

# PENNSYLVANIA BULLETIN

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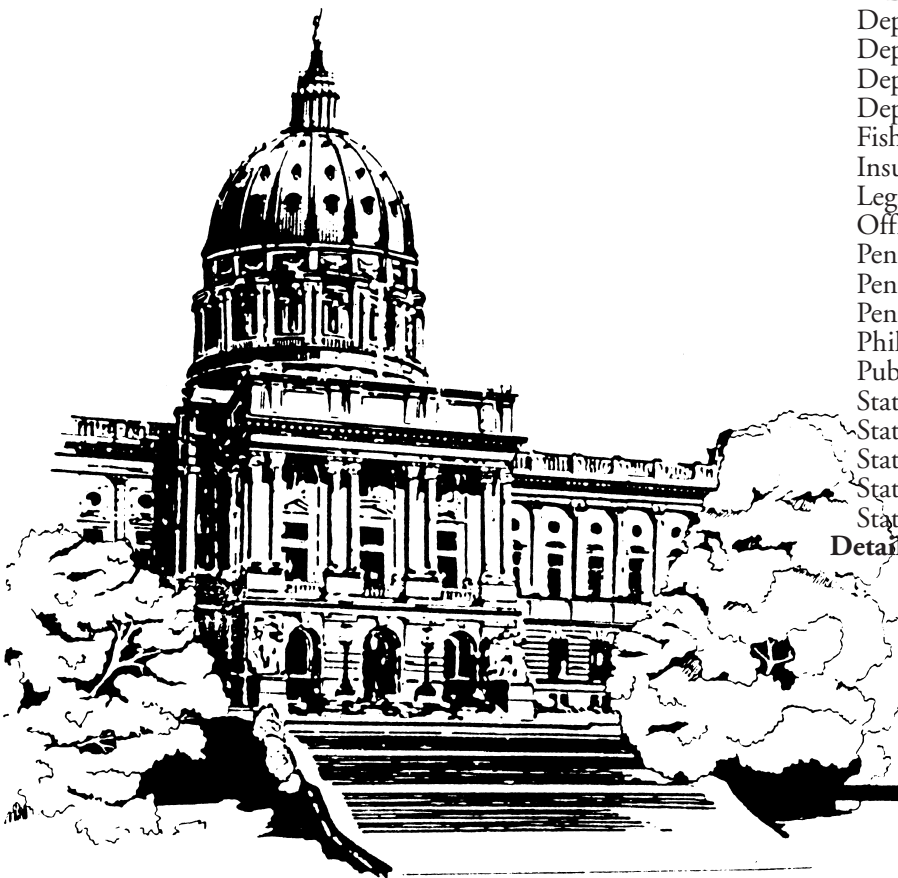
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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 505, December 2016**

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

## *Pennsylvania Bulletin*

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

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

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

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

### **Adoption, Amendment or Repeal of Regulations**

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

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

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

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

### **Citation to the *Pennsylvania Bulletin***

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at [www.pacode.com](http://www.pacode.com).

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

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

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

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#### **Printing Format**

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

#### **Fiscal Notes**

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

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

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# List of Pa. Code Chapters Affected

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

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# THE 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>
<b>2016 General Acts of Regular Session Enacted—Act 116 through 175</b>					
116	Nov 2	HB0447	PN1037	60 days	Landlord and Tenant Act of 1951—death of tenant
117	Nov 2	HB0683	PN1427	60 days	Taxpayer Relief Act—definitions
118	Nov 2	HB1734	PN2598	Immediately	Public School Code of 1949—continuing professional development, program of continuing professional education and charter schools
119	Nov 2	HB1841	PN2877	60 days	Medical Practice Act of 1985—perfusionist
120	Nov 2	HB1842	PN2878	60 days	Osteopathic Medical Practice Act—perfusionist
121	Nov 2	HB1923	PN3023	60 days	Officer Dennis McNamara Memorial Highway—designation
122	Nov 2	HB1699	PN4108	60 days	Safe Emergency Prescribing Act—enactment
123	Nov 2	HB1737	PN4028	60 days	Waste Tire Recycling Act/Small Business and Household Pollution Prevention Program Act—household hazardous waste collection program
124	Nov 2	SB1202	PN2199	60 days	Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) Act—omnibus amendments
125	Nov 2	SB1367	PN2157	Immediately*	Health and Safety (35 Pa.C.S.)—prescribing opioids to minors, imposing powers and duties and imposing penalties
126	Nov 2	SB1368	PN2190	Immediately	Health and Safety (35 Pa.C.S.)—safe opioid prescription, patient voluntary nonopioid directive and imposing powers and duties
127	Nov 3	HB0162	PN3955	Immediately*	Domestic Relations Code (23 Pa.C.S.)—original birth record
128	Nov 3	HB0516	PN4043	January 1, 2018	Naturopathic Doctor Registration Act—enactment
129	Nov 3	HB0850	PN3932	60 days	Money Transmission Business Licensing Law—omnibus amendments
130	Nov 3	HB1087	PN1493	Immediately	Delaware River Compact with New Jersey—gubernatorial veto
131	Nov 3	HB1118	PN4066	60 days	Crimes Code (18 Pa.C.S.)—conflicts of interest and provisions relating to independent counsel
132	Nov 3	HB1403	PN4124	360 days	Insurance (40 Pa.C.S.)—unclaimed life insurance benefits
133	Nov 3	HB1437	PN3952	60 days	Municipal Code and Ordinance Compliance Act—issuance of use and occupancy certificate, applicability and compliance requirement
134	Nov 3	HB1496	PN3918	60 days	Crimes Code (18 Pa.C.S.)—persons not to possess, use, manufacture, control, sell or transfer firearms

<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>
135	Nov 3	HB1600	PN4107	60 days	Military and Veterans Code (51 Pa.C.S.)—voluntary veterans' preference in private employment, regulations and business fee exemption
136	Nov 3	HB1703	PN2849	Immediately	Vehicle Code (75 Pa.C.S.)—snowmobiles and all-terrain vehicles, operation by persons under age sixteen and mufflers and noise control
137	Nov 3	HB1864	PN3305	60 days	Cosmetology Law—student practice upon public for pay prohibited
138	Nov 3	HB1907	PN4045	Immediately	Public School Code of 1949—omnibus amendments
139	Nov 3	HB1959	PN3107	Immediately	Conveyance—Commonwealth property in Upper Merion Township, Montgomery County
140	Nov 3	HB1968	PN4113	Immediately	Conveyance—multiple conveyances of Commonwealth property in multiple counties
141	Nov 3	HB2014	PN3220	Immediately	Conveyance—Commonwealth property in Lawrence Township, Clearfield County
142	Nov 3	HB2058	PN3428	Immediately*	Health and Safety (35 Pa.C.S.) and Judicial Code (42 Pa.C.S.)—emergency medical services system, duties of department, first aid and safety services, governance of system and criminal laboratory user fee
143	Nov 3	HB2078	PN3452	60 days	Public School Code of 1949—issuing permanent college certificates, program of continuing professional education and professional educator discipline fee
144	Nov 3	HB0319	PN4123	Immediately*	Unemployment Compensation Law—omnibus amendments
145	Nov 4	HB2148	PN4064	60 days	Enforcement Officer Disability Benefits Law—title amended, eligibility of firemen of airport authorities, firemen employed by Commonwealth and emergency medical services personnel of cities
146	Nov 4	HB2241	PN3858	60 days	Insurance (40 Pa.C.S.)—retroactive denial of reimbursements
147	Nov 4	HB2290	PN3893	60 days	Board of Wardens for port of Philadelphia—fees
148	Nov 4	HB2291	PN3769	60 days	Board of Wardens for Port of Philadelphia—pilotage rates
149	Nov 4	HB2338	PN3963	Immediately	Student Protection Act—enactment
150	Nov 4	SB0356	PN1689	180 days	Local Tax Enabling Act—declaration and payment of income taxes, withholding and remittance
151	Nov 4	SB0385	PN2081	90 days	Transit Revitalization Investment District Act—omnibus amendments
152	Nov 4	SB0486	PN2065	60 days	Recorder of Deeds Fee Law—additional fee imposed and used for demolition
153	Nov 4	SB0613	PN2189	Immediately*	Human Services Code—omnibus amendments
154	Nov 4	SB0881	PN2198	Immediately	Public Utility Code (66 Pa.C.S.)—definitions
155	Nov 4	SB0898	PN1064	60 days	Second Class County Code—limits on counties of second class

<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>
156	Nov 4	SB0899	PN1065	60 days	General Local Government Code (53 Pa.C.S.)—limitation on tax increase after countywide reassessment
157	Nov 4	SB1018	PN1936	60 days	CPA Law—requirements for issuance of certificate, certificates issued by domestic reciprocity, licenses to practices, licensing of firms and peer review
158	Nov 4	SB1062	PN1679	60 days	Crimes Code (18 Pa.C.S.) and Judicial Code (42 Pa.C.S.)—burglary and sentencing for burglary
159	Nov 4	SB1219	PN2187	60 days	Multiple designations in multiple counties
160	Nov 4	SB1235	PN2162	Immediately	Underground Utility Line Protection Law—expiration
161	Nov 4	SB1265	PN2183	180 days	Credits to Accounts in Financial Institutions—electronic funds transfers, consumer protections and payroll card accounts
162	Nov 4	SB1282	PN2066	60 days	Real and Personal Property (68 Pa.C.S.)—amendment of declaration
163	Nov 4	HB2107	PN4118	60 days	Procurement (62 Pa.C.S.)—public access to procurement records, sole source procurement, emergency procurement, prohibited contracts, contract provisions and funding
164	Nov 4	SB0984	PN2167	Immediately	General Local Government Code (53 Pa.C.S.), Public Utility Code (66 Pa.C.S.) and Vehicle Code (75 Pa.C.S.)—omnibus amendments
165	Nov 4	HB2025	PN4069	Immediately*	Vehicle Code (75 Pa.C.S.)—omnibus amendments
166	Nov 15	HB1196	PN4132	60 days	Liquor Code—omnibus amendments
167	Nov 21	HB0192	PN4120	Immediately	Civil Service Act—State Civil Service Commission, powers and duties of director, service to State departments, boards and commissions or agencies and political subdivisions; cooperation with other civil service agencies and nature of examinations
168	Nov 21	HB0263	PN4122	Immediately*	Game and Wildlife Code (34 Pa.C.S.)—unlawful devices and methods and elk hunting licenses
169	Nov 21	HB0946	PN4111	90 days*	Pharmacy Audit Integrity and Transparency Act—enactment
170	Nov 21	HB1398	PN4062	90 days	Associations Code (15 Pa.C.S.) and Names (54 Pa.C.S.)—omnibus amendments
171	Nov 21	HB1653	PN2661	120 days	Procurement (62 Pa.C.S.)—diverse and disadvantaged businesses
172	Nov 21	HB1683	PN4128	60 days	Health and Safety (35 Pa.C.S.)—incentives for municipal volunteers of fire companies and nonprofit emergency medical services agencies
173	Nov 21	HB1785	PN3356	60 days	Influenza Awareness Act—enactment
174	Nov 21	HB2084	PN3509	60 days	Prisons and Parole Code (61 Pa.C.S.)—oleoresin capsicum spray

<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>
175	Nov 21	HB2370	PN4074	Immediately	Tax Reform Code of 1971—applicability of realty transfer tax exclusions provisions and imposing duty on Department of Revenue to refund certain realty transfer taxes paid
<b>2016 Vetoes of Regular Session of Bills—Veto 008</b>					
008	Nov 21	HB1538	PN4125	60 days	Law and Justice (44 Pa.C.S.)—law enforcement activities, release of law enforcement officer information when firearm discharged or use of force

\* 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. 16-2182. Filed for public inspection December 16, 2016, 9:00 a.m.]

# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[ 210 PA. CODE CHS. 9 AND 19 ]

Order Amending Rules 906 and 1911 of the Rules of Appellate Procedure; No. 265 Appellate Procedural Rules Doc.

#### Order

*Per Curiam*

And Now, this 2nd day of December, 2016, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a) in the interest of efficient administration:

It is *Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 906 and 1911 of the Pennsylvania Rules of Appellate Procedure are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective January 1, 2017.

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE II. APPELLATE PROCEDURE

#### CHAPTER 9. APPEALS FROM LOWER COURTS

#### Rule 906. Service of Notice of Appeal.

(a) *General rule.* Concurrently with the filing of the notice of appeal under [ **Rule 905 (filing of notice of appeal)** ] **Pa.R.A.P. 905**, the appellant shall serve copies thereof, and of any [ **order** ] **request** for transcript, and copies of a proof of service showing compliance with this rule, upon:

(1) All parties to the matter in the trial court including parties previously dismissed pursuant to an interlocutory order unless; (i) the interlocutory order of dismissal was reviewed by an appellate court and affirmed; or (ii) the interlocutory order of dismissal was made final under [ **Rule** ] **Pa.R.A.P. 341(c)** and no party appealed from that date;

(2) The judge of the court below, whether or not the reasons for the order appealed from already appear of record;

(3) The official court reporter of the trial court, whether or not [ **an order** ] **a request** for transcript accompanies the papers; and

(4) The district court administrator or other person designated by the administrator pursuant to Rule [ **5000.5(a)(3)** ] **4007(B)(3)** of the Pennsylvania Rules of Judicial Administration [ **(requests and orders for transcripts)** ].

(b) *Appeals to the Supreme Court.* In addition to the requirements of [ **subdivision** ] **paragraph** (a), the appellant shall serve copies of the jurisdictional statement

required by [ **Rule** ] **Pa.R.A.P. 909** upon all parties to the matter in the trial court. The proof of service shall show compliance with this [ **subdivision** ] **paragraph**.

*Official Note:* [ See Rule 908 (Parties on Appeal). ] See Pa.R.A.P. 908.

#### CHAPTER 19. PREPARATION AND TRANSMISSION OF RECORD AND RELATED MATTERS

#### RECORD ON APPEAL FROM LOWER COURT

#### Rule 1911. Request for Transcript.

(a) *General rule.* The appellant shall request any transcript required under this chapter in the manner and make any necessary payment or deposit therefor in the amount and within the time prescribed by Rules [ **5000.1** ] **4001 et seq.** of the Pennsylvania Rules of Judicial Administration [ **(court reporters)** ].

(b) [ **Cross appeals.** ] *Cross-appeals.* Where a [ **cross appeal** ] **cross-appeal** has been taken the [ **cross appellant** ] **cross-appellant** shall also have a duty to pay for and cause the transcript to be filed and shall share the initial expense equally with all other appellants.

(c) *Form.* The [ **order** ] **request** for transcript may be endorsed on, incorporated into or attached to the notice of appeal or other document and shall be in substantially the following form:

(Caption)

A (notice of appeal) (petition for review) (other appellate paper, as appropriate) having been filed in this matter, the official court reporter is hereby [ **ordered** ] **requested** to produce, certify and file the transcript in this matter in conformity with Rule 1922 of the Pennsylvania Rules of Appellate Procedure.

Signature

(d) *Effect of failure to comply.* If the appellant fails to take the action required by these rules and the Pennsylvania Rules of Judicial Administration for the preparation of the transcript, the appellate court may take such action as it deems appropriate, which may include dismissal of the appeal.

*Official Note:* [ The 1997 amendment changes the word “order” to “request” in order to clarify that an order of court is not necessary. See Pa.R.J.A. 5000.5 and 1997 amendment to Rule 904(c). If a request for a transcript on appeal is made in open court the appellant must nevertheless prepare and serve a written order for transcript, so that the district court administrator and the appellate court are aware of the order. Local rules contemplated by Pa.R.J.A. 5000.6 should be consulted as to the officer or other person who is to receive and hold any security deposit (up to one-half the estimated charge) required by the court reporter. It is the responsibility of the appellant to contact the court reporter to ascertain whether a deposit will be required and the amount thereof, and to make the deposit. The court reporter is under no obligation to proceed in the absence of a required deposit, and under Pa.R.J.A. 5000.11(b) is under no obligation to

certify and file the transcript in the absence of full payment or adequate security therefor. While delay in payment, and any resulting delay in certification and filing of the transcript, does not automatically affect the validity of the appeal, under Subdivision (d) the appellate court may impose other sanctions in an appropriate case. Compare Rule 902 (manner of taking appeal) and Rule 2101 (conformance with requirements). This rule and Rule 1922 are “another arrangement for delivery” under Pa.R.J.A. 5000.11(a), since it is undesirable for the official appellate transcript to pass outside of the control of court officials.] For the Uniform Rules Governing Court Reporting and Transcripts, see Pa.R.J.A. No. 4001–4016. Local rules should also be consulted as to deposit requirements, fees, and additional procedures.

[Pa.B. Doc. No. 16-2183. Filed for public inspection December 16, 2016, 9:00 a.m.]

## PART I. RULES OF APPELLATE PROCEDURE [ 210 PA. CODE CHS. 9 AND 19 ]

### Proposed Amendments to Pa.R.A.P. 905, 1922 and 1925

In September 2016, the Committee published for comment proposed amendments to Pa.R.A.P. 1925 and 1922 to address waiver concerns related to the statement of errors complained of on appeal (“Statement”). Comments received have persuaded the Committee to modify the proposal on two of the four proposed amendments, resulting in this second publication for comments.

First, the Committee has revised its proposal to amend Pa.R.A.P. 1925(b)(4)(vii). In *Commonwealth v. Lord*, 719 A.2d 306 (Pa. 1998) and its progeny, the Supreme Court of Pennsylvania adopted a bright-line rule requiring a finding of waiver for a deficient Statement. The Committee proposes to recommend that the rule revert to the prior standard for waiver—i.e., that waiver will be found only if a Statement “interferes with or effectively precludes appellate review.” As originally proposed in September 2016, the rule revision would have applied to all cases except criminal. Based on comments received, the Committee now proposes that the revised standard apply in all cases, including criminal.

Second, the Committee has revised its proposal to amend Pa.R.A.P. 1925(b). In September 2016, the Committee proposed to eliminate the requirement that a Statement be served on the trial judge, leaving only the requirement that the Statement be filed of record. Based on comments received, the Committee continues to propose to eliminate the service on the trial judge requirement, but now has added a provision (a) permitting the trial judge to direct that the Statement be served on the trial judge and (b) stating that failure to effectuate such service will not result in waiver.

The Committee has retained unchanged its September 2016 proposals to amend Pa.R.A.P. 1925(b) and 1922 to address waiver problems related to transcript preparation delays. Pa.R.A.P. 1925(b) would be amended to provide that in cases where a party has been ordered to file a Statement but cannot do so accurately because a transcript has not been prepared despite the party’s timely and proper request for its preparation, that party can secure an extension to file the Statement until the

transcript is entered on the docket by filing a single request for an extension. Pa.R.A.P. 1922 would be amended to require that transcripts be entered on the docket as soon as completed and paid for, with notice of that entry sent to all parties. Corollary amendments to Pa.R.A.P. 905, originally proposed in September 2016, likewise remain the same as proposed in September 2016.

All of the proposed recommendations to amend procedures for the preparation and filing of Pa.R.A.P. 1925 Statements arise from the Committee’s ongoing monitoring of case law and attention to comments from the bench and bar following significant amendments to Pa.R.A.P. 1925 in 2007.

