect the addition of the new Tier I resources, which was codified in 66 Pa.C.S. § 2814. The Commission issued an Order to implement the AEPS related provisions of Act 129 in 2009. See, Implementation of Act 129 of 2008 Phase 4—Relating to the Alternative Energy Portfolio Standards Act, Docket M-2009-2093383 (Order entered May 28, 2009). This rulemaking will also codify the processes and standards identified in that Order in this Chapter at Sections 75.71 and 75.72.

1. *Disposition Of Section 75.71*

PPL submitted comments supporting the language proposed in the NoPR to Section 75.71. PPL NoPR Com-

ments at 24-25. No other comments were received regarding Section 75.71. Accordingly, we adopt Section 75.71 as proposed.

2. *Comments to Section 75.72*

PPL submitted comments supporting the proposed Section 75.72 with suggestions. PPL submits that there has been an ongoing issue with the annual alternative energy reporting requirements set forth in the existing regulations and reiterated in the NoPR. Specifically, PPL notes that the final end of year load numbers for EDCs and EGSs are due by June 30, one month after the end of the June—May period with no additional data being accepted after this date. PPL, however, notes that at this time final settlement data for the April and May periods are not available. PPL asserts that this data has a direct impact on the number of alternative energy credits required to obtain compliance for that year. PPL states that in some instances this leaves EDCs and EGSs with a shortfall based upon how bundled contracts are written. PPL recommends that the alternative energy credit reporting deadline be extended to 70 days after the year end to allow for final settlement values to be submitted, and that the compliance deadline be extended from August 30 to September 30 to accommodate the extended alternative energy credit reporting deadline. PPL NoPR Comments at 31-32.

FirstEnergy submitted comments opposing the proposed Section 75.72 with suggestion. Specifically, with respect to the reporting requirements for the quarterly adjustment of nonsolar Tier I obligations under subsections (a) and (b), FirstEnergy notes that the proposed practices in some cases impose a more strict time constraint than what exists today. FirstEnergy asserts that such a narrowing of deadlines will create a greater burden on EDCs and EGSs to comply. In subsection (a)(1)—(4), FirstEnergy suggests that the reporting dates be extended by five calendar days beyond the proposed due dates to November 5, February 5, May 5 and July 5. This extension, FirstEnergy asserts, would address the reporting time constraints associated with the PJM 60-day reconciliation process. For subsection (a)(4) FirstEnergy notes that the 4th quarter data (March, April, May) due 30 days following the end of the quarter means that the May data must always be estimated. FirstEnergy suggests that if the Commission were to move the compliance period to a deadline of September 30 or October 5, EDCs could provide reconciled data for the entire compliance year. Finally, in subsections (b)(1)—(4) FirstEnergy suggests a modification of the sales data verification process to a least five business days in order to continue their current practices and ensure that sales data is properly validated and accurately reported. FirstEnergy NoPR Comments at 10—12.

PPL and EAP submitted comments opposing Section 75.72. PPL ANoFR Comments at 32, EAP ANoFR Comments at 5-6. PPL disagrees with the reporting requirement proposed in Section 75.72, mandating EDCs to report EDC and EGS load data. PPL states that EGSs provide retail competitive electric generation supply to end-use shopping customers. PPL asserts that the Commission's proposal to require EDCs to report EGS load data is extremely burdensome, time consuming, and ultimately shifts the EGSs' burden to report their customers' load and usage. PPL recommends that the Commission amend this provision to mandate that each load serving entity (LSE) be obligated to provide their own monthly load values. PPL suggest that the Commission may contact the EDC for support in instances only where

¹⁴ The Commission has the statutory authority under the AEPS Act to approve the independent entity that serves as the program administrator. 73 P.S. § 1648.3(e)(1).
¹⁵ See P.L. 1592, No. 129 of 2008.

an EGS does not provide their values in time or in instances where the Commonwealth believes the EGS reported value may be incorrect. PPL also believes the quarterly reporting periods should be changed to 65 days after the conclusion of the quarterly period. This additional time, PPL asserts, will allow all LSEs to report verified Settlement B values for all four quarterly periods. PPL also recommends that the LSE transfer date of AECs to the State Account be moved from August 30 to September 30 if the Commonwealth believes it needs additional time to review credit transfers. PPL ANoFR Comments at 32.

EAP asserts that EDCs typically only report exceptions, not all monthly retail sales for each EGS, on a quarterly basis. EAP states that to do so for all sales would become administratively burdensome, particularly in those EDCs service territories where dozens or more EGSs are licensed to provide supply. EAP states that the onus for this report should fall on the individual EGS. If the Commission were to keep this suggested reporting requirement as proposed, EAP suggests that EDCs would need an additional five calendar days to accommodate the PJM reconciliation process. Similarly, EAP suggests that the Commission's recommendation for EGS verification of monthly sales data also be adjusted. EAP notes that the current practice the review is afforded five business days. EAP suggests codifying the informal practice of five business days in order to continue current procedures and ensure that the sales data is properly validated. EAP ANoFR Comments at 5-6.

3. *Disposition For Section 75.72*

After reviewing all NoPR and ANoFR comments received in regards to the reporting requirements for quarterly adjustment of nonsolar Tier I obligations, the Commission agrees that extending the reporting time by five days beyond the proposed dates is reasonable. Therefore, the following time frames are hereby adopted: First quarter (June, July and August) due by November 4, second quarter (September, October and November) due by February 4, third quarter (December, January and February) due by May 5.

Regarding suggestions that the Commission extend the fourth quarter and the compliance deadline date from August 30 to September 30, we decline to do so due to administrative burdens related to the statutory deadline. The AEPS Act sets the true-up period as the end of the compliance year, May 31, until September 1. See 73 P.S. § 1648.2 (definition of true-up period). This true-up period is to provide EDCs and EGSs "the ability to obtain the required number of alternative energy credits or to make up any shortfall of the alternative energy credits they may be required to obtain to comply with [the AEPS Act]." 73 P.S. § 1648.3(e)(5). Extending the fourth quarter reporting period would extend the date when the program administrator could provide the final AEC requirements for each EDC and EGS, giving even less time for EDCs and EGSs to acquire and reserve the appropriate number of credits during the true-up period. Extending the deadline for final compliance determination to September 30 would not provide any benefit as the EGSs or EDCs would have no opportunity to true-up their accounts. For these reasons, we decline to adopt this suggestion.

Regarding the concerns raised by PPL and EAP about reporting EGS load data, we note that it is the EDC that has this meter data and reports it to PJM for settlement. The Commission is not asking for any other data. Also, we note that, to date, all other EDCs have been able to provide this data in a timely manner. In fact, PPL has

also provided this data at times, when asked, as it suggested, to verify EGS data. We also find it significant that this data has been requested of and provided by EDCs since 2009, giving PPL more than five years to devise a process to provide the data. Finally, we note that the sooner the program administrator obtains data regarding all load, the sooner the quarterly adjustments can be computed and the sooner the EDCs and EGSs can be informed of their nonsolar Tier I requirements. Accordingly, we find that this requirement does not impose an undue burden on the EDCs.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 23, 2014, the Commission submitted a copy of the notice of proposed rulemaking, published at 44 Pa.B. 4179, to IRRC and the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Consumer Affairs Committee for review and comment.

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

Under section 5.1(e) of the Regulatory Review Act (71 P.S. § 745.5a(e)), IRRC met on June 30, 2016, and disapproved the final-form rulemaking. Under section 6(a) of the Regulatory Review Act (71 P.S. § 745.6(a)), IRRC issued its second disapproval order to the Commission and the House and Senate Committees on July 12, 2016.

Neither Committee reported a concurrent resolution on or before July 26, 2016, as provided under section 7(d) of the Regulatory Review Act. Therefore, the House and Senate Committees are deemed to have approved the final-form rulemaking on that date.

The Commission submitted the final-form rulemaking to the Office of Attorney General for review under section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)). Contingent upon adoption of a change directed by the Office of Attorney General, which the Commission has done in its Second Amended Final Rulemaking, this final-form rulemaking was approved for form and legality by the Office of Attorney General on October 5, 2016.

Conclusion

Accordingly, under 66 Pa.C.S. §§ 501, 1501 and 2807(e), sections 1648.7(a) and 1648.3(e)(2) of the Alternative Energy Portfolio Standards Act of 2004 (73 P.S. §§ 1648.7(a) and 1648.3(e)(2)); the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1102—1208), known as the Commonwealth Documents Law, and the regulations promulgated hereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5, the Commission adopts the revisions to its regulations pertaining to the alternative energy portfolio standard obligation, and its provisions for net metering and interconnection, as noted and set forth in Annex A; *Therefore,*

It Is Ordered That:

1. The regulations of the Commission, 52 Pa. Code Chapter 75, are amended by adding §§ 75.16, 75.17, 75.71 and 75.72 and amending §§ 75.1, 75.12—75.14, 75.22, 75.31, 75.39, 75.40, 75.51 and 75.61—75.65 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(Editor's Note: The proposed amendments to § 75.34 included in the proposed rulemaking have been withdrawn by the Commission.)

2. A copy of this order and Annex be served on the Department of Environmental Protection, all jurisdictional electric distribution companies, the Office of Consumer Advocate, the Office of Small Business Advocate, the Commission's Bureau of Investigation and Enforcement, the Energy Association of Pennsylvania, the Retail Energy Supply Association and the parties in the matter of *Larry Moyer v. PPL Electric Utilities Corp.*, at Docket No. C-2011-2273645.

3. The Law Bureau shall deposit this order, Annex A and Annex B with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

4. These regulations shall become effective upon publication in the *Pennsylvania Bulletin*.

5. The contact person for technical issues related to this rulemaking is Scott Gebhardt, Bureau of Technical Utility Services, (717) 787-2139. The contact person for legal issues related to this rulemaking is Kriss Brown, Assistant Counsel, Law Bureau, (717) 787-4518. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Alyson Zerbe, Regulatory Coordinator, Law Bureau, (717) 772-4597.

ROSEMARY CHIAVETTA,
Secretary

(Editor's Note: See 46 Pa.B. 4029 (July 23, 2016) for IRRC's disapproval order.)

Fiscal Note: Fiscal Note 57-304 remains valid for the final adoption of the subject regulations.

Statement of Chairperson Gladys M. Brown

Today, the Commission revisits the revisions to our net metering and interconnection regulations pursuant to the Alternative Energy Portfolio Standards Act (AEPS). The revision to the definition of "utility" included in this iteration of the regulations is an effort to accommodate the concerns voiced by the Independent Regulatory Review Commission, the office of Attorney General, and stakeholders in the rulemaking process. I believe that the revised definition of utility is consistent with the AEPS and is in the public interest.

I also wish to state that the revisions made to these net metering regulations are not an attempt to address any court challenges currently being made regarding net metering tariffs or rules for the very reason that they are "ongoing" and not yet resolved.

GLADYS M. BROWN,
Chairperson

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 75. ALTERNATIVE ENERGY PORTFOLIO STANDARDS

Subchapter A. GENERAL PROVISIONS

§ 75.1. Definitions.

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

Act—The Alternative Energy Portfolio Standards Act (73 P.S. §§ 1648.1—1648.8), as amended by 66 Pa.C.S. § 2814 (relating to additional alternative energy sources).

Aggregator—A person or entity that maintains a contract with multiple individual alternative energy system owners to facilitate the sale of alternative energy credits on behalf of multiple alternative energy system owners.

Alternative energy credit—A tradable instrument that is used to establish, verify and monitor compliance with the act. A unit of credit must equal 1 megawatt hour of electricity from an alternative energy source. An alternative energy credit shall remain the property of the alternative energy system until the alternative energy credit is voluntarily transferred by the alternative energy system.

Alternative energy sources—The term includes the following existing and new sources for the production of electricity:

- (i) Solar photovoltaic or other solar electric energy.
- (ii) Solar thermal energy.
- (iii) Wind power.
- (iv) Large-scale hydropower, which means the production of electric power by harnessing the hydroelectric potential of moving water impoundments, including pumped storage that does not meet the requirements of low-impact hydropower.
- (v) Low-impact hydropower consisting of any technology that produces electric power and that harnesses the hydroelectric potential of moving water impoundments if one of the following applies:

(A) The hydropower source has a Federal Energy Regulatory Commission (FERC) licensed capacity of 21 MW or less and was issued its license by January 1, 1984, and was held on July 1, 2007, in whole or in part, by a municipality located wholly within this Commonwealth or by an electric cooperative incorporated in this Commonwealth.

(B) The incremental hydroelectric development:

(I) Does not adversely change existing impacts to aquatic systems.

(II) Meets the certification standards established by the Low Impact Hydropower Institute and American Rivers, Inc., or their successors.

(III) Provides an adequate water flow for protection of aquatic life and for safe and effective fish passage.

(IV) Protects against erosion.

(V) Protects cultural and historic resources.

(VI) Was completed after the effective date of the act.

(vi) Geothermal energy, which means electricity produced by extracting hot water or steam from geothermal reserves in the earth's crust and supplied to steam turbines that drive generators to produce electricity.

(vii) Biomass energy, which means the generation of electricity utilizing the following:

(A) Organic material from a plant that is grown for the purpose of being used to produce electricity or is protected by the Federal Conservation Reserve Program (CRP) and provided further that crop production on CRP lands does not prevent the achievement of the water quality protection, soil erosion prevention or wildlife enhancement purposes for which the land was primarily set aside.

(B) Solid nonhazardous, cellulosic waste material that is segregated from other waste materials, such as waste pallets, crates and landscape or right-of-way tree trimmings or agricultural sources, including orchard tree crops, vineyards, grain, legumes, sugar and other byproducts or residues.

(C) Generation of electricity utilizing by-products of the pulping process and wood manufacturing process, including bark, wood chips, sawdust and lignin in spent pulping liquors from alternative energy systems located in this Commonwealth.

(viii) Biologically derived methane gas, which includes methane from the anaerobic digestion of organic materials from yard waste, such as grass clippings and leaves, food waste, animal waste and sewage sludge. The term also includes landfill methane gas.

(ix) Fuel cells, which means any electrochemical device that converts chemical energy in a hydrogen-rich fuel directly into electricity, heat and water without combustion.

(x) Waste coal, which includes the combustion of waste coal in facilities in which the waste coal was disposed or abandoned prior to July 31, 1982, or disposed of thereafter in a permitted coal refuse disposal site regardless of when disposed of, and used to generate electricity, or other waste coal combustion meeting alternate eligibility requirements established by regulation. Facilities combusting waste coal shall use at a minimum a combined fluidized bed boiler and be outfitted with a limestone injection system and a fabric filter particulate removal system. Alternative energy credits shall be calculated based upon the proportion of waste coal utilized to produce electricity at the facility.

(xi) Coal mine methane, which means methane gas emitting from abandoned or working coal mines.

(xii) Demand-side management consisting of the management of customer consumption of electricity or the demand for electricity through the implementation of:

(A) Energy efficient technologies, management practices or other strategies in residential, commercial, industrial, institutional and government customers that shift electric load from periods of higher demand to periods of lower demand.

(B) Load management or demand response technologies, management practices or other strategies in residential, commercial, industrial, institutional and government customers that shift electric load from periods of higher demand to periods of lower demand.

(C) Industrial by-product technologies consisting of the use of a by-product from an industrial process, including reuse of energy from exhaust gases or other manufacturing by-products that are used in the direct production of electricity at the facility of a customer.

(xiii) Distributed generation systems, which means the small-scale power generation of electricity and useful thermal energy from systems with a nameplate capacity not greater than 5 MW.

Alternative energy system—A facility or energy system that uses a form of alternative energy source to generate electricity and delivers the electricity it generates to the distribution system of an EDC or to the transmission system operated by a regional transmission organization.

Competitive transition charge—A nonbypassable charge applied to the bill of every customer accessing the transmission or distribution network which charge is designed to recover an electric utility's transition or stranded costs.

Cost recovery period—The longer of:

(i) The period during which competitive transition charges under 66 Pa.C.S. § 2808 (relating to competitive transition charge) or intangible transition charges under 66 Pa.C.S. § 2812 (relating to approval of transition bonds) are recovered.

(ii) The period during which an EDC operates under a Commission-approved generation rate plan that has been approved prior to or within 1 year of February 28, 2005, but the cost-recovery period under the act may not extend beyond December 31, 2010.

Customer-generator—A retail electric customer that is a nonutility owner or operator of a net metered distributed generation system with a nameplate capacity of not greater than 50 kilowatts if installed at a residential service or not larger than 3,000 kilowatts at other customer service locations, except for customers whose systems are above 3 megawatts and up to 5 megawatts who make their systems available to operate in parallel with the electric utility during grid emergencies as defined by the regional transmission organization or where a microgrid is in place for the primary or secondary purpose of maintaining critical infrastructure, such as homeland security assignments, emergency services facilities, hospitals, traffic signals, wastewater treatment plants or telecommunications facilities, provided that technical rules for operating generators interconnected with facilities of an EDC, electric cooperative or municipal electric system have been promulgated by the institute of electrical and electronic engineers and the Commission.

DSP—Default service provider—An EDC within its certified service territory or an alternative supplier approved by the Commission that provides generation service when one of the following conditions occurs:

(i) A contract for electric power, including energy and capacity, and the chosen EGS does not supply the service to a retail electric customer.

(ii) A retail electric customer does not choose an alternative EGS.

Department—The Department of Environmental Protection of the Commonwealth.

EDC—Electric distribution company—The public utility providing facilities for the jurisdictional transmission and distribution of electricity to retail customers, except building or facility owners/operators that manage the internal distribution system serving the building or facility and that supply electric power and other related electric power services to occupants of the building or facility.

EGS—Electric generation supplier—

(i) A person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to December 16, 2006, brokers and marketers, aggregators or any other entities, that sells to end-use customers electricity or related services utilizing the jurisdictional transmission and distribution facilities of an EDC or that purchases, brokers, arranges or markets electricity or

related services for sale to end-use customers utilizing the jurisdictional transmission and distribution facilities of an EDC.

(ii) The term excludes building or facility owner/operators that manage the internal distribution system serving the building or facility and that supply electric power and other related power services to occupants of the building or facility.

(iii) The term excludes electric cooperative corporations except as provided in 15 Pa.C.S. Chapter 74 (relating to generation choice for customers of electric cooperatives).

Force majeure—

(i) Upon its own initiative or upon a request of an EDC or an EGS, the Commission, within 60 days, will determine if alternative energy resources are reasonably available in the marketplace in sufficient quantities for the EDCs and the EGSs to meet their obligations for that reporting period under the act. In making this determination, the Commission will consider whether EDCs or EGSs have made a good faith effort to acquire sufficient alternative energy to comply with their obligations. Evidence of good faith efforts include:

(A) Banking alternative energy credits during transition periods.

(B) Seeking alternative energy credits through competitive solicitations.

(C) Seeking to procure alternative energy credits or alternative energy through long-term contracts.

(D) Other competent evidence the commission credits as demonstrating a good faith effort.

(ii) In further making its determination, the Commission will assess the availability of alternative energy credits in the Generation Attributes Tracking System or its successor, and the availability of alternative energy credits generally in this Commonwealth and other jurisdictions in the PJM Interconnection, LLC regional transmission organization or its successor. The Commission may also require solicitations for alternative energy credits as part of default service before requests of force majeure may be made.

(iii) If the Commission determines that alternative energy resources are not reasonably available in sufficient quantities in the marketplace for the EDCs and EGSs to meet their obligations under the act, the Commission will modify the underlying obligation of the EDC or EGS or recommend to the General Assembly that the underlying obligation be eliminated. Commission modification of the EDC or EGS obligations under the act will be for that compliance period only. Commission modification may not automatically reduce the obligation for subsequent compliance years.

(iv) If the Commission modifies the EDC or EGS obligations under the act, the Commission may require the EDC or EGS to acquire additional alternative energy credits in subsequent years equivalent to the obligation reduced by a force majeure declaration when the Commission determines that sufficient alternative energy credits exist in the marketplace.

*Grid emergencies—*An emergency condition as defined in the PJM Interconnection, LLC Open Access Transmission Tariff or successor document.

*kW—Kilowatt—*A unit of power representing 1,000 watts. A kW equals 1/1000 of a MW.

*MW—Megawatt—*A unit of power representing 1,000,000 watts. An MW equals 1,000 kW.

*Microgrid—*A system analogous to the term distributed resources (DR) island system, when parts of the electric distribution system have DR and critical infrastructure load in a combination so as to give the EDC the ability to safely and intentionally disconnect that section of the distribution system from the rest of the distribution system and operate it as an island during emergency situations.

*Moving water impoundment—*A physical feature that confines, restricts, diverts or channels the flow of surface water, including in-stream hydroelectric generating technology and equipment.

*Municipal solid waste—*The term includes energy from existing waste to energy facilities which the Department has determined are in compliance with current environmental standards, including the applicable requirements of the Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and associated permit restrictions and the applicable requirements of the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

*RTO—Regional transmission organization—*An entity approved by the FERC that is created to operate and manage the electrical transmission grids of the member electric transmission utilities as required under FERC Order 2000, Docket No. RM99-2-000, FERC Chapter 31.089 (1999) or any successor organization approved by the FERC.

*Reporting period—*The 12-month period from June 1 through May 31. A reporting year shall be numbered according to the calendar year in which it begins and ends.

Retail electric customer—

(i) A direct purchaser of electric power.

(ii) The term excludes an occupant of a building or facility where the following apply:

(A) The owners/operators manage the internal distribution system serving the building or facility and supply electric power and other related power services to occupants of the building or facility.

(B) The owners/operators are direct purchasers of electric power.

(C) The occupants are not direct purchasers.

*Stranded costs—*An electric utility's known and measurable net electric generation-related costs, determined on a net present value basis over the life of the asset or liability as part of its restructuring plan, which traditionally would be recoverable under a regulated environment but which may not be recoverable in a competitive electric generation market and which the Commission determines will remain following mitigation by the electric utility.

*Tier I alternative energy source—*Energy derived from:

(i) Solar photovoltaic and solar thermal energy.

(ii) Wind power.

(iii) Low-impact hydropower.

(iv) Geothermal energy.

(v) Biologically derived methane gas.

(vi) Fuel cells.

(vii) Biomass energy.

(viii) Coal mine methane.

Tier II alternative energy source—Energy derived from:

- (i) Waste coal.
- (ii) Distributed generation systems.
- (iii) Demand-side management.
- (iv) Large-scale hydropower.
- (v) Municipal solid waste.
- (vi) Generation of electricity utilizing by-products of the pulping process and wood manufacturing process, including bark, wood chips, sawdust and lignin in spent pulping liquors from alternative energy systems located outside this Commonwealth.
- (vii) Integrated combined coal gasification technology.

True-up period—The period each year from the end of the reporting year until September 1.

Useful thermal energy—

(i) Thermal energy created from the production of electricity which would otherwise be wasted if not used for other nonelectric generation, beneficial purposes.

(ii) The term does not apply to the use of thermal energy used in combined-cycle electric generation facilities.

Utility—

(i) A business, person or entity whose primary purpose, character or nature is the generation, transmission, distribution or sale of electricity at wholesale or retail.

(ii) The term excludes building or facility owners or operators that manage the internal distribution system serving the building or facility and that supply electric power and other related power services to occupants of the building or facility.

Subchapter B. NET METERING

§ 75.12. Definitions.

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

Base year—For customer-generators who initiated self generation on or after January 1, 1999, the base year will be the immediate prior calendar year; for all other customer generators, the base year will be 1996.

Billing month—The term has the same meaning as set forth in § 56.2 (relating to definitions).

Customer-generator facility—The equipment used by a customer-generator to generate, manage, monitor and deliver electricity to the EDC.

Electric distribution system—That portion of an electric system which delivers electricity from transformation points on the transmission system to points of connection at a customer's premises.

Meter aggregation—The combination of readings from and billing for all meters regardless of rate class on properties owned or leased and operated by a customer-generator for properties located within the service territory of a single EDC. Meter aggregation may be completed through physical or virtual meter aggregation.

Net metering—The means of measuring the difference between the electricity supplied by an electric utility or EGS and the electricity generated by a customer-generator when any portion of the electricity generated by

the alternative energy generating system is used to offset part or all of the customer-generator's requirements for electricity.

Physical meter aggregation—The physical rewiring of all meters regardless of rate class on properties owned or leased and operated by a customer-generator to provide a single point of contact for a single meter to measure electric service for that customer-generator.

Virtual meter aggregation—The combination of readings and billing for all meters regardless of rate class on properties owned or leased and operated by a customer-generator by means of the EDC's billing process, rather than through physical rewiring of the customer-generator's property for a physical, single point of contact. Virtual meter aggregation on properties owned or leased and operated by the same customer-generator and located within 2 miles of the boundaries of the customer-generator's property and within a single EDC's service territory shall be eligible for net metering. Service locations to be aggregated must be EDC service location accounts, held by the same individual or legal entity, receiving retail electric service from the same EDC and have measureable electric load independent of the alternative energy system. To be independent of the alternative energy system, the electric load must have a purpose other than to support the operation, maintenance or administration of the alternative energy system.

Year and yearly—The period of time from June 1 through May 31.

§ 75.13. General provisions.

(a) EDCs and DSPs shall offer net metering to customer-generators that generate electricity on the customer-generator's side of the meter using Tier I or Tier II alternative energy sources, on a first come, first served basis. To qualify for net metering, the customer-generator shall meet the following conditions:

(1) Have electric load, independent of the alternative energy system, behind the meter and point of interconnection of the alternative energy system. To be independent of the alternative energy system, the electric load must have a purpose other than to support the operation, maintenance or administration of the alternative energy system.

(2) The owner or operator of the alternative energy system may not be a utility.

(3) The alternative energy system must have a nameplate capacity of not greater than 50 kW if installed at a residential service location.

(4) The alternative energy system must have a nameplate capacity not larger than 3 MW at other customer service locations, except when the alternative energy system has a nameplate capacity not larger than 5 MW and meets the conditions in § 75.16 (relating to large customer-generators).

(5) An alternative energy system with a nameplate capacity of 500 kW or more must have Commission approval to net meter in accordance with § 75.17 (relating to process for obtaining Commission approval of customer-generator status).

(b) EGSs may offer net metering to customer-generators, on a first come, first served basis, under the terms and conditions as are set forth in agreements between EGSs and customer-generators taking service from EGSs, or as directed by the Commission.

(c) An EDC shall file a tariff with the Commission that provides for net metering consistent with this chapter. An EDC shall file a tariff providing net metering protocols that enables EGSs to offer net metering to customer-generators taking service from EGSs. To the extent that an EGS offers net metering service, the EGS shall prepare information about net metering consistent with this chapter and provide that information with the disclosure information required under § 54.5 (relating to disclosure statement for residential and small business customers).

(d) An EDC and DSP shall credit a customer-generator at the full retail kilowatt-hour rate, which shall include generation, transmission and distribution charges, for each kilowatt-hour produced by a Tier I or Tier II resource installed on the customer-generator's side of the electric revenue meter, up to the total amount of electricity used by that customer during the billing period. If a customer-generator supplies more electricity to the electric distribution system than the EDC and DSP deliver to the customer-generator in a given billing period, the excess kilowatt hours shall be carried forward and credited against the customer-generator's kilowatt-hour usage in subsequent billing periods at the full retail rate. Any excess kilowatt hours that are not offset by electricity used by the customer in subsequent billing periods shall continue to accumulate until the end of the year. For customer-generators involved in virtual meter aggregation programs, a credit shall be applied first to the meter through which the generating facility supplies electricity to the distribution system, then through the remaining meters for the customer-generator's account equally at each meter's designated rate.

(e) At the end of each year, the DSP shall compensate the customer-generator for any remaining excess kilowatt hours generated by the customer-generator that were not previously credited against the customer-generator's usage in prior billing periods at the DSP's price to compare rate.

(f) The credit or compensation terms for excess electricity produced by customer-generators who are customers of EGSs must be stated in the service agreement between the customer-generator and the EGS. EDCs shall credit customer-generators who are EGS customers for each kilowatt-hour of electricity produced at the EDC's unbundled distribution kilowatt-hour rate. The distribution kilowatt-hour rate credit shall be applied monthly against kilowatt-hour distribution usage. If the customer-generator supplies more electricity to the electric distribution system than the EDC delivers to the customer-generator in any billing period, the excess kilowatt hours shall be carried forward and credited against the customer-generator's unbundled kilowatt-hour distribution usage in subsequent billing periods until the end of the year when all remaining unused kilowatt-hour distribution credits shall be zeroed-out. Distribution credits are not carried forward into the next year.

(g) If a customer-generator switches electricity suppliers, the EDC shall treat the end of the service period as if it were the end of the year.

(h) An EDC and EGS which offer net metering shall submit an annual net metering report to the Commission. The report shall be submitted by July 30 of each year, and include the following information for the reporting period ending May 31 of that year:

- (1) The total number of customer-generator facilities.
- (2) The total estimated rated generating capacity of its net metering customer-generators.

(i) A customer-generator that is eligible for net metering owns the alternative energy credits of the electricity it generates, unless there is a contract with an express provision that assigns ownership of the alternative energy credits to another entity or the customer-generator expressly rejects any ownership interest in alternative energy credits under § 75.14(d) (relating to meters and metering).

(j) An EDC and DSP shall provide net metering at nondiscriminatory rates identical with respect to rate structure, retail rate components and any monthly charges to the rates charged to other customers that are not customer-generators on the same default service rate. An EDC and DSP may use a special load profile for the customer-generator which incorporates the customer-generator's real time generation if the special load profile is approved by the Commission.

(k) An EDC or DSP may not charge a customer-generator a fee or other type of charge unless the fee or charge would apply to other customers that are not customer-generators, or is specifically authorized under this chapter or by order of the Commission. The EDC and DSP may not require additional equipment or insurance or impose any other requirement unless the additional equipment, insurance or other requirement is specifically authorized under this chapter or by order of the Commission.

(l) Nothing in this subchapter abrogates a person's obligation to comply with other applicable law.

§ 75.14. Meters and metering.

(a) A customer-generator facility used for net metering must be equipped with a single bidirectional meter that can measure and record the flow of electricity in both directions at the same rate. If the customer-generator agrees, a dual meter arrangement may be substituted for a single bidirectional meter.

(b) If the customer-generator's existing electric metering equipment does not meet the requirements in subsection (a), the EDC shall install new metering equipment for the customer-generator at the EDC's expense. Any subsequent metering equipment change necessitated by the customer-generator shall be paid for by the customer-generator.

(c) When the customer-generator intends to take title or transfer title to any alternative energy credits which may be produced by the customer-generator's facility, the customer-generator shall bear the cost of additional net metering equipment required to qualify the alternative energy credits in accordance with the act.

(d) When the customer-generator expressly rejects ownership of alternative energy credits produced by the customer-generator's facility, the EDC may supply additional metering equipment required to qualify the alternative energy credit at the EDC's expense. In those circumstances, the EDC shall take title to any alternative energy credit produced. An EDC shall, prior to taking title to any alternative energy credits produced by a customer-generator, fully inform the customer-generator of the potential value of the alternative energy credits and other options available to the customer-generator for the disposition of those credits. A customer-generator is not prohibited from having a qualified meter service provider install metering equipment for the measurement of generation, or from selling alternative energy credits to a third party other than an EDC.

(e) Virtual meter aggregation on properties owned or leased and operated by the same customer-generator shall

be allowed for purposes of net metering. Virtual meter aggregation shall be limited to meters located on properties owned or leased and operated by the same customer-generator within 2 miles of the boundaries of the customer-generator's property and within a single EDC's service territory. All service locations to be aggregated must be EDC service location accounts held by the same individual or legal entity receiving retail electric service from the same EDC and have measureable load independent of any alternative energy system. Physical meter aggregation shall be at the customer-generator's expense. The EDC shall provide the necessary equipment to complete physical aggregation. If the customer-generator requests virtual meter aggregation, it shall be provided by the EDC at the customer-generator's expense. The customer-generator shall be responsible only for any incremental expense entailed in processing his account on a virtual meter aggregation basis.

§ 75.16. Large customer-generators.

(a) This section applies to distributed generation systems with a nameplate capacity above 3 MW and up to 5 MW. The section identifies the standards that distributed generation systems must satisfy to qualify for customer-generator status.

(b) A retail electric customer may qualify its alternative energy system for customer-generator status if it makes its system available to operate in parallel with the grid during grid emergencies by satisfying the following requirements:

(1) The alternative energy system is able to provide the emergency support consistent with the RTO tariff or agreement.

(2) The alternative energy system is able to increase and decrease generation delivered to the distribution system in parallel with the EDC's operation of the distribution system during the grid emergency.

(c) A retail electric customer may qualify its alternative energy system located within a microgrid for customer-generator status if it satisfies the following requirements:

(1) The alternative energy system complies with IEEE Standard 1547.4.

(2) The customer documents that the alternative energy system exists for the primary or secondary purpose of maintaining critical infrastructure.

§ 75.17. Process for obtaining Commission approval of customer-generator status.

(a) This section establishes the process through which EDCs obtain Commission approval to net meter alternative energy systems with a nameplate capacity of 500 kW or greater.

(b) An EDC shall submit a completed net metering application to the Commission's Bureau of Technical Utility Services with a recommendation on whether the alternative energy system complies with the applicable provisions of this chapter and the EDC's net metering tariff provisions within 20 days of receiving a completed application. The EDC shall serve its recommendation on the applicant.

(c) The net metering applicant has 20 days to submit a response to the EDC's recommendation to reject an application to the Bureau of Technical Utility Services.

(d) The Bureau of Technical Utility Services will review the net metering application, the EDC recommendation and applicant response, and make a determination as to whether the alternative energy system complies with this chapter and the EDC's net metering tariff.

(e) The Bureau of Technical Utility Services will approve or disapprove the net metering application within 10 days of an EDC's submission recommending approval. If disapproved, the Bureau of Technical Utility Services will describe in detail the reasons for disapproval. The Bureau of Technical Utility Services will serve its determination on the EDC and the applicant.

(f) The Bureau of Technical Utility Services will approve or disapprove the net metering application within 5 days of an applicant's response to an EDC's recommendation to deny approval, but no more than 30 days after an EDC submits an application with a recommendation to deny approval, whichever is earlier. The Bureau of Technical Utility Services will serve its determination on the EDC and the applicant.

(g) The applicant and the EDC may appeal the determination of the Bureau of Technical Utility Services in accordance with § 5.44 (relating to petitions for reconsideration from actions of the staff).

Subchapter C. INTERCONNECTION STANDARDS

GENERAL

§ 75.22. Definitions.

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

* * * * *

Electric nameplate capacity—The net maximum or net instantaneous peak electric output capacity measured in volt-amperes of a small generator facility, the inverter or the aggregated capacity of multiple inverters at an alternative energy systems location as designated by the manufacturer.

* * * * *

INTERCONNECTION PROVISIONS

§ 75.31. Applicability.

The interconnection procedures apply to customer-generators with small generator facilities that satisfy the following criteria:

(1) The electric nameplate capacity of the small generator facility is equal to or less than 5 MW.

(2) The small generator facility is not subject to the interconnection requirements of an RTO.

(3) The small generator facility is designed to operate in parallel with the electric distribution system.

§ 75.39. Level 3 interconnection review.

(a) Each EDC shall adopt the Level 3 interconnection review procedure in this section. An EDC shall use the Level 3 review procedure to evaluate interconnection requests that meet the following criteria and for interconnection requests considered but not approved under a Level 2 or a Level 4 review if the interconnection customer submits a new interconnection request for consideration under Level 3:

(1) The small generator facility has an electric nameplate capacity that is 5 MW or less.

(2) The small generator facility is less than 5 MW and not certified.

(3) The small generator facility is less than 5 MW and noninverter based.

* * * * *

§ 75.40. Level 4 interconnection review.

* * * * *

(d) When interconnection to circuits that are not networked is requested, upon the mutual agreement of the EDC and the interconnection customer, the EDC may use the Level 4 review procedure for an interconnection request to interconnect a small generator facility that meets the following criteria:

(1) The small generator facility has an electric nameplate capacity of 5 MW or less.

(2) The aggregated total of the electric nameplate capacity of all of the generators on the circuit, including the proposed small generator facility, is 5 MW or less.

* * * * *

DISPUTE RESOLUTION

§ 75.51. Disputes.

(a) A party shall attempt to resolve all disputes regarding interconnection as provided in this chapter promptly, equitably and in a good faith manner.

(b) When a dispute arises, a party may seek immediate resolution through complaint procedures available through the Commission, or an alternative dispute resolution process approved by the Commission, by providing written notice to the Commission and the other party stating the issues in dispute. Dispute resolution will be conducted in an informal, expeditious manner to reach resolution with minimal costs and delay. When available, dispute resolution may be conducted by phone.

(c) Pursuit of dispute resolution may not affect an interconnection applicant with regard to consideration of an interconnection request or an interconnection applicant's position in the EDC's interconnection queue.

Subchapter D. ALTERNATIVE ENERGY PORTFOLIO REQUIREMENT

§ 75.61. EDC and EGS obligations.

(a) EDCs and EGSs shall comply with the act through the acquisition of certified alternative energy credits, each of which shall represent one MWh of qualified alternative electric generation or conservation, whether self-generated, purchased along with the electric commodity or separately through a tradable instrument.

(b) For each reporting period, EDCs and EGSs shall acquire alternative energy credits in quantities equal to a percentage of their total retail sales of electricity to all retail electric customers for that reporting period, as measured in MWh. The credit obligation for a reporting period shall be rounded to the nearest whole number. The required quantities of alternative energy credits for each reporting period are identified in the following schedule, subject to the quarterly adjustment of the nonsolar Tier I obligation under § 75.71 (relating to quarterly adjustment of nonsolar Tier I obligation):

* * * * *

§ 75.62. Alternative energy system qualification.

(a) An application for alternative energy system status shall be submitted on a form developed and made available by the Commission. A copy of the application form

will be made available on the Commission's public Internet domain. An application shall be verified by oath or affirmation as required under § 1.36 (relating to verification).

(b) A completed application and supporting attachments shall be filed with the alternative energy credit program administrator, the Department of Environmental Protection and any other parties that may be designated by the Commission.

(c) A facility, to be qualified for alternative energy system status, shall demonstrate that it is physically located in either:

(1) This Commonwealth.

(2) The control area of an RTO that manages a portion of the electric transmission system in this Commonwealth.

(d) Alternative energy credits derived from alternative energy sources located outside the geographical boundaries of this Commonwealth but within the control area of an RTO that manages the transmission system in any part of this Commonwealth shall only be eligible to meet the compliance requirements of EDCs or EGSs located within the service territory of the same RTO. For purposes of compliance with the act, alternative energy sources located in the control area of the PJM Interconnection, LLC RTO or its successor shall be eligible to fulfill compliance obligations of all Pennsylvania EDCs and EGSs.

(e) A facility, to be qualified for alternative energy system status, shall demonstrate that it generates electricity from or conserves electricity through a Tier I or Tier II alternative energy source.

(f) A facility may not be qualified unless the Department has verified compliance with applicable environmental regulations, and the standards set forth in section 2 of the act (73 P.S. § 1648.2).

(g) A facility's alternative energy system status may be suspended or revoked for noncompliance with this chapter, including the following circumstances:

(1) Providing false information to the Commission, credit registry or program administrator.

(2) Department notification to the Commission of violations of standards in section 2 of the act.

§ 75.63. Alternative energy credit certification.

(a) An alternative energy credit may be certified by the Commission for each MWh of electricity generated by qualified alternative energy systems on or after February 28, 2005.

(b) An alternative energy credit may be certified by the Commission for each MWh of electricity conserved by qualified alternative energy systems or demand side management on or after November 30, 2004.

(c) An alternative energy credit may not be certified for a MWh of electricity generation or electricity conservation that has already been used to satisfy another state's renewable energy portfolio standard, alternative energy portfolio standard or other comparable standard.

(d) An alternative energy credit already purchased by individuals, businesses or government bodies that do not have a compliance obligation under the act may not be certified for a MWh of electricity generation or electricity conservation unless the individual, business or government body sells those credits to the EDC or EGS.

(e) When an alternative energy system relies on more than one fuel source or technology, alternative energy credits shall be certified for that portion of the electric generation that is derived from an alternative energy fuel source or technology.

(f) For all alternative energy systems except solar photovoltaic systems with a nameplate capacity of 15 kilowatts or less, alternative energy credit certification shall be verified by metered data obtained from or by one of the following:

- (1) An RTO.
- (2) The credits registry designated under § 75.70 (relating to alternative energy credit registry).
- (3) The administrator designated under § 75.64 (relating to alternative energy credit program administrator).

(g) For solar photovoltaic alternative energy systems with a nameplate capacity of 15 kW or less that are installed or that increase nameplate capacity on or after May 18, 2017, alternative energy credit certification shall be verified by the administrator designated under § 75.64 using metered data. For solar photovoltaic alternative energy systems with a nameplate capacity of 15 kW or less that are installed before May 18, 2017, alternative energy credit certification shall be verified by the administrator using either metered data or estimates. The use of estimates is subject to the following conditions:

- (1) A revenue grade meter has not been installed to measure the output of the alternative energy system.
- (2) The alternative energy system has not used actual meter or other monitoring system readings for determining system output in the past.
- (3) The solar photovoltaic alternative energy system has either a fixed solar orientation or a one-axis or two-axis automated solar tracking system.
- (4) The solar photovoltaic alternative energy system is comprised of crystalline silicon modules or a type of module that meets the criteria of the program used by the program administrator to calculate the estimates.
- (5) The program administrator has deemed the solar photovoltaic alternative energy system eligible to utilize estimates based on the verified output of the alternative energy system.

(h) An alternative energy credit represents the attributes of 1 MWh of electric generation that may be used to satisfy the requirements of § 75.61 (relating to EDC and EGS obligations). The alternative energy credit shall remain the property of the alternative energy system until voluntarily transferred. A certified alternative energy credit does not automatically include environmental, emissions or other attributes associated with 1 MWh of electric generation. Parties may bundle the attributes unrelated to compliance with § 75.61 with an alternative energy credit, or, alternatively, sell, assign or trade them separately.

(i) An alternative energy system may begin to earn alternative energy credits on the date a complete application is filed with the administrator, provided that a meter or inverter reading is included with the application.

(j) An alternative energy system application may be rejected if the applicant does not respond to a program administrator request for information or data within 90 days. An application that is not approved within 180 days of its submission due to the applicant's failure to provide

information or data to the program administrator will be deemed rejected unless affirmatively held open by the program administrator.

(k) Alternative energy system generation or conservation data entered into the credit registry will be allocated to the compliance year in which the generation or conservation occurred to ensure that alternative energy credits are certified with the correct vintage year.

§ 75.64. Alternative energy credit program administrator.

(a) The Commission may select an independent entity to act as a program administrator and perform administrative functions necessary to the implementation of this chapter. If an independent entity is not selected to act as a program administrator, the Commission will perform the functions identified in this section.

(b) The program administrator will have the following powers and duties in regard to alternative energy system qualification:

(1) Distribute, receive and review applications for alternative energy system qualification.

(2) Reject applications that are incomplete or do not adhere to the application instructions.

(3) Determine whether an application satisfies the geographic eligibility standard in § 75.62(c) (relating to alternative energy system qualification) and reject applications that fail this standard.

(4) Qualify applicants for alternative energy system status who have filed a complete application, adhered to application instructions, satisfied the geographic eligibility standard, complied with environmental regulations and utilized an alternative energy fuel source or technology.

(5) The program administrator will provide written notice to applicants of its qualification decision within 30 days of receipt of a complete application form.

(6) The program administrator may suspend or revoke the qualification of an alternative energy system and withhold or retire past, current or future alternative energy credits attributed to an alternative energy system for noncompliance with this chapter, including the following circumstances:

(i) It no longer satisfies the alternative energy system qualification standards in § 75.62.

(ii) The owner or aggregator of the alternative energy system provides false or incorrect information in an application.

(iii) The owner or aggregator of the alternative energy system fails to notify the program administrator of changes to the alternative energy system that effect the alternative energy system's generation output.

(iv) The owner or aggregator of the alternative energy system fails to notify the program administrator of a change in ownership or aggregator of the alternative energy system.

(v) The owner or aggregator provides false or inaccurate information to the credit registry.

(vi) The owner or aggregator fails to respond to data and information requests from the Commission, Department or program administrator.

(c) The program administrator shall have the following powers and duties regarding the verification of compliance with this chapter:

(1) At the end of each reporting period, the program administrator shall verify the EDC and EGS reported load, and provide written notice to each EDC and EGS of its compliance obligations within 45 days of the end of the reporting period.

(2) At the end of each true-up period, the administrator shall verify compliance with § 75.61 (relating to EDC and EGS obligations) for all EDCs and EGSs. The administrator will provide written notice to each EDC and EGS of a final assessment of its compliance status within 45 days of the end of the true-up period.

(3) EDCs and EGSs shall provide all information to the program administrator necessary to verify compliance with § 75.61 including the prices paid for the alternative energy credits used for compliance. The pricing information must include a per credit price for any credits used for compliance that were not self-generated or bundled with energy.

(4) The program administrator shall provide a report to the Commission's Bureau of Technical Utility Services within 45 days of the end of the true-up period that identifies the compliance status of all EDCs and EGSs. The report provided after the end of the true-up period shall propose alternative compliance payment amounts for each EDC and EGS that is noncompliant with § 75.61 for that reporting period. As part of this report, the administrator shall identify the average market value of alternative energy credits derived from solar photovoltaic energy sold in the reporting period for each RTO that manages a portion of this Commonwealth's transmission system.

(d) The program administrator shall have the following powers and duties relating to alternative energy credit certification:

(1) The program administrator may not certify an alternative energy credit already purchased by individuals, businesses or government bodies that do not have a compliance obligation under the act unless the individual, business or government body sells those credits to the EDC or EGS.

(2) The program administrator may not certify an alternative energy credit for a MWh of electricity generation or electricity conservation that has already been used to satisfy another state's renewable energy portfolio standard, alternative energy portfolio standard or other comparable standard.

(3) The program administrator may not certify an alternative energy credit that does not meet the requirements of § 75.63 (relating to alternative energy credit certification).

(e) A decision of the program administrator may be appealed consistent with § 5.44 (relating to petitions for reconsideration from actions of the staff).

(f) The Commission may delegate other responsibilities to the program administrator as may be necessary for the implementation of the act.

§ 75.65. Alternative compliance payments.

(a) Within 15 days of receipt of the report identified in § 75.64(c)(4) (relating to alternative energy credit program administrator), the Commission's Bureau of Technical Utility Services will provide written notice to each EDC and EGS that was noncompliant with § 75.61 (relating to EDC and EGS obligations) of their alternative compliance payment for that reporting period.

(b) Each EDC and EGS shall be assessed an alternative compliance payment according to the following formula:

(1) For noncompliance with the solar photovoltaic requirements identified in § 75.61, an EDC and EGS shall make an alternative compliance payment equal to the following:

(i) The average market value for solar photovoltaic alternative energy credits sold during the reporting period in the RTO control area where the noncompliance occurred.

(ii) Add to value in subparagraph (i), the levelized up-front rebates received by sellers of solar renewable energy credits (calculated as follows: total amount of rebates paid within the previous 20 years, divided by the total kilowatt capacity for which rebates were given in the previous 20 years, divided by 20 (the useful life of a solar photovoltaic system), multiplied by the percentage of alternative energy used during the reporting period originating from jurisdictions where rebates were given).

(iii) Multiply the value in subparagraph (ii) by 200%.

(2) For noncompliance with all other requirements identified in § 75.61, an EDC and EGS shall make an alternative compliance payment equal to \$45 times the number of additional alternative energy credits necessary for compliance in that reporting period.

(3) The costs of alternative compliance payments made under this section may not be recoverable from ratepayers.

(c) EDCs and EGSs shall advise the Bureau of Technical Utility Services in writing within 15 days of the issuance of this notice of their acceptance of the alternative compliance payment determination or, if they wish to contest the determination, file a petition to modify the level of the alternative compliance payment. The petition must include documentation supporting the proposed modification. The Bureau of Technical Utility Services will refer the petition to the Commission's Bureau of Investigation and Enforcement for further actions as may be warranted. Failure of an EDC or EGS to respond to the Bureau of Technical Utility Services within 15 days of the issuance of this notice will be deemed an acceptance of the alternative compliance payment determination.

(d) EDCs and EGSs shall send their alternative compliance payments to a special fund designated by the Commission within 30 days of acceptance of their payment determination, or the conclusion of proceedings before the Commission regarding the modification of the level of payment.

(e) Alternative compliance payments shall be made available to the sustainable energy funds established through the Commission's orders entered under 66 Pa.C.S. § 2806(f) (relating to implementation, pilot programs and performance-based rates), under procedures and standards proposed by the Pennsylvania Sustainable Energy Board and approved by the Commission at Docket M-00031715. See 33 Pa.B. 4263 (August 23, 2003).

(f) Alternative compliance payments made available to the sustainable energy funds shall be utilized solely for projects that increase the amount of electric energy generated from alternative energy resources for purposes of compliance with § 75.61.

(g) The Commission may utilize up to 5% of alternative compliance payments made by EDCs and EGSs for

administrative expenses directly associated with the implementation of this chapter, including the costs of the program administrator.

§ 75.71. Quarterly adjustment of nonsolar Tier I obligation.

(a) The Tier I nonsolar photovoltaic obligation of EDCs and EGSs shall be adjusted quarterly during the reporting period to comply with 66 Pa.C.S. § 2814(c) (relating to additional alternative energy sources).

(b) The quarterly requirement will be determined as follows:

(1) The nonsolar photovoltaic Tier I quarterly percentage increase equals the ratio of the available new Tier I MWh generation to total quarterly EDC and EGS MWh retail sales (new Tier I MWh generation/EDC and EGS MWh retail sales = nonsolar pv Tier I % increase).

(2) The new quarterly nonsolar photovoltaic Tier I requirement equals the sum of the new nonsolar photovoltaic Tier I percentage increase and the annual nonsolar photovoltaic Tier I percentage requirement in § 75.61(b) (relating to EDC and EGS obligations) (nonsolar photovoltaic Tier I % increase + annual nonsolar photovoltaic Tier I % = new quarterly nonsolar photovoltaic Tier I % requirement).

(3) An EDC's or EGS's quarterly MWh retail sales multiplied by the new quarterly nonsolar photovoltaic Tier I requirement (EDC and EGS quarterly MWh × new quarterly nonsolar photovoltaic Tier I % = EDCs' and EGSs' quarterly nonsolar photovoltaic Tier I requirement) yields the quantity of alternative energy credits required by that EDC or EGS for compliance. The EDC and EGS final total annual compliance obligations shall be determined by the program administrator at the end of the compliance year in accordance with § 75.64(c) (relating to alternative energy credit program administrator).

(c) Alternative energy systems qualified consistent with 66 Pa.C.S. 2814(a) and (b) shall grant the program administrator access to their credit registry account information as a condition of certification of any alternative energy credits created under these sections.

§ 75.72. Reporting requirements for quarterly adjustment of nonsolar Tier I obligation.

(a) For purposes of implementing § 75.71 (relating to quarterly adjustment of nonsolar Tier I obligation) EDCs and EGSs shall report their monthly retail sales on a quarterly basis during the reporting period. An EDC shall submit its monthly sales data and the monthly sales data for each EGS serving in its service territory to the program administrator each quarter as follows:

(1) First quarter (June, July and August) due by November 4.

(2) Second quarter (September, October and November) due by February 4.

(3) Third quarter (December, January and February) due by May 5.

(4) Fourth quarter (March, April and May) due by June 30.

(b) Each EGS shall verify its monthly sales data each quarter as follows:

(1) First quarter (June, July and August) due by the second business day after November 4.

(2) Second quarter (September, October and November) due by the second business day after February 4.

(3) Third quarter (December, January and February) due by the second business day after May 5.

(4) Fourth quarter (March, April and May) due by the second business day after June 30.

(c) For purposes of implementing the § 75.71, all Tier I alternative energy systems qualified under 66 Pa.C.S. § 2814(a) and (b) (relating to additional alternative energy sources) shall provide the following information on a monthly basis:

(1) The facility's total generation from qualifying alternative energy sources for the month in MWh, broken down by source.

(2) The amount of alternative energy credits sold in the month to each EDC and EGS with a compliance obligation under the act.

(3) The amount of alternative energy credits sold in the month to any other entity, including EDCs, EGSs and other users for compliance with another state's alternative/renewable energy portfolio standard or sold on the voluntary market. Each alternative energy credit and the entity they were transferred to must be listed.

(4) The amount of alternative energy credits created and eligible for sale during the month but not yet sold.

(5) The sale or other disposition of alternative energy credits created in prior months and transferred in the month, itemized by compliance status (Pennsylvania portfolio standard, other state compliance, voluntary market, and the like).

Annex B

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

October 5, 2016

RE: Public Utility Commission Regulation # 57-304

TO: Bohdan R. Pankiw
Chief Counsel
Public Utility Commission

FROM: Amy M. Elliott
Chief Deputy Attorney General
Legal Review Section

This office is in receipt of the Commission's September 29, 2016, response to our September 1, 2016, tolling memorandum. Having reviewed the Commission's correspondence, we hereby direct the Commission to amend the definition of "utility" in Section 75.1 to read as follows:

Utility—a business, person or entity whose primary purpose, character, or nature is the generation, transmission, distribution or sale of electricity at wholesale or retail. This term excludes building or facility owners or operators that manage the internal distribution system serving such building or facility and that supply electric power and other related power services to occupants of the building or facility.

In consideration of the foregoing, this regulation is hereby approved for form and legality, contingent upon the adoption of this revised definition by the Commission at a Commission Public Meeting as soon as is practical.

Public Utility Commission
 52 Pa. Code Ch. 75
 Implementation of the Alternative Energy
 Portfolio Standards Act of 2004
 FINAL FORM

AME:mlm
 SR-75554-C1ZW

cc: Leslie A. Lewis Johnson, Esq.

[Pa.B. Doc. No. 16-1989. Filed for public inspection November 18, 2016, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CH. 681a]

21 Baccarat; Table Game Rules of Play

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 13A02(1) and (2) (relating to regulatory authority), adds Chapter 681a (relating to 21 Baccarat).

Purpose of this Final-Form Rulemaking

This final-form rulemaking adds a new table game to the compliment of games available for play in this Commonwealth.

Explanation

Section 681a.1 (relating to definitions) contains the definitions used throughout Chapter 681a. Section 681a.2 (relating to 21 Baccarat table; physical characteristics) contains the table physical characteristics. Section 681a.3 (relating to cards; number of decks; value of cards) details the number of cards and decks used to play the game. Section 681a.4 (relating to opening of the table for gaming) addresses the opening of the table for gaming. Section 681a.5 (relating to shuffle and cut of the cards) details how the cards are to be shuffled and cut. Section 681a.6 (relating to wagers) outlines the permissible wagers. Section 681a.7 (relating to procedure for dealing the cards; completion of each round of play) addresses how the cards are to be dealt and the round of play is to be completed. Section 681a.8 (relating to payout odds) outlines the permissible payout odds for winning wagers. Section 681a.9 (relating to irregularities) addresses irregularities in play.

In 21 Baccarat, depending on the number of decks used for play of the game, the hold percentage for the optional Tie Wager is either 5.4% or 5.9% and between 5.8% and 8.0% for the optional Bonus Wager.

Comment and Response Summary

Notice of proposed rulemaking was published at 46 Pa.B. 1433 (March 19, 2016). The Board did not receive comments from the regulated community or the Independent Regulatory Review Commission (IRRC) regarding the proposed rulemaking.

Affected Parties

Slot machine licensees may be impacted by this final-form rulemaking as they will have the option to offer another game to patrons at their licensed facilities.

Fiscal Impact

Commonwealth. The Board does not expect that this final-form rulemaking will have a fiscal impact on the Board or other Commonwealth agencies. Updates to Rules Submission forms and internal control procedures will be reviewed by existing Board staff.

Political subdivisions. This final-form rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

Private sector. This final-form rulemaking will provide certificate holders with additional table game options. If a certificate holder decides to offer 21 Baccarat within the licensed facility, the certificate holder will be required to train their dealers on the rules of play and may need to purchase new equipment. Costs incurred to train employees or purchase/lease equipment should be offset by the proceeds of gaming.

General public. This final-form rulemaking will not have fiscal impact on the general public.

Paperwork Requirements

If a certificate holder selects different options for the play of table games, the certificate holder will be required to submit an updated Rules Submission form reflecting the changes. These forms are available and submitted to Board staff electronically.

Effective Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 9, 2016, the Board submitted a copy of the notice of proposed rulemaking, published at 46 Pa.B. 1433, to IRRC and the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, the Board shall submit to IRRC and the House and Senate Committees copies of comments received during the public comment period, as well as other documents when requested.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on October 19, 2016, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, this final-form rulemaking was deemed approved by IRRC effective October 19, 2016.

Findings

The Board finds that:

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

(2) This final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(1) The regulations of the Board, 58 Pa. Code, are amended by adding §§ 681a.1—681a.9 to read as set forth at 46 Pa.B. 1433.

(2) The Chairperson of the Board shall certify this order and 46 Pa.B. 1433 and deposit them with the Legislative Reference Bureau as required by law.

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

DAVID M. BARASCH,
Chairperson

(Editor's Note: See 46 Pa.B. 7051 (November 5, 2016) for IRRC's approval order.)

Fiscal Note: Fiscal Note 125-198 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 16-1990. Filed for public inspection November 18, 2016, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P.L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P.L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P.L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending November 8, 2016.

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

BANKING INSTITUTIONS

Incorporations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-8-2016	Advantage Bank Lemoyne Cumberland County <i>Corresponding Agent</i> Carter D. Frantz, Esquire Bybel Rutledge, LLP 1017 Mumma Road, Suite 302 Lemoyne, PA 17043	Approved

Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-8-2016	Huntingdon Valley Bank Huntingdon Montgomery County Application for approval to convert from a mutual savings bank to a stock savings bank.	Approved

Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-8-2016	Hamilton Bancorp, Inc. Ephrata Lancaster County Application for approval to acquire 100% of the common stock of Stonebridge Bank, West Chester.	Filed

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-8-2016	HV Bancorp, Inc. Huntingdon Montgomery County Application for approval to acquire 100% of Huntingdon Valley Bank, Huntingdon.	Approved
11-8-2016	Hamilton Bancorp, Inc. Ephrata Lancaster County Application for approval to acquire 100% of Stonebridge Bank, West Chester.	Filed

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-7-2016	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	168 North Flowers Mill Road Langhorne Bucks County	Approved

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-7-2016	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	116 West Township Line Road Havertown Delaware County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-4-2016	Northwest Bank Warren Warren County	3670 McKinley Parkway Buffalo Erie County, NY	Closed

CREDIT UNIONS

No activity.

The Department's web site at www.dobs.pa.gov includes public notices for more recently filed applications.

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 16-1991. Filed for public inspection November 18, 2016, 9:00 a.m.]

Adjustment to Definition of "Base Figure" in the Loan Interest and Protection Law

The Department of Banking and Securities (Department), as required by the definition of "base figure" in section 101 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 101), known as the Loan Interest and Protection Law, is publishing the following notice regarding the inflation adjusted base figure for the calendar year 2017. The Department has determined that the current base figure of \$241,324 adjusted for annual inflation using the "Consumer Price Index—All Urban Consumers: U.S. All Items 1982-84 = 100" published by the United States Department of Labor Bureau of Labor Statistics results in a base figure of \$244,856. This new base figure will be effective January 1, 2017, for the calendar year 2017.

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 16-1992. Filed for public inspection November 18, 2016, 9:00 a.m.]

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 2.14 to which was added 2.50 percentage points for a total of 4.64 that by law is rounded off to the nearest quarter at 4 3/4%.

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 16-1993. Filed for public inspection November 18, 2016, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

2017 Annual Action Plan Public Hearing

The Department of Community and Economic Development (Department) is preparing the Commonwealth's 2017 Action Plan of the Consolidated Plan for 2014—2018. The Consolidated Plan (Plan) is a document submitted to the United States Department of Housing and Urban Development (HUD) every 5 years analyzing the needs of the nonentitlement areas of this Commonwealth in the areas of housing including special needs, community development, homelessness prevention and economic development. From this analysis a unified strategy for housing, homelessness and community development programs, including the necessary linkages for building successful neighborhoods and communities, is created. The Action Plan is the annual application to HUD for Federal funds administered by the Commonwealth for the nonentitlement communities of this Commonwealth. The HUD funding programs covered by the Plan and administered by the Department are the Community Development Block Grant (CDBG), the HOME Investment Partnerships, the Emergency Solutions Grant, the CDBG Disaster Recovery and the Neighborhood Stabilization (1 and 3) programs. The Department of Health administers the Housing Opportunities for Persons with AIDS programs. The Pennsylvania Housing Finance Agency administers the National Housing Trust Fund.

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of December 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 December, 2016, is 4 3/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub.L. 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 residential real property which such individual owns and which such individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield

Public Hearing

The first public hearing for the 2017 Action Plan will be conducted electronically by means of the Internet on Thursday, December 8, 2016, at 1:30 pm. This more widely available computer access will replace the onsite public hearing, though interested persons may attend the meeting in person at the Department offices in Harrisburg, PA. The format will be more accessible than in an in person hearing because those who wish to make comment or discuss policy may participate directly from their personal computer or from a computer located at their public library.

Any individual or organization may give testimony or comments by means of the Internet. Comments will be accepted about topics related to the needs of this Commonwealth in the following areas: community development; housing including special needs; homelessness; economic development; any changes to the method of distribution of the existing Federal programs; and the process by which the public input is gathered. In addition a summary of Fiscal Year 2015 will be presented. The Commonwealth encourages public participation in this process.

Anyone who wants to participate must register for the hearing prior to the start time so an attendance record may be verified.

To register for this public hearing go to <https://copa.webex.com/copa/k2/j.php?MTID=tcd4bfedf83ccc7b18c684f94c0b36e62> and register.

Once approved by the host, a confirmation e-mail will be sent with instructions for joining the session.

To view in other time zones or languages, click on <https://copa.webex.com/copa/k2/j.php?MTID=tb88bd19bddc7e9a71c7d6321f91aceb3>.

During the meeting, if support is required, call (717) 787-5327. The hearing will be recorded for public record. The hearing will be shortened if there is no one to testify or there is minimal response.

Anyone who has a disability or limited English proficiency and wishes to participate in the public hearing should contact Megan Snyder, Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, (717) 720-7404 or TDD (717) 346-0308 at a minimum of 72 hours prior to the meeting to discuss how the Department can accommodate their needs.

Written Comments

Written testimony, instead of Internet testimony, must be submitted by 5 p.m. on Friday, January 6, 2017, for review for consideration for the Action Plan. Submit comments to Megan Snyder, Department of Community and Economic Development, Center for Community Financing, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225, RA-DCED cdbg&homequestions@pa.gov.

DENNIS M. DAVIN,
Secretary

[Pa.B. Doc. No. 16-1994. Filed for public inspection November 18, 2016, 9:00 a.m.]

Pennsylvania Housing Advisory Committee Meeting

The Pennsylvania Housing Advisory Committee (Committee) will meet on December 12, 2016, from 1 p.m. to 4 p.m. in the Pennsylvania Housing Finance Agency Board Room, 211 North Front Street, Harrisburg, PA 17101. The Committee is responsible for reviewing Statewide housing, community development and support services, needs and priorities, as well as advising the Department of Community and Economic Development (Department) in the preparation of the Commonwealth Consolidated Plan, annual action plans and the coordination of Federal, State and local resources to manage the implementation of these plans.

As part of the planning process for the 2017 Action Plan of the Consolidated Plan for 2014—2018, the Committee will be meeting in an open forum to discuss the needs of this Commonwealth in terms of housing including special needs, community development, homelessness and economic development. Reports from the six Department regions will be presented on the needs in their respective areas of this Commonwealth. There will also be a presentation of the performance of the 2015 Program Year for the Community Development Block Grant (CDBG), the HOME Investment Partnerships, the Emergency Solutions Grant, CDBG Disaster Recovery, Neighborhood Stabilization Program and Housing Opportunities for Persons with AIDS programs.

Anyone who wishes to attend the Committee meeting must register in advance. Contact Megan Snyder at (717) 720-7404 or TDD (717) 346-0308 to receive information on attending the meetings at least 72 hours prior to the meeting date. There will be WebX capability to attend the meeting remotely so registration is required.

To register for this meeting go to <https://copa.webex.com/copa/k2/j.php?MTID=tefc1db3115fa952f67bdc890c5d2a16> and register. Once approved by the host, a confirmation e-mail will be sent with instructions for joining the session.

To view in other time zones or languages, click on <https://copa.webex.com/copa/k2/j.php?MTID=tb0b9cacfae4c9954c44737432fc7613b>.

Persons with a disability or limited English proficiency, who wish to attend the Committee meeting and require an auxiliary aid, service or other accommodation to participate should contact Megan Snyder, Department of Community and Economic Development, Center for Community Financing, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, (717) 720-7404 or TDD (717) 346-0308 at a minimum of 72 hours before the meeting to discuss how the Department may best accommodate their needs.

DENNIS M. DAVIN,
Secretary

[Pa.B. Doc. No. 16-1995. Filed for public inspection November 18, 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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0217514 (Sewage)	Honeywell Electric Materials 195 Hartzell School Road Fombell, PA 16123	Beaver County Marion Township	Connoquenessing Creek, (20-C)	Yes

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0096890 (Sewage)	Oakridge Hts MHP STP 2 23 Oakridge Hts Drive Oakdale, PA 15071-3914	Allegheny County North Fayette Township	Unnamed Tributary of Robinson Run (20-F)	Yes
PA0218812 (Sewage)	Hillsdale STP 602 Kolter Drive Indiana, PA 15701	Indiana County Montgomery Township	Cush Creek (8-B)	No
PA0218928 (Sewage)	Cadogan Township PO Box 309 Cadogan, PA 16212-0309	Armstrong County Cadogan Township	Glade Run (17-E)	Yes
PA0253219 (Sewage)	Cowansville STP 106 Cherry Orchard Avenue Kittanning, PA 16201	Armstrong County East Franklin Township	Glade Run (17-E)	Yes

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0053970 (Sewage)	Martins Mobile Home Village STP 25 Randy Lane Cochranville, PA 19330	Chester County West Nottingham Township	Unnamed Tributary to North East Creek (7-K)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0228346 (Sewage)	Huston Township Municipal Authority WWTP 11837 Bennetts Valley Highway Suite 2 Penfield, PA 15849-5433	Clearfield County Huston Township	Tyler Run (8-A)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0221007 (Sewage)	Volant Borough STP 525 Main Street Volant, PA 16156-7019	Lawrence County Volant Borough	Neshannock Creek (20-A)	Yes
PA0044067 (Industrial)	Union City Fish Culture Station Benner Spring Fish Research Station 1735 Shiloh Road State College, PA 16801-8451	Erie County Union Township	Bentley Run (16-A)	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.

PA0033626, Sewage, **West Greene School District**, 1367 Hargus Creek Road, Waynesburg, PA 15370. Facility Name: West Greene Jr Sr High School. This proposed facility is located in Center Township, **Greene County**.

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

The receiving stream(s), Hargus Creek, is located in State Water Plan watershed 19-B and is classified for High Quality Waters—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 0.012 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Average Monthly	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	0.012	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Min	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0 Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	0.5	XXX	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	10.0	XXX	XXX	20.0
Total Suspended Solids	XXX	XXX	10.0	XXX	XXX	20.0
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
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	4.5	XXX	XXX	9.0
May 1 - Oct 31	XXX	XXX	1.5	XXX	XXX	3.0
Total Nitrogen	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Daily Max	XXX	XXX

The EPA Waiver is in effect.

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

PA0052451, Sewage, SIC Code 4952, 6513, **Landenberg Village LLC**, 104 Landenberg Road, Suite 3, Landenberg, PA 19350. Facility Name: The Wool House STP. This existing facility is located in New Garden Township, **Chester 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), East Branch White Clay Creek, is located in State Water Plan watershed 3-I and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0012 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 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	0.25	XXX	XXX	25.0	XXX	50
Total Suspended Solids	0.3	XXX	XXX	30.0	XXX	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200.0 Geo Mean	XXX	1000.0
Total Nitrogen	0.24	XXX	XXX	24.2	XXX	XXX
Ammonia-Nitrogen	0.1	XXX	XXX	10.0	XXX	20
Total Phosphorus	0.10	XXX	XXX	10.0	XXX	XXX

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

- Remedial Measures if discharge causes environmental harm to receiving water
- Proper sludge disposal
- Designated responsible operator

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.

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

PA0080748, Sewage, SIC Code 4952, **Northern Lebanon County Authority**, PO Box 434, Jonestown, PA 17038-0434. Facility Name: No Leb County Jonestown STP. This existing facility is located in Union Township, **Lebanon 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), Swatara Creek, is located in State Water Plan watershed 7-D and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.75 MGD.—Limits.

<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>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0 Max	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	156	250	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	188	281	XXX	30.0	45.0	60
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	Report	XXX	XXX	Report	XXX	XXX
May 1 - Oct 31	84	XXX	XXX	13.5	XXX	27
Total Phosphorus	12.5	XXX	XXX	2.0	XXX	4

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	Report	7,306	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	974	XXX	XXX	XXX	XXX

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

- The permittee is granted 1,575 lbs/year Total Nitrogen offsets to meet the Net Total Nitrogen cap load.
- Stormwater prohibition requirement
- Approval Contingencies
- Proper Waste/Solids Management
- Restrictions on accepting hauled in waste under certain conditions

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

The EPA Waiver is not in effect.

PA0266388, Sewage, SIC Code 8811, **Claudia K. Paul**, 302 Guyer Corner Road, New Enterprise, PA 16664. Facility Name: Claudia K Paul Residence. This proposed facility is located in South Woodbury Township, **Bedford County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated SRSTP Sewage to replace a failing on-lot septic system.

The receiving stream(s), Unnamed Tributary to Beaver Creek, is located in State Water Plan watershed 11-D and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		
Ammonia-Nitrogen	XXX	XXX	XXX	5.0	XXX	10.0

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

- An annual inspection by a service provider is required.
- An Annual Monitoring Report (AMR) must be submitted to DEP by June 30 every year.
- The septic tanks must be pumped out once every three years at a minimum.

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

The EPA Waiver is in effect.

PA0046680, Industrial, SIC Code 4953, **Republic Service of PA, LLC**, 4400 Mount Pisgah Road, York, PA 17406. Facility Name: Modern Landfill. This existing facility is located in Windsor Township and Lower Windsor Township, **York County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.5 MGD:

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
					Max	
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	0.25	Report	XXX	0.81
			Avg Mo	Daily Max		
CBOD ₅	41.7	83.4	XXX	10	20	25
Total Suspended Solids	41.7	83.4	XXX	10	20	25
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	4.17	8.34	XXX	1.0	2.0	2.5
Nov 1 - Apr 30	12.5	25.0	XXX	3.0	6.0	7.5
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4
Bis(2-Ethylhexyl)Phthalate	0.062	0.106	XXX	0.0149	0.0253	0.0372
Boron, Total						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	17.2	23.0	XXX	4.12	5.52	10.3
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	129	183	322
Zinc, Total	0.344	0.416	XXX	0.0825	0.0998	0.206
Phenol	0.0289	0.0377	XXX	0.00692	0.00903	0.0173
p-Cresol	0.0112	0.0200	XXX	0.00269	0.00480	0.00672

<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>Daily Maximum</i>	
a-Terpineol	0.0128	0.0264	XXX	0.00307	0.00634	0.00767
Benzoic Acid	0.0567	0.0959	XXX	0.0136	0.0230	0.034
Copper, Total	XXX	XXX	XXX	Report	Report	XXX
Lead, Total	XXX	XXX	XXX	Report	Report	XXX
Tetrachloroethylene	XXX	XXX	XXX	Report	Report	XXX
Color (Pt-Co Units)						
Instream Monitoring	XXX	XXX	XXX	Report	Report	XXX
Effluent	XXX	XXX	XXX	Report	Report	XXX
Downstream Monitoring	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.0 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>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
BOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Antimony, Total	XXX	XXX	XXX	XXX	Report	XXX
Boron, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Hexavalent	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Magnesium, Total	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0.0 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>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
BOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Antimony, Total	XXX	XXX	XXX	XXX	Report	XXX
Boron, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Hexavalent	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Magnesium, Total	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 0.0 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>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
BOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Antimony, Total	XXX	XXX	XXX	XXX	Report	XXX
Boron, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Hexavalent	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	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>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Magnesium, Total	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 005 are based on a design flow of 0.0 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>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
BOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Antimony, Total	XXX	XXX	XXX	XXX	Report	XXX
Boron, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Hexavalent	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Magnesium, Total	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 006 are based on a design flow of 0.0 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>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
BOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Antimony, Total	XXX	XXX	XXX	XXX	Report	XXX
Boron, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Hexavalent	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Magnesium, Total	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX

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

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen (Interim)	Report	Report	XXX	XXX	XXX
Net Total Phosphorus (Interim)	Report	Report	XXX	XXX	XXX
Net Total Nitrogen (Final)	Report	50,803	XXX	XXX	XXX
Net Total Phosphorus (Final)	Report	300	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.

* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2017. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2017.

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

The EPA Waiver is not in effect.

PA0080241, Sewage, SIC Code 8211, **West Perry School District**, 2606 Shermans Valley Road, Elliptsburg, PA 17024-9132. Facility Name: West Perry High School. This existing facility is located in Spring Township, **Perry 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), Montour Creek, is located in State Water Plan watershed 7-A and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0286 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	15	XXX	30
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4

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

The EPA Waiver is in effect.

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

Application No. PA0234052, Concentrated Animal Feeding Operation (CAFO), **James Showers (Showers Farm)**, 767 Gray Hill Road, New Columbia, PA 17856-9407.

James Showers has submitted an application for an Individual NPDES permit for a renewal of a CAFO known as Showers Farm, located in White Deer Township, **Union County**.

The CAFO is situated near an Unnamed Tributary of White Deer Creek in Watershed 10-C, which is classified for High Quality Cold Water Fishes. The CAFO is designed to maintain an animal population of approximately 388.74 animal equivalent units (AEUs) consisting of 2,400 swine, 4 horses, and 39 cattle. Swine manure is collected in an underbarn storage pit, and collected cattle manure is stored in a bank barn. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected.

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

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

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

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. 0216400 A-1, Sewage, **Allegheny County Park Department**, 542 Forbes Avenue, Pittsburgh, PA 15219-2904.

This existing facility is located in Elizabeth Township, **Allegheny County**.

Description of Proposed Action/Activity: Construction of a surge tank at a sewage plant.

WQM Permit No. 0416400, Sewage, **Aliquippa City Municipal Water Authority Beaver County**, 160 Hopewell Avenue, Aliquippa, PA 15001.

This proposed facility is located in Aliquippa City, **Beaver County**.

Description of Proposed Action/Activity: Repair and replacement of a broken sanitary sewer line.

WQM Permit No. 0471406 A-2, Sewage, **Midland Borough Municipal Authority Beaver County**, 10th Street & Railroad Avenue, Midland, PA 15059.

This existing facility is located in Midland Borough, **Beaver County**.

Description of Proposed Action/Activity: Construction of a mechanical bar screen and chlorine system replacement at the sewage treatment plant.

WQM Permit No. 9962S A-4, Sewage, **Borough of Oakmont**, 767 Fifth Street, P.O. Box 206, Oakmont, PA 15139-0206.

This existing facility is located in Oakmont Borough, **Allegheny County**.

Description of Proposed Action/Activity: The applicant proposes to remove and replace an existing mechanically cleaned bar screen, located in the Grit Building South Influent Channel at the Oakmont Borough STP.

WQM Permit No. 0216200, Industrial, **Curtiss-Wright Electro-Mechanical Corporation**, 1000 Wright Way, Cheswick, PA 15024-1300.

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

Description of Proposed Action/Activity: Installation of a pH adjustment system employing mixed bed ion exchange vessels and calcium carbonate polishing for three of the company's wastewater discharges.

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

WQM Permit No. WQG02151607, Sewage, **West Brandywine Township Municipal Authority**, 199 Lafayette Road, West Brandywine, PA 19320.

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

Description of Action/Activity: Proposed pump station reconstruction and new force main installation.

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

WQM Permit No. 5216402, Sewage, **Pike County Environmental**, 1116 Delaware Drive, Matamoras, PA 18336.

This existing facility is located in Westfall Township, **Pike County**.

Description of Proposed Action/Activity: This application is requesting an after-the-fact permit to authorize operation and maintenance of four (4) influent equalization sludge transfer pumps that were installed without a permit for an existing extended aeration wastewater treatment facility known as the Pike County Environmental Wastewater Treatment Plant. The facility primarily treats domestic septic sludges and wastewater treatment plant sludges that are delivered in tanker trucks and discharged into a receiving station. The treated effluent from the wastewater treatment facility will continue to be discharged to the Delaware River through the existing outfall structure.

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

WQM Permit No. 6786201, Amendment No. 1, Industrial Waste, **Republic Services of PA, LLC**, 4400 Mt. Pisgah Road, York, PA 17406.

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

Description of Proposed Action/Activity: Seeking permit approval for the upgrades/construction/operation of the Leachate Treatment Plant for Modern Landfill.

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

WQM Permit No. 4216407, Sewage, **Keating Township McKean County**, PO Box 103, East Smethport, PA 16730.

This proposed facility is located in Keating Township, **McKean County**.

Description of Proposed Action/Activity: New WWTP to provide sewer service to Keating Township, McKean County.

WQM Permit No. 6298414 A-1, Sewage, **North Warren Municipal Authority Warren County**, 44 Hospital Drive, North Warren, PA 16365-4882.

This existing facility is located in Conewango Township, **Warren County**.

Description of Proposed Action/Activity: Wastewater treatment plant improvements.

WQM Permit No. 1016409, Sewage, **Howard Stanford**, 450 Stanford Road, Prospect, PA 16052.

This proposed facility is located in Muddycreek Township, **Butler County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

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

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD150001	Dreamhouse, Inc. 6022 West Chester Pike Newtown Square, PA 19073	Chester	Willistown Township	Hillside Run HQ-TSF
PAI014616003	Bridgeview Development Associates 2701 Renaissance Boulevard King of Prussia, PA 19406	Montgomery	Bridgeport Borough	Schuylkill River WWF-MF
PAI010916008	Solvay USA, Inc. 504 Carnegie Center Princeton, PA 08540-6241	Bucks	Falls Township	Biles Creek WWF-MF
PAI010916006	Richland Township 1328 California Road Quakertown, PA 18951	Bucks	Richland Township	Unami Creek HQ-TSF-MF
PAI011508042-R1	Eagleview Crossing L.P. {The Hankin Group} 707 Eagleview Boulevard Exton, PA 19341	Chester	Uwchlan Township	Shamona Creek HQ-TSF-MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390005	Michael Alderman Liberty Property Limited Partnership 74 W. Broad St, Suite 240 Bethlehem, PA 18018	Lehigh	Lower Macungie Township	Little Lehigh Creek (HQ-CWF, MF) UNT to Little Lehigh Creek (HQ-CWF, MF)
PAI023916022	Bruce Loch Allentown Community Development Corp. 4905 Tilghman St. Allentown, PA 18104	Lehigh	City of Allentown	Little Lehigh Creek (HQ-CWF, MF)
PAD390001	Lucas Marrero Filmtech Corporation 2121 31st St. Allentown, PA 18103	Lehigh	City of Allentown	UNT to Trout Creek (HQ-CWF, MF) UNT to Little Lehigh Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480002	Joe Correia Triple Net Investments XXXVI LP 171 Route 173, Suite 201 Asbury, NJ 08802	Northampton	Hanover Township	Monocacy Creek (HQ-CWF, MF)

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. (412) 442.4315.

<i>Permit No.</i>	<i>Applicant & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAD630006	Summerbrooke, LLC 204 Commerce Boulevard Lawrence, PA 15055	Washington	North Strabane Township	UNT to Little Chartiers Creek (HQ-WWF)

STATE CONSERVATION COMMISSION

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

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

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

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

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

**APPLICATIONS
NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Lamar Sensenig 114 Huckleberry Road Newmanstown, PA 17073 (permit transfer in process from Marlin Sensenig)	Lebanon	66.1	340.19	Poultry— Broilers	NA	Renewal
Pleasant View Farms 2675 Conococheague Road Blain, PA 17006	Perry	1,109.5	1,229.53	Dairy	HQ Shermans Creek	New
Collett Farms, LLC 1118 Luxemburg Rd Lykens, PA 17048	Dauphin	6.5	1,452.9	Poultry, Sheep, Beef	NA	Renewal
Scott Wagner 385 King Pen Road Quarryville, PA 17566	Lancaster	44.4	350.01	Turkeys	HQ	New
Herbruck Poultry Ranch, Inc. 8069 Corner Road Mercersburg, PA 17236	Franklin	311.7	7,560	Poultry— Layers	NA	New
Todd Hiller Hiller Farms 84 Hiller Lane Allenwood, PA 17810	Union	800.6	601.6	Swine	HQ	Renewal
Leroy Troester, Jr Troester Dairy 175 Cannon Road Mifflinburg, PA 17844	Union	986.3	1,324.93	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 (35 P.S. §§ 721.1—721.17)

Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 3616516, Public Water Supply.

Applicant	Western Heights Water Authority
Municipality	Earl Township
County	Lancaster
Responsible Official	Fred Wissler, Chairman 517 North Railroad Avenue New Holland, PA 17557
Type of Facility	Public Water Supply
Consulting Engineer	Mark L. Homan, P.E. Becker Engineering LLC 111 Millersville Road Lancaster, PA 17603
Application Received:	10/6/2016
Description of Action	Replacement of an existing booster pump with a three-pump system operating with a VFD.

Permit No. 0516502, Public Water Supply.