The Committee again invites all interested persons to submit comments, suggestions, or objections.

Comments should be provided to:

Appellate Court Procedural Rules Committee  
Pennsylvania Judicial Center  
601 Commonwealth Ave., Suite 6200  
P.O. Box 62635  
Harrisburg, Pennsylvania 17106-2635  
FAX: (717) 231-9551  
appellaterules@pacourts.us

All communications in reference to the proposal should be received by January 20, 2017. E-mail is the preferred method for submitting comments, suggestions, or objections; any emailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

An Explanatory Comment precedes the proposed amendments and has been inserted by this Committee for the convenience of the bench and bar. It will not constitute part of the rule nor will it be officially adopted or promulgated.

*By the Appellate Court  
Procedural Rules Committee*

KEVIN J. McKEON,  
*Chair*

### Annex A

#### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE II. APPELLATE PROCEDURE

#### CHAPTER 9. APPEALS FROM LOWER COURTS

#### Rule 905. Filing of Notice of Appeal.

##### (a) *Filing with clerk.*

(1) Two copies of the notice of appeal, the order for transcript, if any, and the proof of service required by [ **Rule 906 (service of notice of appeal)** ] Pa.R.A.P. 906, shall be filed with the clerk of the trial court. If the appeal is to the Supreme Court, the jurisdictional statement required by [ **Rule** ] Pa.R.A.P. 909 shall also be filed with the clerk of the trial court.

(2) If the appeal is a children’s fast track appeal, [ **the** ] a concise statement of errors complained of on appeal as described in [ **Rule** ] Pa.R.A.P. 1925(a)(2) shall be filed with the notice of appeal and served on the trial judge in accordance with [ **Rule 1925(b)(1)** ] Pa.R.A.P. 906(a)(2).

(3) Upon receipt of the notice of appeal, the clerk shall immediately stamp it with the date of receipt, and that



date shall constitute the date when the appeal was taken, which date shall be shown on the docket.

(4) If a notice of appeal is mistakenly filed in an appellate court, or is otherwise filed in an incorrect office within the unified judicial system, the clerk shall immediately stamp it with the date of receipt and transmit it to the clerk of the court which entered the order appealed from, and upon payment of an additional filing fee the notice of appeal shall be deemed filed in the trial court on the date originally filed.

(5) A notice of appeal filed after the announcement of a determination but before the entry of an appealable order shall be treated as filed after such entry and on the day thereof.

(b) *Transmission to appellate court.*—The clerk shall immediately transmit to the prothonotary of the appellate court named in the notice of appeal a copy of the notice of appeal [ **showing the date of receipt, the related proof of service** ] and all attachments, as well as a receipt showing collection of any docketing fee in the appellate court required under [ **Subdivision** ] **paragraph (c)**. If the appeal is a children's fast track appeal, the clerk shall stamp the notice of appeal with a "Children's Fast Track" designation in red ink, advising the appellate court that the appeal is a children's fast track appeal, and the clerk shall also transmit to the prothonotary of the appellate court named in the notice of appeal the concise statement of errors complained of on appeal required by [ **Subdivision** ] **subparagraph (a)(2)** of this rule. The clerk shall also transmit with such papers:

1. [ **a copy of any order for transcript; ] copies of all orders for transcripts relating to orders on appeal;**

2. a copy of any verified statement, application, or other document filed under [ **Rule 551 through Rule 561** ] **Pa.R.A.P. 551—561** relating to *in forma pauperis*; and

3. if the appeal is to the Supreme Court, the jurisdictional statement required by [ **Rule** ] **Pa.R.A.P. 909**.

(c) *Fees.*—The appellant upon filing the notice of appeal shall pay any fees therefor (including docketing fees in the appellate court) prescribed by Chapter 27 [ **(fees and costs in appellate courts and on appeal)** ].

**Official Note:** Insofar as the clerk or prothonotary of the [ **lower** ] trial court is concerned, the notice of appeal is for all intents and purposes a writ in the nature of *certiorari* in the usual form issued out of the appellate court named therein and returnable thereto within the time prescribed by Chapter 19 [ **(preparation and transmission of record and related matters)** ].

To preserve a mailing date as the filing date for an appeal as of right from an order of the Commonwealth Court, see [ **Rule** ] **Pa.R.A.P. 1101(b)**.

As to number of copies, see [ **note to Rule 124 (form of papers; number of copies)** ] **Pa.R.A.P. 124, note**. The appellate court portion of the filing fee will be transmitted pursuant to regulations adopted under 42 Pa.C.S. § 3502 [ **(financial regulations)** ].

[ **Pending adoption of such rules the subject is regulated by Paragraph 4 of the Order amending this rule, which provides as follows:**

**"4. Pending adoption of initial regulations under 42 Pa.C.S. § 3502 (financial regulations), the docketing fee (currently \$12 in the Supreme Court and the Superior Court and \$25 in the Commonwealth Court) paid through the clerk or prothonotary of the lower court pursuant to Rule 905(c) (fees) of the Pennsylvania Rules of Appellate Procedure shall be transmitted as follows:**

**(a) If the docketing fee is tendered by check payable to the appellate prothonotary, the clerk or prothonotary of the lower court shall transmit the check pursuant to Rule 905(b).**

**(b) If the docketing fee is tendered by check payable to the clerk of prothonotary of the lower court he or she shall endorse it without recourse to the appropriate appellate prothonotary and transmit the check pursuant to Rule 905(b).**

**(c) If the docketing fee is tendered in cash the clerk or prothonotary of the lower court shall draw a check in like amount on the account of such clerk or prothonotary to the order of such clerk or prothonotary to the order of the appropriate appellate prothonotary and transmit the check pursuant to Rule 905(b).**

**(d) In matters arising under 42 Pa.C.S. § 723 (appeals from the Commonwealth Court), the appellant shall tender the docketing fee in the Supreme Court to the Prothonotary of the Commonwealth Court by check payable to the order of the Prothonotary of the Supreme Court, which shall be transmitted pursuant to Rule 905(b)."**

The better practice will be to pay the fee for filing the notice of appeal in the [ **lower** ] trial court and the docketing fee in the appellate court by separate checks payable to the respective clerks or prothonotaries.

[ **The 1982 amendment to Subdivision (a) corrects deficiencies in previous practice which were illustrated in *State Farm Mutual Auto. Ins. Co. v. Schultz*, 281 Pa. Super. 212, 421 A.2d 1224 (1980).**

#### CHAPTER 19. PREPARATION AND TRANSMISSION OF RECORD AND RELATED MATTERS

##### RECORD ON APPEAL FROM LOWER COURT

###### Rule 1922. Transcription of Notes of Testimony.

[ **(a) General rule.**—Upon receipt of the order for transcript and any required deposit to secure the payment of transcript fees the official court reporter shall proceed to have his notes transcribed, and not later than 14 days after receipt of such order and any required deposit shall lodge the transcript (with proof of service of notice of such lodgment on all parties to the matter) with the clerk of the trial court. Such notice by the court reporter shall state that if no objections are made to the text of the transcript within five days after such notice, the transcript will become a part of the record. If objections are made the difference shall be submitted to and settled by the trial court. The trial court or the appellate court may on application or upon its own motion shorten the time prescribed in this subdivision.

(b) *Diminution of transcription.*

(1) In civil cases, an application for an order providing that less than the entire proceedings shall be transcribed may be made to the trial court by any party within two days after the order for transcript is filed. A party shall have the right to require that any specified part of the notes of testimony or recordings be transcribed, subject to the applicable requirements for the payment of transcript fees.

(2) In criminal cases, diminution of transcription shall be in accordance with Rule 115 of the Pennsylvania Rules of Criminal Procedure (recording and transcribing court proceedings).

(3) In any case, untranscribed notes or recordings shall not be part of the record on appeal for any purpose.

(c) *Certification and filing.*—The trial judge shall examine any part of the transcript as to which an objection is made pursuant to subdivision (a) of this rule or which contains the charge to the jury in a criminal proceeding, and may examine any other part of the transcript, and after such examination and notice to the parties and opportunity for objection (unless previously given) shall correct such transcript. If the trial judge examines any portion of the transcript, he shall certify thereon, by reference to the page and line numbers or the equivalent, which portions thereof he has read and corrected. If no objections are filed to the transcript as lodged, or after any differences have been settled or other corrections have been made by the court, the official court reporter shall certify the transcript, and cause it to be filed with the clerk of the lower court. ]

(a) *Request for Transcripts.*—An appellant may file a request for transcripts under Pennsylvania Rule of Judicial Administration 4007 prior to or concurrent with the notice of appeal. If a deposit is required, the appellant shall make the deposit at the time of the request for the transcript unless the appellant is requesting a waiver of the cost because of economic hardship. Unless another Rule of Appellate Procedure provides a shorter time, the court reporter shall provide the trial judge with the transcript within 14 days of the request for transcript. When the appellant receives notice under Rule of Judicial Administration 4007(D)(3) that the transcript has been prepared, the appellant has 14 days to pay the final balance in compliance with that rule.

(b) *Filing of the Transcript.*—When the transcript is delivered to the filing office and the parties under Pennsylvania Rule of Judicial Administration 4007(D)(4), the transcript shall be entered on the docket.

(c) *Corrections to Transcript.*—If a transcript contains an error or is an incomplete representation of the proceedings, the omission or misstatement may be corrected by the following means:

(1) By objection. A party may file a written objection to the filed transcript. Any party may answer the objection. The trial court shall resolve the objections and then direct that the transcript as corrected be made a part of the record and transmitted to the appellate court.

(2) By stipulation of the parties filed in the trial court. If the trial court clerk has already certified the record, the parties shall file in the appellate court a copy of any stipulation filed pursuant to this rule, and the trial court shall direct that the transcript as corrected be made a part of the record and transmitted to the appellate court.

(3) By the trial court or, if the record has already been transmitted to the appellate court by the appellate court or trial court on remand, with notice to all parties and an opportunity to respond.

(d) *Emergency appeals.*—Where the exigency of the case is such as to impel immediate consideration in the appellate court, the trial judge shall take all action necessary to expedite the preparation and transmission of the record notwithstanding the usual procedures prescribed in this chapter or in the Rules of Judicial Administration. [ Pending action by the lower court under this subdivision any party may proceed in the appellate court under Rule 1923 (statement in absence of transcript) and may append to any filing in the appellate court as much of the record below as the party desires to bring to the attention of the appellate court.

*Official Note:* Based in part upon former Supreme Court Rule 56, former Superior Court Rule 46, and former Commonwealth Court Rule 25 and the act of May 11, 1911 (P.L. 279, No. 179), § 4 (12 P.S. § 1199). The 14 day requirement is designed to fix an objective standard to guide the official court reporter and the lower court, so as to permit the settling of any objections by the lower court and the physical preparation and transmission by the clerk of the record within the 40 day period fixed by Rule 1931 (transmission of the record). Although under these rules a writ of certiorari is no longer issued, the requirements of these rules have the effect of a Supreme Court order, and the lower court is expected to give the transcription of notes of testimony under this rule priority over unappealed matters in the lower court.

The certification requirement of subdivision (c) recognizes that in practice the trial judge ordinarily will not actually read the transcript prior to certification unless objection is made by one of the parties. However, the rule requires the judge to review and correct the charge in criminal cases, to avoid the problems which arise when a later attempt is made by the trial judge under Rule 1926 (correction and modification of the record) to conform the transcript to his recollection of events. ]

*Official Note:* Depending on the order issued by the trial court a party may wish to seek appellate review of an order under paragraph (c) by application or in the merits brief. The 2016 amendments addressed changes in the Rules of Judicial Administration. In addition, the amendment eliminated time limits for objections to or requests for correction of the transcript. An objection to a transcript must be raised if, for example, a critical portion of the proceedings was not transcribed.

**Rule 1925. Opinion in Support of Order.**

(a) *Opinion in support of order.*

(1) *General rule.*—Except as otherwise prescribed by this rule, upon receipt of the notice of appeal, the judge who entered the order giving rise to the notice of appeal,

if the reasons for the order do not already appear of record, shall [ **forthwith** ] **within the 60-day period set forth in Pa.R.A.P. 1931(a)(1)** file of record at least a brief opinion of the reasons for the order, or for the rulings or other errors complained of, or shall specify in writing the place in the record where such reasons may be found.

If the case appealed involves a ruling issued by a judge who was not the judge entering the order giving rise to the notice of appeal, the judge entering the order giving rise to the notice of appeal may request that the judge who made the earlier ruling provide an opinion to be filed in accordance with the standards above to explain the reasons for that ruling.

(2) *Children's fast track appeals.*—In a children's fast track appeal:

(i) The concise statement of errors complained of on appeal shall be filed and served with the notice of appeal [ **required by Rule 905** ]. [ *See Pa.R.A.P. 905(a)(2)*. ]

(ii) Upon receipt of the notice of appeal and the concise statement of errors complained of on appeal required by [ **Rule** ] **Pa.R.A.P. 905(a)(2)**, the judge who entered the order giving rise to the notice of appeal, if the reasons for the order do not already appear of record, shall within 30 days file of record at least a brief opinion of the reasons for the order, or for the rulings or other errors complained of, which may, but need not, refer to the transcript of the proceedings.

(3) *Appeals arising under the Pennsylvania Code of Military Justice.*—In an appeal arising under the Pennsylvania Code of Military Justice, the concise statement of errors complained of on appeal shall be filed and served with the notice of appeal. *See Pa.R.A.P. 4004(b)*.

(b) *Direction to file statement of errors complained of on appeal; instructions to the appellant and the trial court.*—If the judge entering the order giving rise to the notice of appeal ("judge") desires clarification of the errors complained of on appeal, the judge may enter an order directing the appellant to file of record in the trial court [ **and serve on the judge** ] a concise statement of the errors complained of on appeal ("Statement"). **The Court may include direction as to how to provide a copy to the judge. Failure to serve the trial judge will not result in waiver.**

(1) *Filing and service.*—**The Appellant shall file [ of record ] the Statement [ and concurrently shall serve the judge ] of record. [ Filing of record and service on the judge shall be in person or ] If the Statement is filed by mail as provided in Pa.R.A.P. 121(a) [ and shall be ] filing is complete on mailing if appellant obtains a United States Postal Service Form 3817, Certificate of Mailing, or other similar United States Postal Service form from which the date of deposit can be verified in compliance with the requirements set forth in Pa.R.A.P. 1112(c). Service on parties shall be concurrent with filing and shall be by any means of service specified under Pa.R.A.P. 121(c).**

(2) *Time for filing [ and service ].*—

(i) The judge shall allow the appellant at least 21 days from the date of the order's entry on the docket for the filing [ **and service** ] of the Statement. Upon application of the appellant **or cross-appellant** and for good cause shown, the judge may enlarge the time period initially specified or permit an amended or supplemental State-

ment to be filed. Good cause includes, but is not limited to, delay in the production of a transcript necessary to develop the Statement so long as the delay is not attributable to a lack of diligence in ordering or paying for such transcript by the party or counsel on appeal. In extraordinary circumstances, the judge may allow for the filing of a Statement or amended or supplemental Statement *nunc pro tunc*.

**(ii) If the appellant or cross-appellant has ordered but not received a transcript necessary to develop the Statement, that party may request an extension of the deadline to file the Statement until 21 days following the date of entry on the docket of the transcript in accordance with Pa.R.A.P. 1922(b). The party must attach the transcript purchase order to the motion for the extension. If the motion is filed at least five days before the Statement is due but the trial court does not rule on the motion prior to the original due date, the motion will be deemed to have been granted.**

(3) *Contents of order.*—The judge's order directing the filing [ **and service** ] of a Statement shall specify:

(i) the number of days after the date of entry of the judge's order within which the appellant must file [ **and serve** ] the Statement;

(ii) that the Statement shall be filed of record;

[ **(iii) that the Statement shall be served on the judge pursuant to paragraph (b)(1);**

**(iv) that any issue not properly included in the Statement timely filed and served pursuant to subdivision (b) shall be deemed waived. ]**

**(iii) that any issue not properly included in a timely Statement pursuant to paragraph (b) may be considered waived.**

(4) *Requirements; waiver.*

(i) The Statement shall set forth only those [ **rulings or** ] errors that the appellant intends to challenge.

(ii) The Statement shall concisely identify each [ **ruling or** ] error that the appellant intends to [ **challenge** ] assert with sufficient detail to identify [ **all pertinent issues** ] **the issue to be raised** for the judge. The judge shall not require the citation to authorities **or the record**; however, appellant may choose to include pertinent authorities **and record citations** in the Statement.

(iii) The judge shall not require [ **appellant or appellee** ] **any party** to file a brief, memorandum of law, or response as part of or in conjunction with the Statement.

(iv) The Statement should not be redundant or provide lengthy explanations as to any error. Where non-redundant, non-frivolous issues are set forth in an appropriately concise manner, the number of errors raised will not alone be grounds for finding waiver.

(v) Each error identified in the Statement will be deemed to include every subsidiary issue [ **contained therein which** ] **that** was raised in the trial court; this provision does not in any way limit the obligation of a criminal appellant to delineate clearly the scope of claimed constitutional errors on appeal.

(vi) If the appellant **or cross-appellant** in a civil case cannot readily discern the basis for the judge's decision, the appellant **or cross-appellant** shall preface the State-

ment with an explanation as to why the Statement has identified the errors in only general terms. In such a case, the generality of the Statement will not be grounds for finding waiver.

(vii) **[ Issues not included in the Statement and/or not raised in accordance with the provisions of this paragraph (b)(4) are waived. ] In all appeals, a deficiency in a Statement will not result in waiver unless the deficiency interferes with or effectively precludes appellate review.**

(c) *Remand.*

(1) An appellate court may remand in either a civil or criminal case for a determination as to whether a Statement had been filed **[ and/or served ]** or timely filed **[ and/or served ]**.

(2) Upon application of the appellant and for good cause shown, an appellate court may remand in a civil case for the filing *nunc pro tunc* of a Statement or for amendment or supplementation of a timely filed **[ and served ]** Statement and for a concurrent supplemental opinion.

(3) If an appellant in a criminal case was ordered to file a Statement and failed to do so, such that the appellate court is convinced that counsel has been *per se* ineffective, the appellate court shall remand for the filing of a Statement *nunc pro tunc* and for the preparation and filing of an opinion by the judge.

(4) In a criminal case, counsel may file of record **[ and serve on the judge ]** a statement of intent to file an *Anders*/**[ McClendon ]** *Santiago* brief in lieu of filing a Statement. If, upon review of the *Anders*/**[ McClendon ]** *Santiago* brief, the appellate court believes that there are arguably meritorious issues for review, those issues will not be waived; instead, the appellate court may remand for the filing of a Statement, a supplemental opinion pursuant to **[ Rule ] Pa.R.A.P. 1925(a)**, or both. Upon remand, the trial court may, but is not required to, replace appellant's counsel.

(d) *Opinions in matters on petition for allowance of appeal.*—Upon receipt of notice of the filing of a petition for allowance of appeal under **[ Rule 1112(c) (appeals by allowance) ] Pa.R.A.P. 1112(c)**, the **intermediate** appellate court **[ below which ]** that entered the order sought to be reviewed, if the reasons for the order do not already appear of record, shall forthwith file of record at least a brief statement, in the form of an opinion, of the reasons for the order.