Applicant	Bedford Township Municipal Authority
Municipality	Bedford Township
County	Bedford
Responsible Official	Eric Zembower, Chairman PO Box 371 Bedford, PA 15522
Type of Facility	Public Water Supply
Consulting Engineer	Louis J. Seidel, P.E. Stiffler McGraw & Associates Inc 1731 N Juniata Street Hollidaysburg, PA 16648
Application Received:	10/11/2016
Description of Action	Camp Sunshine water storage tank and water line extension.

Permit No. 2816504 MA, Minor Amendment, Public Water Supply.

Applicant	Shippensburg Borough Authority
Municipality	Lurgen Township
County	Franklin
Responsible Official	John Eply, Borough Manager 111 North Fayeete Street PO Box 129 Shippensburg, PA 17257-2147
Type of Facility	Public Water Supply
Consulting Engineer	Dennis Hammaker, P.E. RETTEW Associates, Inc. 3020 Columbia Avenue Lancaster, PA 17603
Application Received:	10/18/2016
Description of Action	Relocation of the post filtration chlorine injection point at the Gunter Valley Water Treatment Plant.

Permit No. 2816503 MA, Minor Amendment, Public Water Supply.

Applicant	Quincy Township
Municipality	Quincy Township
County	Franklin
Responsible Official	Robert Gunder, Chairman, Board of Supervisors 7575 Mentzer Gap Road Waynesboro, PA 17268
Type of Facility	Public Water Supply
Consulting Engineer	John M. High, P.E. William A. Brindle Associates Inc. 336 Lincoln Way East Chambersburg, PA 17201
Application Received:	9/29/2016
Description of Action	Waterline extension to the PSL water system.

Permit No. 3616514 MA, Minor Amendment, Public Water Supply.

Applicant **Farmersville Mennonite School**
Municipality West Earl Township
County **Lancaster**
Responsible Official David L. Seibel, Head Maintenance
65 E. Farmersville Road
Ephrata, PA 17522

Type of Facility Public Water Supply
Consulting Engineer Charles A. Kehew II, P.E.
James R. Holley & Associates, Inc.
18 South George Street
York, PA 17401

Application Received: 9/29/2016
Description of Action Replacement well for use with existing treatment facility.

Permit No. 2116511 MA, Minor Amendment, Public Water Supply.

Applicant **South Middleton Township Municipal Authority**
Municipality North Middleton Township
County **Cumberland**
Responsible Official Robert L. Kissinger, Manager
345 Criswell Drive
Boiling Springs, PA 17007-0008

Type of Facility Public Water Supply
Consulting Engineer Howard Butler, P.E.
GHD
1240 N Mountain Road
Harrisburg, PA 17112

Application Received: 10/28/2016
Description of Action Repainting and refinishing of Storage Tank No. 2.

Permit No. 2214504, Minor Amendment, Public Water Supply.

Applicant **United Water Pennsylvania**
Municipality Lower Swatara Township
County **Dauphin**
Responsible Official John D. Hollenbach, Vice President
4211 East Park Circle
Harrisburg, PA 17111-0151

Type of Facility Public Water Supply
Consulting Engineer Arthur C. Saunders, P.E.
United Water Pennsylvania
4211 East Park Circle
Harrisburg, PA 17111

Application Withdrawn: 10/6/2016
Description of Action GWR 4-Log inactivation of viruses for EP 105 (SARAA interconnections).

Permit No. 2816505 MA, Minor Amendment, Public Water Supply.

Applicant **Antrim Township Municipal Authority**
Municipality Antrim Township
County **Franklin**
Responsible Official Roger Nowell, Public Works Director
13431 Worleytown Road
Greencastle, PA 17225

Type of Facility Public Water Supply
Consulting Engineer Chad M. Angle, P.E.
CET Engineering Services
1240 N. Mountain Road
Harrisburg, PA 17112

Application Received: 10/31/2016
Description of Action 1,700 ft. waterline extension to State Line Mobile Home Park (PWSID No. 7280015).

Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit No. 1116506, Public Water Supply.

Applicant **Forest Hills Care Home**
313 Humbert Road
Sidman, PA 15955

[Township or Borough] Croyle Township
Responsible Official Kauser Mansori, Owner
313 Humbert Road
Sidman, PA 15955

Type of Facility Water system
Consulting Engineer The EADS Group, Inc.
450 Aberdeen Drive
Somerset, PA 15501

Application Received Date October 26, 2016
Description of Action Construction of a groundwater source for the personal care home.

Permit No. 1116507, Public Water Supply.

Applicant **Ebensburg Municipal Authority**
300 West High Street
Ebensburg, PA 15931

[Township or Borough] Jackson Township
Responsible Official Daniel L. Penatzer, Borough Manager
Ebensburg Municipal Authority
300 West High Street
Ebensburg, PA 15931

Type of Facility Water system
Consulting Engineer Stiffler, McGraw & Associates, Inc.
1731 North Juniata Street
Hollidaysburg, PA 16648

Application Received Date October 31, 2016
Description of Action Installation of a TTHM removal system at the Ogden water storage tank.

Permit No. 6516512, Public Water Supply.
 Applicant **Municipal Authority of Westmoreland County**
 124 Park & Pool Road
 New Stanton, PA 15672

[Township or Borough] Avonmore Borough

Responsible Official William Castelli, Distribution
 Facility Superintendent
 Municipal Authority of
 Westmoreland County
 124 Park & Pool Road
 New Stanton, PA 15672

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering
 Company, Inc.
 1004 Ligonier Street
 Latrobe, PA 15650

Application Received November 4, 2016
 Date

Description of Action Construction of a groundwater
 source for the personal care
 home.

Permit No. 0316503, Public Water Supply.
 Applicant **Pennsylvania American
 Water Company**
 800 West Hersheypark Drive
 Hershey, PA 17033

[Township or Borough] Kittanning Borough
 Rayburn Township

Responsible Official David Kaufman, Vice-President
 Engineering
 Pennsylvania American Water
 Company
 800 West Hersheypark Drive
 Hershey, PA 17033

Type of Facility Kittanning water system

Consulting Engineer American Water Service
 Company
 1025 Laurel Oak Road
 Voorhees, NJ 08043

Application Received October 11, 2016
 Date

Description of Action Installation of inlet
 diffusers/distribution manifolds
 on the clearwell and other
 related work.

WATER ALLOCATIONS

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

*Southcentral Region: Safe Drinking Water Program
 Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-
 8200.*

**WA 36-574G, Water Allocations. East Petersburg
 (PWS ID No. 7360135), Lancaster County.** Water
 Allocation application from East Petersburg Borough,
 Lancaster County. The quantity of the allocation re-
 quested is 360,000 gallons per day (gpd) from the Graver
 Spring located in Manheim Township, Lancaster County.
 Applicant Address: Robin Hemperly, East Petersburg Bor-

ough, 6040 Main Street, East Petersburg, PA 17520.
 Consulting Engineer: Matthew D. Warfel The ARRO
 Consulting, Inc., 108 West Airport Road, Lititz, PA 17543.
 Application Received: 7/18/2016.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environ-
 mental Remediation Standards Act (act) (35 P.S.
 §§ 6026.302—6026.305) require the Department to pub-
 lish 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 remedia-
 tion measures for the site and a description of the
 intended future use of the site. A person who demon-
 strates 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 con-
 tamination identified in reports submitted to and ap-
 proved 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 pub-
 lished in a newspaper of general circulation in the area of
 the site. For the following site, proposed for remediation
 to a site-specific standard or as a special industrial area,
 the municipality, within which the site is located, may
 request to be involved in the development of the remedia-
 tion and reuse plans for the site if the request is made
 within 30 days of the date specified as follows. During
 this comment period, the municipality may request that
 the person identified as the remediator of the site develop
 and implement a public involvement plan. Requests to be
 involved and comments should be directed to the
 remediator of the site.

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

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

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

Arnold R. Cook Estate, 340 Bierys Bridge Road, City of Bethlehem, **Northampton County**. Coventry Environmental Assoc., PO Box 224, St. Peters, PA 19470, on behalf of Kolb, Vasiliadis & Florenz, LLC, 60 West Broad Street, Suite 303, Bethlehem, PA 18018, submitted a Notice of Intent to Remediate. Soil contamination was found at this site during the removal of a 1,000 gallon heating oil underground storage tank. The proposed future use of the property will be residential. The Notice of Intent to Remediate was published in *The Morning Call* on October 21, 2016.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Former Metallurgical Company of America, 8347 Mercer Street, Pulaski Township, **Lawrence County**. R.A.R. Engineering Group, Inc., 1135 Butler Avenue, New Castle, PA 16101, on behalf of Pulaski Industrial Corporation, 8347 Mercer Street, Pulaski, PA 16143, submitted a Notice of Intent to Remediate. Historic industrial operations on the site has resulted in site soils contaminated with arsenic, cadmium, manganese, mercury, nickel and site groundwater contaminated with antimony, cadmium, lead, manganese, and molybdenum. The Site-Specific Standard has been selected for remediation. Proposed future use of the property will be non-residential. The Notice of Intent to Remediate was published in the *New Castle News* on October 12, 2016.

Amphenol Thermometrics, Inc., 967 Windfall Road, City of St. Marys, **Elk County**. MWH Americas, Inc., 200 Lindenwood Drive, Suite 100, Malvern, PA 15857, on behalf of General Electric, 640 Freedom Business Center, King of Prussia, PA 19406, submitted a Notice of Intent to Remediate. During an Environmental Site Assessment, it was discovered that site soil has been impacted with trichloroethene (TCE), 1,1,1-trichloroethane (1,1,1-TCA), 1,1-dichloroethene (1,1-DCE) and site groundwater has been impacted with trichloroethene (TCE) and 1,1-dichloroethene (1,1-DCE). The selected remediation standard is Site-Specific. Intended future use of the site will be industrial. The Notice of Intent to Remediate was published in *The Daily Press* on April 12, 2016.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application for Determination of Applicability Renewal Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and 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

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

General Permit Application No. WMGR028SE001A. Allan Myers L.P. (d.b.a. Allan Myers Materials), 638 Lancaster Avenue, Malvern, PA 19355. This application is for the renewal of the determination of applicability (DOA) under General Permit # WMGR028SE001A for the beneficial use of hot-mix asphalt plant residues consisting

of baghouse fines at Devault Asphalt Plant located at 4045 State Road, in Charlestown Township, **Chester County**. The application for determination of applicability was accepted as administratively complete by the Southeast Regional Office on November 4, 2016.

Comments concerning the application should be directed to the Waste Management Program Manager, DEP Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915. Persons interested in obtaining more information about the general permit application may contact the Southeast Regional Office by telephone at 484-250-5960. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

Application for Determination of Applicability Received under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

General Permit Application No. WMGR098SC001. McConway & Torley, LLC, 230 Railroad Street, Kutztown, PA 19530 in Kutztown Borough and Maxatawny Township, **Berks County**. This general permit is for beneficial use of waste foundry system sand and sand system dust generated by ferrous metal foundries and steel foundries for use as a construction material, or as a soil amendment or soil additive. The application for determination of applicability was determined to be complete on October 31, 2016.

Persons interested in obtaining more information about the general permit application may contact Mr. John Oren, P.E., Permits Section Chief, Southcentral Regional Office, Waste Management Program at 717-705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

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. 100945, Community Refuse Services, LLC, 620 Newville Road Newburg, PA 17240. The application submitted is to renew the Cumberland County Landfill permit. The permit expires November 6, 2017. This application was deemed administratively complete by the Southcentral Regional Office on November 1, 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 Manage-

ment 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

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

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

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

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution

Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

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

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

48-00091A: Lower Mount Bethel Energy LLC (835 Hamilton Street, Allentown, PA 18101-1179) for the modification of their VOC emission limits at the site located in Lower Mt Bethel Twp., **Northampton County**.

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

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

07-03036A: Forsht Products, Inc./Altoona (787 Forsht Lane, Altoona, PA 16601) for construction of a human crematory controlled by an afterburner at the facility in Logan Township, **Blair County**. The facility has the following potential air emissions: 1.68 ton of CO, 2.04 tons of NO_x, 1.61 ton of PM, 0.73 ton of SO_x, and 0.14 ton of VOC. The facility is a State Only facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. The plan approval and subsequent State-Only operating permit will include emission restrictions, work practice standards, and testing, monitoring, record keeping, and reporting requirements to ensure the facility complies with the applicable air quality regulations. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

10-401A: Commercial Asphalt Supply (161 Plain Grove Road, Slippery Rock, PA 16057), The Department intends to issue a plan approval to Commercial Asphalt Supply, the plan approval provides authorization to construct and initially operate a hot mix asphalt plant. This natural minor facility (non-Title V) is to be constructed in Clearfield Township, **Butler County**. This facility will be newly constructed at a site which had previously been used for agriculture. Compliance will be demonstrated through stack testing. The facility's asphalt production rate will be limited to 110% the rate at which the facility was operating during its last successful stack test. Stack testing is to be conducted at the maximum achievable production rate.

This application was reviewed to evaluate the project's incorporation of Best Available Technology. Emissions from the facility will be controlled through combustion technology and a bag house fabric filter.

It is estimated that the potential to emit emission rates from the facility will total: 5.4 tpy of VOC, 13.23 tpy of CO, 5.4 tpy of NO_x, and 4.75 tpy of PM.

Public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44.

The Plan Approval will contain testing, recordkeeping, emission restriction, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

In accordance with 25 Pa. Code § 127.44(e)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(e)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. 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 Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [10-401A: Commercial Asphalt Supply] 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 Christina Nagy, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6411.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104.

Contact: Edward Wiener, Chief—Telephone: 215-685-9426.

The City of Philadelphia, Air Management Services (AMS) intends to renew a Minor State Only Operating Permit for the following facilities:

S1600023: South Eastern Pennsylvania Transportation Authority, Berridge/Courtland Maintenance Shop (at 200 West Wyoming Avenue, Philadelphia, PA 19140) for the operation of a public transportation in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes two each 10.043 MMBTU/hr boilers, two each 5.021 MMBTU/hr boilers, one 2.95 MMBTU/hr, one 3.95 MMBTU/hr heaters, and one 1 MMBTU/hr, two each 0.5 MMBTU/hr, nine each 1.21 MMBTU/hr hot water heaters, six pressure washers, two space heaters and one Catalyst Regeneration Unit, a spray booths, a stage 2 vapor recovery units, a printing presses, an emergency generator, cyclones, and a non-emergency engines.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

N1600018: Social Security Administration Office (At 300 Spring Garden Street, Philadelphia, PA 19123), for the operation of the following sources in the City of Philadelphia, **Philadelphia County**; Three (3) 5.1 MMBTU/hr boilers and one 2.583 MMBTU/hr boiler firing natural and No. fuel oil and One (1) 1,818 HP diesel emergency generator.

The operating permit will be issued under the Pennsylvania Code Title 25, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

N1600020: Weber Displaying & Packaging (at 3500 Richmond Street, Philadelphia, PA 19134), for the operation of the following sources in the City of Philadel-

phia, **Philadelphia County**; One (1) 25 MMBTU/hr boiler firing natural and No. 2 fuel oil and Four (4) Flexographic Press, a cyclone and a baghouse.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

OPERATING PERMITS

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

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

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

46-00011: Arcelormittal Plate LLC (900 Conshohocken Road, Conshohocken, PA 19428) for operation of a blast furnaces and steel mills facility in Plymouth Township, **Montgomery County**. This Significant Permit Modification Application will follow the same procedures that apply to initial permit issuance in accordance with 25 Pa. Code §§ 127.542(b), 127.505 and 127.424. This modification is to address the incorporation of the Department's RACT II requirements found in 25 Pa. Code §§ 129.96—129.100. These RACT revisions will be submitted to EPA to add to the State Implementation Plan. The affected sources for case-by-case RACT are: five furnaces (Sources 101, 102, 106, 110 and 152), addressed in the Title V permit. There will be no changes in actual emissions of any air contaminant, nor will there be any new sources constructed or installed as a result of this action. The significant modification will be incorporated under the Title V operating permit renewal.

The Title V operating permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

36-05001: Armstrong World Industries, Inc. (1507 River Road, Marietta, PA 17547-9403) for operation of their residential and commercial ceiling tile manufacturing plant in East Donegal Township, **Lancaster County**. Actual emissions from the facility in 2015 were estimated at 1,000.87 tons CO, 66.61 tons NO_x, 27.54 tons PM₁₀, 27.54 tons PM_{2.5}, 0.40 ton SO_x, 116.02 tons VOC, 32.03 tons of a single HAP (formaldehyde), and 34.89 tons of combined HAPs. The Title V Operating Permit will

include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code §§ 129.52 and 129.63, 40 CFR 63, Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial and Institutional Boilers and Process Heaters, 40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR 63, Subpart HHHHH—National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing, 40 CFR 60, Subpart UUU—Standards of Performance for Calciners and Dryers in Mineral Industries.

67-05006: York County Solid Waste & Refuse Authority (2700 Black Bridge Road, York, PA 17406) to issue a Title V Operating Permit for the operation of a municipal waste-to-energy plant in Manchester Township, **York County**. The 2015 emissions were 136 tons of carbon monoxide, 394 tons of nitrogen oxide, 10 tons of particulate matter, 29 tons of sulfur dioxide, 2.9 tons of volatile organic compounds, and 3.3 tons of total HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart Cb—Emission Guidelines and Compliance Times for Large Municipal Waste Combustors, and 40 CFR Part 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

07-05008: Team Ten, LLC (1600 Pennsylvania Avenue, Tyrone, PA 16686) to issue a Title V Operating Permit for the paper mill located in Tyrone Borough, **Blair County**. The actual emissions from the facility in 2015 year are estimated at 2,538.09 tons of SO_x; 439.49 tons of NO_x; 79.743 tons of HAPs; 49.98 tons of CO; 35.33 tons of PM₁₀; 12.6 tons of VOC and 1.12 ton of PM_{2.5}. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.63—Degreasing operations; 40 CFR Part 60, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines; 40 CFR Part 60, Subpart Db—Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units and 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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.

09-00141: Lower Bucks County Joint Municipal Authority/Kenwood Station (7811 New Falls Road, Levittown, PA 19058) for the renewal of a State-Only Operating Permit in Bristol Township, **Bucks County**.

The facility is a sewage pumping station consisting of an odor removal scrubber (Source Id C01) and a 364 BHP-emergency generator (Source Id 103). The emergency engine is subject to the regulations of 40 CFR Part 60 Subpart IIII. The permit includes monitoring, recordkeeping, and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00252: H&K Group Inc. (394 S. Sanatoga Road, Pottstown, PA 19464) for a Renewal Non-Title V Facility, State-Only Permit in Lower Pottsgrove Township, **Montgomery County**. H&K does rock crushing and screening at this location. No new changes are being made to the permit at this time. The facility is still subject to 40 CFR 60 Subpart 000. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

23-00048: West Rock CP, (100 McDonald Boulevard, Aston, PA 19014-3202) for the renewal of a synthetic minor operating permit for their facility located in Chester Township, **Delaware County**. This action is to renew the facility's Operating Permit. This facility manufactures corrugated paper for use in cardboard boxes. The renewal will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

39-00009: Martins Creek, LLC, Allentown CTS Site (835 Hamilton Street, Suite 150, Allentown, PA 18101) intends to issue a State Only (Synthetic Minor) Operating Permit for their Allentown CTS Turbine Site located in City of Allentown, **Lehigh County**. The facility is currently operating under Title V Operating Permit 39-00009; however, the permittee has requested voluntary emissions caps in order for the facility to be designated as a Synthetic Minor and below major source thresholds to avoid RACT 2 applicability. The facility's main sources include four (4) General Electric Frame 5/Model L, 269 MMBtu/hour diesel-fired combustion turbines.

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.

40-00017: Martins Creek, LLC, Jenkins CTS Site (835 Hamilton Street, Suite 150, Allentown, PA 18101) intends to issue a State Only (Synthetic Minor) Operating Permit for their Jenkins CTS Turbine Site located in Laffin Borough, **Luzerne County**. The facility is currently operating under Title V Operating Permit 40-00017; however, the permittee has requested voluntary emissions caps in order for the facility to be designated as a Synthetic Minor and below major source thresholds to avoid RACT 2 applicability. The facility's main sources include two (2) General Electric Frame 5/Model L, 269 MMBtu/hour diesel-fired combustion turbines.

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.

40-00022: Martins Creek, LLC, Harwood CTS Site (835 Hamilton Street, Suite 150, Allentown, PA 18101)

intends to issue a State Only (Synthetic Minor) Operating Permit for their Harwood CTS Turbine Site located in Hazle Township, **Luzerne County**. The facility is currently operating under Title V Operating Permit 40-00022; however, the permittee has requested voluntary emissions caps in order for the facility to be designated as a Synthetic Minor and below major source thresholds to avoid RACT 2 applicability. The facility's main sources include two (2) General Electric Frame 5/Model L, 269 MMBtu/hour diesel-fired combustion turbines.

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.

48-00034: Lafayette College (730 High St, Easton, PA 18042) intends to issue a State Only (Synthetic Minor) Operating Permit for their facility located in the City of Easton, **Northampton County**. The facility is currently operating under Title V Operating Permit 48-00034; however, the permittee has requested voluntary emissions caps in order for the facility to be designated as a Synthetic Minor and below major source thresholds to avoid RACT 2 applicability. The facility's main sources include two (2) 30 MMBtu/hr No. 2 and natural gas-fired Keeler boilers, and two (2) 29.5 MMBtu/hr No. 2 and natural gas-fired Nebraska boilers. Other sources at the facility include miscellaneous small natural gas-fired boilers and hot water heaters, miscellaneous natural gas-fired emergency generators, one (1) diesel-fired emergency generator, two (2) diesel-fired emergency fire pumps, and diesel and No. 2 fuel oil storage tanks.

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.

54-00011: Martins Creek, LLC, Fishbach CTS Site (835 Hamilton Street, Suite 150, Allentown, PA 18101) intends to issue a State Only (Synthetic Minor) Operating Permit for their Fishbach CTS Turbine Site located in Norwegian Township, **Schuylkill County**. The facility is currently operating under Title V Operating Permit 54-00011; however, the permittee has requested voluntary emissions caps in order for the facility to be designated as a Synthetic Minor and below major source thresholds to avoid RACT 2 applicability. The facility's main sources include two (2) Pratt-Whitney, 282 MMBtu/hour diesel-fired combustion turbines.

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 Elmer-ton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

36-03005: Intelligencer Printing Co., Inc. (330 Eden Road, PO Box 1768, Lancaster, PA 17608) to issue a renewal of a State Only Operating Permit for the printing operation in Manheim Township, **Lancaster County**. Actual emissions from the facility in 2015 after control were 0.50 ton per year (tpy) CO, 0.59 tpy NO_x, 0.04 tpy PM₁₀ and PM_{2.5}, and 12.4 tpy VOCs. One (1) emergency

generator is subject to MACT 40 CFR Part 63 Subpart ZZZZ and the presses are subject to 25 Pa. Code § 129.67b, "Control of VOC emissions from offset lithographic printing presses and letterpress printing presses." The Operating Permit will include emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

38-03017: Keystone Spikes Corp. (255 N. Lincoln Avenue, Lebanon, PA 17046) to issue a State Only Operating Permit for the railroad spike manufacturing facility located in Lebanon City, **Lebanon County**. The potential emissions from the facility are estimated at 0.99 tpy of PM₁₀, 3.88 tpy of SO_x, 6.90 tpy of NO_x, 4.59 tpy of CO and 0.29 tpy of VOCs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.63 Degreasing operations and 25 Pa. Code § 123.22 Combustion units.

36-05164: Bigbee Steel & Tank Company (4535 Elizabethtown Road, Manheim, PA 17545) to issue a State Only Operating Permit for the steel tank manufacturing facility located in Rapho Township, **Lancaster County**. The actual emissions from the facility in 2015 year are estimated at 10.5 tpy of VOCs and 4.2 tpy of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52 Surface coating processes and 40 CFR Part 60 Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.

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

Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.

OP-03-00185: Vista Metals Inc. (1024 E. Smithfield Street, McKeesport, PA 15135-1031), In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a renewal State Only Operating Permit (SOOP-03-00185) to Vista Metals Inc. to authorize the continued operation of manufacturing of high-strength tungsten carbide preforms located at their Kittanning Powder Plant located in East Franklin Township, **Armstrong County**.

The facility's main sources and controls include; four (4) Attritors, six (6) Ball Mills, one (1) In-Line Screen, two (2) Ross Dryers, one (1) underground Heptane Storage Tank, one (1) Package Boiler System with five modules each rated at 0.3 MMBtu/hr, two (2) Condensers to capture heptane, and one (1) Torit Fabric Dust Collector rated at 7,100 cfm for particulate matter control.

This facility has the potential to emit the following type and quantity of air contaminants (on an annual basis): 49.92 tons of VOC, 0.10 ton of PM₁₀, 0.11 ton of NO_x, and 0.10 ton of CO. SO_x being minimal is not included. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the operating permit have been derived from the applicable requirements of RACT and 25 Pa. Code Chapters 121—145.

Vista Metals State Only Operating Permit renewal application, the Department's Air Quality Review Memorandum, and the proposed Air Quality State Only Operating Permit for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the State Only Operating Permit renewal application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality State Only Operating Permit for this project, a person may contact Jesse Parihar at jparihar@pa.gov or 412.442.4030.

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

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 03-00185) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

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

Comments, protests and requests for a public hearing should be directed to Jesse S. Parihar, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. (jparihar@pa.gov, Fax 412.442.4194).

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

43-00034: Dunbar Asphalt Products, Incorporated Wheatland Plant (PO Box 477, Wheatland, PA 16161) for renewal of the Synthetic Minor Permit to operate an asphalt paving mixtures and block manufacturing facility. The facility's emitting sources include the Rotary Dryer Barber Greene Plant 2 Batch Mix Asphalt (BMA) plant with the associated asphalt handling and storage and the Rotary dryer McCarter Plant 4 BMA plant with the associated asphalt handling and storage. The facility is located in Wheatland Borough, **Mercer County**. The facility is a synthetic minor based on limiting CO emissions. The CO emissions are limited based on a produc-

tion restriction of 495,000 tons product per year based on 12-month rolling total for the facility-wide production. The actual emissions reported by the facility for 2015 were 35.8 TPY CO, 2.0 TPY NO_x, 14.2 TPY PM₁₀, 0.5 TPY SO_x, and 2.1 TPY VOC.

PLAN APPROVALS

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

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

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

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to **Morello Funeral Home, d/b/a Palmer Crematory Services** (3720 Nicholas Street, Easton, PA 18045) for their facility located in Palmer Township, **Northampton County**.

Plan Approval No. 48-00107A is for the construction and operation of a human cremator. This facility is a Non Title V facility. The company has applied to operate the cremator without interlock system & opening of the chamber before it cools to 1,500°F. The company shall comply with 123.41 for opacity. The company will operate the cremator and maintain the system in accordance with the good engineering practices to assure proper operation of the system. 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.: 48-00107A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Group Manager, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Envi-

ronmental Protection (DEP) has received and intends to issue a Plan Approval to **Vita-Line Products Inc.** (1111 North Park Drive, Humboldt Industrial Park, Hazleton, PA 18202) for their facility to be located in Hazle Twp, **Luzerne County**. This Plan Approval No. 40-00123A will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 40-00123A is for the installation of an odor control device. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. The company shall be subject to and comply with 25 Pa. Code § 123.41 for Visible emissions. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 48-00107A 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.

30031301 and NPDES No. PA0235610. Dana Mining Company of PA, LLC, (103 Corporate Drive, Suite 102, Morgantown, WV 26501). To revise the permit for the 4-West Mine in Dunkard and Monongahela Townships, **Greene County** and related NPDES Permit for construction of a pipeline. Surface Acres Proposed 56.0. No additional discharges. The application was considered administratively complete on October 28, 2016. Application received September 8, 2016.

32841601 and NPDES No. PA0214159. Robindale Energy Services, Inc., (224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920). To renew the permit for the Dilltown Facility in Brush Valley Township, **Indiana County** and related NPDES permit. No additional discharges. The application was considered administratively complete on November 1, 2016. Application received February 18, 2016.

56841603 and NPDES No. PA0588504. PBS Coals, Inc., (P.O. Box 260, Friedens, PA 15541). To renew the permit for the Shade Creek Prep Plant in Shade Township, **Somerset County** and related NPDES permit. No additional discharges. The application was considered administratively complete on November 2, 2016. Application received May 6, 2016.

30071301. Contura Freeport, LLC, (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). To transfer the permit for the Freeport Mine in Jefferson and Morgan Townships, **Greene County** from Freeport Mining, LLC. No discharges. The application was considered administratively complete on November 3, 2016. Application received September 8, 2016.

30841307 and NPDES No. PA0213438. Emerald Contura, LLC, (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). To transfer the permit for the Emerald Mine No. 1 in Franklin, Whiteley, Center, Greene, Jefferson and Cumberland Townships, **Greene County** and related NPDES from Emerald Coal Resources, LP. No additional discharges. The application was considered administratively complete on November 3, 2016. Application received September 8, 2016.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.

Permit No. 32150102 and NPDES No. PA0279439, Coal Loaders, Inc., 210 East Main Street, Ligonier, PA 15658, commencement, operation and restoration of a bituminous surface mine in West Wheatfield Township, **Indiana County**, affecting 122 acres. Receiving streams: unnamed tributaries to/and Blacklick Creek to Conemaugh River, classified for the following uses: cold water fishes, trout stocked fishes and warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application Received: October 19, 2016.

The application includes a stream encroachment to construct a proposed temporary stream crossing that will impact 0.011 acre of intermittent stream channel in unnamed tributary No. 1 to Blacklick Creek and will be removed after mining operations. Additionally, the permit will remove 309 linear feet of unnamed tributary No. 2 to Blacklick Creek and reconstruct it after mining.

The application also includes a request for a Section 401 Water Quality Certification.

Permit No. 56060107 and NPDES No. PA0268992, Coal Loaders Inc., 210 East Main Street, Ligonier, PA 15658, permit renewal for reclamation only of a bituminous surface and auger mine in Quemahoning Township, **Somerset County**, affecting 45.9 acres. Receiving streams: Higgins Run, a tributary to Quemahoning Creek, classified for the following use: high quality cold water fishes. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority & Johnstown Water Authority. Application received: October 31, 2016.

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

61980103. Bedrock Mines, LP (111 Freeport Road, Pittsburgh, PA 15215). Revision to an existing bituminous surface mine to change the post-mining land use from forestland and forestland now abandoned to unmanaged natural habitat on the Donna Duffola, Glenn H. McFadden, Thomas Glenn McFadden, and Neil Atwell properties in Irwin Township, **Venango County**. Receiving streams: Scrubgrass Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 24, 2016.

16120104. Ancient Sun, Inc. (P.O. Box 129, Shippenville, PA 16254) Revision to an existing bituminous surface mine to add blasting in Elk Township, **Clarion County**. Receiving streams: One unnamed tributary to Canoe Creek, classified for the following uses: HQ-CWF; and three unnamed tributaries to Deer Creek, classified to the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 24, 2016.

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

03090102 and NPDES Permit No. PA0251623. Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201). Renewal application for continued mining to an existing bituminous surface mine, located in Plumcreek Township, **Armstrong County**, affecting 25.5 acres. Receiving stream: Plum Creek, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: October 28, 2016.

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

Permit No. 49910202R5. Split Vein Coal Co., Inc., (PO Drawer 2, Paxinos, PA 17860), renewal for reclamation activities only of an anthracite coal refuse reprocessing operation in Coal Township, **Northumberland County** affecting 191.0 acres, receiving stream: Shamokin Creek, classified for the use: warm water fishes. Application received: October 20, 2016.

Permit No. 40100201R. Susquehanna Haul & Drilling, LLC, (249 Harland Street, Exeter, PA 18643), renewal of an existing anthracite coal refuse reprocessing operation in Salem Township and Shickshinny Borough, **Luzerne County** affecting 25.0 acres, receiving stream: Paddy Run, classified for the following use: cold water fishes. Application received: October 26, 2016.

Permit No. 54851332R6 and NPDES Permit No. PA0595756. R S & W Coal Company, (P.O. Box 188, Sacramento, PA 17968), renewal of an existing anthracite underground mine operation and NPDES Permit for discharge of treated mine drainage in the City of Pottsville, **Schuylkill County** affecting 2.1 acres, receiving stream: West Branch Schuylkill River, classified for the following uses: cold water and migratory fishes. Application received: October 28, 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.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.

Permit No. 6476SM12 and NPDES NO. PA0612464, N.L. Minich & Sons, Inc., 211 North Middleton Road, Carlisle, PA 17013, renewal of NPDES permit, North Middleton Township, **Cumberland County**. Receiving stream: Meetinghouse Run classified for the following use: warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: October 20, 2016.

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

Permit No. 5777SM4C8 and NPDES Permit No. PA0034690. Barletta Materials & Construction, Inc., (PO Box 550, Tamaqua, PA 18252), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Nescopeck Township, **Luzerne County** affecting 175.2 acres, receiving streams: unnamed tributary to Susquehanna River and Susquehanna River, classified for the following uses: cold water and migratory fishes and warm water and migratory fishes. Application received: October 20, 2016.

Permit No. 58120803. Springville, LP, (8 Millers Crossing, Tenafly, NJ 07670), Stage I & II bond release of a quarry operation in Springville Township, **Susquehanna County** affecting 2.5 acres on property owned by Springville, LP. Application received: October 31, 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. PA0279391 (Mining Permit No. 11150101), E.P. Bender Coal Company, Inc., P.O. Box 594, Carrolltown, PA 15722, new NPDES permit for bituminous surface and auger mining in Reade Township, **Cambria County**, affecting 65.7 acres. Receiving streams: unnamed tributary to/and Fallentimber Run, classified for the following use: cold water fishes. This receiving stream is included in the Clearfield Creek TMDL. Application received: June 17, 2016.

The outfalls listed below discharge to unnamed tributary to Fallentimber Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
003 (TF-1)	Y

The proposed effluent limits for the above listed outfall are as follows:

<i>Outfalls: (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.8
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times

Alkalinity must exceed acidity at all times.

The outfalls listed below discharge to Fallentimber Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (SP-1)	Y
002 (SP-2)	Y

<i>Outfalls: (Dry Weather)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.8
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.

Alkalinity must exceed acidity at all times.

<i>Outfalls: (≥ 10-yr/24-hr Precip. Event)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	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.

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

NPDES No. PA0201618 (Mining permit no. 65960107), Amerikohl Mining, Inc., 1384 State Route 711, Stahlstown, PA 15687, renewal NPDES permit for a bituminous surface mine in Mt. Pleasant Township, **Westmoreland County**, affecting 460 acres. Receiving stream: Laurel Run, classified for the following use: CWF. Application received: May 18, 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 treated wastewater outfall(s) listed below discharge to Laurel Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001/PW	N	MDT

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls:</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35	70	90

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.

Alkalinity must exceed acidity at all times.

Noncoal NPDES Draft Permits

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

NPDES No. PA0227218 (Permit No. 10960304), Allegheny Mineral Corporation (P.O. Box 1022, Kittanning, PA 16201) Renewal of an existing NPDES permit for a large industrial minerals surface and deep mine in Washington Township, **Butler County**, affecting 544.6 acres. Receiving streams: Unnamed tributaries to South Branch Slippery Rock Creek, classified for the following uses: CWF. TMDL: None. Application received: September 19, 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 South Branch Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TP1	N
TP3	N
TP4	N
TP5	N
TP6	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90

¹ The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributaries to South Branch Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SP1	N
SP3	N
SP4	N
SP5	N
SP6	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity ¹				
Total Settleable Solids (ml/l)				0.5

NPDES No. PA0259691 (Permit No. 16150302). Amerikohl Aggregates, Inc. (202 Sunset Drive, Butler, PA 16001) New NPDES permit for a large industrial minerals surface mine in Richland Township, **Clarion County**, affecting 232.5 acres. Receiving streams: Unnamed tributaries to Turkey Run, classified for the following uses: HQ-CWF. TMDL: Lower Clarion River. Application received: October 5, 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 requires a non-discharge alternative:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TP1	Y
TP2	Y
TP3	Y

The outfall(s) listed below requires a non-discharge alternative:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SP1	Y
SP2	Y
SP3	Y

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

NPDES Permit No. PA0594113 on Surface Mining Permit No. 45880301. Tarheel Quarry, LLC, (PO Box 900, Blakeslee, PA 18610), renewal of an NPDES Permit for a sand, gravel and shale quarry operation in Tobyhanna Township, **Monroe County**, affecting 406.0 acres. Receiving stream: unnamed tributary to Lehigh River, classified for the following use: HQ—cold water fishes. Application received: June 18, 2013.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfall listed below discharge to unnamed tributary to Lehigh River.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Stormwater/E&S

The proposed effluent limits for the above listed outfall are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0
Turbidity		40.0	80.0	100.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0121592 on Surface Mining Permit No. 7475SM4. Essroc Cement Corp., (3938 Easton Nazareth Highway, Nazareth, PA 18064), renewal of an NPDES Permit for a limestone quarry operation in Upper and Lower Nazareth Townships, **Northampton County**, affecting 255.0 acres. Receiving stream: unnamed tributary to East Branch Monocacy Creek, classified for the following use: HQ—cold water fishes. Application received: June 27, 2014.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfall listed below discharge to unnamed tributary to East Branch Monocacy Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Groundwater/Pit Sump

The proposed effluent limits for the above listed outfall are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0
Turbidity	—	—	40.0 NTU's	

¹ The parameter is applicable at all times.

NPDES Permit No. PA0223522 on Surface Mining Permit No. 7475SM5. Essroc Cement Corp., (3938 Easton Nazareth Highway, Nazareth, PA 18064), renewal of an NPDES Permit for a limestone quarry operation in Upper and Lower Nazareth Townships and Nazareth Borough, **Northampton County**, affecting 25.0 acres. Receiving stream: unnamed tributary to Shoeneck creek, classified for the following use: warm water fishes. Application received: May 18, 2015.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfall listed below discharge to unnamed tributary to Shoeneck Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Groundwater/Pit Sump

The proposed effluent limits for the above listed outfall are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0124303 on Surface Mining Permit No. 7474SM2. Essroc Cement Corp., (3938 Easton Nazareth Highway, Nazareth, PA 18064), renewal of an NPDES Permit for a limestone quarry operation in Upper and Lower Nazareth Townships, **Northampton County**, affecting 259.7 acres. Receiving stream: unnamed tributary to Shoeneck Creek, classified for the following use: warm water fishes. Application received: January 14, 2016.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfall listed below discharge to unnamed tributary to Shoeneck Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Groundwater/Pit Sump

The proposed effluent limits for the above listed outfall are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES No. PA0612049 on Surface Mining No. 5476SM4. Glasgow, Inc., (PO Box 1089, Glenside, PA 19038), renewal of NPDES Permit for a Quarry Operation in Montgomery Township, **Montgomery County**, affecting 23.70 acres, receiving stream: unnamed tributary to Little Neshaminy Creek, classified for the following uses: warm water fishes and migratory fishes, Neshaminy Creek TMDL. Application received April 9, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limit for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to Unnamed Tributary to the Little Neshaminy Creek:

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Sedimentation Pond, Stormwater

The proposed effluent limits for Outfall 001:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Discharge (MGD)			.195	.350
Total Suspended Solids (mg/l)		10	20	25

¹ The parameter is applicable at all times.

NPDES No. PA0593206 on Surface Mining No. 7373SM3. Lehigh Asphalt Paving & Construction Co., (PO Box 549, Tamaqua, PA 18252), renewal of NPDES Permit for a sandstone quarry operation in East Penn Township, **Carbon County**, affecting 203.6 acres. Receiving Stream: unnamed tributary to Lizard Creek, classified for the following use: trout stocking fishes. Application received April 25, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limit for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfalls listed below discharge to Unnamed Tributary to Lizard Creek:

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Sedimentation Pond/Stormwater
002	No	Sedimentation Pond/Stormwater

The proposed effluent limits for the above listed outfalls are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids (mg/l)		35	70	90

¹ The parameter is applicable at all times.

NPDES No. PA0594679 on Surface Mining No. 7775SM3C4. Lehigh Cement Company, LLC, (7660 Imperial Way, Allentown, PA 18195), renewal of NPDES Permit for a limestone quarry in Richmond and Maxatawny Townships, **Berks County**, affecting 202.4 acres. Receiving Stream: unnamed tributary to Moselem Creek, classified for the following use: High Quality—cold water Fishes. Application received December 16, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limit for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to Unnamed Tributary to Moselem Creek:

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Pit Sump/Stormwater

The proposed effluent limits for the above listed outfall are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids (mg/l)		35	70	90

¹ The parameter is applicable at all times.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as

relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a

concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications Received under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.

E23-531. Middletown Township, 27 North Pennell Road, Lima, Aston Township, Middletown Township and Brookhaven Borough, Delaware County; ACOE Philadelphia District.

To perform the below listed water obstruction and encroachment activities associated the construction and replacement of gravity fed sewer pipelines which are part of the Middletown Township Sewer Authority's Chester Creek Interceptor Phase 2 Project Specific Water Obstructions and Encroachment are:

1. To construct and maintain a 30" PS115 PVC diameter sewer pipe from Pipe Station 0+00 to 82+00, with a 15" diameter sewer connected to the pipe segment at the Chester Creek (TSF, WWF, MF) crossing within the Chester Creek floodway.