**Official Note: [ Subdivision (a) ] Paragraph (a)**—The 2007 amendments clarify that a judge whose order gave rise to the notice of appeal may ask a prior judge who made a ruling in question for the reasons for that judge's decision. In such cases, more than one judge may issue separate **[ Rule ] Pa.R.A.P. 1925(a)** opinions for a single case. It may be particularly important for a judge to author a separate opinion if credibility was at issue in the pretrial ruling in question. *See, e.g., Commonwealth v. Yogel, [ 307 Pa. Super. 241, 243-44, ] 453 A.2d 15, 16 (Pa. Super. 1982).* At the same time, the basis for some pre-trial rulings will be clear from the order and/or opinion issued by the judge at the time the ruling was made, and there will then be no reason to seek a separate opinion from that judge under this rule. *See, e.g., Pa.R.Crim.P. 581(I).* Likewise, there will be times when

the prior judge may explain the ruling to the judge whose order has given rise to the notice of appeal in sufficient detail that there will be only one opinion under **[ Rule ] Pa.R.A.P. 1925(a)**, even though there are multiple rulings at issue. The time period for transmission of the record is specified in Pa.R.A.P. 1931, and that rule was concurrently amended to expand the time period for the preparation of the opinion and transmission of the record.

**[ Subdivision (b) ] Paragraph (b)**—This **[ subdivision ]** paragraph permits the judge whose order gave rise to the notice of appeal (“judge”) to ask for a statement of errors complained of on appeal (“Statement”) if the record is inadequate and the judge needs to clarify the errors complained of. The term “errors” is meant to encourage appellants to use the Statement as an opportunity to winnow the issues, recognizing that they will ultimately need to be refined to a statement that will comply with the requirements of Pa.R.A.P. 2116. Nonetheless, the term “errors” is intended in this context to be expansive, and it encompasses all of the reasons the trial court should not have reached its decision or judgment, including, for example, those that may not have been decisions of the judge, such as challenges to jurisdiction.

**[ Paragraph (b)(1) This paragraph maintains the requirement that the Statement be both filed of record in the trial court and served on the judge. Service on the judge may be accomplished by mail or by personal service. The date of mailing will be considered the date of filing and of service upon the judge only if counsel obtains a United States Postal Service form from which the date of mailing can be verified, as specified in Pa.R.A.P. 1112(c). Counsel is advised to retain date-stamped copies of the postal forms (or pleadings if served by hand), in case questions arise later as to whether the Statement was timely filed or served on the judge.**

**Paragraph (b)(2) This paragraph ] Subparagraph (b)(2)**—This subparagraph extends the time period for drafting the Statement from 14 days to at least 21 days, with the trial court permitted to enlarge the time period or to allow the filing of an amended or supplemental Statement upon good cause shown. In *Commonwealth v. Mitchell, [ 588 Pa. 19, 41, ] 902 A.2d 430, 444 (Pa. 2006)*, the Court expressly observed that a Statement filed “after several extensions of time” was timely. An enlargement of time upon timely application might be warranted if, for example, there was a serious delay in the transcription of the notes of testimony or in the delivery of the order to appellate counsel. **The 2016 amendments to the rule provide the opportunity to obtain an extension of time to file the Statement until 21 days after the transcript is filed pursuant to Pa.R.A.P. 1922(b). The appellant may file a motion for an extension of time, which, if filed in accordance with the rule, will be deemed granted if not expressly denied before the Statement is due.**

A trial court should **also** enlarge the time or allow for an amended or supplemental Statement when new counsel is retained or appointed. A supplemental Statement may also be appropriate when the ruling challenged was so non-specific—*e.g.*, “Motion Denied”—that counsel could not be sufficiently definite in the initial Statement.

In general, *nunc pro tunc* relief is allowed only when there has been a breakdown in the process constituting extraordinary circumstances. *See, e.g., In re Canvass of Absentee Ballots of Nov. 4, 2003 Gen. Election, [ 577 Pa.*

231, 248-49, ] 843 A.2d 1223, 1234 (Pa. 2004) (“We have held that fraud or the wrongful or negligent act of a court official may be a proper reason for holding that a statutory appeal period does not run and that the wrong may be corrected by means of a petition filed *nunc pro tunc*.”) Courts have also allowed *nunc pro tunc* relief when “non-negligent circumstances, either as they relate to appellant or his counsel” occasion delay. *McKeown v. Bailey*, 731 A.2d 628, 630 (Pa. Super. 1999). However, even when there is a breakdown in the process, the appellant must attempt to remedy it within a “very short duration” of time. *Id.* [ ; *Amicone v. Rok*, 839 A.2d 1109, 1113 (Pa. Super. 2003) (recognizing a breakdown in process, but finding the delay too long to justify *nunc pro tunc* relief).

**Paragraph (b)(3)** This paragraph specifies what the judge must advise appellants when ordering a Statement.

**Paragraph (b)(4)** This paragraph sets forth the parameters for the Statement and explains what constitutes waiver. It should help counsel to comply with the concise-yet-sufficiently-detailed requirement and avoid waiver under either *Lineberger v. Wyeth*, 894 A.2d 141, 148-49 (Pa. Super. 2006) or *Kanter v. Epstein*, 866 A.2d 394, 400-03 (Pa. Super. 2004), allowance of appeal denied, 584 Pa. 678, 880 A.2d 1239 (2005), cert. denied sub nom. *Spector Gadon & Rosen, P.C. v. Kanter*, 546 U.S. 1092 (2006). The paragraph ] **Subparagraph (b)(4)**—This subparagraph sets forth the parameters for the Statement and explains that the Statement should be sufficiently specific to allow the judge to draft the opinion required under Pa.R.A.P. 1925(a) [ , and it ]. It provides that the number of issues alone will not constitute waiver—so long as the issues set forth are non-redundant and non-frivolous. It allows appellants and cross-appellants to rely on the fact that subsidiary issues will be deemed included if the overarching issue is identified and if all of the issues have been properly preserved in the trial court. This provision has been taken from the United States Supreme Court rules. *See* Sup. Ct. R. 14(1). This [ paragraph ] subparagraph does not in any way excuse the responsibility of an appellant who is raising claims of constitutional error to raise those claims with the requisite degree of specificity. This [ paragraph ] subparagraph also allows—but does not require—an appellant to state the authority upon which the appellant challenges the ruling in question [ , but it expressly recognizes that a Statement is not a brief and that an appellant shall not file a brief with the Statement ] and to identify the place in the record where the basis for the challenge may be found. [ This paragraph also recognizes that there may be times that a civil appellant cannot be specific in the Statement because of the non-specificity of the ruling complained of on appeal. In such instances, civil appellants may seek leave to file a supplemental Statement to clarify their position in response to the judge’s more specific Rule 1925(a) opinion. ]

Neither the number of issues raised nor the length of the Statement alone is enough to find that a Statement is vague or non-concise enough to constitute waiver. *See Astorino v. New Jersey Transit Corp.*, 912 A.2d 308, 309 (Pa. Super. 2006). The more carefully the appellant frames the Statement, the more likely it will be that the judge will be able to articulate the rationale underlying the decision

and provide a basis for counsel to determine the advisability of appealing that issue. Thus, counsel should begin the winnowing process when preparing the Statement and should articulate specific rulings with which the appellant takes issue and why. Nothing in the rule requires an appellant to articulate the arguments within a Statement. It is enough for an appellant—except where constitutional error must be raised with greater specificity—to have identified the rulings and issues that comprise the putative trial court errors.

Waiver of issues on appeal because of deficiencies in the Statement that do not interfere with or effectively preclude appellate review is an unnecessary and harsh result. Accordingly, the 2016 amendment revives the case-by-case discretionary review by the appellate court and allows the determination that deficiencies in a Statement do not preclude effective appellate review and thus do not result in waiver.

[ Subdivision (c) ] **Paragraph (c)**—The appellate courts have the right under the Judicial Code to “affirm, modify, vacate, set aside or reverse any order brought before it for review, and may remand the matter and direct the entry of such appropriate order, or require such further proceedings to be had as may be just under the circumstances.” 42 Pa.C.S. § 706. [ The following additions to the rule are based upon this statutory authorization. ]

[ Paragraph (c)(1) This paragraph ] **Subparagraph (c)(1)**—This subparagraph applies to both civil and criminal cases and allows an appellate court to seek additional information—whether by supplementation of the record or additional briefing—if it is not apparent whether an initial or supplemental Statement was filed [ and/or served ] or timely filed [ and/or served ].

[ Paragraph (c)(2) This paragraph ] **Subparagraph (c)(2)**—This subparagraph allows an appellate court to remand a civil case to allow an initial, amended, or supplemental Statement and/or a supplemental opinion. *See also* 42 Pa.C.S. § 706.

[ Paragraph (c)(3) This paragraph ] **Subparagraph (c)(3)**—This subparagraph allows an appellate court to remand in criminal cases only when the appellant has completely failed to respond to an order to file a Statement. It is thus narrower than subparagraph (c)(2), above. Prior to [ these ] amendments of this rule, the appeal was quashed if no timely Statement was filed or served; however, because the failure to file [ and serve ] a timely Statement is a failure to perfect the appeal, it is presumptively prejudicial and “clear” ineffectiveness. *See, e.g., Commonwealth v. Halley*, [ 582 Pa. 164, 172, ] 870 A.2d 795, 801 (Pa. 2005); *Commonwealth v. West*, 883 A.2d 654, 657 (Pa. Super. 2005). *Per se* ineffectiveness does not apply in situations in which, for example, counsel files a deficient brief; in such cases, prejudice must be proven. *See, e.g., Commonwealth v. Reed*, 971 A.2d 1216, 1227 (Pa. 2009). Direct appeal rights have typically been restored through a post-conviction relief process, but when the ineffectiveness is apparent and *per se*, the court in *West* recognized that the more effective way to resolve such *per se* ineffectiveness is to remand for the filing of a Statement and opinion. *See West*, 883 A.2d at 657. The procedure set forth in *West* is codified in [ paragraph ]

**subparagraph (c)(3).** As the *West* court recognized, this rationale does not apply when waiver occurs due to the improper filing of a Statement. In such circumstances, relief may occur only through the post-conviction relief process and only upon demonstration by the appellant that, but for the deficiency of counsel, it was reasonably probable that the appeal would have been successful. An appellant must be able to identify *per se* ineffectiveness to secure a remand under this section, and any appellant who is able to demonstrate *per se* ineffectiveness is entitled to a remand. Accordingly, this paragraph does not raise the concerns addressed in *Johnson v. Mississippi*, 486 U.S. 578, 588-89 (1988) (observing that where a rule has not been consistently or regularly applied, it is not—under federal law—an adequate and independent state ground for affirming petitioner’s conviction).

[ Paragraph (c)(4) ] **Subparagraph (c)(4)**—This [ paragraph ] subparagraph clarifies the special expectations and duties of a criminal lawyer. Even lawyers seeking to withdraw pursuant to the procedures set forth in *Anders v. California*, 386 U.S. 738 (1967) and [ *Commonwealth v. McClendon*, 495 Pa. 467, 434 A.2d 1185 (1981) ] *Commonwealth v. Santiago*, 978 A.2d 349 (Pa. 2009), are obligated to comply with all rules [ , including the filing of a Statement ]. [ See *Commonwealth v. Myers*, 897 A.2d 493, 494-96 (Pa. Super. 2006); *Commonwealth v. Ladamus*, 896 A.2d 592, 594 (Pa. Super. 2006). ] However, because a lawyer will not file an *Anders*/[ *McClendon* ] *Santiago* brief without concluding that there are no non-frivolous issues to raise on appeal, this amendment allows a lawyer to file, in lieu of a Statement, a representation that no errors [ **have been raised** ] **are asserted** because the lawyer is (or intends to be) seeking to withdraw under *Anders*/[ *McClendon* ] *Santiago*. At that point, the appellate court will reverse or remand for a supplemental Statement and/or opinion if it finds potentially non-frivolous issues during its constitutionally required review of the record.

[ Subdivision ] **Paragraph (d)** was formerly (c). [ **The text has not been** ] **When the rule was amended in 2007, the text was not revised**, except to update the reference to Pa.R.A.P. 1112(c).

[ **The 2007 amendments attempt to address the concerns of the bar raised by cases in which courts found waiver: (a) because the Statement was too vague; or (b) because the Statement was so repetitive and voluminous that it did not enable the judge to focus on the issues likely to be raised on appeal.** See, e.g., *Lineberger v. Wyeth*, 894 A.2d 141, 148-49 (Pa. Super. 2006); *Kanter v. Epstein*, 866 A.2d 394, 400-03 (Pa. Super. 2004), allowance of appeal denied, 584 Pa. 678, 880 A.2d 1239 (2005), cert. denied sub nom. *Spector Gadon & Rosen, P.C. v. Kanter*, 546 U.S. 1092 (2006). Courts have also cautioned, however, “against being too quick to find waiver, claiming that Rule 1925(b) statements are either too vague or not specific enough.” *Astorino v. New Jersey Transit Corp.*, 912 A.2d 308, 309 (Pa. Super. 2006).

While conciseness and vagueness are very case-specific inquiries, certain observations may be helpful. First, the Statement is only the first step in framing the issues to be raised on appeal, and the requirements of Pa.R.A.P. 2116 are even more strin-

gent. Thus, the Statement should be viewed as an initial winnowing. Second, when appellate courts have been critical of sparse or vague Statements, they have not criticized the number of issues raised but the paucity of useful information contained in the Statement. Neither the number of issues raised nor the length of the Statement alone is enough to find that a Statement is vague or non-concise enough to constitute waiver. See *Astorino v. New Jersey Transit Corp.*, 912 A.2d 308, 309 (Pa. Super. 2006). The more carefully the appellant frames the Statement, the more likely it will be that the judge will be able to articulate the rationale underlying the decision and provide a basis for counsel to determine the advisability of appealing that issue. Thus, counsel should begin the winnowing process when preparing the Statement and should articulate specific rulings with which the appellant takes issue and why. Nothing in the rule requires an appellant to articulate the arguments within a Statement. It is enough for an appellant—except where constitutional error must be raised with greater specificity—to have identified the rulings and issues that comprise the putative trial court errors. ]

#### EXPLANATORY COMMENT

Pa.R.A.P. 1925 requires the trial court, upon receipt of a notice of appeal, to provide the appellate court the reasons for its decision. The rule authorizes the trial court to direct the appellant to provide a statement of errors complained of on appeal (“Statement”). The Statement process has given rise to waiver concerns that the Committee is proposing to address with three amendments to Pa.R.A.P. 1925, related amendments to Pa.R.A.P. 1922, and conforming amendments to Pa.R.A.P. 905.

The first waiver concern relates to difficulties experienced in filing a timely and accurate Statement when the trial transcript is not yet available. In order for a Statement to be of assistance to a trial judge, the party authoring the Statement needs to be able to identify errors with specificity, something that is frequently difficult or impossible unless and until counsel (or a party proceeding *pro se*) can review the transcripts associated with the orders in question. Currently, the practice in absence of a transcript varies widely. In some cases, a party files an initial Statement, and then moves to amend or supplement when the transcript(s) become available. In others, a party seeks multiple extensions. In yet others, a party asks for an extension until the transcript is received—although under the current rules, the date that an appellant receives a transcript is not reflected on the docket and thus cannot be readily verified by the trial or appellate courts. In each instance, a party risks waiver of appellate issues for lack of strict compliance. The Committee proposes to modify current practice by amending (1) Pa.R.A.P. 1922 to require entry of the transcript on the docket when transcribed, with notice to be sent to the parties; and (2) Pa.R.A.P. 1925(b) to permit a party to secure an extension to file the Statement until 21 days after the entry of the transcript on the docket, by completing two steps. The first step is for the party to make a timely request the transcript, complying with all necessary requirements. The second is for the party to file a timely (i.e., more than five days prior to the time the Statement is due) request for an extension, explaining that an extension is needed because the transcript has not yet been prepared and attaching the transcript purchase order form. If the trial court does not rule on

the extension request by the original Statement due date, the extension will be deemed granted. The Committee proposes corollary changes to Pa.R.A.P. 905. In addition, the Committee proposes amending Pa.R.A.P. 1922 to reflect the new Rules of Judicial Administration and to set forth a process for correcting the transcript, in addition to modifying the process for filing objections to a transcript. The original proposal, published at 46 Pa.B. 38 (September 17, 2016), contained these recommendations, and the Committee has not revised its proposal in these regards at all.

The second waiver concern relates to the current rule's requirement that the appellant file the Statement with the trial court and also serve it directly on the trial judge. The courts have found waiver in cases in which both requirements have not been met, even though the record reveals that the appellant attempted to serve the trial judge or the trial judge had actual access to the Statement. The Committee believes that in most circumstances filing is sufficient to assure that the trial judge has access to the Statement, but it has amended the proposal to clarify that the rule will allow the Court in its order requiring a 1925(b) Statement to direct the appellant to serve the Statement in a manner specified in the order. Failure to do so concurrently with filing would, however, not result in waiver. The Committee hopes that this revision will permit trial courts to provide guidance to counsel as to the means to get the Statement to the judge in a timely manner, whether through an email or facsimile to chambers, mail, or having it placed in a court-assigned mailbox. In cases such as Children's Fast Track appeals where the Statement is required to be attached to the notice of appeal a Statement will be concurrently served on the trial judge automatically pursuant to Pa.R.A.P. 906.

The third waiver concern relates to the harshness of enforcing a bright-line rule that failure to file a timely Statement, or failure to include an issue in a timely-filed Statement, will result in waiver. The bright-line waiver rule began in criminal cases, but it was quickly applied to all cases. The Committee originally distinguished between criminal and other appeals, but in response to the comments received, the Committee now is proposing to reimplement the prior standard, which found waiver appropriate if, and only if, a deficiency in a Statement "interferes with or effectively precludes appellate review," in all appeals. Adoption of the proposal would result in a rule that would supersede *Commonwealth v. Lord*, 719 A.2d 306 (Pa. 1998).

[Pa.B. Doc. No. 16-2184. Filed for public inspection December 16, 2016, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CH. 5 ]

Order Amending Rule 540 of the Rules of Criminal Procedure; No. 483 Criminal Procedural Rules Doc.

Order

*Per Curiam*

And Now, this 30th day of November, 2016, upon the recommendation of the Criminal Procedural Rules Com-

mittee; the proposal having been published before adoption at 45 Pa.B. 5915 (October 3, 2015), and a Final Report to be published with this Order:

It is *Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the amendments to Pennsylvania Rule of Criminal Procedure 540 are adopted, in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective April 1, 2017.

### Annex A

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

##### PART D. Proceedings in Court Cases Before Issuing Authorities

##### Rule 540. Preliminary Arraignment.

\* \* \* \* \*

(G) Unless the preliminary hearing is waived by a defendant who is represented by counsel, or the attorney for the Commonwealth is presenting the case to an indicting grand jury pursuant to Rule 556.2, the issuing authority shall:

(1) fix a day and hour for a preliminary hearing which shall not be later than 14 days after the preliminary arraignment if the defendant is in custody **on the current case only** and no later than 21 days if **the defendant is not in custody [ unless: ] or is in custody but not on the current case only unless extended for cause shown; and**

[ (a) extended for cause shown; or

(b) **the issuing authority fixes an earlier date upon request of the defendant or defense counsel with the consent of the complainant and the attorney for the Commonwealth; and ]**

(2) give the defendant notice, orally and in writing,

\* \* \* \* \*

#### Comment

\* \* \* \* \*

For public access to arrest warrant information, see Rules 513, 513.1, and *Commonwealth v. Fenstermaker*, [ 515 Pa. 501, ] 530 A.2d 414 (Pa. 1987).

\* \* \* \* \*

Paragraph (G)(2)(c) requires that the defendant be advised of the consequences of failing to appear for any court proceeding. See Rule 602 concerning a defendant's failure to appear for trial; see also *Commonwealth v. Bond*, 693 A.2d 220, 223 (Pa. Super. 1997) ("[A] defendant who is unaware of the charges against him, unaware of the establishment of his trial date or is absent involuntarily is not absent 'without cause.'").

**There have been some judicial districts in which the practice has been to set a date for the preliminary hearing within the time limits of this rule with no intention of a preliminary hearing actually taking place on that date; instead, the preliminary hearing is automatically continued by the court. This practice is inconsistent with the intent of the rule.**

Nothing in these rules gives the defendant's parents, guardian, or other custodian legal standing in the matter

being heard by the court or creates a right of the defendant to have his or her parents, guardian, or other custodian present.

See Rule 1003(D) for the procedures governing preliminary arraignments in the Philadelphia Municipal Court.

See Chapter 5, Part H, Rules 595, 596, 597, and 598, for the procedures governing requests for transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322 in cases in which the defendant was under the age of 18 at the time of the commission of the alleged offense and charged with one of the offenses excluded from the definition of “delinquent act” in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302.

**Official Note:** Original Rule 119 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 119 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 140 September 18, 1973, effective January 1, 1974; amended April 26, 1979, effective July 1, 1979; amended January 28, 1983, effective July 1, 1983; rescinded August 9, 1994, effective January 1, 1995. New Rule 140 adopted August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 540 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended August 24, 2004, effective August 1, 2005; amended June 21, 2012, effective in 180 days; amended July 31, 2012, effective November 1, 2012; amended May 2, 2013, effective June 1, 2013; Comment revised December 23, 2013, effective March 1, 2014; **amended November 30, 2016, effective April 1, 2017.**

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the December 23, 2013 Comment revisions concerning sealed arrest warrant information published with the Court’s Order at 44 Pa.B. 243 (January 11, 2014).

**Final Report explaining the amendments concerning the scheduling of the preliminary hearing published with the Court’s Order at 46 Pa.B. 7810 (December 17, 2016).**

## FINAL REPORT<sup>1</sup>

### *Amendments to Pa.R.Crim.P. 540*

#### **Scheduling of Preliminary Hearings for Incarcerated Defendants**

On November 30, 2016, effective April 1, 2017, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rule 540 (Preliminary Arraignment) to (1) clarify the definition of an in-custody defendant for purposes of scheduling the preliminary hearing, and (2) state that the practice of scheduling the preliminary hearing within the time-period required by the rule but then automatically continuing the preliminary hearing is inconsistent with the intent of the rule.

The Committee had been presented with a question regarding the interpretation of the Rule 540(G)(1) requirement for scheduling the preliminary hearing no later than 14 days after the preliminary arraignment if the defendant is in custody and no later than 21 days if the

defendant was not in custody.<sup>2</sup> The question was whether the defendant had to be in custody for the current case or for any matter, even one unrelated to the current case, for the shorter time-period to be applicable.

The preliminary arraignment rule has had a provision requiring the scheduling of the preliminary hearing since it was first adopted as Rule 119 in 1964. Originally, the time limitation was simply “within 3 to 10 days after the arraignment” without reference to custody. This provision was changed in 2012 as part of the package that reinstated indicting grand juries, increasing the time limitations to the current 14 and 21 days. The Final Report to those amendments, 42 Pa.B. 4140 (July 7, 2012), contained the following explanation:

Rule 540(F)<sup>3</sup> includes, as an exception to when an issuing authority would set the date for the preliminary hearing, the situation when the attorney for the Commonwealth is presenting the case to an indicting grand jury. Paragraph (F)(3) has been amended to extend the time for conducting the preliminary hearing from 3 to 10 days after the preliminary arraignment to 14 to 21 days after the preliminary arraignment to accommodate the timing for proceeding to an indicting grand jury depending on whether or not the defendant is in custody.

During the development of these 2012 changes, the Committee also noted that the 3/10 day time limitation was more honored in the breach in most jurisdictions and felt that the extended time limitations would be helpful in all cases, not just those which were being considered for presentation to an indicting grand jury.

In reviewing the history of Rule 540 for this latest question, the Committee concluded that the intention of the scheduling provision was to ensure that the defendant received a timely preliminary hearing. The distinction made for a defendant who was in custody was designed to ensure that a defendant did not languish unduly in jail before a *prima facie* determination could be made. In other words, the rule is premised on the idea that the defendant should receive a timely preliminary hearing on the possibility that, if no *prima facie* case would be found, the defendant would be given his or her liberty. If the reason that a defendant is incarcerated is unrelated to the charges that would be reviewed at the preliminary hearing, presumably due to charges or a conviction in another case, the defendant will remain incarcerated even if the charges in the current case are dismissed. Therefore, the Committee determined that the rule was intended to apply only to incarceration on the current pending charges. Additional language has been added to paragraph (G) to make this clarification.

The Committee also noted that there was an omission when the time limitation language was changed in 2012. Paragraph (G)(1)(b) states that the preliminary hearing will be scheduled in the listed time periods unless “(b) the issuing authority fixes an earlier date upon request of the defendant or defense counsel with the consent of the complainant and the attorney for the Commonwealth.” Since the 2012 changes altered the language of the paragraph to read “fix a day and hour for a preliminary hearing which shall not be later than 14 days after the

<sup>2</sup> The practice in Philadelphia is different from the rest of the Commonwealth due to the different procedures in the Philadelphia Municipal Court. Preliminary arraignment procedures, including the provisions for the scheduling of the preliminary hearing, which are generally held only in felony cases, are governed by Rule 1003. Rule 1003(D)(3)(d)(iii) provides that the preliminary hearing “shall not be less than 14 nor more than 21 days after the preliminary arraignment. . .” without making a distinction between defendants who are in custody and those who are not.

<sup>3</sup> Rule 540 was amended again later in 2012 and then-paragraph (F) was re-lettered to paragraph (G).

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



preliminary arraignment if the defendant is in custody and no later than 21 days if not in custody” there is no “earlier date” unlike in the “3 to 10 days” in the former rule. Therefore this language is no longer necessary and has been removed.

During the examination of this question, it was noted that the practice in a few jurisdictions is to schedule the preliminary hearing within the time-period required by the rule but with no intention for the hearing to be held on that date. Instead, the court automatically continues the preliminary hearing to a later date. This practice is inconsistent with the intent of the rule and language has been added to the Comment stating so.

[Pa.B. Doc. No. 16-2185. Filed for public inspection December 16, 2016, 9:00 a.m.]

# Title 25—LOCAL COURT RULES

## CUMBERLAND COUNTY

### Orphans’ Court Fee Schedule; 21-16-1253

And now, by Order of Court this 23rd Day of November 2016, the following fee schedule is established pursuant to 42 P.S. Section 21032.1. This Order is effective the 1st day of January 2017.

#### SURCHARGES

Automation Fee	\$9.50
JCS Fee (increased by Act 113 & 126 of 2014)	\$35.50

#### ACCOUNTS—Gross Value\* not over \$100,000

Account	\$50.00
Petition for Adjudication	\$20.00
Advertising	\$200.00
Receipt and Release	\$5.00
Objections	\$15.00
For Each Additional \$100,000 or Fraction Thereof	\$50.00

#### ADOPTION (ONE CHILD PER DOCUMENT\*\*)

Petition for Adoption	\$60.00
Report of Intention to Adopt	\$15.00
Report of Intermediary	\$15.00
Petition for Termination of Rights or Relinquishment (Vol. or Invol.)	\$20.00
Petition to Confirm Consent to Adopt	\$20.00
Act 34 Fund	\$75.00
Home Study Fee (per family)	\$320.00
Investigation (non-identifying)	\$50.00
Investigation (identifying)	\$150.00

#### GUARDIANSHIP

Annual Report of Guardian	\$15.00
Bond, filing and approval	\$15.00
Guardian Inventory	\$15.00

Petition for Appointment, filing	\$20.00
Petition for Discharge, filing	\$20.00
Petition for Successor Guardian, filing	\$20.00

#### MARRIAGE LICENSE

Certified Marriage Certificate	\$5.00
Custodial Parental Consent	\$20.00
Judicial Waiver of Waiting Period	\$20.00
Marriage License (Cash Only—Includes Surcharge)	\$50.00
Military Waiver	no charge
Replacement Marriage License—(before Marriage takes place)	\$10.00
Video Conferencing (by Court Order)	\$100.00

#### ORPHANS’ COURT—MISCELLANEOUS

Answer & Answer with New Matter	\$15.00
Appeal to Appellate Court	\$75.00
Certified Copy of Instruments	\$5.00
Certified docket entries	\$10.00
Citation, issued by Clerk of Orphan’s Court	\$20.00
Commissions on monies paid into, held or controlled by the court (including CDs, bonds and Escrow Accounts)	5% per year
Decree awarding real estate	\$10.00
Decree, issuing	\$5.00
Disclaimer	\$5.00
Family settlement agreement	\$20.00
Motion	\$20.00
Petitions	\$20.00
Photocopies	
Per page	\$0.50
Digital, \$.50 PP, NTE \$75	\$75.00
Praecepte	\$5.00
Preliminary Objections	\$15.00
Release	\$5.00
Research, initial 15 minutes (per name)	\$10.00
Research, per hour after initial 15 min	\$25.00
Return Check Charge	\$20.00
Satisfaction of Claim/Award	\$10.00
Stipulation	\$15.00
Trust	\$15.00

\*Gross Value = the taxable estate assets plus income generated by the estate. If there is a testamentary trust, then the gross value shall be only the income generated by the trust.

\*\*For confidentiality reasons, each child is assigned a separate docket number; therefore, each document filed should reference only one child.

- Services not specifically scheduled shall be charged based on like services.

- The Register of Wills (Clerk of Orphans’ Court) requests that each motion/petition filed seek only one

type of relief and reference only one docket-number. If a party files a single motion/petition seeking multiple forms of relief, then that party shall be charged as if it had filed a separate motion/petition for each requested matter of relief. If a party files a single motion/petition referencing multiple docket numbers, then that party shall be charged as if it had filed a separate motion/petition for each docket number referenced.

*By the Court*

EDWARD E. GUIDO,  
*President Judge*

[Pa.B. Doc. No. 16-2186. Filed for public inspection December 16, 2016, 9:00 a.m.]

### CUMBERLAND COUNTY

#### Register of Wills Fee Schedule; 21-16-1253

And now, by Order of Court this 23rd Day of November, 2016, the following fee schedule is established pursuant to 42 P.S. Section 21022.1. This Order is effective the 1st day of January 2017.

#### SURCHARGES

Automation Fee*	\$9.50
JCS Fee (increased by Act 113 & 126 of 2014)*	\$35.50

#### LETTERS TESTAMENTARY, LETTERS OF ADMINISTRATION AND LETTERS OF ADMINISTRATION C.T.A.

Not exceeding \$2,000	\$20.00
\$2,001 to \$5,000	\$30.00
\$5,001 to \$10,000	\$45.00
\$10,001 to \$25,000	\$60.00
\$25,001 to \$50,000	\$90.00
\$50,001 to \$75,000	\$135.00
\$75,001 to \$100,000	\$210.00
For each additional \$100,000 or fraction thereof	\$50.00
Probate without issuance of letters	\$20.00

#### ALL OTHER LETTERS OF ADMINISTRATION: D.B.N., D.B.N.C.T.A., PENDENTE LITE, DURANTE ABSENTIA OR DURANTE MINORITATE\*

Letters	\$20.00
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#### MISCELLANEOUS

Affidavit or Oath, executing (per person) includes Subscribing & Non-Subscribing Witness	\$5.00
Answer and Answer with New Matter	\$15.00
Appeal from the Register	\$25.00
Bonds	\$15.00
Caveat	\$20.00
Certified Copies of Instruments	\$5.00
Certified Docket Entries	\$10.00
Citation, issued by the Register of Wills	\$20.00
Claim against the estate	\$10.00

Codicil	\$15.00
Commissions to take Oath or Testimony	\$20.00
Death Certificate, filing	\$15.00
Election to take under or against the will	\$20.00
Exemplified Copies	
Exemplified Copy, filing	\$15.00
Single instrument, issuing	\$15.00
Probate Record, issuing	\$40.00
Inheritance Tax Return*	\$15.00
Inheritance Tax Return—Supplemental*	\$15.00
Inventory or Affidavit in lieu of Inventory *	\$15.00
Objections	\$15.00
Petitions	\$20.00
Photocopies	
Per page	.50
Digital, \$.50 PP, NTE \$75	\$75.00
Powers of Attorney, filing	\$20.00
Praecipe	\$5.00
Preliminary Objections	\$15.00
Renunciation (per person)	\$5.00
Research,	
Initial 15 minutes, (per name)	\$10.00
Per hour after initial 15 minutes	\$25.00
Response	\$15.00
Return Check Charges	\$20.00
Satisfaction of Claim/Award	\$10.00
Short Certificate	\$5.00
Small Estate Affidavit (for insurance proceeds under \$11,000)	\$20.00
Stipulation	\$15.00
Subpoena	\$15.00
Tax Certificate, issuing or filing	\$20.00
Will	\$15.00

\* Payable at time of probate.

- Where the gross value has been underestimated on the, probate fees will be adjusted and charged on the actual value. All fees must be paid in full before final confirmation and settlement of estate.

- Services not specifically scheduled shall be charged based on like services.

- Where the gross value of an estate has been overpaid, such overpayment will not be refunded.

- Overpayment of less than ten (10) dollars not be refunded.

*By the Court*

EDWARD E. GUIDO,  
*President Judge*

[Pa.B. Doc. No. 16-2187. Filed for public inspection December 16, 2016, 9:00 a.m.]

FAYETTE COUNTY

Criminal Rule; Arraignment; No. MD 370-2016

Order

And Now, this 29th day of November, 2016, pursuant to Pennsylvania Rule of Judicial Administration 103(d), it is hereby ordered that Fayette County Criminal Rule 303, Arraignment, is renumbered Criminal Rule 571, and is amended as follows.

The Clerk of Courts is directed as follows:

(1) Two copies and CD-ROM of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

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

(3) One copy of the Local Rule shall be sent to the Fayette County Law Library and the Editor of the Fayette Legal Journal.

The Administrative Office of Fayette County Courts is directed as follows:

(1) Publish a copy of the Local Rule on the website of the Administrative Office of Fayette County Courts.

(2) Thereafter, compile the Local Rule within the complete set of local rules no later than 30 days following the publication in the Pennsylvania Bulletin.

The renumbering and amendment of the previously listed Local Rule shall become effective thirty (30) days after publication in the Pennsylvania Bulletin.

By the Court

JOHN F. WAGNER, Jr.,
President Judge

Rule 571. Arraignment.

(A) Arraignment shall be held on the third Thursday of each month before an assigned Judge.

(B) At the arraignment, the defendant shall be advised of:

(1) The right to be represented by counsel;

(2) The nature of the charges contained in the information; and

(3) The right to file motions, including a Request for a Bill of Particulars, a Motion for Pretrial Discovery and Inspection, a motion requesting Transfer from Criminal Proceedings to Juvenile Proceedings and an Omnibus Pretrial Motion, and the time limits within which the motions must be filed.

(4) If the defendant fails to appear without cause at any proceeding for which the defendant's presence is required, including trial, that the defendant's absence may be deemed a waiver of the right to be present, and the proceeding may be conducted in the defendant's absence.

If the defendant or counsel has not received a copy of the Information(s) pursuant to Pa.R.Crim. 562, a copy thereof shall be provided.

(C) A defendant may waive appearance at arraignment if the following requirements are met:

(1) The defendant is represented by counsel of record and counsel concurs in the waiver; and

(2) The defendant and counsel sign and file with the Clerk of Courts a waiver of appearance at arraignment, which acknowledges that the defendant:

(a) Understands the nature of the charges;

(b) Understands the rights and requirements set forth in Pa.R.Crim.P. 571(C) and

(c) Waives his or her right to appear for arraignment.

(D) The waiver of appearance at arraignment shall be in substantially the following form:

YOU MUST BE REPRESENTED BY COUNSEL TO WAIVE THE APPEARANCE AT ARRAIGNMENT
(Pa. Rule of Criminal Procedure 571(D))

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,
v.

No. \_\_\_\_\_ of 20\_\_\_\_

OTN: \_\_\_\_\_

Arraignment Date: \_\_\_\_\_

Defendant.

ENTRY OF APPEARANCE

Enter my appearance for the above-named Defendant.

INTERPRETER NEEDED [ ]

Attorney for Defendant [PRINTED] \_\_\_\_\_ Date \_\_\_\_\_

Attorney I.D. # \_\_\_\_\_

Address of Attorney \_\_\_\_\_

Attorney Phone # \_\_\_\_\_

Email Address of Attorney \_\_\_\_\_

Attorney's SIGNATURE \_\_\_\_\_

WAIVER OF APPEARANCE AT ARRAIGNMENT

I hereby waive my appearance at arraignment and I stand mute with respect to my plea. I have been advised by my attorney of the charges against me and that my attorney will receive copies of the Criminal Information filed in this case. I know I have the right:

1. to file a request in writing for a Bill of Particulars with the Clerk of Courts and a copy to be served on the District Attorney within seven (7) days following the above listed arraignment date (Pa. Rule of Criminal Procedure 572);

2. to file a motion with the Court in writing, requesting pretrial Discovery and Inspection and a copy to be served on the District Attorney within fourteen (14) days after the above listed arraignment date (Pa. Rule of Criminal Procedure 573);

3. to file an Omnibus motion with the Court in writing requesting all other kinds of pretrial relief and a copy to be served on the District Attorney within thirty (30) days after the above listed arraignment date (Pa. Rules of Criminal Procedure 578 & 579).

THE TIME LIMITS SET FORTH TO EXERCISE THESE RIGHTS WILL BE STRICTLY ENFORCED!

4. If I fail to appear without cause at any proceeding for which my presence is required, including trial, my absence may be deemed a waiver of the right to be present, and the proceeding may be conducted in my absence. (Pa. Rule of Criminal Procedure 571).

I am hereby notified that, as a condition of bail, I am required to notify in writing the Clerk of Courts' office, the District Attorney's office, and my bondsman of any change of address and/or telephone number within forty-eight (48) hours after any change by mail or delivering in person said notice to each of the above (Pa. Rule of Criminal Procedure 117).

IF I FAIL TO APPEAR FOR ANY SCHEDULED COURT DATE, THE HEARING OR TRIAL WILL CONTINUE IN MY ABSENCE AND A BENCH WARRANT WILL BE ISSUED FOR MY ARREST, WITH AN ADDED CONTEMPT PENALTY OF UP TO SIX MONTHS INCARCERATION.