2. To construct and maintain a 27" PS115 PVC diameter sewer pipe from Pipe Station 82+00 to 127+95.

3. The combined pipe lengths impact with 7 stream crossings at various points along the Chester Creek floodway and cross the Chester Creek twice.

4. To construct and maintain approximately 51 Man-holes within the floodway of the stream to facilitate the connections of the pipes within the project.

5. To conduct digging and excavation and restoration work within the right of way of the project located within the floodway of the stream to facilitate the project objectives.

The proposed project will permanently impact 0.029 acre of stream channel and temporarily impact 0.061 of stream channel. The project will also permanently impact 1.283 acre of the floodway and temporarily impact 0.061 of floodway. The project commences at the Southwest Delaware County Municipal Authority Waste Water Treatment Plant, runs within and along the Chester Creek floodway, and terminates near the west of the West Knowlton Road (SR 3022) Bridge over Chester Creek. It passes through Aston Township, Middletown Township,

and Brookhaven Borough in Delaware County (USGS Quadrangle, PA Marcus Hook—Latitude 39° 51' 44.22"—Longitude 75° 23' 50.85").

E46-1141. Washington Street Associates, LP, 2701 Renaissance Boulevard, King of Prussia, Conshohocken Borough, Whitmarsh Township, Montgomery County; ACOE Philadelphia District.

To perform the below listed water obstruction and encroachment activities associated the redevelopment of four (4) contiguous, former industrial properties (11.2 acres total) with high-density residential development, an Act 2 approved site. The project includes construction of 598 luxury apartment units (in 4 buildings) within the Floodway of the Schuylkill River. Specific Water Obstructions and Encroachment are:

1. To conduct excavation and grading to facilitate the construction of two (2) rain gardens stormwater basin in the Schuylkill River floodway (WWF, MF).

2. To conduct excavation and grading to facilitate the construction a 10-foot wide red shale macadam trail parallel to the river and landscaping enchantments and riparian buffer plantings for the benefit of the trail scenery.

3. To reconstruct and maintain an existing stormwater outfall that discharges into the Schuylkill River by replacing the existing 18-inch diameter concrete pipe with a of 36-inch diameter plastic pipe along with a concrete endwall and rip-rap apron.

4. To install and maintain pipe network within the floodway to facilitate the stormwater management drainage control.

The total area of permanent disturbance proposed in the Schuylkill River floodway is 1.8 acre. The total area of temporary disturbance in the floodway is 2.1 acres. The project is located immediately South of the intersection of Cherry and Washington Streets in Conshohocken Borough, Montgomery County, (USGS Quadrangle PA Norristown—Latitude 40° 04' 17"—Longitude 75° 17' 50").

E23-533. PA Department of Transportation, 7000 Geerdes Blvd, King of Prussia, Concord, Bethel and Upper Chichester Townships, Delaware County; ACOE Philadelphia District.

To perform the below listed water obstruction and encroachment activities associated the Pennsylvania Department of Transportation (PennDOT) proposal to address deficiencies associated with the existing U.S. Route 322 (U.S. 322) roadway in Concord, Bethel and Upper Chichester Townships, Delaware County. The overall project consists of three sections (101, 102 and MIT) along the project corridor. This Permit Application Package is specifically for the improvements and associated impacts along Section 101 which involves widening the existing 2 lane roadway to four lanes for a distance of 2.92 miles. Specific Water Obstructions and Encroachment are:

1. To replace and maintain the existing bridge carrying SR 322 (Conchester Road) over SEPTA rail and Webb Creek (WWF/MF).

2. To replace, extend, and maintain 8 existing stream crossings at several points along the proposed design segment of the route that do not require Hydrology and hydraulics Analysis.

3. To permanently impact 0.21-acre of wetlands and temporarily impact 0.413-acre of wetlands at several points along the proposed route as detailed in the wetland delineation submission.

4. Reconstruct and maintain an existing stormwater outfall.

The proposed project will permanently impact 0.21 acre of wetlands and 2,005 linear feet of watercourses, and temporarily impact 0.413 acre of wetlands and 479 linear feet of watercourses. The project extends along U.S. 322 from the intersection with U.S. Route 1 to just beyond Featherbed Road in the vicinity of Clayton Park, and passes through Concord, Bethel and Upper Chichester Townships, Delaware County (USGS Quadrangle PA Marcus Hook—Latitude 40° 04' 17"—Longitude 75° 17' 50").

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.

E07-464: Blair County Conservation District, 1407 Blair Street, Hollidaysburg, PA in Hollidaysburg Borough, **Blair County**, U.S. Army Corps of Engineers Baltimore District.

To construct and maintain an outdoor Environmental Education & Recreation Park. The Phase 1 development will include construction of walking trails, ADA parking and access, amphitheater, pavilions, stormwater and garden demonstration areas, and interpretive signage. Phase 1 is located within the regulatory floodplain of the Beaverdam Branch of the Juniata River (WWF, MF). Impacts within the floodplain involve grading, installation of driveway/ADA parking spaces, trails, walkways, demonstration gardens, and two picnic pavilions. The project is located south of Hollidaysburg Borough, northeast of the intersection of Bedford Street and S.R. 0036 (Hollidaysburg, PA Quadrangle, Latitude: 40° 25' 17", Longitude: -78° 23' 34.9") in Hollidaysburg Borough, Blair County. The purpose of the project is to construct an Environmental Education & Recreation Park.

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E30-061-A1, Sunset Marina, Route 88, P.O. Box 161; Millsboro, PA 15348, Jefferson Township, **Greene County**, Pittsburgh ACOE District.

The applicant is proposing to:

Amend E30-061, (which authorized the applicant to excavate approximately 470 cubic yards of material to create an ice harbor, to construct and maintain a floating boat docking facility and to maintain the existing marina along the right bank of Tenmile Creek),

1. To operate and maintain an additional 394 LF of dock and a 15 ft wide boat ramp along the right bank of Tenmile Creek (WWF) directly upstream of the previously permitted dock and,

2. To operate and maintain an additional 15 ft wide boat ramp and 393 LF of dock directly downstream along the right bank of Tenmile Creek from the previously permitted dock.

Both of which were constructed without prior authorization at a point approximately 0.7 mile upstream from the mouth of Tenmile Creek (Mather, PA USGS Quadrangle, N: Inches; W: inches; Latitude: 39° 58' 53.48"; Longitude: -80° 0' 46.71"), in Jefferson Township, Greene County.

E04-361, Tri-State River Products, Inc., Box 218, 334 Insurance Street, Beaver, PA 15009; Conway Borough, Monaca Borough, Freedom Borough, Beaver Bor-

ough, Vanport Borough, Center Township and Potter Township, **Beaver County**, Pittsburgh ACOE District.

The applicant is proposing to:

Perform sand and gravel dredging in the Ohio River (WWF), from Ohio River Mile 21.8 to Ohio River Mile 22.3 (Upstream beginning point: Baden, PA Quadrangle N: 6.5 inches W: 17.1 inches; Latitude: 40° 39' 41", Longitude: -80° 14' 56". Downstream end point: Beaver, PA Quadrangle N: 7.6 inches W: 0.5 inches; Latitude: 40° 40' 4", Longitude: -80° 15' 15"), right and left descending banks, in Center Township and Conway Borough, Beaver County.

And to continue performing commercial sand and gravel dredging in the following areas of the Ohio River (WWF), from Ohio River Mile 22.3 to Ohio River Mile 22.7, (Upstream beginning point: Beaver, PA Quadrangle N: 7.6 inches W: 0.5 inch; Latitude: 40° 40' 4", Longitude: -80° 15' 15". Downstream end point: Beaver, PA Quadrangle N: 8.9 inches W: 0.8 inch; Latitude: 40° 40' 24", Longitude: -80° 15' 20"; originally permitted as E02-919-A13), right and left descending banks; from Ohio River Mile 22.7 to Ohio River Mile 23.3 (Upstream beginning point: Beaver, PA Quadrangle N: 8.9 inches W: 0.8 inch; Latitude: 40° 40' 24", Longitude: -80° 15' 20". Downstream end point: Beaver, PA Quadrangle N: 10.0 inches W: 0.8 inch; Latitude: 40° 40' 54", Longitude: -80° 15' 21"; originally permitted as E02-919-A13), right descending bank; and from Ohio River Mile 26.2 to Ohio River Mile 27.92 (Upstream beginning point: Beaver, PA Quadrangle N: 11.8 inches W: 6.8 inches; Latitude: 40° 41' 24", Longitude: -80° 17' 56". Downstream end point: Beaver, PA Quadrangle N: 9.9 inches W: 11.0 inches; Latitude: 40° 40' 47", Longitude: -80° 19' 46", originally permitted as E02-919), right and left descending banks, in the Boroughs of Conway, Monaca, Freedom, Beaver, and Vanport and the Townships of Center and Potter, Beaver County. As mitigation for the proposed activities, the applicant proposes to elevate the river bottom in a selected area in order to improve river habitat, within the Montgomery Pool of the Ohio River.

E04-363, Hanson Aggregates BMC, Inc., 2200 Springfield Pike, Connellsville, PA 15425, Ambridge Borough, South Heights Borough, Hopewell Township, and the City of Aliquippa, **Beaver County**, Pittsburgh ACOE District.

The applicant is proposing to:

Continue performing commercial sand and gravel dredging in the following areas of the Ohio River (WWF), from Ohio River Mile 15.9 to Ohio River Mile 16.35, (Upstream beginning point: Ambridge, PA Quadrangle N: 14.5 inches W: 15.0 inches; Latitude: 40° 34' 49", Longitude: -80° 14' 0". Downstream end point: Ambridge, PA Quadrangle N: 15.6 inches W: 15.3 inches; Latitude: 40° 35' 10", Longitude: -80° 14' 7"; originally permitted as E02-584-A18), right and left descending banks; from Ohio River Mile 16.35 to Ohio River Mile 16.4 (Upstream beginning point: Ambridge, PA Quadrangle N: 15.6 inches W: 15.3 inches; Latitude: 40° 35' 10", Longitude: -80° 14' 7". Downstream end point: Ambridge, PA Quadrangle N: 15.8 inches W: 15.4 inches; Latitude: 40° 35' 10", Longitude: -80° 14' 9"; originally permitted as E02-584-A18), left descending bank; in the Boroughs of Ambridge and South Heights, the Township of Hopewell and the City of Aliquippa, Beaver County. As mitigation for the proposed activities, the applicant proposes to create Salamander Mussel Habitat at Allegheny River mile 32.4 to 32.7 in Pool 5 of the Allegheny River, left descending bank.

Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

E10-452A, Gigliotti Holdings, L.P., 11279 Perry Highway, Suite 509, Wexford PA 15090-9303. Weatherburn Heights Residential Development Phase 3, in Middlesex Township, **Butler County**, ACOE Pittsburgh District (Valencia, PA Quadrangle N: 40°, 41', 42"; W: 79°, 57', 21.6").

Applicant proposes to amend permit E10-452 issued 12/08/2009, which authorized impacts associated with the construction of Weatherburn Heights Residential Development Phase 1, to include additional impacts for Phase 3 of the development. Phase 3 is a 63 unit, single family residential development including all associated grading, roadways, utilities, and stormwater management facilities and will be accessed by extending the existing roadway through Phase 1. The project will permanently impact 0.06 acre of wetland and 226 linear feet of stream channel (<100 acre drainage). The applicant proposes to construct a 0.08 acre wetland mitigation area on-site and to stream enhancement (bank and riparian plantings) to 1,340 linear feet of streams on-site as mitigation for the proposed impacts.

District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701.

E4129-107: Inflection Energy, (PA) LLC, 49 East 4th Street, Suite 101, Williamsport, PA 17701, Eldred Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 19-foot-long 30-inch culvert and associated fill impacting 25 linear feet of an unnamed tributary to Millers Run (WWF) (Montoursville North, PA Quadrangle 41°18'43"N 76°59'47"W);

2) a 16-inch gas pipeline, a 12-inch water pipeline, and a timber mat bridge impacting 32 linear feet of Millers Run (WWF) (Montoursville North, PA Quadrangle 41°18'38"N 76°59'38"W);

3) a 16-inch gas pipeline, a 12-inch water pipeline, and a timber mat bridge impacting 39 linear feet of an

unnamed tributary to Lick Run (TSF) (Montoursville North, PA Quadrangle 41°18'49"N 76°58'33"W);

4) a 16-inch gas pipeline, a 12-inch water pipeline, and a timber mat bridge impacting 1,422 square feet of palustrine emergent (PEM) wetland (Montoursville North, PA Quadrangle 41°18'48"N 76°58'32"W).

The project will result in a total of 0.03 acre of wetland impacts and 96 linear feet of stream impacts all for the purpose of installing natural gas gathering line, water line, and access roadway for Marcellus well development.

Northwest Region: Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335; 814-332-6860.

E24-08-010/E42-08-021, NFG Midstream Clermont LLC. 6363 Main Street Williamsville, NY 14221-5855. Phase 3 South Pipeline in the City of Saint Marys and Jones and Ridgway Townships, **Elk County** and Sergeant Township, **McKean County**, Army Corps of Engineers Pittsburgh District (Glen Hazel, Ridgway, Saint Marys and Wildwood Fire Tower PA Quadrangles 41.541501N; -78.522203W).

The applicant proposes to construct and maintain approximately 16 miles of pipelines including three (3) natural gas gathering pipelines and one (1) water line located between existing/proposed well pads and a compressor station in the City of Saint Marys and Jones and Ridgway Townships, Elk County. Project impacts require wetland mitigation due to PFO to PEM wetland conversion. The mitigation site is proposed in Sergeant Township, McKean County.

In Elk County, the project will result in 1,790 linear feet of temporary stream impacts and a total of 166,585 square feet of temporary floodway impacts. Total wetland impacts include 0.251 acre of temporary and 1.08 acre of permanent (PFO to PEM conversion).

PFO Wetland creation of 2.38 acres is proposed as compensation for PFO to PEM conversion. In McKean County, the project will result in 0.02 acre of temporary wetland impacts.

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	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way and a temporary road crossing to South Fork Straight Creek (SD8) (EV) having 86 linear feet of temporary stream impacts and 8,634 square feet of temporary floodway impact.	41.555993 N 78.522763 W
2	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way and a temporary road crossing of a PEM Wetland (WD9) with 0.12 acre of temporary wetland impacts.	41.555620 N 78.522950 W
3	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way and a temporary road crossing to a UNT Maple Run (SC26) (EV) having 113 linear feet of temporary stream impacts and 9,351 square feet of temporary floodway impact.	41.541648 N 78.521500 W
4	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way and a temporary road crossing of a PEM Wetland (WA34) with 0.008 acre of temporary wetland impacts.	41.519423 N 78.560692 W
5	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way and a temporary road crossing to a UNT Long Branch Crooked Creek (SA20) (EV) having 107 linear feet of temporary stream impacts and 10,855 square feet of temporary floodway impact.	41.518698 N 78.561351 W

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<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
6	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way and a temporary road crossing of a PFO Wetland (WD2) with 0.21 acre of permanent wetland impacts (conversion to PEM).	41.510701 N 78.566967 W
7	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way and a temporary road crossing to Crooked Creek (SD3) (HQ-CWF) having 104 linear feet of temporary stream impacts and 6,780 square feet of temporary floodway impact.	41.510471 N 78.567200 W
8	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way and a temporary road crossing of a PFO Wetland (WD3) with 0.05 acre of permanent wetland impacts (conversion to PEM).	41.510365 N 78.567307 W
9	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way crossing of a PFO Wetland (WD4) with 0.02 acre of permanent wetland impacts (conversion to PEM).	41.510205 N 78.567335 W
10	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way and a temporary road crossing to a UNT Powers Run (SC21) (CWF) having 145 linear feet of temporary stream impacts and 19,035 square feet of temporary floodway impact.	41.499577 N 78.576384 W
11	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way and a temporary road crossing to a UNT Powers Run (SC23) (CWF) having 95 linear feet of temporary stream impacts and 7,404 square feet of temporary floodway impact.	41.495779 N 78.587201 W
12	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way and a temporary road crossing to a UNT Powers Run (SC24) (CWF) having 96 linear feet of temporary stream impacts and 4,327 square feet of temporary floodway impact.	41.495778 N 78.587352 W
13	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way and a temporary road crossing of a PEM Wetland (WA107) with 0.03 acre of temporary wetland impacts.	41.496090 N 78.587721 W
14	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way and a temporary road crossing of a PEM Wetland (WA44-B) with 0.05 acre of temporary wetland impacts.	41.487994 N 78.602747 W
15	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way and a temporary road crossing to a UNT Powers Run (SB19) (CWF) having 88 linear feet of temporary stream impacts and 8,256 square feet of temporary floodway impact.	41.487971 N 78.602884 W
16	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way crossing a PEM Wetland (WA44-A) with 0.002 acre of temporary wetland impacts.	41.487873 N 78.602966 W
17	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way and a temporary road crossing to a UNT Powers Run (SA18A) (CWF) having 70 linear feet of temporary stream impacts and 8,546 square feet of temporary floodway impact.	41.487704 N 78.603679 W
18	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way crossing a PEM Wetland (WA43) with 0.004 acre of temporary wetland impacts.	41.487764 N 78.603801 W
19	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way and a temporary road crossing of a PEM Wetland (WA41) with 0.007 acre of temporary wetland impacts.	41.486291 N 78.607316 W
20	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way and a temporary road crossing to a UNT Powers Run (SB13) (CWF) having 91 linear feet of temporary stream impacts and 9,026 square feet of temporary floodway impact.	41.486144 N 78.607707 W
21	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way crossing to a UNT Powers Run (SB12) (CWF) having 87 linear feet of temporary stream impacts and 10,984 square feet of temporary floodway impact.	41.486028 N 78.607909 W
22	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way crossing of a PEM Wetland (WA40) with 0.03 acre of temporary wetland impacts.	41.485965 N 78.607877 W

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
23	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way and a temporary road crossing to a UNT Powers Run (SB11) (CWF) having 21 linear feet of temporary stream impacts and 11,911 square feet of temporary floodway impact.	41.484769 N 78.608675W
24	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way and a temporary road crossing of a PFO Wetland (WB13) with 0.38 acre of permanent wetland impacts (conversion to PEM).	41.484304 N 78.608560 W
25	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way and a temporary road crossing to Powers Run (SB10) (CWF) having 87 linear feet of temporary stream impacts.	41.484265 N 78.608553W
26	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way and a temporary road crossing to a UNT Powers Run (SA22) (CWF) having 85 linear feet of temporary stream impacts and 8,503 square feet of temporary floodway impact.	41.477520 N 78.611608W
27	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way and a temporary road crossing to a UNT Powers Run (SB8) (CWF) having 96 linear feet of temporary stream impacts and 9,592 square feet of temporary floodway impact.	41.469413 N 78.616532W
28	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way and a temporary road crossing to a UNT Powers Run (SB3) (CWF) having 85 linear feet of temporary stream impacts and 8,591 square feet of temporary floodway impact.	41.468632 N 78.616610W
29	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way and a temporary road crossing to a UNT Powers Run (SB6) (CWF) having 92 linear feet of temporary stream impacts and 7,459 square feet of temporary floodway impact.	41.468327 N 78.616669W
30	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way and a temporary road crossing to a UNT Powers Run (SB7) (CWF) having 140 linear feet of temporary stream impacts and 8,324 square feet of temporary floodway impact.	41.468069 N 78.616807W
31	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way and a temporary road crossing to a UNT Powers Run (SB2) (CWF) having 102 linear feet of temporary stream impacts and 9,007 square feet of temporary floodway impact.	41.467817 N 78.617075W
32	Two (2) 12" and one (1) 24" gathering line and one (1) 12" waterline with associated right-of-way and a temporary road crossing of a PFO Wetland (WA48) with 0.42 acre of permanent wetland impacts (conversion to PEM).	41.434800 N 78.681701 W
33	Mitigation for permanent conversion of PFO to PEM Wetlands. Temporary impact of 0.02 to PEM Wetland (NFG1W).	41.607136 N 78.470526 W

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage

under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0216992 (Sewage)	Yatesboro WWTP Route 85 Yatesboro, PA 16263	Armstrong County Cowanshannock Township	Cowanshannock Creek (17-E)	Y
PA0096318 (Sewage)	Covi—Douglas STP Forest Grove Road Coraopolis, PA 15108	Allegheny County Robinson Township	Unnamed Tributary to Moon Run (20-G)	Y
PA0205877 (Sewage)	Redstone Township Sewer Authority WWTP PO Box 751 Republic, PA 15475-0751	Fayette County Redstone Township	Dunlap Creek (19-C)	Yes

NPDES Permit No. PA0252921, Sewage, **Dana Mining Co. of PA LLC**, 103 Corporate Drive, Suite 102, Morgantown, WV 26501-4582, Dunkard Township, **Greene County**.

The following notice reflects changes to the notice published at 46 Pa.B. 5110 (August 20, 2016):

Monitoring frequency for Dissolved Oxygen, pH and Total Residual Chlorine has been reduced from 1/day to 3/week.

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0054895 (Sewage)	Palmer International, Inc. PO Box 315 Skipack, PA 19474	Montgomery County Skipack Township	Unnamed Tributary to Skipack Creek 3-E	Y
PA0244147 (Sewage)	Wrightstown Township 2203 Second Street Pike Wrightstown, PA 18940	Bucks County Wrightstown Township	Unnamed Tributary to Neshaminy Creek 2-F	Y
PA0026786 (Sewage)	Pottstown Borough Authority 100 East High Street Pottstown, PA 19464	Montgomery County Pottstown Borough	Schuylkill River 3-D	N

Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0064068 (Sewage)	Schuylkill County Municipal Authority—Branch Cass WWTP 221 South Centre Street Pottsville, PA 17901	Schuylkill County Branch Township	West Creek (03A)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0209201 (Sewage)	DMP Northern Tier LP 1952 Waddle Road State College, PA 16803-1649	Bradford County Wyalusing Township	Wyalusing Creek (4-D)	Yes
PA0208647 (Sewage)	Kratzer Run Authority Sewer Treatment Facility PO Box 253 Grampian, PA 16838	Clearfield County Grampian Borough	Kratzer Run (8-B)	No
PA0113051 (Industrial)	DuBois Water Treatment Plant 16 W Scribner Avenue PO Box 408 DuBois, PA 15801-2210	Clearfield County Sandy Township	Laborde Branch (17-C)	No

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0223107 (Sewage)	Big Run Area WWTP PO Box 477 Big Run, PA 15715	Jefferson County Big Run Borough	Mahoning Creek (17-D)	Yes

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

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

NPDES Permit No. PA0253588, Crooked Creek Treatment Facility, Industrial, SIC Code 1389, CNX Gas Co. LLC, 1000 Consol Energy Drive, Canonsburg, PA 15317.

This existing facility is located in South Bend Township, **Armstrong County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated industrial wastewater.

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

NPDES Permit No. PA0036650, Sewage, SIC Code 4952, **Titusville City Crawford County**, 107 N Franklin Street, Titusville, PA 16354-1734.

This existing facility is located in Titusville City, **Crawford County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

NPDES Permit No. PA0264571, Sewage, SIC Code 8800, **Joseph Warnick**, 10624 Station Road, North East, PA 16428.

This proposed facility is located in Greenfield Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

NPDES Permit No. PA0264652, Sewage, SIC Code 8800, **Barbara McGuigan**, 106 Arbor Lane, McCormick, SC 29835.

This proposed facility is located in North East Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

III. WQM Industrial Waste and Sewerage Actions 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. 6570201 A-2, Industrial, SIC Code 8731, **Arconic Inc.**, 201 Isabella Street, Pittsburgh, PA 15212.

This existing facility is located in Upper Burrell Township, **Westmoreland County**.

Description of Proposed Action/Activity: Modification of the industrial wastewater treatment system to change from a semi-continuous process to a batch process. The permit is also transferred from Alcoa Inc. to Arconic Inc.

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

WQM Permit No. 0990406, Sewage, Transfer, **Holly D. Soares**, 31 Militia Hill Road, Warrington, PA 18976.

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

Description of Action/Activity: Permit transferred from Robert & Barbara Childs to Holly D. Soares.

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

WQM Permit No. 0188405 A2, Sewerage, **Round Top Campground LP**, 1285 High Street, Auburn, CA 95603.

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

Description of Proposed Action/Activity: The existing Round Top Campground waste water treatment plant is located in Cumberland Township, Adams County. The project involves equipment replacement and upgrade to the existing wastewater treatment system. The condition of the existing sand filter and disinfection facilities has deteriorated. The proposed project is in the installation of new sand filtration screen and ultraviolet disinfection facilities at the wastewater treatment plant.

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

WQM Permit No. 4111404 A-1, Sewage, SIC Code 4952, **Tiadaghton Valley Municipal Authority**, 290 Rice Road, Jersey Shore, PA 17740-8817.

This existing facility is located in Nippenose Township, **Lycoming County**.

Description of Proposed Action/Activity: Upgrades to the existing Railroad Street Pump Station, including the installation of an emergency generator, replacement of discharge piping, and various upgrades as described within the respective WQM amendment application.

WQM Permit No. 6008403 A-1, Sewage, SIC Code 4952, **Gregg Township Municipal Authority Union County**, 16436 US Route 15, Allenwood, PA 17810-9137.

This existing facility is located in Gregg Township, **Union County**.

Description of Proposed Action/Activity: Glycerine and Alum chemical feeds to increase nutrient removal.

WQM Permit No. 4989406 A-1, Sewage, SIC Code 6515, **Meadows At Watsonstown, LLC**, 18 Albatross Drive, Watsonstown, PA 17777-9732.

This existing facility is located in Delaware Township, **Northumberland County**.

Description of Proposed Action/Activity: combining facilities permitted by WQM Permit Nos. 4989406 and 4976402 and clarifying total facility capacity.

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

WQM Permit No. 2516406, Sewage, **Joseph Warnick**, 10624 Station Road, North East, PA 16428.

This proposed facility is located in Greenfield Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

WQM Permit No. 2516410, Sewage, **Barbara McGuigan**, 106 Arbor Lane, McCormick, SC 29835.

This proposed facility is located in North East Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024516009	Miller Group Holdings, LP 960 East Main Street Schuylkill Haven, PA 17972-0472	Monroe	Jackson Township	Reeders Run (HQ-CWF, MF)
PAI023905002(2)	Misty Glen Properties, LP 230 Poplar Road Fleetwood, PA 19522	Lehigh Berks	Weisenberg Township Maxatawny Township	Schaefer Run (HQ-CWF, MF) EV wetlands

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

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032116007	South Middleton Township Municipal Authority	Cumberland	South Middleton Township	UNT Letort SpringRun (EV-MF) UNT Hogestown Run (CWF, MF)
PAI033615013	Leon Sensenig 179 Black Road Peach Bottom, PA 17563	Lancaster	Little Britain Township	UNT Little Conowingo Creek (HQ-CWF, MF)

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI035015002	Jay Lester Garman 1248 Clouser Road New Bloomfield, PA 17068	Perry	Centre Township	Two UNT's to Trout Run (CWF) EV Wetlandsw

Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Lawrence County Conservation District, Lawrence Co Government Center, 430 Court Street, New Castle, PA 16101.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI063716001	New Castle Sanitation Authority 102 East Washington Street New Castle, PA 16101	Lawrence	Shenango and Slippery Rock Townships	McKee Run WWF, Skunk Run CWF, Duck Run WWF, UNT Hell Run EV, UNT Big Run TSF

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

General Permit Type—PAG-02

Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Upper Providence Township Montgomery County	PAG02004607150R(2)	Toll Brothers, Inc. 250 Gibraltar Road Horsham, PA 19044	Unnamed Tributary to Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Gwynedd Township Montgomery County	PAG02004616033	Merk & Company, Inc. 770 Sumneytown Pike West Point, PA 19486	Wissahickon Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Upper Gwynedd Township Montgomery County	PAG02004616074	Cottage Avenue Realty LP 1030 Reed Avenue Suite 100 Wyomissing, PA 19610	Wissahickon Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAG02004615099	Morgan Tract, LP 1030 West Germantown Pike East Norriton, PA 19403	Unnamed Tributary to Perkiomen Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Souderton Borough Montgomery County	PAG02004616003	Souderton Area School District 760 Lower Road Souderton, PA 18964	Unnamed Tributary to Skippack Creek TSF-WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Salford Township Montgomery County	PAG02004616009	Mary Jane Hershey 1191 Sumneytown Pike Harleysville, PA 19438	Vauhgn Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAG02004616042	Klines Road, LP 1853 William Penn Way Suite 4 Lancaster, A 17601	Mingo Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Worcester Township Montgomery County	PAG02004616069	Trustees of Local Union 126 3455 Germantown Pike Collegetown, PA 19426	Unnamed Tributary to Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAG02004616071	P F Collegetown, LLC 20 South Oliver Street Media, PA 19063	Perkiomen Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Norriton Township Montgomery County	PAG02004616078	Valley Forge Properties, LP 910 Germantown Pike Plymouth Meeting, PA 19462	Stony Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Perkiomen Township Montgomery County	PAG02004616083	H&K Group, Inc. d.b.a. Reading Site Contractors 2052 Lucon Road Skippack, PA 19474	Unnamed Tributary to Perkiomen Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Dublin Township Montgomery County	PAG02004616059	Upper Dublin Township 801 Loch Alsh Avenue Fort Washington, PA 19034	Rapp Run Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAG02004616056	Barry Sankey 908 Muhlenberg Drive Trappe, PA 19426	Mine Run and Lodol Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bethel Township Delaware County	PAG02002316020	Garnet Mine, LP 1 Raymond Drive Suite 2 Havertown, PA 19083	Spring Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Marple Township Delaware County	PAG020023616010	RobDonc, LLC 2 Greystone Circle Newtown Square, PA 19073	Darby Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Marple Township Delaware County	PAG02002316011	Potterville, L.P. 5004 State Road Drexel Hill, PA 19026	Langford Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Marple Township Delaware County	PAC230001	Marple Township 227 South Sproul Road Broomall, PA 19008-2397	Trout Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Concord Township Delaware County	PAG02002316017	157 Mattson Road, LLC 229 Baltimore Pike Glen Mills, PA 19342	Green Creek CWF-MF West Branch Chester Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Brookhaven Borough Delaware County	PAG02002315018-1	Chester Water Authority 415 Welsh Street Chester, PA 19013	Chester Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bethel Township Delaware County	PAC230005	1515 Limited Partners 86 Jansen Avenue Essington, PA 19029	Spring Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Richland Township Bucks County	PAC09001	Formerly PAG02000913037 United States Cold Storage, LLC 15 Emery Street Bethlehem, PA 18015	Tohickon Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Buckingham Township Bucks County	PAG02000916023	Covenant Presbyterian Church 4000 Route 202 Doylestown, PA 18902	Unnamed Tributary to Watson Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Britain Township Bucks County	PAG02000916048	County of Bucks Parks Department 55 East Court Street Doylestown, PA 18901-4318	Lake Galena WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bensalem Township Bucks County	PAG02000903056R(6)	Keystone Turf Club & Bensalem Racing Association 3001 Street Road Bensalem, PA 19020	Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Wrightstown Township Bucks County	PAC090004	Michael Dacey 2635 Windy Bush Road Newtown, PA 18940	Jericho Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bedminster Township Bucks County	PAC090002	Brad McVaughn 212 Blueberry Court Perkasie, PA 18944	East Branch Perkiomen Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
West Goshen Township Chester County	PAC150001	The Chester County Hospital of University of Pennsylvania Health System 701 East Marshall Street West Cheter, PA 19380	Tributary to Taylor Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Whiteland Township Chester County	PAC150002	PR Exton Square Property, LP 200 South Broad Street Philadelphia, PA 19102	Valley Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Westtown Township Chester County	PAG02001515054	Fair Share Properties, LP 655 Swedesford Road Malvern, PA 19355	Unnamed Tributary of Radley Run Creek WWF Unnamed Tributary of Chester Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
North Coventry Township Chester County	PAG02001516013	Spring Valley Community Church 962 East Schuylkill Road Pottstown, PA 19465	Main Stem Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Fallowfield Township Chester County	PAG02001516034	Duane Hershey 1600 Althouse Road Cochranville, PA 19330	Muddy Run TSF Unnamed Tributary to Muddy Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Valley Township Chester County	PAG02001516040	Carriage Pennsylvania Holdings, Inc. 736 East Lancaster Avenue Downingtown, PA 19335	Unnamed Tributary to Sucker Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Thornbury Township Chester County	PAG02001516041	Cavalier Homes, LLC 391 Wilmington Pike Suite 3 No. 103 Glen Mills, PA 19342	Unnamed Tributary to Radley Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Tredyffrin Township Chester County	PAG02001516043	Pennsylvania CVS Pharmacy, LLC 201 South Maple Avenue Suite 100 Ambler, PA 19002	Little Darby Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Marlborough Township Chester County	PAG02001516044	Iddlings Investment Properties, LP 1595 Paoli Pike West Chester, PA 19380	Unnamed Tributaries to Pocopson Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Bradford Township Chester County	PAG02001516047	SJM Hills, LLC 505 South Five Points Road West Chester, PA 19382	Unnamed Tributary to East Branch of Brandywine Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201511505-2	Domus, Inc. 346 East Walnut Lane Philadelphia, PA 19144	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201511610	Belmont Hospital 4200 Monument Road Philadelphia, PA 19131	Lower Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
City of Philadelphia Philadelphia County	PAC510002	Penrose Ave PA Realty, LP 5201-5211 Darrah Street Philadelphia, PA 1124	Lower Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Borough of Archbald Lackawanna County	PAG02003516015	Kenneth Powell 1305 Justus Blvd Clarks Summit, PA 18411	UNT to Lackawanna River (CWF, MF)	Lackawanna County Conservation District 570-392-3086
Whitehall Township Lehigh County	PAG02003916014	David Scheuermann DVS Enterprises, Inc. 5285 W. Coplay Rd. Whitehall, PA 18052	Coplay Creek (CWF, MF)	Lehigh County Conservation District 610-391-9583
Wilkes-Barre Township Luzerne County	PAC400002	Highland Park Senior Living, LP Richard Angelicola 874 Schechter Drive Wilkes-Barre, PA 18702	Susquehanna River (WWF, MF)	Luzerne Conservation District 570-674-7991
		Sigma Hospitality Wilkes-Barre, LP Minu Desai 6996 Lehigh Court Allentown, PA 18106		
Lower Nazareth Township Northampton County	PAC480005	Dennis Dougherty Camino Properties, LLC 1601 Stonehill Way Bethlehem, PA 18015	Shoeneck Creek (WWF, MF)	Northampton County Conservation District 610-746-1971
Forest Lake Township Susquehanna County	PAG02005816002	Seth Berry Xpress Natural Gas 160 State Street Boston, MA 02109	Tributary 29862 to Forest Lake Creek (CWF, MF)	Susquehanna County Conservation District 570-278-4600

General Permit Type—PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Reynoldsville Borough Jefferson County	PAG038340	Cactus Wellhead LLC 1 Greenway Plaza Suite 200 Houston, TX 77046-0199	Keys Run—17-C	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942
Ridgway Township Elk County	PAG038337	JJ Kennedy Inc. 1790 Route 588 Fombell, PA 16123-1422	Clarion River—17-A	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942
Franklin Township Greene County	PAR216176	Hoys Const Co. Inc. 165 Rolling Meadows Road Waynesburg, PA 15370-8223	Laurel Run—19-B	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

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*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water/Use*

*Contact Office &
Phone No.*

Burrell Township Indiana County	PAR316107	FMC Surface Integrated Service Inc. 451 Innovation Drive Blairsville, PA 15717-8096	Unnamed Tributary of Blacklick Creek—18-D	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Redstone Township Fayette County	PAR116136	Sandvik Mining & Construction USA LLC 6701 National Pike PO Box 282 Brier Hill, PA 15415	Fourmile Run—19-C	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

General Permit Type—PAG-4

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water/Use*

*Contact Office &
Phone No.*

Douglass Township Montgomery County	PAG040128 A-1	Mr. Ladislav & Ms. Sonja Kotoulek 132 Middle Creek Road Gilbertsville, PA 19525	Middle Creek 3-E	DEP Southeast Regional Office Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Doylestown Township Bucks County	PAG040107	Ms. Holly D. Soares 31 Militia Hill Road Warrington, PA 18976	Unnamed Tributary to Neshaminy Creek 2-F	DEP Southeast Regional Office Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Hampton Township Allegheny County	PAG046462	Allison Park Ind Complex 5745 Ellsworth Avenue Pittsburgh, PA 15232-1740	Pine Creek—18-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

General Permit Type—PAG-10

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water/Use*

*Contact Office &
Phone No.*

Tinicum Township Delaware County	PAG100045	Sunoco Logistics LP 525 Fritztown Road Sinking Spring, PA 19608	Delaware River 3-F	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970
Tinicum Township Delaware County	PAG100044	MIPC LLC 920 Cherry Tree Road Aston, PA 19014	Delaware River 3-F	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970
Springville Township Susquehanna County	PAG102342	Williams Field Services Company LLC Park Place Corporate Center 2 2000 Commerce Drive Pittsburgh, PA 15275	White Creek, Unnamed Tributary to W. Branch Meshoppen Creek, and Thomas Creek—4-G	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511

*Facility Location:
Municipality &
County*

Chartiers Township
Washington County

Permit No.

PAG106197

*Applicant Name &
Address*

Sunoco Pipeline LP
2700 W Passyunk Avenue
Philadelphia, PA 19145

*Receiving
Water/Use*

Unnamed Tributary
to Chartiers
Run—20-F

*Contact Office &
Phone No.*

DEP Southwest
Regional Office
Clean Water Program
400 Waterfront Drive
Pittsburgh, PA
15222-4745
412.442.4000

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>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Hetrickdale Farms 69 Hetrick Road Bernville, PA 19506	Berks	1,928.5	2,725.09	Dairy Cows	NA	Approved
Curtis Lehman 514 Bricker Road Bernville, PA 19506	Berks	201.7	412.31	Poultry	NA	Approved
Joe Jurgielewicz Home Farm PO Box 257 Shartlesville, PA 19554	Berks	261.6	446.51	Layer Ducks	NA	Approved
Joe Jurgielewicz Mountain Breeze Farm PO Box 270 Shartlesville, PA 19554	Berks	41.8	245.05	Finishing Ducks	NA	Approved
Linford Snyder (A&L Farms) 3304 Mountain Road Hamburg, PA 19526	Berks	160.4	458.28	Poultry— Layers	NA	Approved
Whispering Pines 313 Deka Rd Fleetwood, PA 19522	Berks	103.8	449.5	Swine	NA	Approved
Tim Wentzel 3819 Powells Valley Rd Halifax, PA 17032	Dauphin	209	451.82	Poultry	NA	Approved

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Scott M. Ehrisman 748 Hollow Rd. Richfield, PA, 17086	Juniata	184.1	515.29	Swine & Beef	NA	Approved
Hibred Swine Farm Dave Heisler Marengo, OH 43334	Lancaster	10.4	591.75	Swine	HQ	Approved
Dale Frank 3167 Bossler Road Elizabethtown, PA 17022	Lancaster	520	802.04	Swine/Beef	NA	Renewal
Delmar Martin 1375 West Rte. 897 Denver, PA	Lancaster	26.1	502.57	Swine/Broiler	HQ	Approved
Esbensshade, Inc. 220 Eby Chiques Road Mount Joy, PA 17552	Lancaster	318.1	9,467.64	Layers	NA	Approved
Jerry Martin Hillcrest Swine Farm 121 Paradise Lane Lewisburg, PA 17837	Union	730.3	873.4	Swine	NA	Renewal
Andrew Reiff 8245 Buffalo Road Mifflinburg, PA 17844	Union	235	684.89	Swine	HQ	Renewal

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No.4616524 , Public Water Supply.	
Applicant	Horsham Water & Sewer Authority 617 Horsham Road Horsham, PA 19044
Township	Horsham
County	Montgomery
Type of Facility	PWS
Consulting Engineer	Gilmore & Associates, Inc. 350 East Butler Avenue New Britain, PA 18901
Permit to Construct Issued	November 1, 2016

Operations Permit # 1516520 issued to: **Our Lady of Consolation Church**, 603 West 2nd Avenue, Parkesburg, PA 19365, [(PWSID)] Sadsbury Township, **Chester County** on October 28, 2016 for Schneider Parish Center Nitrate and Radium Removal Treatment.

Operations Permit # 4616522 issued to: **Borough of East Greenville**, 206 Main Street, East Greenville, PA 18041, [(PWSID)] Borough of East Greenville, **Montgomery County** on October 28, 2016 for the operation of a Grid Bee Tank Mixer at 750,000 Tank facilities approved under construction permit # 4616522.

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

Permit No. 4016514MA, Minor Amendment, Public Water Supply.

Applicant **Hazleton City Authority**
400 East Arthur Gardner
Parkway
Hazleton, PA 18201

Municipality City of Hazleton

County **Luzerne**

Type of Facility PWS

Consulting Engineer John G. Synoski, P.E.
Hazleton City Authority
400 East Arthur Gardner
Parkway
Hazleton, PA 18201

Permit to Construct Issued October 31, 2016

Permit No. 3540043, Operation Permit, Public Water Supply.