Signature of Defendant

Date

Signature of Attorney

[Pa.B. Doc. No. 16-2188. Filed for public inspection December 16, 2016, 9:00 a.m.]

## LANCASTER COUNTY

### Adoption of Rule 112 of Local Rules of Criminal Procedure; No. 25 AD 2016

#### Administrative Order

And Now, this 30th day of November 2016, it is hereby

Ordered, that effective January 9, 2017, the Lancaster County Court of Common Pleas adopts the following local rule 112 governing photography, recording, broadcasting and electronic equipment for the 2nd Judicial District.

The Lancaster County District Court Administrator is Ordered to do the following:

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

2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish these Rules on the Lancaster County Court website at [www.court.co.lancaster.pa.us](http://www.court.co.lancaster.pa.us).

4. Incorporation of the local rule into the set of local rules on [www.court.co.lancaster.pa.us](http://www.court.co.lancaster.pa.us) within thirty (30) days after the publication of the local rule in the *Pennsylvania Bulletin*.

5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.

By the Court

DENNIS E. REINAKER,  
President Judge

#### L.C.R.Crim.P. No. 112. Photography, Recording, Broadcasting and Electronic Equipment.

A. The taking of photographs, including video pictures and recording, and the use of audio and video broadcast and audio recording equipment and any other device capable of capturing or transmitting sound or images, in a courtroom or hearing room or its environs during the progress of or in connection with any action, whether or not court is actually in session, is prohibited.

B. *Environs Defined:* Environs of a courtroom or hearing room shall include the entire floor on which is located any courtroom, hearing room, jury room, grand jury room, sheriff's office or station, Prothonotary's or Clerk of Courts office, office of the District Attorney, or any lockup or prisoner holding area. Environs also includes the corridor or lobby on the main floor or street floor, any elevator area and any area constituting an interior entrance area to the building of any courtroom, hearing room or grand jury room.

C. *Recording Devices and Cellular Telephones Prohibited:* Cameras, cellular telephones, portable electronic data devices and any other device capable of capturing or transmitting images or sound are prohibited inside of the Lancaster County Courthouse (hereafter "Courthouse"), Adult Probation and Parole offices (40 East King Street), Domestic Relations lobby and offices, and inside a Magisterial District Court office at the discretion of the Magisterial District Judge.

1. *Employee Exception:* The prohibition in Section C above shall not apply to those individuals employed by the Court or County in the Courthouse, a Magisterial District Court, Adult Probation and Parole offices, or Domestic Relations lobby and offices, who clearly display an identification badge issued by the County of Lancaster, provided, however, that the device shall be in a "silent" or "vibrate only" mode when the employee enters a courtroom, hearing room, or grand jury room.

2. *Attorney Exception:* The prohibition to those facilities enumerated in Section C above shall not apply to an attorney at law who enters the Courthouse or a Magisterial District Court on business related to the representation of a client, provided, however, that the device shall have the power switched "off" when the attorney enters a courtroom, hearing room, or grand jury room.

3. *Emergency Responder Exception:* The prohibition to those facilities enumerated in Section C above shall not apply to emergency medical or other personnel responding to a call within the Courthouse, Office of Adult Probation, or Magisterial District Court.

4. *Juror Exception:* The prohibition in Section C above shall not apply to jurors summoned by Court Administration during their period of service as a juror.

5. *Evidence Exception*: The prohibition in Section C above shall not apply to the use of such devices for the purpose of presenting evidence in any court proceeding.

6. *Law Enforcement Exception*: The prohibition to those facilities enumerated in Section C above shall not apply to a member of law enforcement who provides proper identification and is on business related to a case before the court and/or a meeting with the Office of the District Attorney. However, the device shall have the power switched "off" when the member of law enforcement enters a courtroom, hearing room, or grand jury room.

D. *Special Proceedings*: In the discretion of the President Judge, photographing, making video or audio recordings, televising or broadcasting any special proceedings such as investiture, naturalization, or ceremonial proceedings, in a courtroom or its environs may be permitted under such conditions as the President Judge may prescribe.

E. *Stenographic Recordings*: Except as permitted by law or rule of court, the recording by any means of any judicial proceedings by anyone other than the official court stenographer in a court case, for any purpose, is prohibited.

F. *Special Permission*: The President Judge may, upon application, make exception to the prohibitions contained in this Rule under such circumstances and subject to such conditions as the President Judge may prescribe.

1. The application shall include the reason for the request, the type of electronic medium intended to be used, the locations at which the electronic medium is to be used, and the date and times of the day for which the exception is being sought.

2. If the exception is being sought in connection with any judicial proceeding, the caption and case number of the proceeding shall be included in the application.

G. *Special Cases*: The court may make such orders as may be necessary in connection with any specific case to protect the rights of all parties and the public

[Pa.B. Doc. No. 16-2189. Filed for public inspection December 16, 2016, 9:00 a.m.]

## MONROE COUNTY

### Local Rules of Judicial Administration; 5 AD 2016

#### Order Pursuant to Pa.R.J.A. 103(c)

And Now, this 2nd day of December, 2016, it is *Ordered* that the following Rules of the Court of Common Pleas of the 43rd Judicial District of Pennsylvania, Monroe County, are implemented, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It Is Further Ordered that the District Court Administrator shall:

1. File a copy of this order and copy of the local rules with the Administrative Office of Pennsylvania Courts (AOPC).

2. File with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* two (2) paper copies and one (1) computer diskette, CD-ROM, or other agreed upon alternate format copy which complies with 1 Pa. Code § 13.11(b) containing the text of the local rules.

3. Provide one (1) copy of the local rule changes to the Monroe County Law Library.

4. Keep such local rules, as well as all local rules, continuously available for public inspection and copying in the Office of the Prothonotary of Monroe County and on the website of the 43rd Judicial District of Pennsylvania, Monroe County, Court of Common Pleas at [www.monroepacourts.us](http://www.monroepacourts.us). Upon request and payment of reasonable cost of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

5. Arrange to have the local rules published on the Monroe County Bar Association website at [www.monroebar.org](http://www.monroebar.org).

By the Court

MARGHERITA PATTI-WORTHINGTON,  
President Judge

### Rules of Judicial Administration

#### Local Rules

#### Rule 4007. Requests for Transcripts.

(A) Rough draft transcripts shall not be available in this Court.

(B) Deposit or partial payment amounts shall be 95% of the total transcript cost estimated by the Office of Court Administration and ordered by the Judge of record. Deposit or partial payment amounts shall be made within fourteen (14) days of the date of the court order directing the deposit or partial payment amount. Orders directing deposit payments and ordering transcription will be vacated if deposit or partial payment amounts are not remitted within the stated timeframe.

(C) Upon completion of the transcript, the Court Reporter, Recorder or Transcriptionist shall file of record Form A—Notice of Completion of Transcript and serve a copy on the requesting party by regular mail and the District Court Administrator.

(D) All payments, including deposit and final payments, shall be made payable to the 43rd Judicial District, remitted at the appropriate filing office and accompanied by Form B—Notice of Payment. All payments shall be nonrefundable. Requesting parties shall file of record Form B—Notice of Payment and serve a copy on the District Court Administrator by hand delivery, by mail, by facsimile transmission or by email to [transcripts@monroepacourts.us](mailto:transcripts@monroepacourts.us). The filing office shall place all payments in escrow on the case until such time as the District Court Administrator files of record Form C—Praecepte to Disburse Funds.

(E) The District Court Administrator shall file of record Form C—Praecepte to Disburse Funds, notifying the appropriate filing office to disburse funds deposited in escrow in accordance with these rules to the Controller's Office for payment to the transcriptionist, in the following instances:

a. Within thirty (30) days of delivery of the final transcript to the requesting party; and

b. When payment of the balance owed is not made within thirty (30) days from the date of filing of Form A—Notice of Completed Transcript.

#### Rule 4008. Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof.

(A) The reasonable surcharge in cases such as mass tort, medical malpractice or other unusually complex litigation, where there is a need for Court Reporters or Recorders to significantly expand their dictionary shall be the following:

- a. For an ordinary transcript, \$4.25 per page;
- b. For an expedited transcript, \$5.25 per page;
- c. For a daily transcript, \$6.25 per page;
- d. For same day delivery, \$8.25 per page; and
- e. In bound paper format, additional \$0.25 per page.

**Rule 4009. Fees and Procedures.**

(A) The fees to be paid for all court reporting products are as follows:

a. Transcripts requested in accordance with Pa.R.J.A. 4008(A) shall have costs assessed as noted therein.

b. Transcripts requested in accordance with Pa.R.J.A. 4008(B)(1) shall have costs waived for the requesting party and imputed to the Court for payment to the Transcriptionist. In accordance with Pa.R.J.A. 4007(F), no deposit shall be required.

c. Transcripts requested in accordance with Pa.R.J.A. 4008(B)(2) shall have costs assessed as follows:

- i. For an ordinary transcript, \$1.25 per page;
- ii. For an expedited transcript, \$1.75 per page;
- iii. For a daily transcript, \$2.25 per page;
- iv. For same day delivery, \$3.25 per page; and
- v. In bound paper format, additional \$0.13 per page.

d. Transcripts requested in accordance with Monroe Co.R.J.A. 4008(A) shall have costs assessed as noted therein.

e. Transcript costs payable by the Commonwealth or subdivision thereof shall have costs assessed as follows:

- i. For an ordinary transcript, \$2.00 per page;
- ii. For an expedited transcript, \$3.00 per page;
- iii. For a daily transcript, \$4.00 per page;
- iv. For same day delivery, \$6.00 per page; and
- v. In bound paper format, additional \$0.25 per page.

f. The fee for a Real-time feed shall be \$4.25 per page for the duration of the proceedings.

g. The fee for court orders shall be \$1.50 per order.

h. Transcripts prepared at the initiation of the Court shall have costs assessed in accordance with subsection (e) of this rule.

(B) All requests for transcripts shall be filed of record in the appropriate filing office. Requests shall be in the form of a motion and shall include the case caption, the standardized form provided by the State Court Administrator in accordance with Pa.R.J.A. 4007(A) and verification. Service of the request shall be made in accordance with Pa.R.J.A. 4007(B).

(C) Requests for waiver or reduction of costs shall be made by motion to the Judge of record, filed of record in the appropriate filing office, and served in accordance with Pa.R.J.A. 4007(B).

**Rule 4011. Deadline for Delivery of Transcript.**

Transcription shall commence for cases under appeal upon remittance of the required deposit in accordance with Pa.R.A.P. 1911(a) and 1922(a) and in the manner prescribed in Monroe Co.R.J.A. 4007.

**COURT OF COMMON PLEAS OF  
MONROE COUNTY  
FORTY-THIRD JUDICIAL DISTRICT  
COMMONWEALTH OF PENNSYLVANIA**

20

Plaintiff :  
:  
:  
v. :  
:  
:  
Defendant :

**Form A: NOTICE OF COMPLETION OF TRANSCRIPT**

The transcript directed to be completed by Order of Court dated \_\_\_\_\_ is complete. A copy has been provided to the Judge of record. The final balance due is \_\_\_\_\_. Upon payment of final balance in accordance with Monroe Co.R.J.A. 4007(D), the transcript will be delivered to the requesting party.

\_\_\_\_\_  
Transcriptionist

cc: \_\_\_\_\_, Requesting Party  
Renee L. Danser, Esq., District Court Administrator

**COURT OF COMMON PLEAS OF  
MONROE COUNTY  
FORTY-THIRD JUDICIAL DISTRICT  
COMMONWEALTH OF PENNSYLVANIA**

20

Plaintiff :  
:  
:  
v. :  
:  
:  
Defendant :

**Form B: NOTICE OF PAYMENT**

Deposit payment  Final payment is made in the amount of \_\_\_\_\_ for the transcript directed to be completed by Order of Court dated \_\_\_\_\_.

\_\_\_\_\_  
Requestor

cc: Renee L. Danser, Esq., District Court Administrator

**COURT OF COMMON PLEAS OF  
MONROE COUNTY  
FORTY-THIRD JUDICIAL DISTRICT  
COMMONWEALTH OF PENNSYLVANIA**

20

Plaintiff :  
:  
:  
v. :  
:  
:  
Defendant :

**Form C: PRAECIPE TO DISBURSE FUNDS  
TO THE FILING OFFICE:**

Please disburse funds held in escrow on the above-captioned case for transcription to the Office of the

Controller for purposes of payment to the following transcriptionist(s) in the amounts noted:

1. To disburse the amount of .
2. To disburse the amount of .
3. To disburse the amount of .

\_\_\_\_\_  
District Court Administrator

cc: Controller, County of Monroe

[Pa.B. Doc. No. 16-2190. Filed for public inspection December 16, 2016, 9:00 a.m.]

**MONTGOMERY COUNTY**

**Amendment of Local Rules of Civil Procedure 1028(c), 1034(a) and 1035.2(a); No. 2016-00001**

**Order**

And Now, this 1st day of December, 2016, the Court hereby Amends Montgomery County Local Rules of Civil Procedure 1028(c), 1034(a), and 1035.2(a). These Amended Local Rules shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.J.A. 103, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) certified copies and one (1) electronic copy shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. These amended Rules shall also be published on the Montgomery County Court website, and incorporated into the set of local rules on the Court's website within 30 days of publication in the *Pennsylvania Bulletin*.

By the Court

WILLIAM J. FURBER, Jr.,  
*President Judge*

**Rule 1028(c). Preliminary Objections.**

- (1) \* \* \*
- (2) \* \* \*
- (3) \* \* \*
- (4) \* \* \*
- (a) \* \* \*
- (b) \* \* \*

(c) List the matter for argument, at which time only the complying party shall be heard; or

(d) Impose such other sanctions upon the non-complying party as the Judge shall deem proper.

Comments: \* \* \*

**Rule 1034(a). Motion for Judgment on the Pleadings.**

- (1) \* \* \*
- (2) \* \* \*
- (3) \* \* \*
- (4) \* \* \*
- (a) \* \* \*
- (b) \* \* \*

(c) List the matter for argument, at which time only the complying party shall be heard; or

(d) Impose such other sanctions upon the non-complying party as the Judge shall deem proper.

Comments: \* \* \*

**Rule 1035.2(a). Motion for Summary Judgment.**

- (1) \* \* \*
- (2) \* \* \*
- (3) \* \* \*
- (4) \* \* \*
- (a) \* \* \*
- (b) \* \* \*

(c) List the matter for argument, at which time only the complying party shall be heard; or

(d) Impose such other sanctions upon the non-complying party as the Judge shall deem proper.

Comment: \* \* \*

[Pa.B. Doc. No. 16-2191. Filed for public inspection December 16, 2016, 9:00 a.m.]

**SCHUYLKILL COUNTY**

**Adoption of Local Rule 4007 and 4008 of Judicial Administration; AD 90-2016**

**Order of Court**

And Now, this 30th day of November, 2016, at 1:15 p.m., the Court hereby adopts the following new Local Rules of Judicial Administration for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective January 1, 2017.

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

1) File one (1) copy of this Order and Rule with the Administrative Office of the Pennsylvania Courts via email to adminrules@pacourts.us.

2) File two (2) paper copies of this Order and Rule and a computer diskette containing the text of the local rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Publish a copy of the local rule on the Schuylkill County Court website at www.co.schuylkill.pa.us.

4) Incorporate the local rule into the set of local rules on www.co.schuylkill.pa.us within thirty (30) days after publication in the *Pennsylvania Bulletin*.

5) Forward one (1) copy to the Law Library of Schuylkill County for publication in the *Schuylkill Legal Record*.

6) File one (1) copy of the local rule in the Clerk of Courts Filing Office for public inspection and copying.

By the Court

WILLIAM E. BALDWIN,  
*President Judge*

**Schuylkill County Local Rules of Judicial Administration**

**Rule 4007. Requests for Transcripts.**

(A) All requests for transcripts shall be set forth on a standardized form provided by the Court Administrator.

The form is available on the Schuylkill County website at [www.co.schuylkill.pa.us](http://www.co.schuylkill.pa.us) or can be obtained from the Chief Court Reporter

(B) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with the Clerk of Courts, Prothonotary or Orphans' Court. The requesting party shall also serve copies of the formal request to:

- (1) the judge presiding over the matter;
- (2) the court reporter, court recorder;
- (3) the Chief Court Reporter
- (4) opposing counsel, but if not represented, the opposing party.

(C) Daily expedited or same day transcripts are available, requests for these transcripts shall be filed in writing in the appropriate filing office at least 10 days prior to the proceeding. Copies of the written request shall be delivered as required by subsection (B).

(D) When a litigant requests a transcript,

(1) the litigant ordering a transcript shall make partial payment in an amount of 50% of the estimated total cost of the transcripts. Deposit checks are to be made payable to the County of Schuylkill and shall be delivered to the Chief Court Reporter.

(2) upon receipt of the 50% deposit, the court reporter shall prepare the transcript upon direction of the Chief Court Reporter.

(3) the court reporter or court recorder shall notify the ordering party and the Chief Court Reporter of the completion of the transcript and shall indicate the balance due and deliver a copy of the transcript to the judge presiding over the matter. Checks for the final balance are to be made payable to the County of Schuylkill and delivered to the Chief Court Reporter.

(4) upon payment of any balance owed, the court reporter or court recorder shall deliver the original transcript to the appropriate filing office and copies to the parties.

(E) When a litigant requests a transcript, but cannot pay for the transcript because of alleged economic hardship, the court shall determine economic hardship pursuant to the procedure set forth in Schuylkill County R.J.A. 4008(B).

(F) When a transcript is requested for which the court or county is responsible for the cost, the court reporter or court recorder shall prepare the transcript without the necessity of a deposit.

**Rule 4008. Transcript Costs Payable by a Requesting Party, other than the Commonwealth or a Subdivision Thereof.**

(A) *Costs: Electronic Format*

(1) The costs payable by the initial ordering party, for a transcript in an electronic format shall not exceed:

- (a) For an ordinary transcript, \$2.50 per page;
- (b) For an expedited transcript, \$3.50 per page;
- (c) For a daily transcript, \$4.50 per page;
- (d) For same day delivery, \$6.50 per page;

(2) *Costs: Paper Format.* The costs payable by the initial ordering party for a transcript prepared in bound paper format shall not exceed:

- (a) For an ordinary transcript, \$2.75 per page;
- (b) For an expedited transcript, \$3.75 per page;
- (c) For a daily transcript, \$4.75 per page;
- (d) For same-day delivery, \$6.75 per page;

(B) *Economic hardship—minimum standards*

(1) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be waived for a litigant who has been permitted by the court to proceed in forma pauperis or whose income is less than 125 percent of the poverty line as defined by the U.S. Department of Health and Human Services (HHS) poverty guidelines for the current year.

(2) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be reduced by one-half for a litigant whose income is less than 200 percent of the poverty line as defined by the HHS poverty guidelines for the current year.

(3) Transcript costs for ordinary transcripts in matters that are not subject to an appeal, where the transcript is not necessary to advance the litigation, or for expedited, daily, rough draft or same day transcripts may be waived at the court's discretion for parties who qualify for economic hardship under subdivision (B)(1) or (B)(2) and upon good cause shown.