Applicant **UMH Properties, Inc.**
(Frieden Manor MHC)
150 Clay Street, Suite 450
Morgantown, WV 26501

Municipality Wayne Township

County **Schuylkill**

Type of Facility PWS

Consulting Engineer N/A

Permit to Operate Issued November 2, 2016

Application No. 4516506MA, Public Water Supply.

Applicant **Pennsylvania 940 Station**
P O Box 301
East Stroudsburg, PA 18301

[Township or Borough] Tobyhanna Township
Monroe County

Responsible Official Ruben Barth, Owner
P O Box 301
East Stroudsburg, PA 18301

Type of Facility PWS

Consulting Engineer Russell D. Scott, PE
RKR Hess, A Division of UTRS,
Inc.
112 N. Courtland Street
East Stroudsburg, PA 18301

Permit Issued Date 10/19/2016

Application No. 2409011, Public Water Supply.

Applicant **PA American Water**
800 W. Hershey Park Drive
Hershey, PA 17033

[Township or Borough] Pittston Township
Luzerne County

Responsible Official Mr. David Kaufman
Vice President-Engineering

Type of Facility Public Water Supply

Consulting Engineer Mr. Daniel Rickard, PE
PA American Water Company
4 Wellington Blvd.
Wyomissing, PA 19610

Permit Issued October 07, 2016

Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 0515502 MA, Minor Amendment, Public Water Supply.

Applicant **Centerville Area MA**

Municipality Cumberland Valley Township

County **Bedford**

Responsible Official Lynland L. Yokum, Chairman
1030 Dark Hollow Road
Bedford, PA 15522

Type of Facility Filter plant upgrades including
media replacement and plant
automation.

Consulting Engineer Edward Bellock, P.E.
Bellock Engineering
581 England Road
Roaring Spring, PA 16673

Permit to Construct Issued 10/14/2016

Permit No. 3816505 MA, Minor Amendment, Public Water Supply.

Applicant **Cornwall Borough Municipal Authority**

Municipality Cornwall Borough

County **Lebanon**

Responsible Official Barbara Henry, Executive
Director
44 Rexmont Road
Lebanon, PA 17042

Type of Facility Installation of a continuous
chlorine analyzer in the
Cornwall Road Pump Station.

Consulting Engineer Jonathan R. Beers, P.E.
Cornwall Borough Municipal
Authority
44 Rexmont Road
Lebanon, PA 17042

Permit to Construct Issued 11/2/2016

Permit No. 2216507, Minor Amendment, Public Water Supply.

Applicant **Capital Region Water**

Municipality Harrisburg

County **Dauphin**

Responsible Official Michael McFadden, Water
System Superintendent
100 Pine Drive
Harrisburg, PA 17101

Type of Facility Filter influent valve replacement, rehabilitation and replacement of filter media in Filter Nos. 1 & 2 and replacement of lost anthracite filter media in Filter Nos. 3 through 8.

Consulting Engineer Jamie R. Shambaugh, P.E.
Gannett Fleming, Inc.
PO Box 67100
Harrisburg, PA 17106-7100

Permit to Construct Issued 11/4/2016

Permit No. 6716507 MA, Minor Amendment, Public Water Supply.

Applicant **Franklintown Borough Municipal Authority**

Municipality Franklintown Borough

County **York**

Responsible Official Richard H. Blouch,
Manager/Operator
PO Box 88
116 South Baltimore Street
Franklintown, PA 17323-0088

Type of Facility Cleaning and repair of an existing elevated storage tank.

Consulting Engineer Robert Hasemeier, P.E.
Barton & Loguidice D.P.C.
3901 Hartzdale Drive
116 South Baltimore Street
Camp Hill, PA 17011-7843

Permit to Construct Issued 10/12/2016

Operation Permit No. 2116510 MA issued to: **Pennsylvania-American Water Company (PWS ID No. 7210029)**, Silver Spring Township, **Cumberland County** on 10/26/2016 for facilities approved under Construction Permit No. 2116510 MA.

Operation Permit No. 3060126 issued to: **Pennsylvania America Water Company (PWS ID No. 3060126)**, Ruscombmanor Township, **Berks County** on 10/7/2016 for facilities at Golden Oaks System approved under Construction Permit No. 0616506.

Operation Permit No. 0116502 MA issued to: **New Oxford MHC LLC (PWS ID No. 7010023)**, Mt. Pleasant Township, **Adams County** on 11/2/2016 for facilities at New Oxford Manor approved under Construction Permit No. 0116502 MA.

Operation Permit No. 3616510 MA issued to: **Leola Sewer Authority (PWS ID No. 7360140)**, Upper Leacock Township, **Lancaster County** on 10/28/2016 for facilities approved under Construction Permit No. 3616510 MA.

Rescission of Operation Permit No. 2808505 issued to: **Trickling Springs Creamery (PWS ID No. 7280950)**, Guilford Township, **Franklin County** on 10/28/2016. Action is for the Entire rescission of facilities approved under Operation Permit No. 2808505.

Operation Permit No. 0116506 issued to: **New Oxford Municipal Authority (PWS ID No. 7010025)**, Oxford Township, **Adams County** on 11/2/2016 for facilities approved under Construction Permit No. 0116506.

Operation Permit No. 2116509 MA issued to: **United States Army Carlisle Barracks (PWS ID No. 7210010)**, Federal Borough, **Cumberland County** on 10/26/2016 for facilities approved under Construction Permit No. 2116509 MA.

Operation Permit No. 7676468 issued to: **GlacierWater Services, Inc. (PWS ID No. 7676468)**, **York County** on 10/26/2016 for facilities submitted under Application No. 7676468.

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

Permit No. 4115505—Construction—Public Water Supply.

Applicant **Montgomery Water and Sewer Authority**

Township/Borough Clinton Township

County **Lycoming**

Responsible Official Mr. John Lynch
Montgomery Water and Sewer Authority
35 South Main Street
Montgomery, PA 17752

Type of Facility Public Water Supply

Consulting Engineer Paul Krizan, P.E.
Larson Design Group
1000 Commerce Park Drive
Suite 201
Williamsport, PA 17701

Permit Issued October 25, 2016

Description of Action Development of Well No. 4 as an additional source of supply, including gas chlorine for disinfection, sodium hydroxide and blended phosphate addition for corrosion control, and detention piping for 4-log inactivation of viruses. In addition, the project includes upgrades to the SCADA system for Well Nos. 1 and 3, installation of a chlorine residual analyzer for the Well No. 3 system, and cleaning/upgrades to Well No. 3.

Permit No. 5316501—Operation—Public Water Supply.

Applicant **Galeton Borough Authority**

Township/Borough Galeton Borough

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 Walters
Larson Design Group
1000 Commerce Park Drive
Suite 201
Williamsport, PA 17701

Permit Issued October 27, 2016
 Description of Action Operation of two new concrete inlet boxes with intake screens located immediately downstream of the modified weirs in Wetmore Run and in Right Branch Wetmore Run. Operation Permit No. 5310501 authorizing operation of the infiltration galleries is hereby cancelled since the galleries are no longer functional

Permit No. WA 53-242C—Modification—Public Water Supply.

Applicant **Galeton Borough Authority**
 Township/Borough Galeton Borough
 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 Walters
 Larson Design Group
 1000 Commerce Park Drive
 Suite 201
 Williamsport, PA 17701

Permit Issued October 27, 2016
 Description of Action Modified paragraph one and conditions nos. 3 and 4.

Permit No. GWR-MA—Construction—Public Water Supply.

Applicant **Ridgebury Volunteer Fire Company**
 Township/Borough Ralpho Township
 County **Bradford**
 Responsible Official Jason Johnson, President
 Ridgebury Volunteer Fire Company
 13248 Berwick Turnpike
 Gillet, PA 16925
 Type of Facility Public Water Supply
 Consulting Engineer Karl M. Schwesinger
 Fagan Engineers & Land Surveyors, PC
 113 E. Chemung Place
 Elmira, NY 14904

Permit Issued November 1, 2016
 Description of Action Replace two storage tanks plumbed in parallel with three 119 gallon baffle/storage tanks plumbed in series for 4-log inactivation of viruses, install 5/8" Sensus SRII flow meter, add valves before/after meter and before/after baffle/storage tanks, add sampling points after chlorine injection and at entry point 101, and install 8 gpm flow restrictor on waterline after EP.

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

Permit No. 0215535, Public Water Supply.

Applicant **Moon Township Municipal Authority**
 1700 Beaver Grade Road
 Suite 200
 Moon Township, PA 15108
 [Borough or Township] Moon Township
 County **Allegheny**
 Type of Facility Fern Hollow WTP improvements
 Consulting Engineer KLH Engineers, Inc.
 5173 Campbells Run Road
 Pittsburgh, PA 15205
 Permit to Construct Issued November 1, 2016

Operations Permit issued to: **Robert Borland**, Whispering Woods Community Water System, 479 Big Knob Road, Rochester, PA 15074, (**PWSID # 5040049**) New Sewickley Township, **Beaver County** on October 26, 2016 for the operation of facilities approved under Construction Permit # 0415508.

Operations Permit issued to: **Masontown Borough**, 1 East Church Avenue, Masontown, PA 15461, (**PWSID # 5260013**) Masontown Borough, **Fayette County** on October 27, 2016 for the operation of facilities approved under Construction Permit # 2615508MA.

Operations Permit issued to: **Southwestern Pennsylvania Water Authority**, PO Box 187, 1442 Jefferson Road, Jefferson, PA 15344, (**PWSID # 5300017**) Washington Township, **Greene County** on October 27, 2016 for the operation of facilities approved under Construction Permit # 3016505MA.

Operations Permit issued to: **Southwestern Pennsylvania Water Authority**, PO Box 187, 1442 Jefferson Road, Jefferson, PA 15344, (**PWSID # 5300017**) German Township, **Greene County** on October 27, 2016 for the operation of facilities approved under Construction Permit # 3015512MA.

Operations Permit issued to: **Southwestern Pennsylvania Water Authority**, PO Box 187, 1442 Jefferson Road, Jefferson, PA 15344, (**PWSID # 5300017**) West Bethlehem Township, **Greene County** on October 27, 2016 for the operation of facilities approved under Construction Permit # 3015506MA.

Permit No. 3016507MA, Minor Amendment. Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**
 PO Box 187
 1442 Jefferson Road
 Jefferson, PA 15344
 [Borough or Township] Franklin Township
 County **Greene**
 Type of Facility Elm Drive waterline
 Consulting Engineer Bankson Engineers, Inc.
 Suite 200
 267 Blue Run Road
 Cheswick, PA 15024
 Permit to Construct Issued November 1, 2016

Permit No. 3216503MA, Minor Amendment. Public Water Supply.

Applicant **Central Indiana County Water Authority**
30 East Wiley Street
Homer City, PA 15748

[Borough or Township] Center Township and Homer City Borough

County **Indiana**

Type of Facility Waterline project

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

Permit to Construct Issued October 25, 2016

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Jersey Shore Borough	232 Smith Street Jersey Shore, PA 17740	Lycoming

Plan Description: The approved plan calls for the Tiadaghton Valley Municipal Authority to permit, renovate, own and operate an upgraded Railroad Street Pump Station. The pump station upgrade will consist of the installation of a backup power supply generator that will be situated on a platform above the one hundred year floodplain, replacing/upgrading the pump station electrical service, the installation of a new flow meter that will be integrated in the Tiadaghton Valley Municipal Authority Supervisory Control and Data Acquisition (SCADA) system, replacing a section of force main coming out of the pump station, as well as painting the interior and exterior of the pump station. The total project cost for the pump station upgrade is estimated at \$453,000.00. The Tiadaghton Valley Municipal Authority is attempting to obtain a grant to fund all or a portion of the project cost, but is also able to pay for the project by using monies from their capital reserve fund without any impact to the rate payers (users). Please note that the Federal planning elements required to qualify this project for PENNVEST funding were not satisfied. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from the proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the authority.

WATER ALLOCATIONS

Actions taken on applications received under the act of June 24, 1939 (P.L. 842, No.365) (35 P.S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.

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

WA56-1008, Water Allocations. Jefferson Township Water and Sewer Authority, 786 Mountain View Road, Somerset, PA 15501, Jefferson Township, Somerset County. The right to purchase up to 200,000 gallons of water per day, as a peak month, 30-day average from the Somerset County General Authority.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5)

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Colerain Township	1803 Kirkwood Pike Kirkwood, PA 17536	Lancaster

Plan Description: Approval of a revision to the official plan of Colerain Township, Lancaster County. The project is known as Black Rock Retreat-Oakwood Renovations and Cabin Replacement. The plan provides for renovations to the dining hall and cabin additions and replacements with a net sewage flow increase of 6,516 gallons per day. Sewage will be tributary to a proposed 8,000 gallon per day recirculating sand filter/wetland denitrification wastewater treatment plant with disposal occurring in existing disposal beds. The proposed development is located at 1345 Kirkwood Pike in Colerain Township, Lancaster County. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is B3-36918-293-2 and the APS Id is 917246. This project will require a DEP Water Quality Part 2 permit. Any permits must be obtained in the name of property owner.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

**UNDER ACT 2, 1995
PREAMBLE 2**

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk

assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Tennessee Gas Pipeline Compressor Station 321, 124 Tennessee Gas Road, Clifford Township, **Susquehanna County**. Environmental Standards, Inc., 1140 Valley Forge Road, Valley Forge, PA 19482, on behalf of Kinder Morgan, Inc., 1211 Greenville Mercer Road, Mercer, PA 16137, submitted a Final Report concerning remediation of site groundwater contaminated with benzene, 1,2-dibromoethane, 1,2-dichloroethane, ethylbenzene, isopropylbenzene, lead, methyl tert-butyl ether, naphthalene, toluene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, and xylenes. 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.

Supreme Corp./Former Sterling Packaging, Inc., 24900 State Road 72, Jonestown, PA 17038 Union Township, **Lebanon County**. TecServ Environmental, Inc., 1911 Clover Road, Suite 10, Mishawaka, IN 46545, on behalf of Supreme Corporation, 411 Jonestown Road, Jonestown, PA 17038, submitted Final Report concerning remediation of site soils and groundwater contaminated with chlorinated solvents and petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Site Specific Standard.

Fruitville Business Park, 1570 Fruitville Pike, Lancaster, PA 17602, Lancaster City, **Lancaster County**. Liberty Environmental, 50 N. 5th Street, 5th Floor, Reading, PA 19601, on behalf of 1570 Fruitville Pike, LP, 2450 Marietta Avenue, Lancaster, PA 17601, and Robert Lepore, c/o John Reed, Esquire, Barley Snyder, LLC, 126 East King Street, Lancaster, PA 17602-2893, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with inorganics and SVOCs. The report is intended to document remediation of the site to meet the Site Specific Standard.

Bare Development/Miller Chemical Co. Fire, 275 Radio Road, Hanover, PA 17331, Conewago Township, **Adams County**. Ramboll Environ US Corporation, 4350 North Fairfax Drive, Suite 300, Arlington, VA 22203, on behalf of Miller Chemical and Fertilizer, LLC, 120 Radio Road, Hanover, PA 17331, and Bare Development, L.P. & Radio Hanover, P.O. Box 234, Hanover, PA 17331 submitted Remedial Investigation and Final Report concerning remediation of site soil contaminated with fertilizer con-

stituents. The report is intended to document remediation of the site to meet the Residential Statewide Health and Site Specific Standards.

Former McCrory Stores, 2925 East Market Street, York, PA, Springettsbury Township, **York County**. ARCADIS, 35 Columbia Road, Branchburg, NJ 08876, on behalf of Safe Harbor Reserve, Inc., 789 Kings Mill Road, York, PA 17403 and 2925 East Market LP, 40 Morris Avenue, Suite 230, Bryn Mawr, PA 19010, submitted a Remedial Investigation Report concerning site soils and groundwater contaminated with VOCs, PHs, and BNs. The report is intended to document remediation of the site to meet the Site Specific and Non-Residential Statewide Health Standards.

D&D Distribution Services, 789 Kings Mill Road, York, PA 17403, Spring Garden Township, **York County**. Arcadis, Inc., 35 Columbia Road, Branchburg, NJ 08876, on behalf of 789 Kings Mill, L.P., 40 Morris Avenue, Suite 230, Bryn Mawr, PA 19010, and Safe Harbor Reserve, Inc., 789 Kings Mill Road, York, PA 17403, submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with VOCs, chlorinated solvents and inorganics. The report is intended to document remediation of the site to meet the Non-Residential Statewide Health and Site Specific Standards.

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

Bloomsburg Former MGP Site, Bloomsburg Township, **Columbia County**. Stantec Consulting Services, Inc., 400 Davis Drive, Suite 400, Plymouth Meeting, PA 19462, on behalf of UGI Penn Natural Gas, 2525 North 12th Street, Reading, PA 19612-2577, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with manufactured gas constituents. The report is intended to document remediation of the site to meet the Site-specific Standard.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Damascus Tube (Off-Property Ditches), 795 Reynolds Industrial Park Road, Pymatuning Township, **Mercer County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Marcegaglia USA, Inc., 1001 East Waterfront Drive, Munnhall, PA 15120, submitted a Remedial Investigation/Risk Assessment Report concerning the remediation of site soil and site groundwater contaminated with arsenic, chromium, lead, manganese, nickel, trichloroethene (TCE) tetrachloroethene (PCE), vinyl chloride, 1,1-dichloroethane, 1,1,-dichloroethylene, cis-1,2-dichloroethylene, 1,1,1-trichloroethane, methylene chloride, cobalt, aluminum, antimony, cadmium, copper, zinc, benzo[a]-anthracene, benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[a]pyrene, bis[2-ethylhexyl]phthalate, chrysene, fluoranthene, indeno[1,2,3-cd]pyrene, pyrene, phenanthrene, Aroclor-1254, and Aroclor-1260. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Bakery Square 2.0 (Former Reizenstein Middle School), 129 Denniston Avenue, City of Pittsburgh, **Allegheny County**. American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668 on behalf of

Walnut Capital Management, Inc., 5500 Walnut Street, Ste 300, Pittsburgh, PA 15232 has submitted a Final Report concerning the remediation of site soil contaminated with arsenic, and groundwater contaminated with tetrachlorethene and trichlorethene. Notice of the Final Report was published in the *Tribune-Review* on October 4, 2016.

Hydril Company, intersection of Virginia Avenue & Beaver Street, Rochester Township, **Beaver County**. SE Technologies, LLC, 98 Vanadium Road, Bridgeville, PA 15017 on behalf of Hydril Company, 2200 West Loop South, Ste 800, Houston, TX 77027 has submitted a Cleanup Plan concerning site soils and groundwater contaminated with: metals—lead, zinc, arsenic; organic hydrocarbons; volatile & semi-volatile organic compounds in specific areas of the 55 acre property. Notice of the Cleanup Plan was published in the *Beaver County Times* on September 23, 2016.

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

Plaza Allegheny Property, 236-38 & 240-56 West Allegheny Avenue, City of Philadelphia, **Philadelphia County**. Mark Irani, Land Recycling Solutions, LLC, 3101 Mt. Carmel Avenue, Suite 3, Glenside, PA 19036, David Groverman, Groverpete, L.P. Plaza, Allegheny, t0 Greenfield Avenue, Suite 201, Ardmore, PA 19003 on behalf of Peter Paik, P&H Group, 1382 Uxbridge Way, North Wales, PA 194654 has submitted a Remedial Investigation/Cleanup Plan and Final Report concerning the remediation of site soil contaminated with pah and inorganics The Remedial Investigation/Cleanup Plan and Final Report disapproved by the Department on October 7, 2016. PF770760.

Keystone Discount Tire Center, 1224 Street Road, Bensalem Township, **Bucks County**. Daniel Forrest, Bristol Environmental & Services Company, 3109 State Road, Croydon, PA 19021 on behalf of Chuck Smith, Keystone Discount Tire Center, 1224 Street Road, Bensalem, PA 19020 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 heating oil. The Final report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on October 18, 2016. PF811597.

Harvard Seven LLC Lot 3, Harvard and Columbia Roads, Haverford Township, **Delaware County**. Thomas A. Petrecz, Jr., Pen E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Kevin Hillsinger, Harvard Seven, LLC, 1305 Catfish Lane, Audubon, PA 19403 has submitted a Remedial Investigation/Final Report concerning the remediation of site soil contaminated with 1, 2, 4, 5 and no. 6 fuel oil. The Remedial Investigation/Final Report was approved by the Department on October 18, 2016. PF811569.

Brewerytown Mixed Block, 31st and Market Street, City of Philadelphia **Philadelphia County**. Bill Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, Paul Martino, Penn Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Joh Herzog, Westrum Development Company, 1300 Virginia Drive, Suite 215, Fort Washington, PA 19034 has submitted a Remedial Investigation/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with metals and pahs. The Remedial Investigation and Cleanup Plan were approved by the Department on October 13, 2016. PF809901.

22 South 22nd Street, 22 South 22nd Street, City of Philadelphia, **Philadelphia County**. Aaron Epstein, Partner Engineering and Science, Inc., 100 Deerfield Lane, Suite 200, Malvern, PA 19355, Craig Ratchford, Vitus Development, LLC, 1700 Seventh Avenue, Seattle, WA 98101 on behalf of Mark Hildebrant, Esquire, Sidney Hillman Medical Center Philadelphia Apartments, 300 Seventy Frist Street, Suite 302, Miami Beach, FL 33141 has submitted a Remedial Investigation/Cleanup Plan and a Final Report concerning the remediation of site soil contaminated with benzo (a) pyrene. The Remedial Investigation and Cleanup Plan and Final Report were approved by the Department on October 5, 2016. PF8121855.

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:

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

Sternberg Property, 8111 Wertman Road, Weisenberg Township, **Lehigh County**. Liberty Environmental, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of ArieH Sternberg, 8111 Wertman Road, Fogelsville, PA 18051, submitted a Final Report concerning the remediation of site soils contaminated with benzene, ethylbenzene, cumene, MTBE, naphthalene, toluene, 1,2,4-TMB, and 1,3,5-TMB. The Final Report did not demonstrate attainment of the Statewide Health Standard, and was disapproved by the Department on November 3, 2016.

Ryder Truck Rental, Inc., Mill Road, Upper Macungie Township, **Lehigh County**. Ransom Environmental, 2127 Hamilton Avenue, Hamilton, NJ 08619, on behalf of Ryder Truck Rental, Inc., 11690 NW 105 Street, Miami, FL 33178, submitted a Final Report concerning the remediation of site soils contaminated with The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on November 2, 2016.

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

D&D Distribution Services, 789 Kings Mill Road, York, PA 17403, Spring Garden Township, **York County**. Arcadis, Inc., 35 Columbia Road, Branchburg, NJ 08876, on behalf of 789 Kings Mill, L.P., 40 Morris Avenue, Suite 230, Byrn Mawr, PA 19010, and Safe Harbor Reserve, Inc., 789 Kings Mill Road, York, PA 17403, submitted Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with VOCs, chlorinated solvents and inorganics. The Remedial Investigation Report was administratively incomplete and was disapproved by the Department on November 3, 2016.

Supreme Corp./Former Sterling Packaging, Inc., 24900 State Road 72, Jonestown, PA 17038 Union Township, **Lebanon County**. TecServ Environmental, Inc., 1911 Clover Road, Suite 10, Mishawaka, IN 46545, on behalf of Supreme Corporation, 411 Jonestown Road, Jonestown, PA 17038, submitted a Final Report concerning remediation of site soils and groundwater contaminated with chlorinated solvents and petroleum hydrocarbons. The Final Report was administratively incomplete and was disapproved by the Department on October 24, 2016.

Fruitville Business Park, 1570 Fruitville Pike, Lancaster, PA 17602, Lancaster City, **Lancaster County**. Liberty Environmental, 50 N. 5th Street, 5th Floor, Reading, PA 19601, on behalf of 1570 Fruitville Pike, LP, 2450 Marietta Avenue, Lancaster, PA 17601, and Robert Lepore, c/o John Reed, Esquire, Barley Snyder, LLC, 126 East King Street, Lancaster, PA 17602-2893, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soils and groundwater contaminated with inorganics and SVOCs. The Remedial Investigation Report and Cleanup Plan was administratively incomplete and was disapproved by the Department on November 2, 2016.

Miguel's Nightclub/Conestoga River Plaza, 902 South Duke Street, Lancaster, PA 17602, Lancaster City, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, and SACA Development Corporation, 453 South Lime Street, Suite B, Lancaster, PA 17602 submitted a Final Report concerning remediation of site soil contaminated with inorganics and SVOCs. The Final Report demonstrated attainment of the Site Specific Standard, and was approved by the Department on October 31, 2016.

3434 Lincoln Highway East Property, 3434 Lincoln Highway East, Paradise, PA 17562, Paradise Township, **Lancaster County**. Mulry and Cresswell Environmental, Inc., 1679 Horseshoe Pike, Glenmoore, PA 19343, on behalf of Doutrich Homes, Inc., 333 Lincoln Highway East, Paradise, PA 17562, submitted a Final Report concerning remediation of soils and groundwater contaminated with leaded gasoline. The Final Report did not demonstrate attainment of the Residential Statewide Health Standard, and was disapproved by the Department on October 31, 2016.

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

Former C Cor Property, College Township, **Centre County**. ARRIS International Plc, Royal Palm 1, Suite 610, 1000 South Pine Island Drive, Plantation, FL 33324, on behalf of Decibel Partners, LP, 60 Decibel Road, State College, PA 16801, has submitted a Combined Remedial Action/Risk Assessment/Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The report demonstrated attainment of the Site Specific Standard and was approved by the Department on October 11, 2016.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Former Rouseville Refinery Plant 1 AST Farm, Buchanan Street, Borough of Rouseville, **Venango County**. AECOM Technical Services, Inc, 12420 Milestone Center Drive, Suite 150, Germantown, MD 20876, on behalf of Pennzoil Quaker State Company, 1160 Rustling Wind Lane, League City, TX 77573, submitted a Remedial Investigation/Risk Assessment/Final Report concerning the remediation of site soils contaminated with 1,2,3-trichloropropane, 1,2,4-trichlorobenzene, 1,2,4-TMB, 1,2-dichloroethane, 1,3,5-TMB, 1,3-butadiene, 1,2-dichlorobenzene, 1,4-dichlorobenzene, 2-butanone, 2-hexanone, 4-methyl-2-pentanone, acetone, acetonitrile, acrylonitrile, benzene, bromomethane, carbon disulfide, chloroethane, chloroform, chloromethane, cis-1,2-dichloroethene, cyclohexane, cyclohexanone, dichlorodifluoromethane, ethylbenzene, isopropyl alcohol, isopropylbenzene, m,p-xylene, methyl acetate, methylcyclohexane, methylene chloride, naphthalene, n-butanol, n-butylbenzene, n-propylbenzene, o-xylene, p-isopropyltoluene, sec-butylbenzene, styrene, tert-butylbenzene, tetrachloroethene, tetrahydrofuran, toluene, trans-1,3-dichloropropene, xylenes (total), 1-methylnaphthalene, 2,4-dinitrophenol, 2-methylnaphthalene, 2-methylphenol, 3&4-methylphenol, acenaphthene, acenaphthylene, acetophenone, anthracene, atrazine, benzaldehyde, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[g,h,i]perylene, benzo[k]fluoranthene, benzoic acid, benzyl butyl phthalate, bis[2-chloroethyl] ether, bis[2-ethylhexyl] phthalate, carbazole, chrysene, dibenzo[a,h]anthracene, dibenzofuran, diethyl phthalate,

di-n-butyl phthalate, di-n-octyl phthalate, fluoranthene, fluorene, indeno[1,2,3-cd]pyrene, naphthalene, n-nitrosodi-n-propylamine, pentachlorophenol, phenanthrene, phenol, pyrene, arsenic, barium, cadmium, chromium, chromium (hex), chromium (trivalent), lead, mercury, selenium, silver, 1,1,2,2-tetrachloroethane, 1,1,2-trichloroethane, 1,2-dichlorobenzene, 1,3,5-trichlorobenzene, 1,3-dichlorobenzene, 1,3-dichloropropane, acrolein, benzyl chloride, cis-1,3-dichloropropene, dibromochloromethane, iodomethane, 1,2-diphenylhydrazine, 2,4,5-trichlorophenol, 2,4,6-trichlorophenol, 2,4-dichlorophenol, 4-chloroaniline, 4-nitrophenol, biphenyl, dimethyl phthalate, diphenylamine, n-nitrosodiphenylamine, methyl ethyl ketone, 2,2,4-trimethylpentane, 4-ethyltoluene, bromodichloromethane, carbon tetrachloride, ethanol, ethyl acetate, freon-113, heptane, hexachlorobutadiene, hexane, trichlorofluoromethane, 1,2-dichloropropane, benzyl chloride, methyl tert butyl ether, and site groundwater contaminated with 1,2,4-TMB, 1,3,5-TMB, 1,3-butadiene, acetone, acrylonitrile, benzene, carbon disulfide, chlorobenzene, cyclohexane, ethylbenzene, isopropyl alcohol, isopropylbenzene, m,p-xylene, naphthalene, n-butylbenzene, n-propylbenzene, o-xylene, sec-butylbenzene, tert-butylbenzene, tetrachloroethene, toluene, xylenes (total), 1,3-dichlorobenzene, 2,4-dimethylphenol, 1-methylnaphthalene, 2-methylnaphthalene, acenaphthene, acenaphthylene, acetophenone, bis[2-ethylhexyl]phthalate, fluorene, naphthalene, phenanthrene, phenol, arsenic, barium, lead, chromium, chromium (hexavalent). The Report was disapproved by the Department on November 3, 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.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170.

Renewal Applications Received

Hazleton Oil & Environmental, Inc., 300 Tamaqua Street, Hazleton, PA 18201. License No. PA-AH 0713. Effective Oct 27, 2016.

Environmental Coordination Services and Recycling, Inc., 3237 US Highway 19, Cochranon, PA 16314. License No. PA-AH 0757. Effective Oct 31, 2016.

Hazardous Waste Transporter License Reissued

Environmental Coordination Services and Recycling, Inc., 3237 US Highway 19, Cochranon, PA 16314. License No. PA-AH 0757. Effective Nov 02, 2016.

Environmental Transport Group, Inc., PO Box 296, Flanders, NJ 07836-0296. License No. PA-AH 0104. Effective Nov 03, 2016.

Disttech, LLC dba Disttech, 4366 Mt Pleasant Street NW, North Canton, OH 44720. License No. PA-AH 0799. Effective Nov 07, 2016.

Hazardous Waste Transporter License Issued

Allied Environmental Services of NY, LLC, 19 Ransier Drive, West Seneca, NY 14224. License No. PA-AH 0845. Effective Nov 07, 2016.

RESIDUAL WASTE GENERAL PERMITS

Permit Issued for Determination of Applicability under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101–4000.1904) and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit No. WMGR079D005. New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664-9137. Determination of Applicability (DOA) under General Permit No. WMGR079 for a processing facility located in Guilford Township, **Franklin County**, for processing and beneficial use of waste asphalt shingles. The general permit was issued by Central Office on September 22, 2015.

General Permit No. WMGR079 has been amended reflecting following changes to the Permit:

1. Re-organization of the general permit for overall clarity and ease of use.
2. Included a standard permit condition requiring the use of an accredited environmental laboratory to perform analytical testing required by the permit.
3. Clarification of the procedures to renew the general permit.

Persons interested in reviewing a general permit should be directed to Scott E. Walters at 717-787-7381, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

Permit Issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and 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 No. WMGR101SW004. Heights Plaza Materials, Inc., 124 Pulaski Drive, Natrona Heights, PA, 15065, for the facility located at 1001 Spring Hill Road Ext., Natrona Heights, PA 15065, Harrison Township, **Allegheny County**. Determination of Applicability approved for the operation of a facility for the processing and beneficial use of steel slag, iron slag, and refractory bricks that were co-disposed with slag, reclaimed asphalt pavement materials (RAP) in quantities greater than 10 cubic yards and uncontaminated brick, block and concrete from sidewalk and highway projects as a construction material. The general permit was issued by the Southwest Regional Office on November 2, 2016.

**REGISTRATION FOR GENERAL
PERMIT—RESIDUAL WASTE**

Registration Issued Under the Solid Waste Management Act; the Residual Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

General Permit Registration No. WMGR109SE003. Waste Oil Recycling, Inc., 6 Union Street, Coatesville, PA 19320-4465. This registration is to operate under General Permit No. WMGR109SE003 for the Waste Oil Recyclers, Inc., to process used oil collected from restaurant for beneficial use as biofuel. The Waste Oil Recyclers, Inc., facility is located in the Borough of Modena, **Chester County**. The registration was issued by the Southeast Regional Office on November 4, 2016.

Persons interested in reviewing the general permit may contact the Waste Management Program Manager, DEP Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915, 484.250.5960. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654.5984.

**DETERMINATION OF APPLICABILITY FOR
RESIDUAL WASTE GENERAL PERMITS**

Application for Determination of Applicability Renewal Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

General Permit Application No. WMGR028SE001B. Allan Myers L.P, (d.b.a. Allen Myers Materials), 638 Lancaster Avenue, Malvern, PA 19355. This application is for the renewal of the determination of applicability (DOA) under General Permit No. WMGR028 for the beneficial use of hot-mix asphalt plant residues consisting of baghouse fines at the Coatesville Asphalt Plant located at 410 Doe Run Road, Coatesville, PA 19320, in East Fallowfield Township, **Chester County**. The application for determination of applicability was accepted as administratively complete by the Southeast Regional Office on November 4, 2016.

Comments concerning the application should be directed to the Manager of the Waste Management Program, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915. Persons interested in obtaining more information about the general permit application may contact the Southeast Regional Office by telephone at 484.250.5960 TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654.5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

General Permit Application No. WMGR028SE001C. Allan Myers L.P, (d.b.a. Allen Myers Materials), 638 Lancaster Avenue, Malvern, PA 19355. This application is

for the renewal of the determination of applicability (DOA) under General Permit No. WMGR028 for the beneficial use of hot-mix asphalt plant residues consisting of baghouse fines at the Harleysville Asphalt Plant located at 460 Indian Creek Road, Harleysville, PA 19438, in Lower Salford Township, **Montgomery County**. The application for determination of applicability was accepted as administratively complete by the Southeast Regional Office on November 2, 2016.

Comments concerning the application should be directed to the Manager of the Waste Management Program, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915. Persons interested in obtaining more information about the general permit application may contact the Southeast Regional Office by telephone at 484.250.5960 TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654.5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.

GP3-15-0075: Highway Materials (850 Crusher Road, Downingtown, PA 19335) On November 3, 2016 for a portable non-metalllic mineral processing plant in East Caln Township, **Chester County**.

GP9-15-0030: Highway Materials (850 Crusher Road, Downingtown, PA 19335) On November 3, 2016 for use of two (2) diesel or No. 2 Fuel Oil fired internal combustion units in East Caln Township, **Chester County**.

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

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.

GP3-58-047: F.S. Lopke Contracting Inc (3430 State Route 434, Apalachin, NY 13732) on November 2, 2016 for the construction and operation of a Portable Crushing Operation with watersprays at McNeice Quarry the site located in Liberty Twp., **Susquehanna County**.

GP9-58-047: F.S. Lopke Contracting Inc (3430 State Route 434, Apalachin, NY 13732) on November 2, 2016 for the construction and operation of diesel engines at McNeice Quarry site located in Liberty Twp., **Susquehanna County**.

GP4-48-001: Pulverman (1170 Lower Demunds Road, Dallas, PA 18612) on November 01, 2016, for the operation of burn off oven controlled by after burner at the facility located in Dallas Township, **Luzerne County**.

GP3-35-012A: Popple Construction Inc. (215 E. Saylor Avenue, Laflin, PA 18702) on October 26, 2016 for the construction and operation of a Portable Crushing

Operation with watersprays at the Lackawanna Energy Center located in Jessup Borough, **Lackawanna County**.

GP11-35-012A: Popple Construction Inc. (215 E. Saylor Avenue, Laffin, PA 18702) on October 26, 2016 for the installation and operation of Diesel I/C engines at the Lackawanna Energy Center located in Jessup Borough, **Lackawanna County**.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

GP3-24-186A: JM Delullo Stone Sales/Advanced Disposal (1247 Million Dollar Hwy., Kersey, PA 15846) on October 27, 2016, for the authority to operate a diesel fired internal combustion engine (BAQ-GPS/GP3) located at their facility in Fox Township, **Elk County**.

GP5-33-176C: Alliance Petroleum Corp (4150 Belden Village Ave. NW, Suite 410, Canton, OH 44718) on October 25, 2016, for the authority to operate a natural gas fired compressor engine (Caterpillar G3508LA) and condensate storage tank (BAQ-GPS/GP5) located at their facility in Pine Creek Township, **Jefferson County**.

GP11-37-332H: Amerikohl Aggregates, Inc. (1384 State Route 711, Stahlstown, PA 15687) on October 25, 2016, for the authority to install and operate a diesel or No. 2 fuel fired nonroad internal combustion engine (Perkins P1104D-E44TA) (BAQ-GPS/GP11) located at their facility in Wayne Township, **Lawrence County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

36-05107F: Pepperidge Farm Inc. (2195 N. Reading Road, Denver, PA 17517) on October 25, 2016, for the installation of a new catalytic oxidizer to replace Catalytic Oxidizer 6 at the bakery located in East Cocalico Township, **Lancaster County**.

36-05092B: Greiner Industries Inc. (1650 Steel Way, Mount Joy, PA 17552) on November 1, 2016, for the construction of a spray paint booth at the structural steel manufacturing facility located in Mount Joy Township, **Lancaster County**.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

20-310A: Reed Oil Company/Harned Oil Bulk Plant (10470 Pymatuning Ave., Conneaut Lake, PA 16316) on October 26, 2016 issued a Plan Approval to install and operate sixteen (16) storage tanks of various sizes, storing various petroleum products, and associated loading operations at at their facility in Conneaut Lake Township, **Crawford County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920.

46-0007: Holy Redeemer Hospital & Medical Center (1648 Huntingdon Pike, Meadowbrook, PA 19046-8001) On November 3, 2016 for the installation of a Cogeneration Generator System in Abington Township, **Montgomery County**.

09-0184A: Doylestown Hospital (595 W State Street, Doylestown, PA 18901) On November 3, 2016 to install a 1,600 kW natural gas-fired cogeneration unit with oxidation catalyst in Doylestown Township, **Bucks County**.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

36-05107D: Pepperidge Farm, Inc. (2195 North Reading Road, Denver, PA 17517) on November 1, 2016, for the installation of a new Catalytic Oxidizer 5 to control Cracker Oven 8 and re-routing the exhaust so only Cracker Oven 7 exhausts to Catalytic Oxidizer 4 at the Pepperidge Farm bakery located in East Cocalico Township, **Berks County**. The plan approval was extended.

06-05077D: Can Corporation of America (326 June Avenue, Blandon, PA 19510-0170) on November 1, 2016, for replacing a sheet coater and a sheet coater oxidizer in its Blandon plant located in Maiden creek Township, **Berks County**. The plan approval was extended.

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

Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.

PA-26-00500C: Contura Pa Coal Terminal (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370) Plan Approval extension issuance date effective October 28, 2016, to prepare and submit operating permit application for their LaBelle facility located in Luzerne Township, **Fayette County**.

PA-56-00319A: Rosebud Mining Company (301 Market Street, Kittanning, PA 16201) plan approval extension effective on October 29, 2016, for construction and temporary operation of air contamination sources and controls associated with a coal preparation plant at its Stoneycreek Mine in Quemahoning Township, **Somerset County**.

PA-03-00244A: Dominion Transmission, Inc. (5000 Dominion Blvd—2NW Glen Allen, VA 23060) on November 2, 2016, plan approval PA-03-00244A, modification issued to replace the old boiler with a new boiler rated at 5.25 MMBtu/hr equipped with a low NO_x burner at their Rural Valley Compressor Station located in Valley Township, **Armstrong County**.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

10-001N: AK Steel Butler Works (P.O. Box 832, Butler, PA 16003) on November 2, 2016, effective November 30, 2016, will issue a plan approval extension for the modification of the # 26 Carlite Furnace which includes increasing the line speed of the unit from 440 fpm to 580 and installation of new low NO_x burners (increasing the fire rate from 24.4 mmbtu/hr to 26.8 mmbtu/hr). This is a Title V facility.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

38-03016: PA Precision Cast Parts, Inc. (1521 N. 3rd Avenue, PO Box 1429, Lebanon, PA 17042-1429) on October 25, 2016, for the steel investment foundry located in Lebanon City, **Lebanon County**. The State-only permit was renewed.

67-03157: SWF Industrial (6287 Lincoln Highway, Wrightsville, PA 17368) on October 25, 2016, for the metal products fabrication facility located in Hellam Township, **York County**. The State-only permit was renewed.

06-03134: Sensory Effects, Inc. (136 Fox Run Drive, Defiance, OH 43512-1394) on October 24, 2016, for the spray drying facility located in Exeter Township, **Berks County**. The State-only permit was renewed.

36-05135: Stylecraft Corp. (PO Box 740, Terre Hill, PA 17581-0740) on November 1, 2016, for the wood kitchen cabinet manufacturing facility located in Terre Hill Borough, **Lancaster County**. The State-only permit was renewed.

22-03046: Pennsy Supply, Inc. (1001 Paxton Street, PO Box 3331, Harrisburg, PA 17105-3331) on November 1, 2016, for the stone crushing operation at the Fiddlers Elbow North Quarry facility located in Lower Swatara Township, **Dauphin County**. The State-only permit was renewed.

01-05017: QG Printing II Corp. (N61 W23044 Harry's Way, Sussex, WI 53089) on November 1, 2016, for the book printing facility located in Fairfield Borough, **Adams County**. The State-only permit was renewed.

06-03062: Theo C. Auman, Inc. (247 Penn Street, Reading, PA 19601-4047) on November 2, 2016, for the human crematory unit at the facility located in Reading City, **Berks 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.

25-00911: Humane Society of Northwestern Pennsylvania (2407, Zimmerly Road, Erie, PA 16506-4905) on November 1, 2016 issued a renewal of the Natural Minor Operating Permit to operate a pet shelter and cremator

located in Millcreek Township, **Erie County**. The emitting sources include the Incinerator equipped with a secondary chamber. The emission of pollutants from the facility is less than the Title V threshold-limits. Thus, the facility is natural minor. The emission of VOC and Criteria Pollutants from the facility is less than the Title V threshold.

42-00184: Keystone Powdered Metal Company, Lewis Run Plant (1 American Way, Sharon, PA 16146) on November 7, 2016 issued the renewal Natural Minor Operating Permit to operate a powder metal components manufacturing company located in Lewis Run Borough, **McKean County**. The emitting sources include: Source ID # 105: # 4733 Induction Heat Treater, Source ID # 1461: 4' x 8' Electric Sintering Furnace, 48' Electric Sintering Furnace, Source ID # 2744: 48' Electric Sintering Furnace—Pusher, Source ID # 4206: 48' Electric Sintering Furnace—Belt, Source ID # 5417: 32' Electric Sintering Furnace—Belt, Source ID # 5941: # 5941 32' Electric Sintering Furnace—Belt, Source ID # 6490: Tempering Furnace, Source ID # 6617: Samsco Unit (Water Evaporator), Source ID # 6967: Emergency Generator, Source ID # 7001: Parts Washer, and Source ID # 7812: Induction Heat Treater. The two heat treat furnaces and the tempering furnace are controlled by individual smog hogs. The permit contains the requirements of the previous applicable plan approvals, as well as recordkeeping, work practice requirements and additional requirements to demonstrate compliance with the Clean Air Act. The emergency generator engine is subject to 40 CFR 63 Subpart ZZZZ pertaining to the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The potential emissions from the facility stated in the permit application are: Total Particulate Matter 0.45 Ton per year (TPY), Oxides of Nitrogen 0.86 TPY, Carbon Monoxide 0.72 TPY, and Volatile Organic Compound: 0.07 TPY.

Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief, Source Registration at 215 685 9476.

The City of Philadelphia, Air Management Services (AMS) has intended to issue a Minor State Only Operating Permit for the following facility:

S14-016: Thomas Jefferson University & Hospital (214 S 11th St, Philadelphia, PA 19107) issued October 28, 2016 for University facility in the City of Philadelphia, **Philadelphia County**.

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.

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

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

40-00109: GRUMA Corp. dba Mission Foods (15 Elmwood Avenue, Mountaintop, PA 18707) on November 3, 2016 for the administrative amendment to include all applicable requirements from plan approval number 40-00109A at the site located in Wright Twp., **Luzerne County**.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

36-05106: Premier Custom Built, Inc. (110 Short Street, New Holland, PA 17557-1515) on November 1, 2016, for the wood cabinet manufacturing facility located in East Earl Township, **Lancaster County**. The State-only permit was administratively amended in order to incorporate the requirements of Plan Approval No. 36-05106B.

67-05106: Donsco, Inc. (PO Box 2001, Wrightsville, PA 17368-0040) on October 28, 2016, for the iron foundry located in Wrightsville Borough, **York County**. The State-only permit underwent a significant modification in order to revise the applicability determination for 40 CFR Part 60, Subpart ZZZZZ.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.

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

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

46-00018: Quad Graphics Inc. (N61 W23044) Harry's Way, Sussex, WI 53089) On November 3, 2016 for revocation of a Title V Operating permit as the facility has ceased operation in Upper Hanover Township, **Montgomery County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).

Coal Permits Issued

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.

Permit No. 32110104 and NPDES No. PA0263303, Simkol Corp., 1005A Bush Road, Saltsburg, PA 15681, permit renewal for the continued operation and restoration of a bituminous surface mine in Young Township, **Indiana County**, affecting 40.5 acres. Receiving streams: Nesbit Run and unnamed tributary to Whiskey Run, classified for the following use: cold water fishes. There

are no potable water supply intakes within 10 miles downstream. Application received: August 3, 2016. Permit issued: October 31, 2016.

Permit No. 56950108 and NPDES No. PA0213195, Fieg Brothers Coal Co., 3070 Stoystown Road, Stoystown, PA 15563, permit renewal for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 112.25 acres. Receiving streams: unnamed tributaries to Buffalo Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: September 6, 2016. Permit issued: November 1, 2016.

Permit No. 56050102 and NPDES No. PA0249751, 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 63.3 acres. Receiving streams: unnamed tributary to Oven Run and unnamed tributary to Stonycreek River, classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge is Hooversville Borough Municipal Authority. Application received: June 17, 2016. Permit issued: November 2, 2016.

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

17980104 and NPDES PA0237922. Swisher Contracting, Inc. (P.O. Box 1223, Clearfield, PA 16830). Revision to permit acreage to add passive treatment system and modification to NPDES permit on a bituminous surface mine located in Lawrence Township, **Clearfield County** affecting 84.0 acres. Receiving stream(s): Moose Creek classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: May 24, 2016. Permit issued: October 18, 2016.

17050103 and NPDES PA0256196. RAMM Coal, Inc. (1092 Spruce Hill Road, Rockton, PA 15856). Permit renewal for continued operation and restoration of a bituminous surface mine located in Brady Township, **Clearfield County** affecting 49.1 acres. Receiving stream(s): Unnamed Tributary to Little Anderson Creek and Anderson Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 30, 2015. Permit issued: October 6, 2016.

14940101 and NPDES PA0219932. Junior Coal Contracting, Inc. (2330 Six Mile Road, Philipsburg, PA 16866). Permit renewal for continued operation and restoration of a bituminous surface and auger mine located in Rush Township, **Centre County** affecting 522.0 acres. Receiving stream(s): Unnamed Tributaries to Moshannon Creek and Moshannon Creek classified for the following use(s): TSF and MF. There are no potable water supply intakes within 10 miles downstream. Application received: January 8, 2016. Permit issued: October 6, 2016.

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

Permit No. 54830105R6. Joe Kuperavage Coal Company, (916 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine operation in Schuylkill Township, **Schuylkill County** affecting 412.66 acres, receiving stream: Schuylkill River. Application received: May 24, 2013. Renewal issued: October 28, 2016.

Permit No. PAM113042. Joe Kuperavage Coal Company, (916 Park Avenue, Port Carbon, PA 17965), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54830105 in Schuylkill Township, **Schuylkill County**, receiving stream: Schuylkill River. Application received: May 24, 2013. Permit issued: October 28, 2016.

Permit No. 40990201R3. Jeddo-Highland Coal Company, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite coal refuse reprocessing operation in Hanover and Wilkes-Barre Townships and Laurel Run Borough, **Luzerne County** affecting 194.4 acres, receiving streams: Spring Run and Solomon Creek. Application received: February 18, 2014. Renewal issued: October 28, 2016.

Permit No. PAM114007. Jeddo-Highland Coal Company, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40990201 in Hanover and Wilkes-Barre Townships and Laurel Run Borough, **Luzerne County**, receiving streams: Spring Run and Solomon Creek. Application received: February 18, 2014. Renewal issued: October 28, 2016.

Permit No. 40763204C8. Northampton Fuel Supply Co., Inc., (1 Horwith Drive Northampton, PA 18067), correction of an existing anthracite coal refuse reprocessing operation to update the post-mining land use to unmanaged natural habitat in Newport Township, **Luzerne County** affecting 61.2 acres, receiving stream: Newport Creek. Application received: April 1, 2016. Correction issued: October 28, 2016.

Permit No. PAM116046, Stoudt's Ferry Preparation Co., Inc., (PO Box 279, St. Clair, PA 17970), General NPDES Stormwater Permit for containment of stormwater associated with Anthracite River Dredge Project M91:8 in Exeter Township, **Berks County**, receiving stream: Schuylkill River. Application received: October 3, 2016. Permit issued: October 27, 2016.

Permit No. 40-305-016GP12. Newport Aggregate, Inc., (76 Main Road, Glen Lyon, PA 18617), general operating permit to operate a coal preparation plant on Surface Mining Permit No. 40150201 in Conyngham and Newport Townships, **Luzerne County**. Application received: September 22, 2016. Permit issued: October 31, 2016.

Noncoal Permits Issued

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.

Permit No. 7574SM5 and NPDES NO. PA0613711, Pennsy Supply, Inc., P.O. Box 3331, Harrisburg, PA 17105-3331, renewal of an NPDES permit, North Dickinson Township, **Cumberland County**. Receiving stream: unnamed tributary to Yellow Breeches Creek, classified for the following use: high quality cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 29, 2016. Permit issued: November 2, 2016.

Permit No. 56090301 and NPDES No. PA0262846, New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, renewal of an NPDES permit in Jefferson Township, **Somerset County**. Receiving stream: unnamed tributary to Kooser Run and unnamed tributaries to Shafer Run (tributaries to Laurel Creek), classified for the following use: high quality cold water

fishes. The first downstream potable water supply intake from the point of discharge is Borough of Somerset Municipal Authority surface intake on Laurel Hill Creek 3 miles downstream of the site. Application received: February 17, 2016. Permit issued: November 3, 2016.

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

37162802. Hillsville Limestone Company, Inc. (192 Gennaro Drive, Hillsville, PA 16132) Commencement, operation and restoration of a small industrial minerals mine in Mahoning Township, **Lawrence County**, affecting 11.3 acres. Receiving streams: Unnamed tributary to Mahoning River. Application received: July 1, 2016. Permit issued: October 31, 2016.

PAM616013. Hillsville Limestone Company, Inc. (192 Gennaro Drive, Hillsville, PA 16132) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 37162802 in Mahoning Township, **Lawrence County**. Receiving streams: Unnamed tributary to Mahoning River. Application received: July 1, 2016. Permit issued: October 31, 2016.

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

53160803. Ron F. Onufry, Jr (34 Parklane Drive, Port Allegany, PA 16743) Commencement, operation, and restoration of small noncoal industrial minerals (bluestone) in Portage Township, **Potter County** affecting 5.0 acres. Receiving stream(s): Freeman Run classified for the following use(s): HQ-CWF, MF. Application received: July 7, 2016. Permit issued: October 19, 2016.

PAM216025. Wolfe Coal & Excavating (540 High Street, Lock Haven, PA 17745), hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with Large Noncoal Permit No. 18920301 to the following surface water(s) in Woodward Township, **Clinton County**. Receiving stream(s): Unnamed Tributary to Reed's Run. Application received: October 6, 2016. Permit issued: October 31, 2016.

59161001. DeCristo Inc. (9070 Route 414, Canton, PA 17724) authorization to extract material namely limestone and shale in Sullivan Township, **Tioga County** for Talisman Energy Inc. to construct well pads. Receiving stream: Gaffers Creek. Authorization approved: October 31, 2016.

PAM216022. DeCristo Inc. (9070 Route 414, Canton, PA 17724) hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with Short-Term Construction Projects GP-103 No. 59161001 to the following surface water in Sullivan Township, **Tioga County**. Receiving stream: Gaffers Creek. Application received: September 20, 2016. Permit issued: October 31, 2016.

08970302 and NPDES 0237868. Bishop Brothers Construction Company, Inc. (P.O. Box 289, Ulster, PA 18850). Transfer from New Enterprise Stone & Lime Company, Inc. dba Eastern Industries, Inc. plus revision to change the post mining land use from cropland to unmanaged water impoundment and cropland to industrial/commercial lands to an existing noncoal surface mine located in Sheshequin Township, **Bradford County** affecting 187.29 acres. Receiving stream(s): Susquehanna River classified for the following use(s): WWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: May 5, 2016. Permit issued: November 1, 2016.

08110305 and NPDES PA0257681. Glenn O. Hawbaker, Inc. (1952 Waddle Road, State College, PA 16803). NPDES renewal for continue operation and reclamation of a large noncoal surface mining site located in Windham and Rome Townships, **Bradford County** affecting 150.8 acres. Receiving streams: Trout Brook and Wysox Creek classified for following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: August 15, 2016. Permit issued: November 2, 2016.

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

Permit No. 64030301T and NPDES Permit No. PA0224332. E.R. Linde Construction Corp., (9 Collan Park, Honesdale, PA 18431), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Palmyra Township, **Wayne County** affecting 94.3 acres, receiving stream: Middle Creek. Application received: July 8, 2014. Renewal issued: October 28, 2016.

Permit No. 64030301T and NPDES Permit No. PA0224332. E.R. Linde Construction Corp., (9 Collan Park, Honesdale, PA 18431), transfer of an existing quarry operation and NPDES Permit for discharge of treated mine drainage in Palmyra Township, **Wayne County** affecting 94.3 acres, receiving stream: Middle Creek. Application received: December 23, 2015. Transfer issued: October 28, 2016.

Permit No. 48161001. Bethlehem Earth, LP, (491 Old York Road, Suite 200, Jenkintown, PA 19046), authorization to extract stone for the Bethlehem Earth Operation in City of Bethlehem, **Northampton County** affecting 4.5 acres, receiving stream: East Branch of Saucon Creek Watershed. Application received: January 5, 2016. Permit issued: November 1, 2016.

Permit No. PAM116001. Bethlehem Earth, LP, (491 Old York Road, Suite 200, Jenkintown, PA 19046), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 48161001 in the City of Bethlehem, **Northampton County**, receiving stream: East Branch of Saucon Creek Watershed. Application received: January 5, 2016. Permit issued: November 1, 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

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

10164002. Sippel Development Co., Inc. (174 Tomlinson Drive, Zelienople, PA 16063) Blasting activity permit for construction blasting in Jackson Township, **Butler County**. This blasting activity permit expires on June 28, 2017. Permit Issued: October 31, 2016.

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

17164001. P & N Coal Company, Inc. (P.O. Box 332, Punxsutawney, PA 15767). Blasting for GFCC No. 17-13-02, West Slab Run Reclamation Project, located in Sandy

Township, **Clearfield County** with an expiration date of April 30, 2018. Permit issued: October 24, 2016.

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

02164003. Wampum Hardware Company (2856 Stoystown Road, Friedens, PA 15541). Blasting activity permit for the construction of the ACAA Site 1-, located in Findlay Township, **Allegheny County** with an exploration date of October 28, 2017. Blasting permit issued: October 31, 2016.

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

Permit No. 15164111. Brubacher Excavating, Inc., (P.O. Box 528, Bowmansville, PA 17507), construction blasting for Atwater Village in East Whiteland Township, **Chester County** with an expiration date October 17, 2017. Permit issued: October 25, 2016.

Permit No. 15164112. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Uptown Worthington Phase 3 in East Whiteland Township, **Chester County** with an expiration date of October 21, 2017. Permit issued: October 25, 2016.

Permit No. 38164116. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Curvin Lauer manure pit in South Annville Township, **Lebanon County** with an expiration date of December 16, 2016. Permit issued: October 25, 2016.

Permit No. 36164167. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Earl Martin Garage in East Earl Township, **Lancaster County** with an expiration date of December 30, 2016. Permit issued: October 26, 2016.

Permit No. 22164108. J Roy's, Inc., (P.O. Box 125, Bowmansville, PA 17507), construction blasting for Venice Subdivision in South Hanover Township, **Dauphin County** with an expiration date of September 27, 2017. Permit issued: October 31, 2016.

Permit No. 36164168. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Calvary Church in Manheim Township, **Lancaster County** with an expiration date of December 30, 2016. Permit issued: October 31, 2016.

Permit No. 46154115. Rock Work, Inc., (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Club View at Springford in Limerick Township, **Montgomery County** with an expiration date of November 1, 2017. Permit issued: November 2, 2016.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E45-569 Reopen. RPM Realty Company, 410 Analomink Road, East Stroudsburg, PA 18301. Hamilton Township, Monroe County, Army Corps of Engineers Philadelphia District.

To authorize the following water obstructions and encroachments associated with the construction of a commercial development known as RPM Auto Park:

1. To construct and maintain a stormwater outfall within the floodway of a tributary to McMichael Creek (EV, MF) consisting of a 36-inch diameter pipe, concrete headwall, riprap plunge pool, and a riprap level spreader with a concrete weir.

2. To construct and maintain a stormwater outfall within the floodway of a tributary to McMichael Creek (EV, MF) consisting of a 36-inch diameter pipe, concrete headwall and a riprap apron.

3. To construct and maintain a sanitary sewer line crossing of a tributary to McMichael Creek (EV, MF) consisting of two 8-inch diameter concrete encased pipes.

4. To remove the existing structure and to construct and maintain a road crossing of a tributary to McMichael Creek (EV, MF) consisting of an open-bottom concrete arch culvert having a 14-foot span, 6-foot underclearance, concrete footers, and imbedded riprap covered with 12-

inches of native stream bed material. Three utility line crossings of the stream, including a water main, a sanitary force main and an electrical duct, will be constructed over the culvert.

5. To construct and maintain a stormwater outfall within the floodway of a tributary to McMichael Creek (EV, MF) consisting of a 36-inch diameter pipe, concrete headwall and a riprap apron.

The water obstruction(s) and encroachment(s) aforementioned were previously authorized by Permit No. E45-569, which expired prior to completion of the project.

The project is located immediately southwest of the intersection of Business Route 209 (SR 2012) and SR 0033 (Saylorsburg, PA Quadrangle Latitude: 40° 57' 34"; Longitude: -75° 17' 15") in Hamilton Township, Monroe County. Subbasin: 1E.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.

E28-385: Pennsylvania Department of Conservation and Natural Resources, 8th Floor, Rachel Carson Building, PO Box 8451, Harrisburg, PA 17105-8769 in Lurgan Township, Franklin County, U.S. Army Corps of Engineers, Baltimore District.

To: 1) install and maintain a 36 foot long, 7 foot wide, wood and steel pedestrian bridge with concrete abutments, stone approaches, and riprap scour protection; having an under clearance of 6 feet over Trout Run (CWF, MF); 2) remove the existing structure and install and maintain 25 feet of 24 inch diameter High Density Polyethylene (HDPE) Pipe with stone endwalls in an unnamed tributary to Trout Run (CWF, MF); and 3) remove the existing structure and install and maintain 26 feet of 18 inch diameter HDPE pipe in an unnamed tributary to Trout Run (CWF, MF). All impacts are located near the Gunter Valley Dam (Latitude: 40°8'16", Longitude: -77°40'19") and are associated with the work to remove the dam to alleviate safety concerns. No wetlands will be impacted by the specific activities above.

E05-386: Broad Top Township, PO Box 57, Defiance, PA 16633 in Broad Top Township, Bedford County, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a proposed Acid Mine Drainage (AMD) remediation project, which 1) permanently fills and impacts 0.10 acre of Palustrine Forested (PFO) wetland, and 2) permanently fills and impacts 132 linear feet of an Unnamed Tributary to Sandy Run (WWF, MF), which is the AMD discharge channel, and 3) fill 0.18 acre of floodway of the UNT to Sandy Run (WWF, MF). The purpose of the proposed AMD remediation project is to treat the abandoned mine discharge and improve water quality in Sandy Run. The project will have no floodway or floodplain impacts to Sandy Run. Compensatory wetland mitigation in the form of payment into the Pennsylvania Wetland Replacement Fund is proposed. The proposed AMD remediation project is located adjacent to Landfill Road (Latitude: 40° 07' 20.4"; Longitude: -78° 13' 40.49") in Broad Top Township, Bedford County.

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1736, Allegheny County Department of Public Works, County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219, Bell Acres Borough, Allegheny County, Pittsburgh ACOE District.

Has been given consent to:

To extend an existing culvert 120 LF within an Unnamed Tributary to Little Sewickley Creek (HQ-TSF), to construct a 25 LF stilling basin at the downstream end of the culvert, and to construct and maintain the associated stormwater facilities for the purpose of rehabilitating a road that collapsed. The project is located approximately 400 feet west of the intersection of Fern Hollow Road and Camp Meeting Road, in the Borough of Bell Acres. To compensate for impacts, the applicant will plant vegetation and construct log and rock step pools along 140 LF of the same watercourse, immediately downstream of the proposed enclosure. (Pittsburgh ACOE District, Ambridge, PA quadrangle, N 16.3", W 3.6", latitude: 40 ° 35' 24", longitude: -80° 09' 01").

E03-468, PennDOT District 10-0, 2550 Oakland Avenue, Indiana, PA 15701, Kiskiminetas Township, **Armstrong County**, Pittsburgh ACOE District.

Has been given consent to:

Remove the existing 25.4' wide SR 2050 bridge with a minimum underclearance of 5.5' and construct and maintain a replacement 28.4' wide replacement bridge with a minimum underclearance of 5.8' in the same location over Rattling Run (CWF) with a drainage area of 3.83 square miles. In addition, place and maintain fill in 146' of an Unnamed Tributary to Rattling Run (CWF) with a drainage area less than 100 acres, construct and maintain 130' of replacement channel, construct and maintain roadway associated stormwater outfalls, and temporarily impact 207' of stream for the purpose of constructing these encroachments. This project is located just east of the intersection of SR 2050 and SR 2051 (Vandergrift PA Quadrangle; Latitude 40° 34' 21"; Longitude -79° 31' 43") in Kiskiminetas Township, Armstrong County.

E03-469, PennDOT District 10-0, 2550 Oakland Avenue, Indiana, PA 15701, Parks Township, **Armstrong County**, Pittsburgh, ACOE District.

Has been given consent to:

Remove the existing 27.82' wide, 24.72' single span, SR 2036 bridge with a minimum underclearance of 5.16' and construct and maintain a replacement 31.63 wide, 38.14 single span replacement bridge with a minimum underclearance of 6.83 in the same location over Carnahan Run (WWF) with a drainage area of 4.16 square miles and permanent stream impact of 37'. In addition, place and maintain fill in 130' of an Unnamed Tributary to Carnahan Run (WWF) located along the western approach road with a drainage area less than 100 acres, construct and maintain 111' of replacement channel, construct and maintain roadway associated stormwater outfalls, and temporarily impact 216' of stream for the purpose of constructing these encroachments. This project is located approximately 0.6 mile west of the intersection of SR 2036 and SR 2044 (Leechburg PA Quadrangle; Latitude 40° 38' 13"; Longitude -79° 30' 56.3") in Parks Township, Armstrong County.

ENVIRONMENTAL ASSESSMENTS

Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.

EA36-045: Clipper Magazine, 3708 Hempland Road, Mountville, PA 17554 in West Hempfield Township, **Lancaster County**, U.S. Army Corps of Engineers, Baltimore District.

To remove approximately three feet of sediment along 700 feet of the West Branch Little Conestoga Creek (WWF, MF) for the purpose of reducing the frequency of flooding on the Clipper Magazine property. The project is located approximately 0.2 mile west of the intersection of Electronics Way and Hempland Road (Latitude 40° 02' 32" N; Longitude 76° 24' 58" W) in West Hempfield Township, Lancaster County. No wetlands will be impacted by this project.

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460.

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).

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.

Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.

ESCGP-2 # ESX16-007-0007
Applicant Name Cardinal PA Midstream, LLC
Contact Person Tommy Baskin
Address 8150 N. Central Expressway, Suite 1725
City, State, Zip Dallas, TX 75206
County Beaver County
Township(s) New Sewickley Township
Receiving Stream(s) and Classification(s) UNTs to Brush Creek (WWF), Brush Creek (WWF)

ESCGP-2 # ESG15-059-0058

Applicant Name EQT Production Company, LLC
 Contact Person Todd Klaner
 Address 2400 Zenith Ridge Road, Suite 200
 City, State, Zip Cannonsburg, PA 15317
 County Greene County
 Township(s) Morris Township
 Receiving Stream(s) and Classification(s) UNTs to Browns
 Creek (HQ-WWF)
 Secondary—Browns Creek (HQ-WWF)

ESCGP-2 # ESX11-059-0012

Applicant Name Rice Drilling B, LLC
 Contact Person Joseph C. Mallow
 Address 400 Woodcliff Drive
 City, State, Zip Cannonsburg, PA 15317
 County Greene County
 Township(s) Gray and Richhill Townships
 Receiving Stream(s) and Classification(s) UNTs to Grays
 Fork and Whitehorn Run (HQ-WWF)
 Secondary—Gray Fork (HQ-WWF) and North Fork
 Dunkard Fork (TSF)

ESCGP-2 # ESX15-125-0071

Applicant Name Rice Water Services, LLC
 Contact Person Kyle Shirey
 Address 400 Woodcliff Drive
 City, State, Zip Cannonsburg, PA 15317
 County Washington County
 Township(s) Charleroi and Fallowfield Townships
 Receiving Stream(s) and Classification(s) Sawmill Creek
 and Pigeon Creek (WWF)
 Secondary—Lower Monongahela (WWF)

ESCGP-2 # ESG15-059-0065

Applicant Name EQT Production Company, LLC
 Contact Person Todd Klaner
 Address 2400 Zenith Ridge Road, Suite 200
 City, State, Zip Cannonsburg, PA 15317
 County Greene County
 Township(s) Center Township
 Receiving Stream(s) and Classification(s) Scott Run (HQ-
 WWF), UNTs to Patterson Creek (HQ-WWF), UNTs to
 Grays Fork (HQ-WWF)
 Secondary—Scott Run (HQ-WWF), Patterson Creek
 (HQ-WWF), Grays Fork (HQ-WWF)

ESCGP-2 # ESX16-007-0003

Applicant Name Penn Energy Resources, LLC
 Contact Person Gregg Stewart
 Address 8150 Commerce Drive, Park Place One, Suite
 100
 City, State, Zip Pittsburgh, PA 15275
 County Beaver County
 Township(s) New Sewickley Township
 Receiving Stream(s) and Classification(s) UNTs to Brush
 Creek (WWF), Brush Creek (WWF)

ESCGP-2 # ESX15-125-0045

Applicant Name MarkWest Liberty Midstream Resources,
 LLC
 Contact Person Rick Lowry
 Address 4600 J. Barry Court, Suite 100
 City, State, Zip Canonsburg, PA 15317
 County Washington County
 Township(s) Chartiers Township
 Receiving Stream(s) and Classification(s) UNTs to
 Chartiers Creek (WWF)

ESCGP-2 # ESX16-125-0005

Applicant Name EQT Production Land PA
 Contact Person Todd Klaner
 Address 2400 Zenith Ridge Rd, Suite 200
 City, State, Zip Canonsburg, PA 15317
 County Greene & Washington
 Township(s) Morgan & West Bethlehem
 Receiving Stream(s) and Classification(s) UNTs to
 Tenmile Ck (TSF)
 Secondary—Tenmile Ck (TSF)

ESCGP-2 # ESX11-125-0079

Applicant Name CNX Gas Co LLC
 Contact Person Erika Whetstone
 Address 200 Evergreene Dr
 City, State, Zip Waynesburg, PA 15370
 County Washington
 Township(s) South Franklin
 Receiving Stream(s) and Classification(s) UNTs to
 Tenmile Ck (TSF)
 Secondary—Tenmile Ck (TSF)

ESCGP-2 # ESX10-125-0077

Applicant Name CNX Gas Co LLC
 Contact Person Erika Whetstone
 Address 200 Evergreene Dr
 City, State, Zip Waynesburg, PA 15370
 County Washington
 Township(s) Morris
 Receiving Stream(s) and Classification(s) UNT to Tenmile
 Ck (TSF)
 Secondary—Tenmile Ck (TSF)

ESCGP-2 # ESX29-131-16-0008

Applicant Name Appalachia Midstream Services LLC
 Contact Person Josh Brown
 Address 400 IST Center, Suite 404
 City, State, Zip Horseheads, NY 14845
 County Wyoming
 Township(s) Windham
 Receiving Stream(s) and Classification(s) UNTs to Little
 Mehoopany Ck (CWF)
 Secondary—Little Mehoopany Ck (CWF)

*Northwest Region: Oil and Gas Program Manager, 230
 Chestnut St., Meadville, PA 16335.*

ESCGP-2 # ESX13-019-0063A—Reno to Kennedy Pipeline
 Major Modification

Applicant MarkWest Liberty Bluestone, LLC
 Contact Rick Lowry
 Address 4600 J Barry Court, Suite 500
 City Canonsburg State PA Zip Code 15317
 County Butler Township(s) Middlesex
 Receiving Stream(s) and Classification(s) UNTs to Glade
 Run, Glade Run WWF, Slippery Rock Creek

ESCGP-2 # ESX15-047-0005/Elk Creek Surface Water
 Withdrawal

Applicant Seneca Resources Corporation
 Contact Ms. Marisa Dollinger
 Address 51 Zents Boulevard
 City Brookville State PA Zip Code 15825
 County Elk Township(s) City of St. Marys
 Receiving Stream(s) and Classification(s) Elk Creek/
 Watershed: Elk Creek

ESCGP-2 # ESG15-019-0016A—Galan Well Pad Major
 Modification

Applicant XTO Energy, Inc.
 Contact Melissa Breitenbach
 Address 190 Thornhill Road

City Warrendale State PA Zip Code 15086
 County Butler Township(s) Clearfield
 Receiving Stream(s) and Classification(s) Sarver Run,
 UNTs to Sarver Run, UNTs to Rough Run HQ-TSF,
 Buffalo Creek Watershed, Rough Run HQ-TSF

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-2 # ESX11-00015-0291(01)
 Applicant Name Talisman Energy USA Inc
 Contact Person Lance Ridall
 Address 337 Daniel Zenker Dr
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) LeRaysville
 Receiving Stream(s) and Classification(s) Rockwell Ck
 (WWF, MF)
 Secondary—Wyalusing Ck

ESCGP-2 # ESG29-027-16-0002
 Applicant Name WPX Energy Appalachia LLC
 Contact Person Mark Colenbrander
 Address 6000 Town Center Blvd, Suite 210
 City, State, Zip Canonsburg, PA 15317
 County Centre
 Township(s) Snow Shoe
 Receiving Stream(s) and Classification(s) UNTs to Black
 Moshannon Ck (TSF); UNTs to Moshannon Ck
 Secondary—Black Moshannon Ck (HQ-CWF); Moshannon Ck (TSF)

ESCGP-2 # ESG29-081-16-0025
 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) Cogan House
 Receiving Stream(s) and Classification(s) Lick Run (EV);
 UNT to Wendell Run (HQ-CWF)
 Secondary—Little Pine Ck (EV); Wendell Run (HQ-CWF)

ESCGP-2 # ESG29-081-16-0024
 Applicant Name Range Resources—Appalachia LLC
 Contact Person Chris Waddell
 Address 80 Health Dr
 City, State, Zip Lock Haven, PA 17745
 County Lycoming
 Township(s) Cummings
 Receiving Stream(s) and Classification(s) Little Dog Run
 (EV); UNTs to First Fork Larrys Ck (EV); Buckhorn
 Run (EV); Harbor Run (EV)
 Secondary—First Fork Larrys Ck (EV); Second Fork
 Larrys Ck (EV)

SPECIAL NOTICES

Air Quality

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

06-05040D: East Penn Manufacturing Co., Inc. (PO Box 147, Deka Road, Lyon Station, PA 19536-0147) on October 24, 2016 submitted to the Department a plan approval application including a RACT alternative compliance schedule petition with regard to the secondary lead smelting facility located in Richmond Township, **Berks County**: East Penn is proposing to implement burner system modifications to the Source 101/108 smelter furnace system within 3 years of DEP's issuance of the plan approval for these changes. Between the initial compliance date of 1/1/17 and the completion of burner system modifications noted above, the facility would comply with the existing Title V NO_x permit limits for Source 101/108 of 0.7 lb/MMBtu and 83.4 tpy.

06-05036C: Novipax, LLC (4275 Reading Crest Avenue, Reading, PA 19605) on October 24, 2016 submitted to the Department a plan approval application including an alternative compliance schedule petition, requesting the following with regard to the polystyrene foam product manufacturing facility located in Muhlenberg Township, **Berks County**: Novipax is proposing the use of a non-VOC blowing agent to limit pentane content of foam products in all seven extruders at their Reading facility. This will involve the installation of additional equipment (e.g. piping, pumps, controls) on Extruder 250, as well as extensive product testing for all extruders, in order to implement the proposed RACT plan. In order to implement this project Novipax has requested the following alternative compliance schedule:

1.) 1/1/18 for Extruders 260, 230, 222, 217, 270 and 290 for the increased use of non-VOC blowing agent, to include product testing.

2.) 57 weeks after Final Plan Approval and completion of the appropriate public notice and comment period, for the Extruder 250, to include obtaining plan approval, equipment installation and product testing.

3.) Upon issuance of the Final Plan Approval for a proposed reduction in annual VOC limit from 711 tpy to 650 tpy.

Between the initial compliance date of 1/1/17 and the completion of modifications and product testing noted above, the facility would comply 1.) with an interim facility VOC limit of 650 tpy, inclusive of all seven extruders, and 2.) with a 4.1% pentane content limit on all foam products produced from Extruders 260, 230, 222, and 217 with a basis weight of 8.0 g/60 sq. in. or greater.

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of October 2016 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P.L. 238, No. 43 (63 P.S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
John Bertone	420 William Street Downingtown, PA 19335	Testing
John Biegalski	581 Lindsey Drive Wayne, PA 19087	Testing
Camelot Inspections	290 S. Mill Road Milton, PA 17847	Testing
William Cummins	2505 Warm Springs Avenue Huntingdon, PA 16652	Testing
Jonathon Cunningham	4000 Vine Street, Ste. 102 Middletown, PA 17057	Testing
Jason Greenawalt	3268 Waltham Avenue Pittsburgh, PA 15216	Testing
Cynthia Hricenak	216 W. Valley Avenue Elysburg, PA 17824	Testing & Mitigation
Corey Long	216 W. Valley Avenue Elysburg, PA 17824	Mitigation
Randolph Payne	5333 Spring Valley Road Pittsburgh, PA 15236	Testing
Roger Priest	PO Box 200 Salfordville, PA 18958	Mitigation
Joseph Schwab	3 Vellan Drive Bear, DE 19701	Testing
Marc Shanley	55 Country Acres Drive Kunkletown, PA 18058	Testing
Seth Stangroom	224 Prisani Street Bovard, PA 15619	Testing
Kerry Staudt	306 Dogwood Lane Womelsdorf, PA 19567	Testing
John Urenovitch	PO Box 149 Drums, PA 18222	Testing
Diana Vaccarello	PO Box 373 Murrysville, PA 15668	Testing
VBInspect.com	3268 Waltham Avenue Pittsburgh, PA 15216	Testing
Virtus Group, LLC (The)	7301 Allentown Boulevard Harrisburg, PA 17112	Testing

[Pa.B. Doc. No. 16-1996. Filed for public inspection November 18, 2016, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us/dsweb/HomePage>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 787-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance Document: Substantive Revision

DEP ID: 261-0300-101. *Title:* Land Recycling Program Technical Guidance Manual for Vapor Intrusion into Buildings from Groundwater and Soil under Act 2. *Description:* The Land Recycling Program Vapor Intrusion (VI) Guidance has been substantially revised to update scientific deficiencies of the current guidance. Screening values and the way they are calculated have been updated and there are multiple clarifications that have

been made to language, definitions and procedures. Revising the VI guidance helps avoid confusion for remediators and regional office staff about how to address the VI pathway under the Statewide health standard and the site-specific standard. The Department solicited comments on the draft VI guidance for 30 days, beginning on July 25, 2015. During the comment period, 97 comments were received from 8 different organizations. The comment and response document accompanies the final VI guidance document and is available for public viewing on the Department's web site as previously mentioned.

Contact: Questions regarding this technical guidance document should be directed to Carolyn Fair, Land Recycling Program, (717) 425-7514 or cfair@pa.gov.

Effective Date: Wednesday, January 18, 2017.

PATRICK McDONNELL,
Acting Secretary

[Pa.B. Doc. No. 16-1997. Filed for public inspection November 18, 2016, 9:00 a.m.]

Federal Consistency under the Coastal Zone Management Act; Delaware River Pipeline Relocation Project

This notice is published under section 306(d)(14) of the Federal Coastal Zone Management Act of 1972 (16 U.S.C.A. § 1455(d)(14)), regarding public participation during consistency determinations. The Department of Environmental Protection (Department), Coastal Resources Management Program has received notice that the Paulsboro Natural Gas Pipeline Company, LLC (PNGPC) is proposing the Delaware River Pipeline Relocation Project.

The PNGPC is seeking authorization from the Federal Energy Regulatory Commission and the United States Army Corps of Engineers (USACE) to relocate, replace, remove, in part, and abandon, in part, an existing approximately 2.6-mile 6-inch and 8-inch diameter natural gas pipeline extending across the Delaware River between Delaware County, PA and Gloucester County, NJ. Approximately 425 feet of pipeline will be removed from the Delaware River with additional sections removed

from the property of the Philadelphia International Airport. All remaining portions of pipeline will be abandoned in place, sealed and grouted as required. Approximately 2.6 miles of new 12-inch and 24-inch pipeline will be constructed, including approximately 8,550 feet of pipeline crossing beneath the Delaware River by means of horizontal directional drilling. This project is being undertaken as directed by the USACE to accommodate the USACE's Delaware River Main Channel Deepening Project.

This project is subject to Department review for Federal consistency because it is a Federal license and permit activity and will have reasonably foreseeable effects on the Commonwealth's coastal resources or uses.

In accordance with National Oceanic and Atmospheric Administration (NOAA) regulations in 15 CFR Part 930, Subpart D (relating to consistency for activities requiring a Federal license or permit), the PNGPC has determined that the proposed activity will be conducted in a manner consistent with the applicable enforceable policies of the Commonwealth's NOAA-approved Coastal Resources Management Program. Interested parties may request a copy of the Federal Consistency Certification from the Department contact listed as follows.

Questions regarding this review should be directed to Matthew Walderon, Federal Consistency Coordinator, at (717) 772-2196 or RA-Fed_Consistency@pa.gov.

The Department will consider all comments received on or before December 5, 2016, before issuing a final Federal consistency concurrence or objection. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the originator's name and address. Commentators are encouraged to submit comments using the Department's online eComment system at www.ahs.dep.pa.gov/eComment. Written comments should be submitted by e-mail to ecomment@pa.gov or by mail to the Department of Environmental Protection, Compacts and Commissions Office, 400 Market Street, P.O. Box 8465, Harrisburg, PA 17101-8465.

PATRICK McDONNELL,
Acting Secretary

[Pa.B. Doc. No. 16-1998. Filed for public inspection November 18, 2016, 9:00 a.m.]

Nutrient Credit Trading Program; Actions

The Department of Environmental Protection (Department) has approved the following requests for certification of pollutant reduction activities to generate nitrogen (N) and phosphorus (P) credits under 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed). Proposed pollutant reduction activities include the following agriculture best management practices: continuous no-till planting methods (CNT); planting cover crops (CC); and the export of poultry litter (EPL). These certification request approvals authorize the generation of N or P credits, or both, for use by facilities with National Pollutant Discharge Elimination System permits in the compliance year in which the credits are generated. These approvals are valid until September 30, 2017, provided the pollution reduction activities are implemented, maintained and verified in accordance with the plans contained in the approved certification requests. The approvals are sorted on Certification Date.