(4) The application to waive all or a portion of costs for ordinary transcripts shall be supported by an affidavit substantially in the In Forma Pauperis Petition required by Pennsylvania Rule of Civil Procedure 240(h).

Litigants who have been approved for representation by legal aid services are not required to prove economic hardship. Legal aid services must verify on the Transcript Request Form that the matter is under appeal or that the transcript being requested is necessary to advance current litigation.

(C) *Assignment and allocation of transcript costs*

(1) *Assignment of costs.* The requesting party, or party required by general rule to file a transcript, shall be responsible for the cost of the transcript. Costs shall not be assessed against any party for transcripts prepared at the initiation of the court.

(2) *Allocation of costs.* When more than one party requests the transcript, or are required by general rule to file the transcript, the cost shall be divided equally among the parties.

(D) *Copies of transcript*

A request for a copy of any transcript previously ordered, transcribed and filed of record shall be provided according to the following schedule:

- (1) \$0.75 per page bound, paper format; and,
- (2) \$0.50 per page electronic copy.

All requests for copies of filed transcripts shall be directed to the Chief Court Reporter and produced solely by the Court Reporters' Office.

[Pa.B. Doc. No. 16-2192. Filed for public inspection December 16, 2016, 9:00 a.m.]



# RULES AND REGULATIONS

## Title 31—INSURANCE

### INSURANCE DEPARTMENT

#### [ 31 PA. CODE CH. 147 ]

#### Annual Financial Reporting Requirements

The Insurance Department (Department) amends Chapter 147 (relating to annual financial reporting requirements) to read as set forth in Annex A. This final-form rulemaking is made under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P.S. §§ 66, 186, 411 and 412), regarding the general rulemaking authority of the Department, sections 320, 630, 1007 and 2452 of The Insurance Company Law of 1921 (40 P.S. §§ 443, 764a, 967 and 991.2452), regarding the authority of the Insurance Commissioner (Commissioner) to require insurance companies, associations, exchanges, fraternal benefit societies and preferred provider organizations to file statements concerning their affairs and financial condition, sections 205 and 206 of The Pennsylvania Fair Plan Act (40 P.S. §§ 1600.205 and 1600.206), section 731 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.731), 40 Pa.C.S. §§ 6125, 6331 and 6701 (relating to reports and examinations; reports and examinations; and regulation), sections 11 and 14 of the Health Maintenance Organization Act (40 P.S. §§ 1561 and 1564) and sections 7 and 25 of the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3207 and 3225), regarding the specific regulatory and rulemaking authority of the Department as to financial reporting by the Pennsylvania Fair Plan, the Pennsylvania Professional Liability Joint Underwriting Association, hospital plan corporations, professional health service corporations, beneficial associations, health maintenance organizations and continuing care providers, respectively.

#### *Purpose*

The purpose of this final-form rulemaking is to update Chapter 147, commonly referred to as the “CPA Audit Rule.” Chapter 147 was initially adopted in 1979 and requires insurers to have annual audits of their year-end statutory financial statements performed by independent certified public accountants. It is based on a model regulation developed by the National Association of Insurance Commissioners (NAIC) and included in the NAIC’s Financial Regulation Standards and Accreditation Program.

This final-form rulemaking is based on changes to NAIC Model Regulation # 205 adopted by the NAIC in 2014, which were developed as a result of the NAIC’s determination that it was necessary for insurers to maintain an effective internal audit function capable of providing the insurer’s audit committee with independent assurance regarding the insurer’s governance, risk management and internal controls. As such, the NAIC determined that the best way to implement an internal audit requirement would be to place the requirement within the NAIC’s existing Annual Financial Reporting Model Regulation (# 205). Model Regulation # 205 currently includes a requirement for insurers to receive an annual financial statement audit, as well as requirements related to the establishment of audit committees and maintenance of effective internal controls over financial reporting. This final-form rulemaking adds corporate governance-related functions to the audit committee’s responsibilities.

The Department expects that the amendments to Chapter 147 will be required for the Department to maintain accreditation by the NAIC.

#### *Comments and Responses*

Notice of proposed rulemaking was published at 46 Pa.B. 458 (January 23, 2016), with a 30-day public comment period. Comments were received from the Pennsylvania Association of Mutual Insurance Companies (PAMIC), the Insurance Federation of Pennsylvania (IFP) and the Pennsylvania Institute of Certified Public Accountants (PICPA).

PAMIC and IFP expressed support for the proposed rulemaking as drafted.

Although the comment letter from PICPA expressed general support for the rulemaking, the comments made by PICPA were not responsive to the rulemaking as proposed by the Department. Instead, the comments focused on provisions of the NAIC model and provisions of Chapter 147 that the Department is not amending as part of this final-form rulemaking. The comment letter, does, however, recognize that the comments made are more appropriately directed to the NAIC. As such, because the PICPA comments were not relevant to the amendments to Chapter 147, the Department declines to make revisions to this final-form rulemaking based upon the comments from PICPA.

IRRC submitted comments to the proposed rulemaking on March 23, 2016. IRRC noted that § 147.8a(f) contained nonregulatory language which was inappropriate. In response to IRRC’s comments, the Department deleted proposed § 147.8a(f). The Department intends to include this information in a policy statement as suggested.

Additionally, IRRC requested the Department clarify the date of compliance for insurers that no longer qualify for an exemption. In response to IRRC’s comment, the Department added language to clarify that the period to attain compliance with § 147.8a (relating to internal audit function requirements) as referenced in § 147.13(j) (relating to effective date and exemption) is 1 calendar year after the threshold is exceeded, as shown on the insurer’s annual statement. As stated in § 147.8a(a), the exemption is determined by the amount of company’s “annual direct written and unaffiliated assumed premium” (emphasis added). These numbers are reported on an insurer’s annual statement, which is filed on March 1 but is based upon the previous year’s data. See section 320 of The Insurance Company Law of 1921, which requires a company to file “a statement which shall exhibit its financial condition on the thirty-first day of December of the previous year.” For example, if a company’s annual premium exceeds the threshold on December 31, 2017, and the insurer reports accordingly on its annual statement due on March 1, 2018, it will have until December 31, 2018, to come into compliance with the requirements of this final-form rulemaking.

#### *Affected Parties*

This final-form rulemaking applies to insurers licensed to transact business in this Commonwealth that are not exempt under § 147.8a(a).

*Fiscal Impact**State government*

This final-form rulemaking will strengthen and clarify existing regulatory requirements. There will not be a material increase in cost to the Department as a result of this final-form rulemaking.

*General public*

The public will benefit to the extent this final-form rulemaking strengthens financial solvency regulatory requirements for insurers, thereby promoting the ability of the insurance industry to meet obligations under insurance policies.

*Political subdivisions*

This final-form rulemaking will not impose additional costs on political subdivisions.

*Private sector*

This final-form rulemaking may impose additional costs on insurers that have not yet established an internal audit function. However, the strengthened requirements are consistent with National standards to be adopted by all states participating in the NAIC Financial Regulation Standards and Accreditation Program. This final-form rulemaking minimizes costs by including a number of exemptions for smaller insurers.

*Paperwork*

This final-form rulemaking will not impose additional paperwork on the Department, as no filing is required to be made by insurers regarding this new requirement. To the extent that insurers document internal audit function requirements in written format, the amendments may impose additional paperwork on insurers.

*Effectiveness Date and Sunset Date*

This final-form rulemaking will become effective on January 17, 2017. The Department continues to monitor the effectiveness of regulations on a triennial basis. Therefore, a sunset date has not been assigned.

*Contact Person*

Questions or comments regarding this final-form rulemaking may be addressed in writing to Bridget Burke, Regulatory Coordinator, Insurance Department, 1341 Strawberry Square, Harrisburg, PA 17120, fax (717) 772-1969, [briburke@pa.gov](mailto:briburke@pa.gov).

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on January 11, 2016, the Department submitted a copy of the notice of proposed rulemaking, published at 46 Pa.B. 458, to IRRC and the Chairpersons of the Senate Banking and Insurance Committee and the House Insurance Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on November 16, 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 November 17, 2016, and approved the final-form rulemaking.

*Findings*

The Commissioner finds that:

(1) Public notice of intention to adopt this final-form 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 thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this final-form rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

*Order*

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

(a) The regulations of the Department, 31 Pa. Code Chapter 147, are amended by adding § 147.8a and amending §§ 147.2, 147.3a and 147.13 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Department shall submit this order and Annex A to IRRC and the House and Senate Committees as required by law.

(c) The Department shall submit this order and Annex A to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(d) The Department 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 January 17, 2017.

TERESA D. MILLER,  
Insurance Commissioner

*(Editor's Note: See 46 Pa.B. 7603 (December 3, 2016) for IRRC's approval order.)*

**Fiscal Note:** Fiscal Note 11-254 remains valid for the final adoption of the subject regulations.

**Annex A****TITLE 31. INSURANCE****PART VIII. MISCELLANEOUS PROVISIONS****CHAPTER 147. ANNUAL FINANCIAL REPORTING REQUIREMENTS****§ 147.2. Definitions.**

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

*Affiliate*—As defined in section 1401 of The Insurance Company Law of 1921 (40 P.S. § 991.1401).

*Assumed premiums*—Total premiums assumed by an insurer from nonaffiliated insurers.

*Audit committee*—

(i) A committee or equivalent body established by the board of directors or equivalent body of an entity for the purpose of overseeing the following functions of an insurer or insurer group:

- (A) Accounting and financial reporting processes.
- (B) Internal audit function.
- (C) External audits of financial statements.
- (D) Internal control structure.

(ii) The term includes a committee established under section 1405(c)(4) or (5) of The Insurance Company Law of 1921 (40 P.S. § 991.1405(c)(4) and (5)).

\* \* \* \* \*

*Insurer group*—Two or more affiliated insurers identified by a controlling entity for the purpose of evaluating the effectiveness of internal control over financial reporting.

*Internal audit function*—The role of a person or persons in providing independent, objective and reasonable assurances that add value to and improve upon the organization's operations and assist the organization in accomplishing its objectives by employing a systematic, disciplined approach to evaluate and improve the effectiveness of the risk management, control and governance processes.

*Internal control over financial reporting*—The process effected by the board of directors, management and other personnel of an insurer or insurer group, which provides reasonable assurances regarding the reliability of the financial statements in accordance with § 147.9a (relating to establishment and communication of internal control over financial reporting).

\* \* \* \* \*

**§ 147.3a. Requirements for audit committees.**

\* \* \* \* \*

(f) The audit committee shall retain an independent certified public accountant to conduct the annual audit and issue an audited financial report under this chapter in accordance with the following requirements:

(1) The audit committee shall be directly responsible for the appointment, compensation and oversight of the work of the independent certified public accountant and resolve disagreements between management and the independent certified public accountant relating to financial reporting for the purpose of preparing or issuing the audited financial report or related work under this chapter.

(2) The independent certified public accountant retained to conduct the annual audit under this chapter shall report directly to the audit committee. The audit committee shall require the independent certified public accountant to report to the audit committee in sufficient time to enable the committee to take appropriate action as required by Statement on Auditing Standards 114 (SAS 114), *The Auditor's Communication with Those Charged With Governance*, or successor publication and all of the following requirements:

(i) All significant accounting policies and material permitted practices.

(ii) All material alternative treatments of financial information within statutory accounting principles that have been discussed with the management of the insurer, ramifications of the use of alternative disclosures and treatments, and the treatment preferred by the independent certified public accountant.

(iii) Other material written communications between the independent certified public accountant and the management of the insurer, such as any management letter or schedule of unadjusted differences.

(3) The report required under paragraph (2) may be provided to the audit committee on an aggregate basis for

insurers in an insurer group, if the report identifies any substantial differences in reported items among the insurers in the group.

(g) The audit committee is responsible for overseeing the insurer's internal audit function and granting the person or persons performing the function suitable authority and resources to fulfill their responsibilities as required under § 147.8a (relating to internal audit function requirements).

(h) Exemptions are as follows.

(1) The requirements of subsections (b), (c), (e) and (f) do not apply to an insurer with direct written and assumed premiums less than \$500,000,000, excluding premiums reinsured with the Federal Crop Insurance Corporation and the Federal Flood Program, which has been granted an exemption by the Department on the basis of financial or organizational hardship under § 147.13(g) (relating to effective date and exemption).

(2) This section does not apply to continuing care providers.

(3) The requirements of subsections (b)–(e) do not apply to insurers subject to section 1405(c)(4) and (5) of The Insurance Company Law of 1921 (40 P.S. § 991.1405(c)(4) and (5)), Sarbanes Oxley compliant entities or direct or indirect wholly owned subsidiaries of Sarbanes Oxley compliant entities.

(i) This section may not be interpreted to limit the Department's authority to require an insurer to take specific corrective action relating to the independence of audit committee members under sections 501–563, 501-A–515-A and 501-B–515-B of The Insurance Department Act of 1921 (40 P.S. §§ 221.1–221.63, 221.1-A–221.15-A and 221.1-B–221.15-B), regarding suspension of business and risk-based capital requirements, Chapter 160 (relating to standards to define insurers deemed to be in hazardous financial condition) or other provisions of law.

**§ 147.8a. Internal audit function requirements.**

(a) *Exemption.* An insurer is exempt from the requirements of this section if:

(1) The insurer meets the following requirements:

(i) Has annual direct written and unaffiliated assumed premium, including international direct and assumed premium excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, less than \$500 million.

(ii) If the insurer is a member of a group of insurers, the group has annual direct written and unaffiliated assumed premium including international direct and assumed premium, excluding premiums reinsured with the Federal Crop Insurance Corporation and Federal Flood Program, less than \$1 billion.

(2) It is a continuing care provider licensed to transact business in this Commonwealth under the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3201–3225).

(b) *Function.* The insurer or group of insurers shall establish an internal audit function that provides independent, objective and reasonable assurance to the audit committee and the insurer's management regarding the insurer's governance, risk management and internal controls. This function includes the performance of general and specific audits, reviews and tests and employ other techniques deemed necessary to protect assets, evaluate

control effectiveness and efficiency, and evaluate compliance with policies and regulations.

(c) *Independence.* To ensure that internal auditors remain objective, the internal audit function must be organizationally independent. Specifically, the internal audit function may not defer ultimate judgment on audit matters to others, and shall appoint an individual to head the internal audit function who will have direct and unrestricted access to the board of directors. Organizational independence does not preclude dual-reporting relationships.

(d) *Reporting.* The head of the internal audit function shall report to the audit committee regularly, but no less than annually, on the periodic audit plan, factors that may adversely impact the internal audit function's independence or effectiveness, material findings from completed audits and the appropriateness of corrective actions implemented by management as a result of audit findings.

(e) *Additional requirements.* If an insurer is a member of an insurance holding company system or included in a group of insurers, the insurer may satisfy the internal audit function requirements in this section at the ultimate controlling parent level, an intermediate holding company level or the individual legal entity level.

**§ 147.13. Effective date and exemption.**

\* \* \* \* \*

(i) In the case of insurers organized in Canada or the United Kingdom of Great Britain and Northern Ireland, the annual audited financial report is defined as the annual statement of total business on the form filed by the insurers with their domiciliary supervision authority, audited by an independent chartered accountant. For these insurers, the letter required in § 147.6a (relating to letter of qualifications of independent certified public accountant) must state that the independent certified public accountant is aware of the requirements relating to the annual audited financial report filed with the Commissioner under § 147.3 (relating to filing and extensions for filing required reports and communications) and affirm that the opinion expressed is in conformity with those requirements.

(j) If an insurer or group of insurers exempt from the requirements of § 147.8a (relating to internal audit function requirements) no longer qualifies for that exemption, it shall have until December 31 of the year in which the annual statement was filed showing the threshold is exceeded to comply with the requirements of § 147.8a.

[Pa.B. Doc. No. 16-2193. Filed for public inspection December 16, 2016, 9:00 a.m.]

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF NURSING

[ 49 PA. CODE CH. 21 ]

General Revisions

The State Board of Nursing (Board) amends Chapter 21 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*

The amendments regarding registered nurses and licensed dietitian-nutritionists are authorized under section 2.1(k) of The Professional Nursing Law (RN Law) (63 P.S. § 212.1(k)), which provides the Board with the general authority to establish rules and regulations for the practice of professional nursing, the practice of dietetics-nutrition and the administration of the RN Law. The amendments regarding practical nurses are authorized under section 17.6 of the Practical Nurse Law (PN Law) (63 P.S. § 667.6), which authorizes the Board to establish rules and regulations for the practice of practical nursing and the administration of the PN Law.

### *Background and Purpose*

This final-form rulemaking accomplishes three goals: (1) establishes time frames within which candidates for licensure as registered nurses, practical nurses and dietitian-nutritionists shall first take the applicable licensure examinations; (2) updates and makes uniform application and examination provisions for registered nurses, practical nurses and dietitian-nutritionists, when applicable; and (3) deletes references to the National Council Licensure Examination and the Commission on Graduates of Foreign Nursing Schools and replaces them with generic references.

From October 1, 2014, through September 30, 2015, 7,524 graduates of registered nurse education programs and 2,456 graduates of practical nurse education programs took the licensure examinations in this Commonwealth. Of those taking the exams, 87.17% of the registered nurse candidates and 82.08% of the practical nurse candidates passed. One year earlier, 7,164 registered nurse candidates and 2,512 practical nurse candidates took the licensure examinations. At that time, 82.82% of the registered nurse candidates and 85.75% of the practical nurse candidates passed. Nationally, from October 1, 2014, through September 30, 2015, the pass rate for registered nurses was 84.18% and the pass rate for practical nurses was 81.18%. The previous year, the pass rate Nationally for registered nurses was 81.74% and the pass rate for practical nurses was 82.81%.

From January 1, 2015, through December 30, 2015, 5,944 dietitian-nutritionist candidates took the dietitian-nutritionist examination Nationwide. Seventy percent of total test takers passed; excluding repeat test takers, 85% of first time test takers passed. The previous year, 5,475 dietitian-nutritionist candidates took the examinations. Seventy-four percent of total test takers passed; excluding repeat test takers, 85% of first time test takers passed. Because the Board does not prequalify applicants to take the dietitian-nutritionist examination, State-specific pass rates are unavailable.

Sections 21.33b and 21.162b (relating to minimum rate for graduates of nursing education programs to pass the National licensure examination) tie a nursing education program's approval status to the pass rate of its first time test taker graduates. Under these regulations, since October 1, 2010, a nursing education program must achieve a minimum pass rate of 80%. Currently 31 of the 141 approved nursing education programs (11 of the 84 registered nurse programs and 20 of the 57 practical nurse programs) are on provisional approval due to their pass rates which did not reach the 80% threshold.