<i>Applicant / Consultant</i>	<i>Generator / Source</i>	<i>Pollutant Reduction Activity</i>	<i>N Credits</i>	<i>P Credits</i>	<i>Public Comment Notice Date</i>	<i>Certification Date</i>
CHAMBERSBURG LACGP "PROGRAM"	Pugh, Carl	CNT/CC	331		2/13/16	3/22/16
CHAMBERSBURG LACGP "PROGRAM"	Falling Springs Farm	CNT/CC	443		2/13/16	3/22/16
CHAMBERSBURG LACGP "PROGRAM"	Frey's Farm Dairy	CNT/CC	503		2/13/16	3/22/16

NOTICES

<i>Applicant / Consultant</i>	<i>Generator / Source</i>	<i>Pollutant Reduction Activity</i>	<i>N Credits</i>	<i>P Credits</i>	<i>Public Comment Notice Date</i>	<i>Certification Date</i>
CHAMBERSBURG LACGP "PROGRAM"	Hissong Farmstead	CNT/CC	2,103		2/13/16	3/22/16
CHAMBERSBURG LACGP "PROGRAM"	Jo-Bri Den Farm	CNT/CC	442		2/13/16	3/22/16
CHAMBERSBURG LACGP "PROGRAM"	Martin Farm	CNT/CC	1,453		2/13/16	3/22/16
CHAMBERSBURG LACGP "PROGRAM"	Marshall Farm	CNT/CC	416		2/13/16	3/22/16
CHAMBERSBURG LACGP "PROGRAM"	Mercer View Farms	CNT/CC	10,948		2/13/16	3/22/16
CHAMBERSBURG LACGP "PROGRAM"	Rotz Farms	CNT/CC	2,081		2/13/16	3/22/16
CHAMBERSBURG LACGP "PROGRAM"	Slate Ridge Dairy	CNT/CC	124		2/13/16	3/22/16
CHAMBERSBURG LACGP "PROGRAM"	Witter Farm	CNT/CC	1,240		2/13/16	3/22/16
CHAMBERSBURG LACGP "PROGRAM"	Brandt Farm	CNT/CC	1,560		2/13/16	3/22/16
CHAMBERSBURG LACGP "PROGRAM"	Brymesser Farms LLC	CNT/CC	2,106		2/13/16	3/22/16
CHAMBERSBURG LACGP "PROGRAM"	Creekside Dairy	CNT/CC	872		2/13/16	3/22/16
CHAMBERSBURG LACGP "PROGRAM"	Hockenberry Farm	CNT/CC	4,094		2/13/16	3/22/16
CHAMBERSBURG LACGP "PROGRAM"	Jet Rae	CNT/CC	1,220		2/13/16	3/22/16
CHAMBERSBURG LACGP "PROGRAM"	Foster Farm	CNT/CC	625		2/13/16	3/22/16
CHAMBERSBURG LACGP "PROGRAM"	Mt. Rock Jerseys	CNT/CC	1,247		2/13/16	3/22/16
CHAMBERSBURG LACGP "PROGRAM"	Mt. View Nursery	CNT/CC	2,199		2/13/16	3/22/16
CHAMBERSBURG LACGP "PROGRAM"	Nealand Farm	CNT/CC	1,369		2/13/16	3/22/16
CHAMBERSBURG LACGP "PROGRAM"	Sunday Farm	CNT/CC	3,482		2/13/16	3/22/16
CHAMBERSBURG LACGP "PROGRAM"	Weary's Dairy	CNT/CC	2,569		2/13/16	3/22/16
CHAMBERSBURG LACGP "PROGRAM"	Weber	CNT/CC	186		2/13/16	3/22/16
LYCOMING COUNTY	Plaxton	CNT/CC	7		6/18/16	7/29/16
LYCOMING COUNTY	Sherman	CNT/CC	90		6/18/16	7/29/16
LYCOMING COUNTY	Barbour	CNT/CC	229		6/18/16	7/29/16
LYCOMING COUNTY	Brown	CNT/CC	227		6/18/16	7/29/16
LYCOMING COUNTY	Bosch	CNT/CC	646		6/18/16	7/29/16
LYCOMING COUNTY	Brown	CNT/CC	206		6/18/16	7/29/16
LYCOMING COUNTY	Fogelman	CNT/CC	368		6/18/16	7/29/16
LYCOMING COUNTY	Harvey	CNT/CC	243		6/18/16	7/29/16
LYCOMING COUNTY	JRT Farm	CNT/CC	2,194		6/18/16	7/29/16

<i>Applicant / Consultant</i>	<i>Generator / Source</i>	<i>Pollutant Reduction Activity</i>	<i>N Credits</i>	<i>P Credits</i>	<i>Public Comment Notice Date</i>	<i>Certification Date</i>
LYCOMING COUNTY	Koons	CNT/CC	172		6/18/16	7/29/16
LYCOMING COUNTY	Mowery	CNT/CC	546		6/18/16	7/29/16
LYCOMING COUNTY	Reitz	CNT/CC	1,410		6/18/16	7/29/16
LYCOMING COUNTY	Snyder	CNT/CC	81		6/18/16	7/29/16
LYCOMING COUNTY	Styer	CNT/CC	57		6/18/16	7/29/16
LYCOMING COUNTY	Ulmer	CNT/CC	3,551		6/18/16	7/29/16
LYCOMING COUNTY	Vandine	CNT/CC	122		6/18/16	7/29/16
LYCOMING COUNTY	Worthington	CNT/CC	223		6/18/16	7/29/16
LYCOMING COUNTY	Gavitt	CNT/CC	332		6/18/16	7/29/16
LYCOMING COUNTY	Jarrett	CNT/CC	377		6/18/16	7/29/16
LYCOMING COUNTY	Knepp	CNT/CC	179		6/18/16	7/29/16
LYCOMING COUNTY	Morrison	CNT/CC	287		6/18/16	7/29/16
RED BARN	535 (Chickies Creek)	EPL	46,260	5,783	8/27/16	10/14/16
RED BARN	289 (Lime Valley)	EPL	12,226	1,528	8/27/16	10/14/16
RED BARN	221 (Coops Farm LLC)	EPL	5,208	651	8/27/16	10/14/16
CHESAPEAKE NUTRIENT MANAGEMENT	Esbenshade	EPL	152,819	19,102	9/24/16	10/14/16

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (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 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, 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 to the Board at (717) 787-3483 for more information.

For further information about this action or the Nutrient Credit Trading Program, contact Jay Braund, Bureau of Clean Water, Department of Environmental Protection, P.O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-5636, jbraund@pa.gov or visit the Department's web site at www.dep.state.pa.us (DEP Keywords: "Nutrient Trading").

PATRICK McDONNELL,
Acting Secretary

[Pa.B. Doc. No. 16-1999. Filed for public inspection November 18, 2016, 9:00 a.m.]

Pennsylvania's 2016 Annual Ambient Air Monitoring Network Plan; Revision to Appendix E; Available for Public Comment

On October 17, 2006, the United States Environmental Protection Agency (EPA) promulgated final amendments to the National ambient air monitoring requirements for criteria pollutants in 40 CFR Parts 53 and 58 (relating to ambient air monitoring reference and equivalent methods; and ambient air quality surveillance). See 71 FR 61236 (October 17, 2006). The EPA's final rule requires state and local agencies to enhance air monitoring to "improve public health protection and better inform the public about air quality in their communities." Under 40 CFR 58.10 (relating to annual monitoring network plan and periodic network assessment), air quality state and local monitoring agencies must adopt an annual air

monitoring network plan and make the plan available for public inspection for at least 30 days prior to final submission to the EPA Regional Administrator.

The Department published notice of the availability of the 2016 Annual Ambient Air Monitoring Network Plan (Plan) for a 30-day public comment period at 46 Pa.B. 3140 (June 18, 2016). The Plan included a statement of purpose for each monitor and evidence that siting and operation of each monitor meets Federal requirements. The EPA may also provide an opportunity for review and comment prior to approving or disapproving a state's monitoring network plan.

On November 19, 2016, a revised version of Appendix E of the Plan will be made available for public comment on the Department's web site at www.dep.pa.gov/Business/Air/BAQ/Pages/default.aspx. The Plan has been revised to

address changes that have been made to the plans of the seven facilities that were proposing to undergo the monitoring pathway to meet the air quality characterization requirement outlined in the EPA's SO₂ Data Requirements Rule.

The public is invited to submit comments on this revised version of Appendix E. Comments must be received by the Department on or before December 19, 2016. Written comments should be sent to the attention of Nicholas Lazor, Chief, Division of Air Quality Monitoring,

Bureau of Air Quality, P.O. Box 8468, Harrisburg, PA 17105-8468 or RA-epair@pa.gov. Use "Annual Monitoring Network Plan—Revision to Appendix E" as the subject line.

PATRICK McDONNELL,
Acting Secretary

[Pa.B. Doc. No. 16-2000. Filed for public inspection November 18, 2016, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exception relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation</i>
Crozer Keystone Surgery Center at Haverford	28 Pa. Code § 553.31 (relating to administrative responsibilities)
Hypertension Nephrology Associates PC	28 Pa. Code § 551.21(d)(1) and (3) (relating to criteria for ambulatory surgery)

The requests previously listed are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-2001. Filed for public inspection November 18, 2016, 9:00 a.m.]

Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for 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>
Moses Taylor Hospital	28 Pa. Code § 51.23 (relating to positron emission tomography) (mobile)
Abington Memorial Hospital	28 Pa. Code § 107.61 (relating to written orders)
Holy Spirit Hospital	28 Pa. Code § 107.61
Ephrata Community Hospital	28 Pa. Code § 138.18(b) (relating to EPS studies)
Allegheny General Hospital	28 Pa. Code § 123.5 (relating to administration of anesthesia)
Forbes Hospital	28 Pa. Code § 123.5
J C Blair Memorial Hospital	28 Pa. Code § 138.15 (relating to high-risk cardiac catheterizations)
Tyrone Hospital	28 Pa. Code § 138.18(b)
Thomas Jefferson University Hospitals	28 Pa. Code § 571.2(d) (relating to modifications to HHS requirements) (hospital type elevators)

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>
Albert Einstein Medical Center	2.2-3.3.3.2(2)(b)	Space requirements (hybrid operating rooms)	2014
Crozer Chester Medical Center	2.2-3.13.7	Support areas for staff	2014
Main Line Hospital Bryn Mawr	2.1-8.5.1.2	Size (communications systems)	2014
	2.1-8.5.1.4	Building system requirements (communications systems)	2014
Ohio Valley General Hospital	2.5-2.2.4.4	Quiet rooms	2014
	2.5-2.2.6.13	Consultation rooms	2014
	2.5-2.2.6.15	Space for group therapy	2014
	2.5-2.2.8.1	Visitor rooms	2014
	2.5-2.2.8.2	Social spaces	2014
Penn Highlands DuBois	3.1-3.2.3.2(1)	Area (space requirements)	2014
	3.1-3.2.3.2(2)	Clearances (space requirements)	2014
St. Luke's Hospital Bethlehem	2.5-3.4.1.1(2)	Electroconvulsive therapy	2014
UPMC Hamot	2.1-7.2.3.3(4)(a)	Restricted areas (ceilings)	2014
York Hospital	2.1-8.5.3.2	Size (TDRs)	2014

All requests previously listed are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-2002. Filed for public inspection November 18, 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 § 201.22(j) (relating to prevention, control and surveillance of tuberculosis (TB)):

Athens Health and Rehabilitation Center
200 South Main Street
Athens, PA 18810
FAC ID # 24210201

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.20(a) (relating to resident bedrooms):

Beacon Ridge, A Choice Community
1515 Wayne Avenue
Indiana, PA 15701
FAC ID # 033102

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

ManorCare Health Services—Peters Township
113 West McMurray Road
McMurray, PA 15317
FAC ID # 126302

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. 16-2003. Filed for public inspection November 18, 2016, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Availability of Amendment to the Office of Long-Term Living's Home and Community-Based Aging Waiver

The Department of Human Services (Department) is making available for public review and comment the Office of Long-Term Living's proposed Aging waiver

amendment. The Department proposes the following substantive change to the Aging waiver effective April 1, 2017:

- A transition plan which outlines the transition of individuals from the Aging waiver into Community HealthChoices, the Department's managed long-term services and supports delivery system.

Background

To continue receiving Federal matching funds for Home and Community-Based Services (HCBS) waiver services the Centers for Medicare & Medicaid Services (CMS) requires that existing HCBS waivers be amended when substantive changes are made. The proposed waiver amendment is to be submitted to CMS no later than December 31, 2016.

The proposed Aging waiver amendment and a summary of all revisions are available for review at <http://www.dhs.pa.gov/learnaboutdhs/dhsorganization/officeoflongtermliving/oltlwaiverinfo/index.htm> or by contacting the Department of Human Services, Office of Long-Term Living at (717) 783-8412.

Fiscal Impact

The Aging waiver amendment is anticipated to be budget neutral; therefore, there is no anticipated fiscal impact.

Public Comment

Interested persons are invited to submit written comments regarding the proposed waiver amendment to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Aging Waiver Amendment, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments may also be submitted to the Department at RA-waiverstandard@pa.gov. Use "Aging Waiver Amendment" in the subject line. Comments received within 30 days will be reviewed and considered for revisions to the proposed waiver amendments.

In addition, the Department will hold two webinars to receive comments on the proposed Aging, Attendant Care, Independence and OBRA waiver amendments. Dates and times of the webinars, including registration and dial-in information, are available at <http://www.dhs.pa.gov/learnaboutdhs/dhsorganization/officeoflongtermliving/oltlwaiverinfo/index.htm> or by contacting the Department of Human Services, Office of Long-Term Living at (717) 783-8412.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1069. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 16-2004. Filed for public inspection November 18, 2016, 9:00 a.m.]

Availability of Amendment to the Office of Long-Term Living's Home and Community-Based Attendant Care Waiver

The Department of Human Services (Department) is making available for public review and comment the Office of Long-Term Living's proposed Attendant Care waiver amendment. The Department proposes the following substantive change to the Attendant Care waiver effective April 1, 2017:

- A transition plan which outlines the transition of individuals from the Attendant Care waiver into Community HealthChoices, the Department's managed long-term services and supports delivery system.

Background

To continue receiving Federal matching funds for Home and Community-Based Services (HCBS) waiver services the Centers for Medicare & Medicaid Services (CMS) requires that existing HCBS waivers be amended when substantive changes are made. The proposed waiver amendment is to be submitted to CMS no later than December 31, 2016.

The proposed Attendant Care waiver amendment and a summary of all revisions are available for review at <http://www.dhs.pa.gov/learnaboutdhs/dhsorganization/officeoflongtermliving/oltlwaiverinfo/index.htm> or by contacting the Department of Human Services, Office of Long-Term Living at (717) 783-8412.

Fiscal Impact

The Attendant Care waiver amendment is anticipated to be budget neutral; therefore, there is no anticipated fiscal impact.

Public Comment

Interested persons are invited to submit written comments regarding the proposed waiver amendment to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Attendant Care Waiver Amendment, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments may also be submitted to the Department at RA-waiverstandard@pa.gov. Use "Attendant Care Waiver Amendment" in the subject line. Comments received within 30 days will be reviewed and considered for revisions to the proposed waiver amendments.

In addition, the Department will hold two webinars to receive comments on the proposed Attendant Care, Aging, Independence and OBRA waiver amendments. Dates and times of the webinars, including registration and dial-in information, are available at <http://www.dhs.pa.gov/learnaboutdhs/dhsorganization/officeoflongtermliving/oltlwaiverinfo/index.htm> or by contacting the Department of Human Services, Office of Long-Term Living at (717) 783-8412.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1070. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 16-2005. Filed for public inspection November 18, 2016, 9:00 a.m.]

Availability of Amendment to the Office of Long-Term Living's Home and Community-Based OBRA Waiver

The Department of Human Services (Department) is making available for public review and comment the Office of Long-Term Living's proposed OBRA waiver amendment. The Department proposes the following substantive change to the OBRA waiver effective April 1, 2017:

- A transition plan which outlines the transition of individuals from the OBRA waiver into Community HealthChoices, the Department's managed long-term services and supports delivery system.

Background

To continue receiving Federal matching funds for Home and Community-Based Services (HCBS) waiver services the Centers for Medicare & Medicaid Services (CMS) requires that existing HCBS waivers be amended when substantive changes are made. The proposed waiver amendment is to be submitted to CMS no later than December 31, 2016.

The proposed OBRA waiver amendment and a summary of all revisions are available for review at <http://www.dhs.pa.gov/learnaboutdhs/dhsorganization/officeoflongtermliving/oltlwaiverinfo/index.htm> or by contacting the Department of Human Services, Office of Long-Term Living at (717) 783-8412.

Fiscal Impact

The OBRA waiver amendment is anticipated to be budget neutral; therefore, there is no anticipated fiscal impact.

Public Comment

Interested persons are invited to submit written comments regarding the proposed waiver amendment to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: OBRA Waiver Amendment, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments may also be submitted to the Department at RA-waiverstandard@pa.gov. Use OBRA Waiver Amendment in the subject line. Comments received within 30 days will be reviewed and considered for revisions to the proposed waiver amendment.

In addition, the Department will hold two webinars to receive comments on the proposed OBRA, Aging, Attendant Care and Independence waiver amendments. Dates and times of the webinars, including registration and dial-in information, are available at <http://www.dhs.pa.gov/learnaboutdhs/dhsorganization/officeoflongtermliving/oltlwaiverinfo/index.htm> or by contacting the Department of Human Services, Office of Long-Term Living at (717) 783-8412.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1067. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 16-2006. Filed for public inspection November 18, 2016, 9:00 a.m.]

Availability of Amendments to the Office of Long-Term Living's Home and Community-Based Independence Waiver

The Department of Human Services (Department) is making available for public review and comment the Office of Long-Term Living's proposed Independence waiver amendments. The Department proposes the following substantive changes to the Independence waiver effective April 1, 2017:

- A transition plan which outlines the transition of individuals from the Independence waiver into Community HealthChoices, the Department's managed long-term services and supports delivery system.

- The addition of residential habilitation and structured day habilitation services.

In addition, the Department is proposing changes to the Independence waiver transition plan required by the Centers for Medicare & Medicaid Services' (CMS) final rule outlining allowable settings in which home and community-based services (HCBS) may be provided, which was published at 79 FR 2948 (January 16, 2014).

Background

To continue receiving Federal matching funds for HCBS waiver services CMS requires that existing HCBS waivers be amended when substantive changes are made. The proposed waiver amendments are to be submitted to CMS no later than December 31, 2016.

The proposed Independence waiver amendments and a summary of all revisions and the proposed changes to the transition plan are available for review at <http://www.dhs.pa.gov/learnaboutdhs/dhsorganization/officeoflongtermliving/oltlwaiverinfo/index.htm> or by contacting the Department of Human Services, Office of Long-Term Living at (717) 783-8412.

Fiscal Impact

The Independence waiver amendments are anticipated to have a minimal fiscal impact.

Public Comment

Interested persons are invited to submit written comments regarding the proposed waiver amendments and transition plan to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Independence Waiver Amendments, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments may also be submitted to the Department at RA-waiverstandard@pa.gov. Use Independence Waiver Amendments in the subject line. Comments received within 30 days will be reviewed and considered for revisions to the proposed waiver amendments.

In addition, the Department will hold two webinars to receive comments on the proposed Independence, Aging, Attendant Care and OBRA waiver amendments. Dates and times of the webinars, including registration and dial-in information, are available at <http://www.dhs.pa.gov/learnaboutdhs/dhsorganization/officeoflongtermliving/oltlwaiverinfo/index.htm> or by contacting the Department of Human Services, Office of Long-Term Living at (717) 783-8412.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1068. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 16-2007. Filed for public inspection November 18, 2016, 9:00 a.m.]

Medical Assistance Fee Schedule; Final Rates for Additional Services Added to the COMMCARE and Independence Waivers

This notice announces the Department of Human Services (Department) final Medical Assistance (MA) fee schedule rates for additional services added to the COMMCARE and Independence waivers, effective October 1, 2016.

Addition of Waiver Services

Under 55 Pa. Code § 52.45(a) and (b) (relating to fee schedule rates), the Department has added the following services to the MA fee schedule for the COMMCARE and Independence waivers, effective October 1, 2016:

1. COMMCARE waiver—Benefits Counseling, Career Assessment, Employment Skills Development, Job Coaching Intensive and Follow-along and Job Finding.
2. Independence waiver—Benefits Counseling, Career Assessment, Employment Skills Development, Job Coaching Intensive and Follow-along and Job Finding.

Rate-Setting Methodology

The Department developed the MA fee schedule rates for the additional services added to the COMMCARE and Independence waivers using a standardized market-based rate setting methodology. Relevant market-based information used to determine the fee schedule rates included Commonwealth-specific wage information from the Center for Workforce Information and Analysis, Occupational Wages by County, Bureau of Labor Statistics Employer Costs, cost surveys from providers, Medicare rate information and MA State Plan Fee Schedules.

Public Process

The Department published the Changes to the Medical Assistance Fee Schedule for the Aging, COMMCARE, Independence and OBRA Waivers notice at 46 Pa.B. 5649 (August 27, 2016) announcing the addition of waiver services and proposed MA fee schedule rates and invited interested persons to submit comments. No comments were received by the Department in response to the proposed notice.

The final MA fee schedule rates are available on the Department's web site at <http://www.dhs.pa.gov/provider/longtermcareprov/> or by contacting April Leonhard, Department of Human Services, Office of Long-Term Living at (717) 783-8412.

Fiscal Impact

The fiscal impact of this change is estimated at \$2.172 million (\$1.047 million in State funds) for Fiscal Year (FY) 2016-2017 and \$3.349 million (\$1.612 million in State funds) for FY 2017-2018.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Elaine Smith, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments can also be sent to RA-waiverstandard@pa.gov. Comments received within 30 days will be considered in subsequent revisions to the fee schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1077. (1) General Fund; (2) Implementing Year 2016-17 is \$1,047,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$1,612,000; (4) 2015-16 Program—\$339,077,000; 2014-15 Program—\$273,538,000; 2013-14 Program—\$233,104,000; (7) Services to Persons with Disabilities; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-2008. Filed for public inspection November 18, 2016, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania 7-11-21[®] '16-'17 Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania 7-11-21[®] '16-'17.

2. *Price:* The price of a Pennsylvania 7-11-21[®] '16-'17 instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania 7-11-21[®] '16-'17 instant lottery game ticket will contain one play area consisting of "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7" and "GAME 8." Each "GAME" is played separately. The play symbols and their captions located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 7 (SEVEN) symbol, 11 (ELEVN) symbol and a 21 (TWONE) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$7⁰⁰ (SVN DOL), \$10⁰⁰ (TEN DOL), \$11⁰⁰ (ELVN), \$20⁰⁰ (TWENTY), \$21⁰⁰ (TWY ONE), \$50⁰⁰ (FIFTY), \$70⁰⁰ (SEVENTY), \$100 (ONE HUN), \$200 (TWO HUN), \$210 (TWOHUNTEN), \$400 (FOR HUN), \$700 (SVN HUN), \$7,000 (SVN THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$4, \$5, \$7, \$10, \$11, \$20, \$21, \$50, \$70, \$100, \$200, \$210, \$400, \$700, \$7,000 and \$50,000. The player can win up to 8 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 8,400,000 tickets will be printed for the Pennsylvania 7-11-21® '16-'17 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$50,000 (FTY THO) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$7,000 (SVN THO) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$7,000.

(c) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$700 (SVN HUN) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$700.

(d) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$400 (FOR HUN) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$400.

(e) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$210 (TWOHUNTEN) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$210.

(f) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$200 (TWO HUN) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$200.

(g) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$70⁰⁰ (SEVENTY) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$70.

(i) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21

(TWONE), and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$21⁰⁰ (TWY ONE) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$21.

(k) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$11⁰⁰ (ELVN) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$11.

(m) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$7⁰⁰ (SVN DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$7.

(o) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$5.

(p) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$4⁰⁰ (FOR DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$4.

(q) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the "PRIZE" area for that "GAME," on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Reveal A "7" (SEVEN), "11" (ELEVN) Or "21" (TWONE) Symbol In Any Game, Win Prize Shown For That Game.

Win With:	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 8,400,000 Tickets
\$2	\$2	9.38	896,000
\$2 x 2	\$4	37.5	224,000
\$4	\$4	50	168,000
\$5	\$5	93.75	89,600
\$5 + \$2	\$7	75	112,000
\$7	\$7	75	112,000
\$2 x 5	\$10	1,500	5,600
\$5 x 2	\$10	1,500	5,600
\$10	\$10	187.5	44,800
\$7 + \$4	\$11	300	28,000
\$11	\$11	300	28,000
\$4 x 5	\$20	1,500	5,600

Reveal A "7" (SEVEN), "11" (ELEVEN) Or "21" (TWONE) Symbol In Any Game, Win Prize Shown For That Game. Win With:

Win With:	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 8,400,000 Tickets
\$5 × 4	\$20	1,500	5,600
\$20	\$20	1,500	5,600
\$7 × 3	\$21	500	16,800
(\$2 × 7) + \$7	\$21	500	16,800
\$21	\$21	375	22,400
\$10 × 5	\$50	4,000	2,100
(\$7 × 5) + (\$5 × 3)	\$50	4,000	2,100
(\$10 × 3) + (\$4 × 5)	\$50	2,000	4,200
\$50	\$50	4,000	2,100
\$10 × 7	\$70	1,714	4,900
(\$7 × 7) + \$21	\$70	1,714	4,900
(\$21 × 3) + \$7	\$70	1,714	4,900
\$70	\$70	1,714	4,900
\$50 × 2	\$100	12,000	700
(\$20 × 2) + (\$10 × 6)	\$100	24,000	350
\$100	\$100	24,000	350
\$50 × 4	\$200	60,000	140
\$100 × 2	\$200	120,000	70
\$200	\$200	120,000	70
\$70 × 3	\$210	24,000	350
(\$100 × 2) + (\$5 × 2)	\$210	24,000	350
\$210	\$210	24,000	350
\$50 × 8	\$400	120,000	70
\$100 × 4	\$400	120,000	70
\$400	\$400	120,000	70
\$100 × 7	\$700	280,000	30
(\$200 × 2) + (\$50 × 6)	\$700	280,000	30
\$700	\$700	420,000	20
\$7,000	\$7,000	840,000	10
\$50,000	\$50,000	840,000	10

Each GAME is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania 7-11-21® '16-'17 instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter

a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania 7-11-21® '16-'17, prize money from winning Pennsylvania 7-11-21® '16-'17 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania 7-11-21® '16-'17 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania 7-11-21® '16-'17 or through normal communications methods.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 16-2009. Filed for public inspection November 18, 2016, 9:00 a.m.]

Pennsylvania \$3 Million Spectacular Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$3 Million Spectacular.

2. *Price:* The price of a Pennsylvania \$3 Million Spectacular instant lottery game ticket is \$30.

3. *Play Symbols:* Each Pennsylvania \$3 Million Spectacular instant game ticket will contain one play area featuring a “WINNING NUMBERS” area, a “YOUR NUMBERS” area, and five “BONUS” areas. The “BONUS” areas are played separately. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWININ), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWININ), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Moneybag (MNYBG) symbol, 3X (3TIMES) symbol and a SPECTACULAR (WINALL) symbol. The play symbols and their captions located in the “BONUS” areas are: Diamond (NO BONUS) symbol, Gold Bar (TRY AGAIN) symbol, Bell (NO BONUS) symbol, Chest (TRY AGAIN) symbol, Safe (NO BONUS) symbol, Star (TRY AGAIN) symbol, Horseshoe (NO BONUS) symbol, Crown (TRY AGAIN) symbol, Stack of Coins (NO BONUS) symbol, \$50 (WIN50) symbol, \$100 (WIN100) symbol, \$300 (WIN300) symbol and a \$1,000 (WIN1000) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$30⁰⁰ (THIRTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$300 (THR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), \$25,000 (TWYFIVTHO), \$250,000 (TWHNFYTH) and \$3MILL (THR MIL).

5. *Prizes:* The prizes that can be won in this game are: \$30, \$40, \$50, \$100, \$300, \$500, \$1,000, \$5,000, \$25,000, \$250,000 and \$3,000,000. The prizes that can be won in the “BONUS” areas are: \$50, \$100, \$300 and \$1,000. A player can win up to 30 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania \$3 Million Spectacular instant game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the

“WINNING NUMBERS” play symbols, and a prize symbol of \$3MILL (THR MIL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$3,000,000. This prize shall be paid as a one-time, lump-sum cash payment.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$250,000 (TWHNFYTH) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$25,000 (TWYFIVTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$5,000 (FIV THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Moneybag (MNYBG) symbol, and a prize symbol of \$5,000 (FIV THO) appears in the “prize” area under that Moneybag (MNYBG) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a SPECTACULAR (WINALL) symbol, and a prize symbol of \$100 (ONE HUN) appears in all twenty-five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$2,500.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Moneybag (MNYBG) symbol, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that Moneybag (MNYBG) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets with a \$1,000 (WIN1000) symbol in any one of the five “BONUS” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a SPECTACULAR (WINALL) symbol, and a prize symbol of \$40⁰⁰ (FORTY) appears in all twenty-five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 3X (3TIMES) symbol, and a prize symbol of \$300 (THR HUN) appears in the “prize” area under that 3X (3TIMES) symbol, on a single ticket, shall be entitled to a prize of \$900.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a SPECTACULAR (WINALL) symbol, and a prize symbol of \$30⁰⁰ (THIRTY) appears in all twenty-five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$750.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag (MNYBG) symbol, and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under that Moneybag (MNYBG) symbol, on a single ticket, shall be entitled to a prize of \$500.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$300 (THR HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$300.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag (MNYBG) symbol, and a prize symbol of \$300 (THR HUN) appears in the "prize" area under that Moneybag (MNYBG) symbol, on a single ticket, shall be entitled to a prize of \$300.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 3X (3TIMES) symbol, and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under that 3X (3TIMES) symbol, on a single ticket, shall be entitled to a prize of \$300.

(r) Holders of tickets with a \$300 (WIN300) symbol in any one of the five "BONUS" areas, on a single ticket, shall be entitled to a prize of \$300.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 3X (3TIMES) symbol, and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "prize" area under that 3X (3TIMES) symbol, on a single ticket, shall be entitled to a prize of \$150.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag (MNYBG) symbol, and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under that Moneybag (MNYBG) symbol, on a single ticket, shall be entitled to a prize of \$100.

(v) Holders of tickets with a \$100 (WIN100) symbol in any one of the five "BONUS" areas, on a single ticket, shall be entitled to a prize of \$100.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 3X (3TIMES) symbol, and a prize symbol of \$30⁰⁰ (THIRTY) appears in the "prize" area under that 3X (3TIMES) symbol, on a single ticket, shall be entitled to a prize of \$90.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag (MNYBG) symbol, and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "prize" area under that Moneybag (MNYBG) symbol, on a single ticket, shall be entitled to a prize of \$50.

(z) Holders of tickets with a \$50 (WIN50) symbol in any one of the five "BONUS" areas, on a single ticket, shall be entitled to a prize of \$50.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$40⁰⁰ (FORTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag (MNYBG) symbol, and a prize symbol of \$40⁰⁰ (FORTY) appears in the "prize" area under that Moneybag (MNYBG) symbol, on a single ticket, shall be entitled to a prize of \$40.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$30⁰⁰ (THIRTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(dd) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag (MNYBG) symbol, and a prize symbol of \$30⁰⁰ (THIRTY) appears in the "prize" area under that Moneybag (MNYBG) symbol, on a single ticket, shall be entitled to a prize of \$30.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Bonus:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets</i>
\$30 w/ MONEYBAG		\$30	15	400,000
\$30		\$30	20	300,000
\$40 w/ MONEYBAG		\$40	20	300,000
\$40		\$40	30	200,000
	\$50 w/ \$50 SYMBOL	\$50	27.27	220,000
\$50 w/ MONEYBAG		\$50	30	200,000
\$50		\$50	30	200,000

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<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Bonus:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets</i>
\$50 × 2		\$100	300	20,000
\$50	\$50 w/ \$50 SYMBOL	\$100	60	100,000
	(\$50 w/ \$50 SYMBOL) × 2	\$100	60	100,000
	\$100 w/ \$100 SYMBOL	\$100	300	20,000
(\$50 w/ MONEYBAG) × 2		\$100	300	20,000
\$100 w/ MONEYBAG		\$100	300	20,000
\$100		\$100	300	20,000
\$30 × 10		\$300	6,000	1,000
\$50 × 5	\$50 w/ \$50 SYMBOL	\$300	6,000	1,000
\$50 × 4	\$100 w/ \$100 SYMBOL	\$300	6,000	1,000
	\$300 w/ \$300 SYMBOL	\$300	6,000	1,000
\$50 w/ 3X	(\$50 w/ \$50 SYMBOL) × 3	\$300	1,200	5,000
\$50 w/ 3X	(\$100 w/ \$100 SYMBOL) + (\$50 w/ \$50 SYMBOL)	\$300	1,200	5,000
\$100 w/ 3X		\$300	1,200	5,000
\$300 w/ MONEYBAG		\$300	6,000	1,000
\$300		\$300	6,000	1,000
\$50 × 10		\$500	12,000	500
\$30 × 10	(\$100 w/ \$100 SYMBOL) × 2	\$500	6,000	1,000
\$40 × 10	\$100 w/ \$100 SYMBOL	\$500	6,000	1,000
\$40 × 5	\$300 w/ \$300 SYMBOL	\$500	6,000	1,000
\$50 × 9	\$50 w/ \$50 SYMBOL	\$500	6,000	1,000
\$50 × 8	\$100 w/ \$100 SYMBOL	\$500	12,000	500
\$50 × 7	(\$100 w/ \$100 SYMBOL) + (\$50 w/ \$50 SYMBOL)	\$500	6,000	1,000
\$50 × 2	(\$300 w/ \$300 SYMBOL) + (\$100 w/ \$100 SYMBOL)	\$500	6,000	1,000
\$100 × 2	\$300 w/ \$300 SYMBOL	\$500	6,000	1,000
(\$50 w/ 3X) × 3	\$50 w/ \$50 SYMBOL	\$500	12,000	500
\$100 w/ 3X	(\$100 w/ \$100 SYMBOL) × 2	\$500	2,400	2,500
(\$100 w/ MONEYBAG) × 5		\$500	12,000	500
\$500 w/ MONEYBAG		\$500	12,000	500
\$500		\$500	12,000	500
SPECTACULAR w/ (\$40 × 25)		\$1,000	12,000	500
SPECTACULAR w/ (\$30 × 25)	(\$50 w/ \$50 SYMBOL) × 5	\$1,000	12,000	500
SPECTACULAR w/ (\$30 × 25)	(((\$100 w/ \$100 SYMBOL) × 2) + (\$50 w/ \$50 SYMBOL))	\$1,000	12,000	500
\$100 × 10		\$1,000	12,000	500
\$50 × 10	(\$100 w/ \$100 SYMBOL) × 5	\$1,000	12,000	500
\$100 × 5	(\$100 w/ \$100 SYMBOL) × 5	\$1,000	12,000	500
	\$1,000 w/ \$1,000 SYMBOL	\$1,000	12,000	500
(\$30 w/ 3X) × 10	\$100 w/ \$100 SYMBOL	\$1,000	12,000	500
(\$100 w/ 3X) × 2	(\$300 w/ \$300 SYMBOL) + (\$100 w/ \$100 SYMBOL)	\$1,000	12,000	500
\$300 w/ 3X	\$100 w/ \$100 SYMBOL	\$1,000	12,000	500
(\$500 w/ MONEYBAG) × 2		\$1,000	12,000	500
\$1,000 w/ MONEYBAG		\$1,000	12,000	500
\$1,000		\$1,000	24,000	250
SPECTACULAR w/ (\$40 × 25)	(\$1,000 w/ \$1,000 SYMBOL) × 4	\$5,000	1,200,000	5
SPECTACULAR w/ (\$100 × 25)	(((\$1,000 w/ \$1,000 SYMBOL) × 2) + (\$300 w/ \$300 SYMBOL) + ((\$100 w/ \$100 SYMBOL) × 2))	\$5,000	1,200,000	5
\$5,000 w/ MONEYBAG		\$5,000	1,200,000	5
\$5,000		\$5,000	1,200,000	5
\$5,000 × 5		\$25,000	1,200,000	5
\$25,000		\$25,000	1,200,000	5

When Any Of Your Numbers
Match Any Winning Number, Win
Prize Shown Under The
Matching Number. Win With:

\$25,000 × 10
\$250,000
\$3,000,000

Bonus:

Win:
\$250,000
\$250,000
\$3,000,000

Approximate
Odds Are 1 In:
1,200,000
1,200,000
1,200,000

Approximate No.
Of Winners Per
6,000,000
Tickets

5
5
5

Reveal a "MONEYBAG" (MNYBG) symbol, win prize shown under that symbol automatically.

Reveal a "3X" (3TIMES) symbol, win 3 times the prize shown under that symbol.

Reveal a "SPECTACULAR" (WINALL) symbol, win all 25 prizes shown!

BONUS: Reveal a "\$50" (WIN50) symbol, "\$100" (WIN100) symbol, "\$300" (WIN300) symbol, or a \$1,000 (WIN1000) symbol in any BONUS spot, win that prize instantly.

BONUS spots are played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania \$3 Million Spectacular instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$3 Million Spectacular, prize money from winning Pennsylvania \$3 Million Spectacular instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$3 Million Spectacular instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$3 Million Spectacular or through normal communications methods.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 16-2010. Filed for public inspection November 18, 2016, 9:00 a.m.]

Pennsylvania Bags of Money Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Bags of Money.

2. *Price:* The price of a Pennsylvania Bags of Money instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Bags of Money instant lottery game ticket will contain one play area featuring a "WINNING NUMBER" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBER" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and a Money (MONEY) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$10,000 (TEN THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$500 and \$10,000. A player can win up to 5 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania Bags of Money instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$10,000 (TEN THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money (MONEY) symbol and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money (MONEY) symbol and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money (MONEY) symbol and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$40⁰⁰ (FORTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money (MONEY) symbol and a prize symbol of \$40⁰⁰ (FORTY) appears in the “prize” area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$25⁰⁰ (TWY FIV) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money (MONEY) symbol and a prize symbol of \$25⁰⁰ (TWY FIV) appears in the “prize” area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$25.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money (MONEY) symbol and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money (MONEY) symbol and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money (MONEY) symbol and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money (MONEY) symbol and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “prize” area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$5.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money (MONEY) symbol and a prize symbol of \$4⁰⁰ (FOR DOL) appears in the “prize” area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$4.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$4⁰⁰ (FOR DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money (MONEY) symbol and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the “prize” area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$2.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money (MONEY) symbol and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the “prize” area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$2.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$1^{.00} (ONE DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Money (MONEY) symbol and a prize symbol of \$1^{.00} (ONE DOL) appears in the "prize" area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$1.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of FREE (TICKET) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Bags of Money instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match The Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 12,000,000 Tickets</i>
FREE	FREE \$1 TICKET	10	1,200,000
\$1 w/ MONEY	\$1	100	120,000
\$1	\$1	300	40,000
\$1 × 2	\$2	300	40,000
(\$1 w/ MONEY) × 2	\$2	42.86	280,000
\$2 w/ MONEY	\$2	42.86	280,000
\$2	\$2	300	40,000
\$1 × 4	\$4	600	20,000
\$2 × 2	\$4	300	40,000
(\$1 w/ MONEY) × 4	\$4	300	40,000
(\$2 w/ MONEY) × 2	\$4	300	40,000
\$4 w/ MONEY	\$4	300	40,000
\$4	\$4	600	20,000
\$1 × 5	\$5	300	40,000
(\$1 w/ MONEY) × 5	\$5	150	80,000
\$5 w/ MONEY	\$5	300	40,000
\$5	\$5	300	40,000
\$2 × 5	\$10	1,000	12,000
\$5 × 2	\$10	1,500	8,000
(\$4 × 2) + (\$1 × 2)	\$10	3,000	4,000
(((\$4 w/ MONEY) × 2) + ((\$1 w/ MONEY) × 2))	\$10	600	20,000
(\$5 w/ MONEY) × 2	\$10	750	16,000
\$10 w/ MONEY	\$10	600	20,000
\$10	\$10	600	20,000
\$4 × 5	\$20	3,000	4,000
\$5 × 4	\$20	3,000	4,000
\$10 × 2	\$20	3,000	4,000
(\$5 w/ MONEY) × 4	\$20	1,500	8,000
(\$10 w/ MONEY) × 2	\$20	1,500	8,000
\$20 w/ MONEY	\$20	1,500	8,000
\$20	\$20	3,000	4,000
\$5 × 5	\$25	2,400	5,000
(\$5 w/ MONEY) × 5	\$25	1,600	7,500
\$25 w/ MONEY	\$25	1,600	7,500
\$25	\$25	2,400	5,000
\$10 × 5	\$50	8,000	1,500
\$25 × 2	\$50	8,000	1,500
(\$10 w/ MONEY) × 5	\$50	8,000	1,500
(\$25 w/ MONEY) × 2	\$50	8,000	1,500
\$50 w/ MONEY	\$50	4,800	2,500
\$50	\$50	8,000	1,500
\$20 × 5	\$100	24,000	500
(\$40 × 2) + (\$10 × 2)	\$100	24,000	500

When Any Of Your Numbers Match The Winning Number, Win Prize Shown Under The Matching Number. Win With:

(($\$40$ w/ MONEY) \times 2) +
 (($\$10$ w/ MONEY) \times 2)
 $\$100$ w/ MONEY
 $\$100$
 $\$100 \times 5$
 ($\$100$ w/ MONEY) \times 5
 $\$500$ w/ MONEY
 $\$500$
 $\$10,000$

Win:
 $\$100$
 $\$100$
 $\$100$
 $\$500$
 $\$500$
 $\$500$
 $\$500$
 $\$10,000$

Approximate Odds
 Are 1 In:
 24,000
 12,000
 24,000
 1,200,000
 1,200,000
 1,200,000
 1,200,000
 1,200,000

Approximate No.
 Of Winners Per
 12,000,000
 Tickets

500
 1,000
 500
 10
 10
 10
 10
 10

Reveal a "MONEY" (MONEY) symbol, win prize shown under that symbol automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Bags of Money instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Bags of Money, prize money from winning Pennsylvania Bags of Money instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Bags of Money instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Bags of Money or through normal communications methods.

EILEEN H. McNULTY,
 Secretary

[Pa.B. Doc. No. 16-2011. Filed for public inspection November 18, 2016, 9:00 a.m.]

Pennsylvania Diamonds & Gold Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Diamonds & Gold.

2. *Price:* The price of a Pennsylvania Diamonds & Gold instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Diamonds & Gold instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWININ), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWININ), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Double Diamond (DOUBLE) symbol, 10X (10TIMES) symbol and a Gold Bar (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTN), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$30,000 (TRY THO) and \$300,000 (THRHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$15, \$20, \$40, \$50, \$100, \$400, \$500, \$1,000, \$10,000 \$30,000, and \$300,000. A player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Diamonds & Gold instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$300,000 (THRHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$300,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30,000 (TRY THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10,000 (TEN THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 10X (10TIMES) symbol, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Gold Bar (WINALL) symbol, and a prize symbol of \$1,000 (ONE THO) appears in five of the “prize” areas and a prize symbol of \$500 (FIV HUN) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$10,000.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Double Diamond (DOUBLE) symbol and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that Double Diamond (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$2,000.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 10X (10TIMES) symbol, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Gold Bar (WINALL) symbol, and a prize symbol of \$100 (ONE HUN) appears

in six of the “prize” areas, a prize symbol of \$50⁰⁰ (FIFTY) appears in four of the “prize” areas and a prize symbol of \$40⁰⁰ (FORTY) appears in five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Gold Bar (WINALL) symbol, and a prize symbol of \$100 (ONE HUN) appears in five of the “prize” areas and a prize symbol of \$50⁰⁰ (FIFTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 10X (10TIMES) symbol, and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Gold Bar (WINALL) symbol, and a prize symbol of \$100 (ONE HUN) appears in three of the “prize” areas, a prize symbol of \$50⁰⁰ (FIFTY) appears in two of the “prize” areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Gold Bar (WINALL) symbol, and a prize symbol of \$40⁰⁰ (FORTY) appears in ten of the “prize” areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$400.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 10X (10TIMES) symbol, and a prize symbol of \$40⁰⁰ (FORTY) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$400.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Gold Bar (WINALL) symbol, and a prize symbol of \$40⁰⁰ (FORTY) appears in five of the “prize” areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Double Diamond (DOUBLE) symbol and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Double Diamond (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$200.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 10X (10TIMES) symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$200.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 10X (10TIMES) symbol,

and a prize symbol of \$15⁰⁰ (FIFTN) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$150.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Double Diamond (DOUBLE) symbol and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under that Double Diamond (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$100.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 10X (10TIMES) symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under that 10X (10TIMES) symbol, on a single ticket, shall be entitled to a prize of \$100.

(x) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Double Diamond (DOUBLE) symbol and a prize symbol of \$40⁰⁰ (FORTY) appears in the “prize” area under that Double Diamond (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$80.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(z) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(aa) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Double Diamond (DOUBLE) symbol and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that Double Diamond (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$40.

(bb) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Double Diamond (DOUBLE) symbol and a prize symbol of \$15⁰⁰ (FIFTN) appears in the “prize” area under that Double Diamond (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$30.

(cc) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(dd) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Double Diamond (DOUBLE) symbol and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under that Double Diamond (DOUBLE) symbol, on a single ticket, shall be entitled to a prize of \$20.

(ee) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$15⁰⁰ (FIFTN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(ff) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets:</i>
\$10	\$10	6	1,200,000
\$15	\$15	15	480,000
\$10 × 2	\$20	200	36,000
\$10 w/ DOUBLE DIAMOND	\$20	42.86	168,000
\$20	\$20	200	36,000
\$10 × 4	\$40	600	12,000
\$20 × 2	\$40	600	12,000
(\$10 w/ DOUBLE DIAMOND) × 2	\$40	300	24,000
(\$15 w/ DOUBLE DIAMOND) + \$10	\$40	300	24,000
\$20 w/ DOUBLE DIAMOND	\$40	200	36,000
\$40	\$40	600	12,000
\$10 × 5	\$50	600	12,000
(\$15 × 2) + (\$10 × 2)	\$50	600	12,000
(\$15 w/ DOUBLE DIAMOND) + (\$10 w/ DOUBLE DIAMOND)	\$50	150	48,000
(\$20 w/ DOUBLE DIAMOND) + \$10	\$50	200	36,000
\$50	\$50	600	12,000
\$10 × 10	\$100	600	12,000
\$10 w/ 10X	\$100	200	36,000

<i>When Any Of Your Numbers Match Any Winning Number; Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets:</i>
\$50 w/ DOUBLE DIAMOND	\$100	600	12,000
\$100	\$100	600	12,000
GOLD BAR w/ ((\$40 × 5) + (\$20 × 10))	\$400	2,400	3,000
\$40 × 10	\$400	24,000	300
\$50 × 8	\$400	24,000	300
\$100 × 4	\$400	24,000	300
(\$40 w/ DOUBLE DIAMOND) × 5	\$400	24,000	300
(\$50 w/ DOUBLE DIAMOND) × 4	\$400	24,000	300
(\$50 w/ DOUBLE DIAMOND) + ((\$15 w/ 10X) × 2)	\$400	12,000	600
(\$20 w/ 10X) × 2	\$400	12,000	600
\$40 w/ 10X	\$400	6,000	1,200
\$400	\$400	24,000	300
GOLD BAR w/ ((\$40 × 10) + (\$20 × 5))	\$500	6,000	1,200
GOLD BAR w/ ((\$100 × 3) + (\$50 × 2) + (\$10 × 10))	\$500	6,000	1,200
(\$50 w/ DOUBLE DIAMOND) × 5	\$500	24,000	300
(\$40 w/ 10X) + (\$10 w/ 10X)	\$500	24,000	300
\$50 w/ 10X	\$500	24,000	300
\$500	\$500	24,000	300
GOLD BAR w/ ((\$100 × 5) + (\$50 × 10))	\$1,000	8,000	900
GOLD BAR w/ ((\$100 × 6) + (\$50 × 4) + (\$40 × 5))	\$1,000	12,000	600
(\$100 w/ DOUBLE DIAMOND) × 5	\$1,000	24,000	300
\$100 w/ 10X	\$1,000	24,000	300
\$1,000	\$1,000	24,000	300
GOLD BAR w/ ((\$1,000 × 5) + (\$500 × 10))	\$10,000	1,440,000	5
(\$1,000 w/ DOUBLE DIAMOND) × 5	\$10,000	1,440,000	5
\$1,000 w/ 10X	\$10,000	1,440,000	5
\$10,000	\$10,000	1,440,000	5
\$10,000 × 3	\$30,000	1,440,000	5
\$30,000	\$30,000	1,440,000	5
\$300,000	\$300,000	720,000	10

Reveal a "DOUBLE DIAMOND" (DOUBLE) symbol, win double the prize shown under that symbol.

Reveal a "10X" (10TIMES) symbol, win 10 times the prize shown under that symbol.

Reveal a "GOLD BAR" (WINALL) symbol, win all 15 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Diamonds & Gold instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled

only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Diamonds & Gold, prize money from winning Pennsylvania Diamonds & Gold instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Diamonds & Gold instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Diamonds & Gold or through normal communications methods.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 16-2012. Filed for public inspection November 18, 2016, 9:00 a.m.]

Pennsylvania Money to Burn '16 Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Money to Burn '16.

2. *Price:* The price of a Pennsylvania Money to Burn '16 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Money to Burn '16 instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY) and a Money (MONEY) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$40, \$50, \$100, \$200, \$500, \$1,000, \$10,000 and \$100,000. A player can win up to 12 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 9,600,000 tickets will be printed for the Pennsylvania Money to Burn '16 instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Money (MONEY) symbol and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Money (MONEY) symbol and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Money (MONEY) symbol and a prize symbol of \$200 (TWO HUN) appears in the "Prize" area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Money (MONEY) symbol and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Money (MONEY) symbol

and a prize symbol of \$50.⁰⁰ (FIFTY) appears in the "Prize" area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40.⁰⁰ (FORTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Money (MONEY) symbol and a prize symbol of \$40.⁰⁰ (FORTY) appears in the "Prize" area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$40.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Money (MONEY) symbol and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the "Prize" area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Money (MONEY) symbol and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the "Prize" area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Money (MONEY) symbol and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in the "Prize" area under that Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets:</i>
\$5 w/ MONEY	\$5	12	800,000
\$5	\$5	30	320,000
\$5 × 2	\$10	120	80,000
(\$5 w/ MONEY) × 2	\$10	120	80,000
\$10 w/ MONEY	\$10	120	80,000
\$10	\$10	120	80,000
\$5 × 4	\$20	120	80,000
\$10 × 2	\$20	120	80,000
(\$5 w/ MONEY) × 4	\$20	120	80,000
\$20 w/ MONEY	\$20	60	160,000
\$20	\$20	120	80,000
\$5 × 8	\$40	600	16,000
\$10 × 4	\$40	600	16,000
(\$20 w/ MONEY) × 2	\$40	600	16,000
\$40 w/ MONEY	\$40	600	16,000
\$40	\$40	600	16,000
\$5 × 10	\$50	300	32,000
(\$10 w/ MONEY) × 5	\$50	600	16,000
\$50 w/ MONEY	\$50	600	16,000
\$50	\$50	600	16,000
\$10 × 10	\$100	2,400	4,000
\$20 × 5	\$100	800	12,000
(\$10 × 8) + (\$5 × 4)	\$100	800	12,000
(\$50 w/ MONEY) × 2	\$100	800	12,000
\$100 w/ MONEY	\$100	2,400	4,000
\$100	\$100	2,400	4,000
\$20 × 10	\$200	6,000	1,600
\$40 × 5	\$200	6,000	1,600
\$50 × 4	\$200	8,000	1,200
(\$100 w/ MONEY) × 2	\$200	12,000	800
\$200 w/ MONEY	\$200	12,000	800
\$200	\$200	12,000	800
\$50 × 10	\$500	12,000	800
(\$50 × 2) + (\$40 × 10)	\$500	24,000	400
(\$100 w/ MONEY) × 5	\$500	24,000	400

When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:

\$500 w/ MONEY
 \$500
 (\$100 w/ MONEY) × 10
 \$1,000
 (\$1,000 w/ MONEY) × 10
 \$10,000
 \$100,000

Win:
 \$500
 \$500
 \$1,000
 \$1,000
 \$10,000
 \$10,000
 \$100,000

Approximate Odds Are 1 In:
 24,000
 24,000
 960,000
 960,000
 1,920,000
 1,920,000
 960,000

Approximate No. Of Winners Per 9,600,000 Tickets:

400
 400
 10
 10
 5
 5
 10

Reveal a "MONEY" (MONEY) symbol, win prize shown under that symbol automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Money to Burn '16 instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter

a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Money to Burn '16, prize money from winning Pennsylvania Money to Burn '16 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Money to Burn '16 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Money to Burn '16 or through normal communications methods.

EILEEN H. McNULTY,
 Secretary

[Pa.B. Doc. No. 16-2013. Filed for public inspection November 18, 2016, 9:00 a.m.]

FISH AND BOAT COMMISSION

Classification of Wild Trout Streams Proposed Additions, Revisions and Removals; January 2017

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 January 23 and 24, 2017, 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:

County of Mouth	Stream Name	Section Limits	Tributary to	Mouth Lat/Lon
Berks	Drumheller School Creek	Headwaters to Mouth	Oysterville Creek	40.396246 75.708021
Berks	UNT to Little Manatawny Creek (Breezy Corner)	Headwaters to Mouth	Little Manatawny Creek	40.398325 75.807701

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Berks	UNT to Oysterville Creek (Pleasantville Park)	Headwaters to Mouth	Oysterville Creek	40.378917 75.730348
Blair	Blair Gap Run	Headwaters to Mouth	Beaverdam Branch	40.433334 78.417221
Blair	California Hollow Run	Headwaters to Mouth	Bald Eagle Creek	40.727058 78.157494
Blair	Poplar Run	Headwaters to Mouth	Frankstown Branch Juniata River	40.393611 78.408611
Cambria	Bear Loop Run	Headwaters to Mouth	Bells Gap Run	40.647549 78.433189
Cambria	UNT to Bens Creek (RM 3.18)	Headwaters to Mouth	Bens Creek	40.380534 78.597536
Cambria	UNT to Mill Creek (RM 4.10)	Headwaters to Mouth	Mill Creek	40.309397 78.988648
Cambria	UNT to Saltlick Run (RM 3.68)	Headwaters to Mouth	Saltlick Run	40.422929 78.825610
Cambria	UNT to South Fork Little Conemaugh River (RM 13.15)	Headwaters to Mouth	South Fork Little Conemaugh River	40.260727 78.674616
Centre	Bright Run	Headwaters to Mouth	Big Fill Run	40.747963 78.204231
Centre	UNT to Bald Eagle Creek (Bell Hollow)	Headwaters to Mouth	Bald Eagle Creek	40.768890 78.095047
Clarion	Clawson Run	Headwaters to Mouth	Cathers Run	41.300861 79.210609
Clarion	UNT to Browns Run (RM 0.74)	Headwaters to Mouth	Browns Run	41.369492 79.228508
Clarion	UNT to Cathers Run (RM 1.27)	Headwaters to Mouth	Cathers Run	41.304680 79.219025
Clarion	UNT to Clawson Run (RM 0.01)	Headwaters to Mouth	Clawson Run	41.300821 79.210847
Clearfield	Buck Run	Headwaters to Mouth	Porter Run	40.822529 78.496271
Clearfield	UNT to Kratzer Run (RM 3.59)	Headwaters to Mouth	Kratzer Run	40.968799 78.603263
Clearfield	UNT to Trout Run (RM 9.78)	Headwaters to Mouth	Trout Run	41.164219 78.408859
Clinton	UNT to Birch Island Run (RM 2.09)	Headwaters to Mouth	Birch Island Run	41.211800 78.002579
Clinton	UNT to Gottshall Run (Robbins Run)	Headwaters to Mouth	Gottshall Run	41.087402 77.259743
Fayette	Long Run	Headwaters to Mouth	Mill Run	39.764179 79.662659
Fayette	UNT to Chaney Run (RM 2.97)	Headwaters to Mouth	Chaney Run	39.830873 79.645213
Fayette	UNT to Mill Run (RM 3.47)	Headwaters to Mouth	Mill Run	39.788481 79.657973
Fayette	UNT to Rasler Run (RM 1.99)	Headwaters to Mouth	Rasler Run	39.996749 79.474069
Fayette	UNT to Rasler Run (RM 3.04)	Headwaters to Mouth	Rasler Run	40.008973 79.477686
Forest	Straight Run	Headwaters to Mouth	Spring Creek	41.503529 79.000107
Huntingdon	Fowler Run	Headwaters to Mouth	Spruce Creek	40.694359 78.023369

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>
Huntingdon	UNT to East Branch Standing Stone Creek (RM 10.13)	Headwaters to Mouth	East Branch Standing Stone Creek	40.653474 77.749988
Huntingdon	UNT to Miller Run (RM 2.92)	Headwaters to Mouth	Miller Run	40.238840 78.152120
Huntingdon	UNT to Shingletown Branch (RM 0.85)	Headwaters to Mouth	Shingletown Branch	40.728210 77.826820
Huntingdon	UNT to Standing Stone Creek (RM 31.52)	Headwaters to Mouth	Standing Stone Creek	40.701700 77.727080
Huntingdon	UNT to Standing Stone Creek (RM 33.33)	Headwaters to Mouth	Standing Stone Creek	40.714109 77.699195
Indiana	UNT to Yellow Creek (RM 18.07)	Headwaters to Mouth	Yellow Creek	40.613251 78.951728
Jefferson	Chicken Run	Headwaters to Mouth	Stoney Run	41.338299 78.919601
Lackawanna	UNT to Fall Brook (SR 106)	Headwaters to Mouth	Fall Brook	41.599942 75.536969
Luzerne	Sutton Creek	Headwaters to Mouth	North Branch Susquehanna River	41.391667 75.828889
Lycoming	Brewer Run	Headwaters to Mouth	Wallis Run	41.411469 76.884621
Lycoming	Brion Creek	Headwaters to Mouth	Roaring Branch	41.540161 77.031326
Lycoming	De Bois Hollow Run	Headwaters to Mouth	Lycoming Creek	41.437710 76.988937
Lycoming	Dry Hollow	Headwaters to Mouth	Rogers Run	41.411991 77.305161
Lycoming	Heylmun Run	Headwaters to Mouth	Lycoming Creek	41.472160 76.977600
Lycoming	Little Elk Run	Headwaters to Mouth	Roaring Branch	41.535301 77.048470
Lycoming	Pine Run	Headwaters to Mouth	Rush Run	41.317402 76.789383
Lycoming	Rush Run	Headwaters to Mouth	Mill Creek (Montoursville)	41.309528 76.792847
Lycoming	Shoemaker Run	Headwaters to Mouth	Lycoming Creek	41.429588 77.003479
Lycoming	Stony Gap Run	Headwaters to Mouth	Hogland Run	41.327381 77.129242
Lycoming	UNT to Mill Creek (Warrensville) (Coonie's Run)	Headwaters to Mouth	Mill Creek (Warrensville)	41.363941 77.003983
McKean	Hamlin Run	Headwaters to Mouth	East Branch Potato Creek	41.655730 78.323790
McKean	UNT to Bloomster Hollow Run (RM 1.81)	Headwaters to Mouth	Bloomster Hollow Run	41.743150 78.506720
McKean	UNT to Brewer Run (RM 2.14)	Headwaters to Mouth	Brewer Run	41.688480 78.428170
McKean	UNT to Cole Creek (RM 1.56)	Headwaters to Mouth	Cole Creek	41.855378 78.463669
McKean	UNT to Marvin Creek (RM 9.58)	Headwaters to Mouth	Marvin Creek	41.741470 78.536160
McKean	UNT to Marvin Creek (RM 15.05)	Headwaters to Mouth	Marvin Creek	41.703270 78.599410
McKean	UNT to Potato Creek (RM 16.87)	Headwaters to Mouth	Potato Creek	41.766950 78.404340

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
McKean	UNT to West Branch Clarion River (RM 12.48)	Headwaters to Mouth	West Branch Clarion River	41.638222 78.681992
Mifflin	UNT to East Licking Creek (RM 22.36)	Headwaters to Mouth	East Licking Creek	40.450721 77.686050
Mifflin	UNT to Strodes Run (RM 1.89)	Headwaters to Mouth	Strodes Run	40.554953 77.675538
Monroe	UNT to Appenzell Creek (RM 6.82)	Headwaters to Mouth	Appenzell Creek	40.982584 75.357683
Monroe	UNT to Brodhead Creek (RM 8.12)	Headwaters to Mouth	Brodhead Creek	41.033646 75.207219
Monroe	UNT to Bush Kill (RM 12.11)	Headwaters to Mouth	Bush Kill	41.129792 75.104047
Monroe	UNT to Cranberry Creek (RM 2.31)	Headwaters to Mouth	Cranberry Creek	41.125172 75.264744
Monroe	UNT to Pocono Creek (RM 7.97)	Headwaters to Mouth	Pocono Creek	41.012295 75.288411
Monroe	UNT to Pohopoco Creek (RM 19.05)	Headwaters to Mouth	Pohopoco Creek	40.906106 75.459901
Monroe	UNT to Pohopoco Creek (RM 21.59)	Headwaters to Mouth	Pohopoco Creek	40.929459 75.431900
Monroe	UNT to Pohopoco Creek (RM 22.49)	Headwaters to Mouth	Pohopoco Creek	40.940819 75.436325
Monroe	UNT to Pohopoco Creek (RM 22.92)	Headwaters to Mouth	Pohopoco Creek	40.945430 75.441341
Monroe	UNT to Pohopoco Creek (RM 23.15)	Headwaters to Mouth	Pohopoco Creek	40.947248 75.443790
Monroe	UNT to Sugar Hollow Creek (RM 0.56)	Headwaters to Mouth	Sugar Hollow Creek	40.953911 75.442841
Monroe	UNT to Sugar Hollow Creek (RM 2.97)	Headwaters to Mouth	Sugar Hollow Creek	40.980159 75.424933
Northampton	UNT to Waltz Creek (RM 0.40)	Headwaters to Mouth	Waltz Creek	40.825611 75.207288
Northampton	UNT to Waltz Creek (RM 1.57)	Headwaters to Mouth	Waltz Creek	40.839881 75.214993
Perry	Pisgah Run	Headwaters to Mouth	Sherman Creek	40.336131 77.187447
Perry	Spruce Run	Headwaters to Mouth	Bargers Run	40.560874 77.040302
Perry	UNT to Fishing Run (RM 3.19)	Headwaters to Mouth	Fishing Run	40.323129 77.110633
Perry	UNT to UNT to Fishing Run (RM 0.69)	Headwaters to Mouth	UNT to Fishing Run (RM 3.19)	40.332070 77.113050
Perry	UNT to UNT to Fishing Run (RM 0.72)	Headwaters to Mouth	UNT to Fishing Run (RM 3.19)	40.332610 77.113890
Potter	UNT to Boone Run (RM 1.94)	Headwaters to Mouth	Boone Run	41.618100 77.806477
Potter	UNT to Hammersley Fork (RM 8.84)	Headwaters to Mouth	Hammersley Fork	41.555271 77.861559
Potter	UNT to McConnell Hollow Run (RM 0.12)	Headwaters to Mouth	McConnell Hollow Run	41.503797 77.935770
Potter	UNT to Windfall Run (RM 3.46)	Headwaters to Mouth	Windfall Run	41.566050 77.822569
Potter	UNT to Windfall Run (RM 5.12)	Headwaters to Mouth	Windfall Run	41.586373 77.836976

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>
Schuylkill	UNT to Mahannon Creek (RM 3.87)	Headwaters to Mouth	Mahannon Creek	40.666044 76.113438
Schuylkill	UNT to Muddy Branch (RM 1.08)	Headwaters to Mouth	Muddy Branch	40.663445 76.294630
Schuylkill	UNT to Schuylkill River (RM 134.52)	Headwaters to Mouth	Schuylkill River	40.768813 76.032694
Schuylkill	UNT to West Branch Schuylkill River (RM 6.05)	Headwaters to Mouth	West Branch Schuylkill River	40.673825 76.236221
Schuylkill	UNT to West Branch Schuylkill River (RM 6.53)	Headwaters to Mouth	West Branch Schuylkill River	40.674999 76.243862
Somerset	UNT to Bens Creek (RM 0.88)	Headwaters to Mouth	Bens Creek	40.279059 78.941724
Somerset	UNT to Sandy Run (RM 3.22)	Headwaters to Mouth	Sandy Run	39.931271 79.335011
Somerset	UNT to Shafer Run (RM 0.79)	Headwaters to Mouth	Shafer Run	40.057846 79.204254
Somerset	UNT to Soap Hollow Run (RM 0.75)	Headwaters to Mouth	Soap Hollow Run	40.271096 78.916815
Sullivan	UNT to Elklick Run (Hunter's Run)	Headwaters to Mouth	Elklick Run	41.391670 76.468163
Sullivan	UNT to West Branch Fishing Creek (RM 7.18)	Headwaters to Mouth	West Branch Fishing Creek	41.298988 76.469349
Tioga	UNT to Right Branch Fourmile Run	Headwaters to Mouth	Right Branch Fourmile Run	41.704948 77.485130
Union	Black Run	Headwaters to Mouth	Spruce Run	40.985771 76.984299
Union	UNT to Panther Run	Headwaters to Mouth	Panther Run	40.965279 77.175591
Union	UNT to White Deer Creek (RM 13.43)	Headwaters to Mouth	White Deer Creek	41.051159 77.070618
Westmoreland	Lick Run	Headwaters to Mouth	Tubmill Creek	40.321060 79.090553

The Commission also will consider the following revisions to the section limits of streams on the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Current Limits</i>	<i>Revised Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Berks	Allegheny Creek	Sleepy Hollow Run to T-342 (Gunhart Road)	Headwaters to Inflow of Green Hills Lake	Schuylkill River	40.288611 75.875833
Berks	Angelica Creek	SR 3003 Bridge to SR 0724	Headwaters to Mouth	Schuylkill River	40.309167 75.922222
Berks	Antietam Creek	Headwaters to First UNT Downstream from T-434 (Fairlane Road)	Headwaters to SR 422	Schuylkill River	40.282778 75.848056
Dauphin	Clark Creek	Headwaters to Game Commission Parking Area	Headwaters to Mouth	Susquehanna River	40.368333 76.962222
Lancaster	Fishing Creek	Headwaters to SR 3010 (Silver Springs Road)	Headwaters to Mouth	Susquehanna River	39.791667 76.265833
Schuylkill	Little Schuylkill River	Headwaters to Panther Creek	Headwaters to T-517 (Atlas Road)	Schuylkill River	40.578611 76.026944
York	Bermudian Creek	Headwaters to UNT at RM 17.29	Headwaters to Wiermans Road (SR 1009) Bridge	Conewago Creek	40.009167 76.928612

In addition, the Commission will consider the removal of the following stream from the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Lancaster	Eshleman Run	Headwaters to SR 741	Pequea Creek	40.010833 76.113056

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

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

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 16-2014. Filed for public inspection November 18, 2016, 9:00 a.m.]

Proposed Changes to List of Class A Wild Trout Waters; January 2017

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 lb/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 lb/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 lb/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 lb/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 lb/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 lb/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 lb/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 lb/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 January 23 and 24, 2017.

<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>
Bedford	UNT to Shobers Run (RM 6.50)	02	Hemlock Road (T-726) Bridge to Mouth	Shobers Run	39.956243 78.547466	—	56.82	—	0.79	2016
Bedford/Blair	Boiling Spring Run	02	Dam at Pond Immediately Downstream from Harvest Lane to Mouth	Beaverdam Creek	40.271944 78.466389	—	56.21	—	2.11	2016
Blair	Little Juniata River	02	Sandy Run to First Bridge on US 220 Business just Northeast of Bellwood	Juniata River	40.561111 78.068336	—	71.59	—	4.54	2016
Cambria	Fallentimber Run	01	Headwaters to Mouth	Clearfield Creek	40.679893 78.496506	56.58	3.63	—	3.72	2016
Cambria	Flanigans River	01	Headwaters to Mouth	Little Chest Creek	40.629353 78.662109	42.99	—	—	2.21	2016
Centre	Bald Eagle Creek	04	Spring Creek to Inlet of Sayers Lake near Boggs/Howard Township Line	West Branch Susquehanna River	41.135277 77.400558	—	52.78	—	5.72	2016
Centre/Clinton	UNT to Fishing Creek (Bletz Hollow)	01	Headwaters to Sink at RM 0.32	Fishing Creek	40.987865 77.433403	135.84	—	—	2.20	2016
Clearfield	Dale Run	01	Headwaters to Mouth	Moravian Run	41.009495 78.265747	76.68	—	—	1.17	2016
Clearfield	UNT to Bell Run (RM 7.60)	01	Headwaters to Mouth	Bell Run	41.006111 78.660835	38.04	—	—	1.43	2016
Clearfield	UNT to Kratzer Run (RM 3.59)	01	Headwaters to Mouth	Kratzer Run	40.968799 78.603263	138.19	121.17	—	0.67	2016
Clearfield	UNT to Potts Run (RM 5.47)	01	Headwaters to Mouth	Potts Run	40.873981 78.509575	281.99	—	—	0.58	2016
Clinton	Drury Run	01	Headwaters (Tamarack Swamp) to Pong Hollow	West Branch Susquehanna River	41.325853 77.776944	13.87	52.42	—	1.29	2016
Clinton	Indian Camp Run	01	Headwaters to Mouth	Kettle Creek	41.442013 77.891335	32.38	—	—	1.07	2016
Clinton	Krape Run	01	Headwaters to Mouth	Rockey Run	41.087222 77.235278	39.22	1.31	—	1.86	2016
Clinton	Mill Creek	01	Headwaters to Mouth	Fishing Creek	41.029999 77.302498	71.67	23.51	—	3.24	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>
Clinton	UNT to Gotshall Run (Robbins Run)	01	Headwaters to Mouth	Gotshall Run	41.087402 77.259743	53.96	—	—	1.64	2016
Clinton	Wolf Gap Run	01	Headwaters to Sink at RM 0.54	Fishing Creek	40.999971 77.379016	125.45	—	—	1.57	2016
Dauphin	Smoke Hole Run	01	Headwaters to Mouth	South Fork Powell Creek	40.507021 76.689934	34.29	—	—	1.76	2016
Huntingdon	Little Juniata River	08	Barree Road Bridge (SR 4004) to Mouth	Juniata River	40.561111 78.068836	—	109.44	—	3.19	2016
Lycoming	Bear Pen Hollow Run	01	Headwaters to Mouth	Mosquito Creek	41.175388 77.074608	36.46	—	—	1.38	2016
Lycoming	Bender Run	01	Headwaters to Mouth	West Branch Susquehanna River	41.223057 77.110001	34.09	62.52	—	3.77	2016
Lycoming	Veley Fork	01	Headwaters to Mouth	Upper Pine Bottom Run	41.313332 77.442497	33.47	2.70	—	1.23	2016
Potter	Cherry Hollow Run	01	Headwaters to Mouth	Kettle Creek	41.527500 77.736115	49.41	—	—	2.17	2016
Potter	UNT to Kettle Creek (Joerg Run)	01	Headwaters to Mouth	Kettle Creek	41.533482 77.718925	58.09	—	—	2.44	2016
Sullivan	Yellow Run	01	Headwaters to Mouth	Little Loyalsock Creek	41.507557 76.504166	31.66	2.83	—	2.65	2016
Union	Sheesley Run	01	Headwaters to Mouth	Laurel Run	40.905834 77.269722	53.20	11.96	—	2.24	2016

Persons with comments, objections or suggestions concerning the additions are invited to submit comments in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 16-2015. Filed for public inspection November 18, 2016, 9:00 a.m.]

Snowmobile Use; Hunters Lake, Sullivan County; Mountain Spring Lake, Luzerne County; Oswayo State Fish Hatchery, Potter County

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 53.11(b) (relating to off-highway vehicles and snowmobiles), has designated the following Commission-owned or Commission-controlled properties as areas where snowmobile use is permitted: Hunters Lake, Sullivan County (entire property except lake, access road and dam breast); Mountain Spring Lake, Luzerne County (entire property except lake and dam breast); and Oswayo State Fish Hatchery, Potter County (that portion of the property not used in the normal operation of the hatchery facilities).

It is unlawful to operate a snowmobile on Commission-owned or Commission-controlled property except in areas designated for snowmobile use by the Executive Director and so posted. In those areas where snowmobile use is permitted, the conditions in 58 Pa. Code § 53.11(b) shall apply.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 16-2016. Filed for public inspection November 18, 2016, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meeting Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meeting: Monday, November 21, 2016—Council meeting at 9:30 a.m.

The meeting will be held at 400 Market Street, 2nd Floor Auditorium, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodation due to a disability and want to attend should contact René Greenawalt at rgreenawalt@phc4.org at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,
Executive Director

[Pa.B. Doc. No. 16-2017. Filed for public inspection November 18, 2016, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Gerard J. Halloran; Doc. No. SC16-10-018

Notice is hereby given of the Order to Show Cause issued on October 31, 2016, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: section 611-A(4), (7), (17) and (20) of The Insurance Department Act of 1921 (40 P.S. § 310.11(4), (7), (17) and (20)).

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

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, contact Donna Fleischauer, Agency ADA Coordinator at (717) 705-4194.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-2018. Filed for public inspection November 18, 2016, 9:00 a.m.]

Alleged Violation of Insurance Laws; Michael William Woodford; Doc. No. SC16-11-001

Notice is hereby given of the Order to Show Cause issued on October 31, 2016, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: sections 611-A(6), (7) and (20), 672-A(b)(2) and 674-A(b) of The Insurance Department Act of 1921 (40 P.S. §§ 310.11(6), (7) and (20), 310.72(b)(2) and 310.74(b)).

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

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, contact Donna Fleischauer, Agency ADA Coordinator at (717) 705-4194.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-2019. Filed for public inspection November 18, 2016, 9:00 a.m.]

Appeal of Bensalem Township School District under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2016-0028(F); Doc. No. UT16-11-002

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant provisions of law.

A prehearing telephone conference initiated by this office is scheduled for December 21, 2016, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before December 19, 2016. A date for a hearing shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator, Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102 on or before December 6, 2016. Answers to petitions to intervene, if any, shall be filed on or before December 19, 2016.

Persons with a disability who wish to attend the previously-referenced administrative proceedings and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-2020. Filed for public inspection November 18, 2016, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Executive Board

Resolution No. CB-16-005, Dated October 4, 2016. Authorizes the side letter of agreement and memorandum of understanding between the Commonwealth of Pennsylvania and AFSCME Council 13. The side letters authorize the October 1, 2016, 2.75% general pay increase in advance of the full Master Agreement and Master Memorandum.

Resolution No. CB-16-006, Dated October 25, 2016. Authorizes the side letter of agreement and memorandum of understanding between the Commonwealth of Pennsylvania and Service Employees International Union, Local 668. The side letters authorize the October 1, 2016, 2.75% general pay increase in advance of the full Agreement and Memorandum of Understanding.

Governor's Office

Management Directive No. 310.13—Responsibilities for Comprehensive Annual Financial Reporting, Amended October 5, 2016.

Management Directive No. 310.24—Accepting Debit and Credit Cards for Commonwealth Revenues, Amended October 18, 2016.

Management Directive No. 310.38—Commonwealth Loan Accounting, Financial Management, and Reporting, Dated October 14, 2016.

Management Directive No. 505.32—Governor's Awards for Excellence, Amended September 27, 2016.

Administrative Circular No. 16-12—Availability—Commonwealth Telephone Directory, Dated September 29, 2016.

LAURA CAMPBELL,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 16-2021. Filed for public inspection November 18, 2016, 9:00 a.m.]

MILK MARKETING BOARD

Meeting Change

The December 7, 2016, meeting of the Milk Marketing Board has been rescheduled for December 8, 2016, at 12 p.m. in Room 202, Agriculture Building, Harrisburg, PA 17110.

TIM MOYER,
Secretary

[Pa.B. Doc. No. 16-2022. Filed for public inspection November 18, 2016, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene

must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by December 5, 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-2016-257226. David E. Gingrich (337 Golf Road, Myerstown, PA 17067) for the right to begin 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 Lebanon County, to points in Pennsylvania, and return.

A-2016-2574101. Alexander Paul Golden (1200 Center Street, Wilkinsburg, Allegheny County, PA 15221) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in Allegheny County, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.

A-2016-2573631. Limo Direct, LLC (777 West Germantown Pike, Plymouth Meeting, Montgomery County, PA 19462) in limousine service, between points in Pennsylvania, excluding service between points in Allegheny County, and excluding service that is under the jurisdiction of the Philadelphia Parking Authority, which is to be a transfer of all rights authorized under the certificate issued at A-00111572, to Comfort Limousine Service, Inc., subject to the same limitations and conditions.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-2023. Filed for public inspection November 18, 2016, 9:00 a.m.]

Wastewater System Assets and Service

A-2016-2575001. Aqua Pennsylvania Wastewater, Inc. Application of Aqua Pennsylvania Wastewater, Inc. for approval of: 1) the acquisition by Aqua Pennsylvania Wastewater, Inc. of certain wastewater system assets of the Township of Tobyhanna situated within a portion of Tobyhanna Township, Monroe County; and 2) the right of Aqua Pennsylvania Wastewater, Inc. to begin to offer, render, furnish and supply wastewater service to the public in a portion of Tobyhanna Township, Monroe County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities)

on or before December 5, 2016. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicants: Aqua Pennsylvania Wastewater, Inc.

Through and By Counsel: Thomas T. Niesen, Esq., Thomas, Niesen and Thomas, LLC, 212 Locust Street, Suite 600, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-2024. Filed for public inspection November 18, 2016, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Notice of Rescheduling of Sales of Wheelchair Accessible Taxicab Medallions

The Philadelphia Parking Authority's (Authority) Board Order No. 16-001 (Authority Order), published at 46 Pa.B. 3776 (July 9, 2016), directed the Taxicab and Limousine Division (TLD) to administer the sale of 41 Philadelphia taxicab medallions, each of which are designated as wheelchair accessible vehicle (WAV) taxicab medallions. This notice included the date, time and location of the bid openings for each of these medallions.

However, under the Authority Order under Paragraph No. 10, TLD Director Michael Casey exercised his discretion to remove certain medallions from the scheduled bid opening dates as follows: October 5, 2015; October 12, 2016; October 19, 2016; October 26, 2016; and November 19, 2016. Additionally, there was a lack of participation of bids for certain WAV medallions scheduled to be sold on November 2, 2016. The TLD Director has rescheduled those sales under Paragraph Nos. 12 and 13. Therefore, an updated schedule is as follows:

<i>Scheduled Sale Date</i>	<i>Medallion Nos.</i>
November 30, 2016	WP-1622, WP-1623, WP-1626, WP-1628, WP-1632, WP-1633, WP-1634, WP-1635, WP-1636, WP-1637, WP-1638, WP-1639, WP-1640, WP-1641, WP-1642, WP-1643, WP-1644, WP-1647, WP-1648, WP-1649, WP-1651, WP-1652, WP-1653, WP-1654, WP-1655 and WP-1656
December 7, 2016	WP-1657, WP-1658, WP-1661, WP-1668, WP-1669, WP-1670 and WP-1671

Refer to the Authority Order published at 46 Pa.B. 3776 for all instructions for submitting bids and other information concerning the sales of these WAV medallions. Additionally, Form No. MA-1 (Bid Cover) may be

obtained on the Authority's web site at www.philapark.org/resources-and-forms/. See also 52 Pa. Code §§ 1013.31—1013.37 (relating to medallion sales by the Authority).

CLARENA TOLSON,
Executive Director

[Pa.B. Doc. No. 16-2025. Filed for public inspection November 18, 2016, 9:00 a.m.]

Service of Notice of Motor Carrier Application in the City of Philadelphia

The following permanent authority application to render service as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148 no later than December 5, 2016. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The application is available for inspection at the TLD with Administrative Counsel between 9 a.m. and 4 p.m., Monday through Friday (contact Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business address of the respective applicant.

Doc. No. A-16-10-02. PSS Cab, Inc. (403 North Springfield Road, Clifton Heights, PA 19018): An application for a medallion taxicab certificate of public convenience to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

CLARENA TOLSON,
Executive Director

[Pa.B. Doc. No. 16-2026. Filed for public inspection November 18, 2016, 9:00 a.m.]

Service of Notice of Motor Carrier Application in the City of Philadelphia

The following permanent authority application to render service as a common carrier in the City of Philadelphia have been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than December 5, 2016. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The application is available for inspection at the TLD with Administrative Counsel between 9 a.m. and 4 p.m., Monday through Friday (contact Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business address of the respective applicant.

Doc. No. A-16-09-01. Christopher J. Etemad (7 Mallard Pond Circle, Newtown, PA 18940): An application for a medallion taxicab certificate of public convenience to

transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney:* Drew Salaman, Esq., 100 South Broad Street, Suite 650, Philadelphia, PA 19110.

CLARENA TOLSON,
Executive Director

[Pa.B. Doc. No. 16-2027. Filed for public inspection November 18, 2016, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Commission Meeting

The Susquehanna River Basin Commission (Commission) will hold its regular business meeting on December 8, 2016, at 9 a.m. at Loews Annapolis Hotel, Powerhouse—Point Lookout Room, Third Floor, 126 West Street, Annapolis, MD 21401. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436.

Supplementary Information

The business meeting will include actions or presentations on the following items: (1) informational presentation of interest to the Lower Susquehanna Subbasin area; (2) resolution concerning Fiscal Year 2018 Federal funding of the Groundwater and Streamflow Information Program; (3) ratification/approval of contracts/grants; (4) notice for Montage Mountain Resorts, LP project sponsor to appear and show cause before the Commission; (5) regulatory compliance matters for Panda Hummel Station, LLC, Panda Liberty, LLC and Panda Patriot, LLC; and (6) Regulatory Program projects.

Projects listed for Commission action are those that were the subject of a public hearing conducted by the Commission on November 3, 2016, and identified in the notice for the hearing, which was published at 81 FR 69182 (October 5, 2016).

The public is invited to attend the Commission's business meeting. Comments on the Regulatory Program projects were subject to a deadline of November 14, 2016. Written comments pertaining to other items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788, or submitted electronically through <http://www.srb.com/pubinfo/publicparticipation.htm>. The comments are due to the Commission on or before December 2, 2016. Comments will not be accepted at the business meeting noticed herein.

Authority: Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: November 3, 2016.

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 16-2028. Filed for public inspection November 18, 2016, 9:00 a.m.]