The Board's examination statistics from January 2015 to June 2016 reflect that the more times a candidate takes the registered nurse or practical nurse licensure examination, the less likely the candidate is to pass the examination. During this 18-month period, 2,762 registered nurse candidates and 1,166 practical nurse candidates retook the licensure examinations. The numbers of repeats range from 1 to 40 for registered nurse candidates and from 1 to 50 for practical nurse candidates. First time repeaters (those taking the examination a second time) formed the largest group of the repeaters and passed at the highest rate with 56.80% of the registered nurse candidates and 48.00% of the practical nurse candidates passing. Thereafter, the pass rate dropped precipitously. For registered nurse candidates, the percentage of pass rates for 2nd through 12th time repeaters (those having taken the test 3 to 13 times) decreased as follows: 45.40%, 39.00%, 29.60%, 22.80%, 17.80%, 19.10%, 27.60%, 15.80%, 30.80%, 8.30%, 20.00%. Beginning with the 14th retake and extending through 40 retakes, 100% of registered nurse candidates examined failed. The distinction between the number of retakes and pass rates is similar for practical nurse candidates. The percentage of pass rates for 2nd through 12th time repeaters (those having taken the test 3 to 13 times) decreased as follows: 32.90%, 24.10%, 16.70%, 25.00%, 9.10% and 20.80%, 0.00%, 0.00%, 10.00%, 0.00%, 20.00%. Beginning with the 14th and continuing through the 50th retake, except for 1 candidate who passed on the 18th retake, 100% of the practical nurse candidates examined failed.

The statistics regarding pass rates for first time and repeat test takers is similar for dietitian-nutritionist examinees. Although there are no statistical breakdowns by the number of times the examination was taken by a particular candidate, from January 1, 2015, through December 30, 2015, 5,944 dietitian-nutritionist candidates took the dietitian-nutritionist examination Nationwide. Seventy percent of total test takers passed; excluding repeat test takers, 85% of first time test takers passed. The previous year, 5,475 dietitian-nutritionist candidates took the examinations. Seventy-four percent of total test takers passed; excluding repeat test takers, 85% of first time test takers passed.

#### *Summary and Responses to Comments*

Notice of proposed rulemaking was published at 44 Pa.B. 6934 (November 1, 2014), with a 30-day public comment period. The Board received the following public comments: Paula A. Bussard, Senior Vice President, Policy and Regulatory Services, The Hospital & Healthsystem Association of Pennsylvania; Aaron M. Shenck, Executive Director, Pennsylvania Association of Private School Administrators; Margaret Cybularz, MSN, RN, PRISM Career Institute; and Eileen Chopnick, MA, RD, LDN, Michele Rager, MS, RDN, LDN, CNSC, Meg Rowe, MS, RD, LDN, FAND, Jule Anne Henstenberg, MS, RDN, LDN, FAND, and Doris Piccinin, MS, RD, CDE, CD, on behalf of the Pennsylvania Academy of Nutrition and Dietetics (PAND). The Independent Regulatory Review Commission (IRRC) also submitted comments. Neither the House Professional Licensure Committee (HPLC) nor the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) submitted comments.

#### *Generally*

Margaret Cybularz commented in favor of the proposed rulemaking.

#### *§§ 21.2 and 21.142. Scope*

Section 21.2 (relating to scope) delineates the Board's scope regarding registered nurses and the practice of professional nursing. Subsection (e) identifies who may provide professional nursing education. In the proposed rulemaking, the Board limited those providers to hospitals, colleges and universities. IRRC and Aaron M. Shenck asked the Board to consider including other post-secondary institutions. During discussions at its January 22, 2015, meeting, Aaron M. Shenck and the Board noted that "post-secondary institutions" would include those who offer specialized technology programs, providing training in computers, electrical systems and HVAC, and specialized business programs such as legal assistants, computer management, medical assistants and executive assistants. Based upon those discussions, Aaron M. Shenck recommended and the Board considered limiting post-secondary schools to those that award academic degrees similar to the requirement for expanded function dental assistants in § 33.102 (relating to professional education). The Board finds this recommendation to be reasonable. IRRC asked the Board to consider a similar revision regarding post-secondary institutions that award academic degrees for practical nursing education programs in § 21.142 (relating to scope). Accordingly, the lists of providers in §§ 21.2(e) and 21.142(d) are expanded to include post-secondary institutions that award academic degrees.

IRRC also questioned how and where the Board would make the list of approved programs available as required by subsection (e). The Board intends to include this list on its web site so that the public has ready access to the information. The Board revises § 21.2(e) to be consistent with § 21.142 and clarifies that the list will be made available on the Board's web site.

#### *§§ 21.21 and 21.151. Application for examination*

Subsection (c) requires candidates who graduate from nursing education programs outside of this Commonwealth to provide a copy of the transcript validating program completion. Formerly the transcripts were required to be provided within 2 weeks prior to the candidate's testing. IRRC questioned if the Board intended to delete the 2-week time frame. Although the preamble to the proposed rulemaking was unclear on this point, the Board did intend to delete the 2-week time frame for applicants. The Board will not authorize a candidate to take the examination unless the candidate has satisfied the requirements of the act necessary for eligibility, including confirmation of completion of an approved professional nursing program. Therefore, an applicant cannot schedule the exam until after the Board has received and reviewed the transcript. On average, nursing programs within this Commonwealth provide this information to the Board within 1 to 2 weeks of a request. Similarly, out-of-State programs provide transcripts to the states where their graduates apply for licensure quickly as not to delay their graduates' ability to pass the licensing examinations, obtain licensure and begin working. For these reasons, the 2-week time frame is unnecessary for both in-State and out-of-State applicants.

#### *§ 21.23. Qualifications of applicant for examination*

Final-form § 21.23(a) (relating to qualifications of applicant for examination) requires applicants to demonstrate proficiency in English. IRRC noted that the proposed subsection contained a typographical error in that "be" was used in place of "being" and the citation to § 21.7(b) (relating to temporary practice permits) did not

specifically identify paragraph (2) in reference to temporary practice permits. The Board made these revisions in this final-form rulemaking.

Final-form § 21.23(b) institutes current Board procedure of requiring graduates of nursing education programs outside of the United States and Canada to have their education evaluated by Board-approved foreign credentials evaluators. These evaluations assure that professional nursing education programs completed outside of the United States and Canada are equivalent to programs of study required in this Commonwealth at the time the programs were completed as set forth in section 5(b) of the RN Law (63 P.S. § 215(b)). The requirement to have this education evaluated by a Board-approved foreign credentials evaluator has also been added to §§ 21.28(c) and 21.155(d) (relating to licensure by endorsement).

Final-form § 21.23(c) requires candidates for the registered nurse licensing examinations to take the examinations for the first time within 1 year of completing their professional nursing education programs unless prevented by emergency, illness or military service. This provision was added at the behest of nursing education program administrators who highlighted decreasing pass rates as the time between completing the education program and taking the examination increases. The Board added an additional exclusion in this final-form rulemaking to the 1-year requirement for candidates who hold licensure in other states. Without the addition of this exclusion, applicants who hold a license in another state and are required to take the licensing examinations in this Commonwealth would not be able to comply with the requirement if it is beyond 1 year from the completion of their professional nursing programs. The Board also added "other good cause shown" as grounds for a waiver of the 1-year requirement in recognition that there may be other excusable reasons for failing to take the exam for the first time within 1 year.

IRRC questioned if there is a correlation between the nursing education programs on provisional status and the pass rates on the examinations. The simple answer is yes. Under the current regulatory scheme, the programs that are and have been on provisional status have received that status solely due to the examination scores of its graduates. The National Council of State Boards of Nursing as well as the State Boards of Nursing in Oklahoma and California each studied the National Council Licensure Examination pass rates and the factors that contributed to those rates. They concluded that pass rate results inversely relate to the amount of time candidates wait to take the NCLEX as candidates were less likely to pass the NCLEX as lag time increased. The Board is currently reviewing the nursing education program regulations with an eye toward further improving nursing education.

#### §§ 21.25 and 21.153. *Re-examination*

#### § 21.722. *Education, examination and re-examination of applicants*

Proposed §§ 21.25(c), 21.153(c) and 21.722(c) (relating to re-examination; re-examination; and education, examination and re-examination of applicants) required a candidate to pass the licensure examination within 2 years of completing the nursing or dietitian-nutritionist education program. In the event that a candidate did not pass within the 2-year time frame, the proposed amendments would have required the candidate to complete a plan of remediation developed by a nursing or dietetics/nutrition education program.

IRRC questioned the Board's statutory authority under section 5(a) of the RN Law and section 6(a) of the RN Law (63 P.S. § 216(a)) and sections 4 and 5.1 of the PN Law (63 P.S. §§ 654 and 655.1) to both require that the examination be passed within a pre-set time frame and that candidate complete a remediation plan to be re-examined after a certain number of failures. Because statistical data reflects that the more times an applicant takes the licensure examinations, the less likely the applicant is to pass the examinations, the Board proposed that applicants complete additional education prior to being re-examined. Additionally, Paula A. Bussard expressed concerns with the remediation requirement. As a result of the commentators concerns, the Board deleted the remedial education and 2-year completion requirements in their entirety.

IRRC also asked the Board to reconcile the authorization in subsection (b) for applicants to retake the examinations an unlimited number of times with the statement in the preamble to the proposed rulemaking that within a 2-year period applicants may be examined about 16 times. Taking into account scheduling considerations, the number of seats available for the examinations and the numbers of forms of the examinations, the Board was merely providing anecdotal information about the approximate number of examinations generally offered within a 2-year time frame. While there is no eligibility impediment to re-examination, scheduling examinations and re-examinations are within the purview of an independent third-party contractor. As such, §§ 21.25(b), 21.153(b) and 21.722(c)(1) permit candidates to take the licensing examinations as many times as necessary to pass. However, this final-form rulemaking has been revised to clarify that candidates submitting an application for re-examination 2 years or more after initial examination shall satisfy the administrative and education requirements prevailing at the time of application.

#### §§ 21.28 and 21.155. *Licensure by endorsement*

Sections 21.28 and 21.155 delineate the requirements for licensure by endorsement. IRRC noted proposed subsections (b) and (d) were not consistent. In response to IRRC's comment, the Board revised these subsections so that they consistently refer to "licensure by endorsement." Additionally, the Board revised the reference to § 21.7(b) in subsection (e) to include paragraph (2). As a result of this comment, the Board realized that the cross-reference to § 21.7(b) pertaining to temporary practice permits for registered nurses in § 21.155(e) was incorrect and should instead cross-reference the comparable section pertaining to temporary practice permits for practical nurses in § 21.149(b)(2). This correction has been made in this final-form rulemaking.

#### § 21.151. *Application for examination*

IRRC noted a typographical error in proposed subsection (f) in that the provision referenced "professional nursing" rather than "practical nursing." The Board corrected the reference in this final-form rulemaking.

#### § 21.701. *Definitions*

IRRC noted the typographical error in the spelling of the term "Council" in the definition of "ACEND." The Board corrects the misspelling.

#### § 21.722. *Education, examination and re-examination of applicants*

IRRC pointed out that, contrary to the Board's assertion in the preamble to the proposed rulemaking, § 21.722(c) is not "identical" to §§ 21.25(b) and (c) and

21.153(b) and (c), and asked that if the Board's intent is that they be identical, to do so. IRRC pointed out that subsection (c) refers to completing the licensure process, whereas the other two sections refer to passing the licensure examination. The Board made these sections consistent in this final-form rulemaking. However, these sections cannot be made identical because, as PAND explained in its comment, while the Board is required to pre-approve nursing applicants to take the NCLEX examinations, dietitian-nutritionist applicants do not apply to the Board for approval to take the licensure examinations. Applicants apply directly to the test vendor and, once the examination is passed, apply to the Board for licensure. As such, the language within the licensure provisions for registered nurses, practical nurses and licensed dietitian-nutritionists may differ. Nonetheless, the requirement that applicants take the required examination for the first time within 1 year of completing their education unless prevented by emergency, illness, military service or other good cause, or for those who hold a license in another state, applies to each licensure class equally. This section has been revised consistent with the amendments to §§ 21.25 and 21.153.

#### *Regulatory Analysis Form question 4—short title*

IRRC questioned whether the Board intended the short title of this rulemaking package to be “general revisions” since the heading of Subchapter A is “general provisions.” The heading of Subchapter A is “registered nurses.” The Board uses undesignated center headings to group related sections within a subchapter. The first group of sections in Subchapters A, B and G (relating to registered nurses; practical nurses; and dietitian-nutritionists) are identified as “general provisions.” However, this rulemaking package addresses both the sections identified as “general provisions” as well as other sections in Subchapters A, B and G generally regarding licensure requirements for registered nurses, practical nurses and dietitian-nutritionists. Therefore, the Board assigned the short title “general revisions” to this rulemaking package.

#### *Fiscal Impact and Paperwork Requirements*

This final-form rulemaking should have a minimal fiscal and paperwork impact on the Board and the regulated community. The application procedures included in this final-form rulemaking are, for the most part, currently in place and therefore will not incur additional Board time. Board staff will have to spend some additional time confirming that examination candidates take the licensure examination within 1 year of completion of their nursing education program, unless waived. Applicants who fail to take the licensure examination within 1 year of their program completion will have the burden of proving to the Board that they were prevented from taking the examination due to an emergency, illness, military service or other good cause. In that the Board deleted the requirement that applicants who fail to pass the examination within 2 years have to provide the Board with documentation evidencing their compliance with a remediation plan, any fiscal or paperwork impact of that requirement has been negated.

#### *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 October 17, 2014, the Board submitted a copy of the notice of proposed rulemaking, published

at 44 Pa.B. 6934, 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. In preparing this final-form rulemaking, the Board has 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 November 16, 2016, this 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 November 17, 2016, and approved this final-form rulemaking.

#### *Additional Information*

Additional information may be obtained by writing to Cynthia Miller, Board Administrator, State Board of Nursing, P.O. Box 2649, Harrisburg, PA 17105-2649.

#### *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 in drafting this final-form rulemaking.

(3) The amendments made to this final-form rulemaking do not enlarge the original purpose of the proposed rulemaking as published under section 201 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1201).

(4) These amendments to the regulations of the Board are necessary and appropriate for the regulation of the practice of registered nurses, practical nurses and licensed dietitian-nutritionists in this Commonwealth.

#### *Order*

The Board orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 21, are amended by adding §§ 21.29b, 21.156c and 21.723b, deleting §§ 21.3, 21.22, 21.27, 21.144 and 21.154 and amending §§ 21.2, 21.7, 21.21, 21.23, 21.24, 21.25, 21.28, 21.29, 21.30, 21.30a, 21.142, 21.149, 21.151, 21.152, 21.153, 21.155, 21.156, 21.156a, 21.701, 21.722 and 21.724 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(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 deposit them with the Legislative Reference Bureau as required by law.

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

KRISTIN MALADY, RN, BSN,  
Chairperson

(Editor's Note: See 46 Pa.B. 7603 (December 3, 2016) for IRRC's approval order.)

**Fiscal Note:** Fiscal Note 16A-5125 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 21. STATE BOARD OF NURSING

## Subchapter A. REGISTERED NURSES

## GENERAL PROVISIONS

## § 21.2. Scope.

(a) The Board administers the act by providing rules and regulations on standards for nursing schools and the conduct of the programs.

(b) The Board provides for licensure of graduate nurses from approved schools by examination, by endorsement and by renewal of licenses.

(c) The Board has the right to establish rules and regulations for the practice of nursing.

(d) The Board may impose disciplinary sanctions and assess civil penalties for cause.

(e) The Board may approve professional nursing education programs conducted in hospitals and accredited colleges, universities and postsecondary institutions that award academic degrees, and will make available a list of approved programs on its web site.

(f) The Board will regulate the practice of professional nursing.

## § 21.3. (Reserved).

## § 21.7. Temporary practice permits.

(a) A graduate registered nurse may only practice professional nursing under supervision and if the graduate registered nurse holds a current temporary practice permit. "Supervision" means that a licensed registered nurse is physically present in the area or unit where the graduate registered nurse is practicing. The Board may grant a temporary practice permit to a graduate registered nurse as follows:

(1) A graduate registered nurse who wishes to practice professional nursing shall submit an application for a temporary practice permit for a graduate registered nurse on a form provided by the Board and remit the fee specified in § 21.5 (relating to fees). A temporary practice permit granted under this section is valid for up to 1 year from the date of issuance, unless extended under paragraphs (3) and (4), and immediately expires if the applicant fails the licensing examination.

(2) At least 90 days prior to the expiration date of the temporary practice permit, the graduate registered nurse shall:

(i) Submit an application for licensure by examination as a registered nurse.

(ii) Remit the fee specified in § 21.5.

(iii) Submit the licensure examination registration form and fee required to the professional testing organization.

(3) At least 60 days prior to the expiration date of the temporary practice permit, the graduate registered nurse who wishes to extend the expiration date of the temporary practice permit because of illness or extreme hardship shall:

(i) Submit an application for temporary practice permit extension on a form provided by the Board.

(ii) Remit the fee specified in § 21.5.

(iii) Provide a detailed, written explanation of the reason the extension is requested. If requesting an extension due to illness, the applicant shall provide certification of the illness from the applicant's treating physician.

(4) The Board will not grant an extension to an individual who fails to meet the requirements of paragraphs (2) and (3).

(b) The Board may grant a temporary practice permit to an individual who holds a current registered nurse license issued by another state, territory or possession of the United States or Canada (a currently-licensed registered nurse). The temporary practice permit will expire in 1 year, unless the individual fails the licensure examination, in which case the temporary practice permit will immediately expire. The Board may extend the temporary practice permit period in cases of illness or extreme hardship as set forth in paragraph (5).

(1) A currently-licensed registered nurse who wishes to practice professional nursing during the period from the date of submission of the Applicant Data Sheet of the application for licensure until the Board makes a determination on the application for licensure or 1 year, whichever comes first, shall:

(i) Submit an application for temporary practice permit for a currently-licensed registered nurse on a form provided by the Board.

(ii) Remit the fee specified in § 21.5.

(2) An individual applying for a temporary practice permit for a currently-licensed registered nurse shall demonstrate proficiency in English by submitting proof that the individual's nursing education program was conducted in English or that the individual has received a passing score on a Board-approved English proficiency examination. The Board will make available a list of Board-approved English proficiency examinations on its web site. This information must be submitted with the Applicant Data Sheet of the application for licensure.

(3) Within 45 days of the date the temporary practice permit is issued, an individual who has been granted a temporary practice permit for a currently-licensed registered nurse shall submit the Verification of Licensure Form of the application for licensure and shall:

(i) Request verification of licensure from the foreign jurisdiction and retain documentation of the submission of the request to provide to the Board upon request.

(ii) Request certification of the applicant's nursing education program from the licensing board or appropriate educational authorities. The certification of nursing education shall be submitted to the Board in English directly from the appropriate educational authorities. The applicant shall retain documentation of the submission of the request to provide to the Board upon request.

(iii) Submit an application for an education evaluation to a Board-approved foreign credentials evaluator if required under §§ 21.23(b) and 21.28(c) (relating to qualifications of applicant for examination; and licensure by endorsement) and retain documentation of the application submitted to the evaluator to provide to the Board upon request.

(iv) If the applicant is required to take the licensure examination, submit the licensure examination registration form and fee required to the professional testing



organization and retain documentation of the submission of the application to take the examination to provide to the Board upon request.

(4) An individual who has been granted a temporary practice permit for a currently-licensed registered nurse shall ensure that all documentation in support of the application for licensure is received by the Board no later than 90 days prior to the expiration date of the temporary practice permit. An individual whose supporting documentation has not been received by the Board at least 90 days prior to the expiration date of the temporary practice permit shall submit, within 10 days of receiving notice of the deficiency from the Board, a detailed written explanation of why the supporting documentation has not been supplied to the Board in a timely manner.

(5) An individual who has been granted a temporary practice permit for a currently-licensed registered nurse and who has complied with paragraphs (2)—(4) may request an extension of the individual's temporary practice permit because of illness or extreme hardship by:

(i) Submitting a temporary practice permit extension application provided by the Board.

(ii) Remitting the fee specified in § 21.5.

(iii) Submitting a written, detailed explanation of the reasons the extension is requested. If requesting an extension due to illness, the applicant shall provide certification of the illness from the applicant's treating physician.

(iv) Providing proof of the timely request for verification of licensure referenced in paragraph (3)(i).

(6) The request for temporary practice permit extension shall be submitted to the Board no less than 60 days prior to the expiration date of the temporary practice permit.

(7) The Board will not grant an extension to an individual who fails to meet the requirements of paragraphs (2)—(6).

**LICENSES**

**§ 21.21. Application for examination.**

(a) A candidate for the licensing examination may submit an application together with the required fee no sooner than 90 days prior to completing a professional nursing education program.

(b) A candidate will not be authorized to take the examination unless the candidate has satisfied the requirements of the act necessary for eligibility, including confirmation of completion of an approved professional nursing educational program.

(c) Graduates of professional nursing education programs outside of this Commonwealth shall file an official transcript validating program completion with the application.

(d) An applicant seeking a waiver of the 1-year requirement in § 21.23(c) (relating to qualifications of applicant for examination) shall submit documentation to demonstrate that an emergency, illness, military service or other good cause prevented compliance, or that the candidate holds a license to practice nursing in another state or country.

**§ 21.22. (Reserved).**

**§ 21.23. Qualifications of applicant for examination.**

(a) An applicant shall demonstrate proficiency in English by submitting proof that the applicant's nursing

education program was conducted in English or that the applicant has, prior to being approved to take the licensure examination, received a passing score on a Board-approved English proficiency examination, unless the applicant has already met this requirement in satisfaction of § 21.7(b)(2) (relating to temporary practice permits). The Board will make available a list of Board-approved English proficiency examinations on its web site.

(b) An applicant who graduated from a professional nursing education program in a country or territory outside of the United States or Canada shall have the applicant's education evaluated by a Board-approved foreign credentials evaluator to determine whether the education obtained is equivalent to the program of study required in this Commonwealth at the time the program was completed.

(c) A candidate for licensure shall take the examination for the first time within 1 year of completing the professional nursing education program unless prevented by emergency, illness, military service or other good cause shown, or the candidate holds a license to practice nursing in another state or country.

**§ 21.24. Passage of the licensure examination.**

The candidate for licensure shall pass the licensure examination approved by the Board.

**§ 21.25. Re-examination.**

(a) A candidate shall submit a re-examination application, including the required fee for re-examination.

(b) The candidate may take the licensing examination as many times as necessary to pass the licensure examination.

(c) Candidates who apply for re-examination 2 years or more after initial examination shall satisfy the administrative and education requirements prevailing at the time of reapplication.

**§ 21.27. (Reserved).**

**§ 21.28. Licensure by endorsement.**

(a) A registered nurse who has graduated from an approved professional nursing education program in the United States or Canada and who obtained licensure in another jurisdiction having passed an examination considered by the Board to be equivalent to the examination required for licensure in this Commonwealth may be granted licensure by endorsement.

(b) An applicant for licensure by endorsement shall meet the requirements as stated in the act.

(c) A registered nurse who has graduated from a professional nursing education program in a country or territory outside of the United States or Canada deemed equivalent to the program of study required in this Commonwealth at the time the program was completed and who obtained licensure in that country or territory upon having passed an examination considered by the Board to be equivalent to the examination required for licensure in this Commonwealth may be granted licensure by endorsement without examination. The Board will base educational equivalency upon an evaluation administered by a Board-approved foreign credentials evaluator.

(d) An applicant for licensure by endorsement whose license in the other jurisdiction is not current for 5 years or longer shall, prior to receiving a license in this

Commonwealth, satisfy the requirements of § 21.30a(1) or (2) (relating to continued competency).

(e) An applicant for licensure by endorsement shall demonstrate proficiency in English by submitting proof that the applicant's nursing education program was conducted in English or that the applicant received a passing score on a Board-approved English proficiency examination unless the applicant has met this requirement in satisfaction of § 21.7(b)(2) (relating to temporary practice permits). The Board will make available a list of Board-approved English proficiency examinations on its web site.

**§ 21.29. Expiration and renewal of license.**

(a) The Board will assign registered nurses to one of the following license expiration dates:

- (1) April 30 in the even-numbered years.
- (2) October 31 in the even-numbered years.
- (3) April 30 in the odd-numbered years.
- (4) October 31 in the odd-numbered years.

(b) Notice of the renewal period of a license will be sent to each active licensee prior to the expiration date of the licensee's license.

(c) The applicant for license renewal may complete and submit an application online or may mail a completed application form to the Board's administrative office. When applying for licensure renewal, a registered nurse shall:

(1) Complete and submit the renewal application, including disclosing any license to practice nursing or any allied health profession in any other state, territory, possession or country.

(2) Pay the biennial renewal of licensure fee in § 21.5 (relating to fees).

(3) Verify that the registered nurse has complied with the continuing education requirements mandated by section 12.1 of the act (63 P.S. § 222) during the biennial period immediately preceding the application for renewal in accordance with §§ 21.131—21.134 (relating to continuing education). School nurses, who as certified education specialists are required to obtain continuing professional education under the Public School Code of 1949 (24 P.S. §§ 1-101—27-2702), shall verify by signed statement that the school nurse has complied with the continuing education requirements for certification by the Department of Education.

(4) Disclose any discipline imposed by a state licensing board on any nursing or allied health profession license or certificate in the previous biennial period and any criminal charges pending or criminal conviction, plea of guilty or nolo contendere, or admission into a probation without verdict or accelerated rehabilitative disposition during the previous biennial period unless prior notification has been made under § 21.29a (relating to reporting of crimes and disciplinary action).

(d) When communicating with the Board, licensees shall identify themselves by full name, current address and license number.

**§ 21.29b. Reporting of address changes.**

A registered nurse shall notify the Board within 14 days of a change of address.

**§ 21.30. Registered nurses licensed outside of the United States or Canada.**

(a) A registered nurse educated and licensed outside of the United States or Canada may not practice profes-

sional nursing in this Commonwealth until the registered nurse is issued a license or temporary practice permit by the Board.

(b) A graduate nurse licensed in another country may participate in an accredited graduate program in nursing for 2 years without licensure and compensation in this Commonwealth.

**§ 21.30a. Continued competency.**

(a) A registered nurse whose license has lapsed for 5 years or longer or has been placed on inactive status for 5 years or longer, as permitted in section 11(b) of the act (63 P.S. § 221(b)), may reactivate the license by doing one of the following:

(1) Successfully completing the initial licensing examination approved by the Board and submitting the examination fee in § 21.5 (relating to fees).

(2) Successfully completing a Board-approved reactivation program, which requires passage of a nursing achievement examination.

(3) Providing evidence to the Board that the applicant has a current license and has practiced as a registered nurse in another jurisdiction at some period of time within the last 5 years.

(b) A registered nurse whose license has been suspended for 5 years or longer may reactivate the license after complying with the terms of the suspension Order by doing either of the following:

(1) Successfully completing the initial licensing examination approved by the Board and submitting the examination fee in § 21.5.

(2) Successfully completing a Board-approved reactivation program which requires passage of a nursing achievement examination.

**Subchapter B. PRACTICAL NURSES**

**GENERAL PROVISIONS**

**§ 21.142. Scope.**

(a) The Board administers the act by promulgating rules and regulations which establish standards for practical nursing programs and the conduct of programs.

(b) The Board provides for licensure of graduate practical nurses from approved programs by examination, by endorsement and by programs renewal of licenses.

(c) The Board may impose disciplinary sanctions and assess civil penalties for cause.

(d) The Board may approve practical nursing education programs conducted in hospitals and accredited community colleges, universities and postsecondary institutions that award academic degrees and public school districts and vocational education programs under the Department of Education, and will make available a list of approved practical nursing education programs on its web site.

(e) The Board will regulate the practice of practical nursing.

**§ 21.144. (Reserved).**

**§ 21.149. Temporary practice permits.**

(a) A graduate practical nurse may only practice practical nursing under supervision and if the graduate practical nurse holds a current temporary practice permit. "Supervision" means that a licensed registered nurse is physically present in the area or unit where the graduate

practical nurse is practicing. The Board may grant a temporary practice permit to a graduate practical nurse as follows:

(1) An individual who wishes to practice as a graduate practical nurse during the period from the date of completion of the Board-approved educational program to the notification of the results of the licensing examination shall submit an application for temporary practice permit for a graduate practical nurse on a form provided by the Board and remit the fee specified in § 21.147 (relating to fees). A temporary practice permit granted under this section is valid for up to 1 year from the date of issuance unless extended under paragraphs (3) and (4), and immediately expires if the applicant fails the licensing examination.

(2) At least 90 days prior to the expiration date of the temporary practice permit, the graduate practical nurse shall:

(i) Submit an application for licensure by examination as a practical nurse.

(ii) Remit the fee specified in § 21.147.

(iii) Submit the licensure examination registration form and fee required to the professional testing organization.

(3) At least 60 days prior to the expiration date of the temporary practice permit, the graduate practical nurse who wishes to extend the expiration date of the temporary practice permit because of illness or extreme hardship shall:

(i) Submit an application for temporary practice permit extension on a form provided by the Board.

(ii) Remit the fee specified in § 21.147.

(iii) Provide a detailed, written explanation of the reasons the extension is requested. If requesting an extension due to illness, the applicant shall provide certification of the illness from the applicant's treating physician.

(4) The Board will not grant an extension to an individual who fails to meet the requirements of paragraphs (2) and (3).

(b) The Board may grant a temporary practice permit to an individual who holds a current practical nurse license issued by another state, territory or possession of the United States or Canada (a currently-licensed practical nurse). The temporary practice permit will expire in 1 year, unless the individual fails the licensure examination, in which case the temporary practice permit will immediately expire. The Board may extend the temporary practice permit in cases of illness or extreme hardship, as set forth in paragraph (5).

(1) A currently-licensed practical nurse who wishes to practice practical nursing during the period from the date of submission of the Applicant Data Sheet of the application for licensure until the Board makes a determination on the application for licensure or 1 year, whichever comes first, shall:

(i) Submit an application for temporary practice permit for a currently-licensed practical nurse on a form provided by the Board.

(ii) Remit the fee specified in § 21.147.

(2) An individual applying for a temporary practice permit for a currently-licensed practical nurse shall demonstrate proficiency in English by submitting proof that the individual's nursing education program was conducted in English or that the individual has received a passing

score on a Board-approved English proficiency examination. The Board will make available a list of Board-approved English proficiency examinations on its web site. This information shall be submitted with the Applicant Data Sheet of the application for licensure.

(3) Within 45 days of the date the temporary practice permit is issued, an individual who has been granted a temporary practice permit for a currently-licensed practical nurse shall submit the Verification of Licensure Form of the application for licensure and shall:

(i) Request verification of licensure from the foreign jurisdiction and retain documentation of submission of the request to provide to the Board upon request.

(ii) Request certification of the applicant's nursing education program from the licensing board or appropriate educational authorities. The certification of nursing education shall be submitted to the Board in English directly from the appropriate educational authorities. The applicant shall retain documentation of submission of the request to submit to the Board upon request.

(iii) Submit an application for an education evaluation to a Board-approved foreign credentials evaluator if required under § 21.155(d) (relating to licensure by endorsement) and retain documentation of the application submitted to the evaluator to provide to the Board upon request.

(iv) If the applicant is required to take the licensure examination, submit the licensure examination registration form and fee required to the professional testing organization and retain documentation of the submission of the application to take the examination to provide to the Board upon request.

(4) An individual who has been granted a temporary practice permit for a currently-licensed practical nurse shall ensure that all documentation in support of the application for licensure is received by the Board at least 90 days prior to the expiration date of the temporary practice permit. An individual whose supporting documentation has not been received by the Board at least 90 days prior to the expiration date of the temporary practice permit shall submit, within 10 days of receiving notice of the deficiency from the Board, a detailed written explanation of why the supporting documentation has not been supplied to the Board in a timely manner.

(5) An individual who has been granted a temporary practice permit for a currently-licensed practical nurse and who has complied with paragraphs (2)—(4) may request an extension of the temporary practice permit because of illness or extreme hardship by:

(i) Submitting a temporary practice permit extension application on a form provided by the Board.

(ii) Remitting the fee specified in § 21.147.

(iii) Submitting a written, detailed explanation of the reasons the extension is requested. If requesting an extension due to illness, the applicant shall provide certification of the illness from the applicant's treating physician.

(iv) Providing proof of the timely request for verification of licensure referenced in paragraph (3)(i).

(6) The request for temporary practice permit extension shall be submitted to the Board at least 60 days prior to the expiration date of the temporary practice permit.

(7) The Board will not grant an extension to an individual who fails to meet the requirements of paragraphs (2)—(6).

**LICENSURE****§ 21.151. Application for examination.**

(a) A candidate for the licensing examination may submit an application together with the required fee no sooner than 90 days prior to completing a practical nursing education program.

(b) A candidate will not be authorized to take the examination unless the candidate has satisfied the requirements of the act necessary for eligibility, including confirmation of completion of an approved practical nursing educational program.

(c) Graduates of practical nursing education programs outside of this Commonwealth shall file an official transcript validating program completion with the application.

(d) An applicant shall demonstrate proficiency in English by submitting proof that the applicant's nursing education program was conducted in English or that the applicant has, prior to being approved to take the licensure examination, received a passing score on a Board-approved English proficiency examination unless the applicant has already met this requirement in satisfaction of § 21.149(b)(2) (relating to temporary practice permits). The Board will make available a list of Board-approved English proficiency examinations on its web site.

(e) An applicant who graduated from a practical nursing education program outside of the United States or Canada shall have the applicant's education evaluated by a Board-approved foreign credentials evaluator to determine whether the education obtained is equivalent to the program of study required in this Commonwealth at the time the program was completed.

(f) A candidate shall take the examination for the first time within 1 year of completing the practical nursing education program unless prevented by emergency, illness, military service or other good cause shown, or the candidate holds a license to practice nursing in another state or country.

**§ 21.152. Passage of the examination.**

Candidates for practical nursing licensure shall pass the licensure examination approved by the Board.

**§ 21.153. Re-examination.**

(a) A candidate shall submit a re-examination application, including the required fee for re-examination.

(b) The candidate may take the licensing examination as many times as necessary to pass the licensure examination.

(c) Candidates who reapply for examination 2 years or more after initial examination shall satisfy the administrative and education requirements prevailing at the time of reapplication.

**§ 21.154. (Reserved).****§ 21.155. Licensure by endorsement.**

(a) A practical nurse who has graduated from an approved practical nursing program in the United States or Canada and who obtained licensure in another jurisdiction of the United States or Canada upon having passed an examination considered by the Board to be equivalent to the examination required for licensure in this Commonwealth may be granted licensure by endorsement.

(b) An applicant for licensure by endorsement shall meet the requirements regarding age, good moral character, preliminary education and practical nursing education as outlined in the act.

(c) An applicant for licensure by endorsement whose license in the other jurisdiction is not current for 5 years or longer shall, prior to receiving a license in this Commonwealth, satisfy the requirements of § 21.156a(a)(1) or (2) (relating to continued competency).

(d) A practical nurse who has graduated from a practical nursing education program in a country or territory outside of the United States or Canada deemed equivalent to the program of study required in this Commonwealth at the time the program was completed and who obtained licensure in that country or territory upon having passed an examination considered by the Board to be equivalent to the examination required for licensure in this Commonwealth may be granted licensure by endorsement without examination. The Board will base educational equivalency upon an evaluation administered by a Board-approved foreign credentials evaluator.

(e) An applicant for licensure by endorsement shall demonstrate proficiency in English by submitting proof that the applicant's nursing education program was conducted in English or that the applicant has received a passing score on a Board-approved English proficiency examination unless the applicant has previously met this requirement in satisfaction of § 21.149(b)(2) (relating to temporary practice permits). The Board will make available a list of Board-approved English proficiency examinations on its web site.

**§ 21.156. Renewal of license.**

(a) Licenses for practical nurses expire on June 30 of each biennium in the even-numbered years.

(b) When applying for licensure renewal, a licensed practical nurse shall:

(1) Submit the renewal application, including disclosing a license to practice nursing or an allied health profession in any other state, territory, possession or country.

(2) Pay the biennial renewal of license fee in § 21.147(b) (relating to fees).

(3) Disclose discipline imposed by a state licensing board in the previous biennial period and criminal charges pending or criminal conviction, plea of guilty or nolo contendere, or admission into a probation without verdict or accelerated rehabilitative disposition during the previous biennial period, unless prior notification has been made under § 21.156b (relating to reporting of crimes and disciplinary action).

(c) When communicating with the Board, licensed practical nurses shall identify themselves by their full name, including maiden name, current address and license number.

**§ 21.156a. Continued competency.**

(a) A licensed practical nurse whose license has lapsed for 5 years or longer or has been placed on inactive status for 5 years or longer, as permitted in section 13.1(b) of the act (63 P.S. § 663.1(b)), may reactivate the license by doing one of the following:

(1) Successfully completing the initial licensing examination approved by the Board and submitting the examination fee in § 21.147 (relating to fees).

(2) Successfully completing a Board-approved reactivation program which requires passage of a nursing achievement examination.

(3) Providing evidence to the Board that the applicant has a current license and has practiced as a practical nurse in another jurisdiction at sometime within the last 5 years.

(b) A licensed practical nurse whose license has been suspended for 5 years or longer may reactivate the license after complying with the terms of the suspension Order by doing either of the following:

(1) Successfully completing the initial licensing examination approved by the Board and submitting the examination fee in § 21.147.

(2) Successfully completing a Board-approved reactivation program which requires passage of a nursing achievement examination.

§ 21.156c. Reporting of address changes.

A licensed practical nurse shall notify the Board within 14 days of a change of address.

Subchapter G. DIETITIAN-NUTRITIONISTS
GENERAL PROVISIONS

§ 21.701. Definitions.

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

ACEND—Accreditation Council for Education in Nutrition and Dietetics—The organization recognized by the Council on Higher Education Accreditation and the United States Department of Education as the accrediting agency for education programs that prepare individuals for the practice of dietetics-nutrition.

ACN—American College of Nutrition.

AND—Academy of Nutrition and Dietetics.

Act—The Professional Nursing Law (63 P.S. §§ 211—225.5), which provides for the licensing of Licensed Dietitian-Nutritionists.

Approved—Approved by the Board.

Approved program—Those educational programs accredited by ACEND or the American Council on Education for dietetics-nutrition education.

Board—The State Board of Nursing of the Commonwealth.

CBNS—Certification Board for Nutrition Specialists—The certification body of the ACN.

CDR—Commission on Dietetic Registration—The credentialing agency for the AND.

\* \* \* \* \*

LICENSURE REQUIREMENTS

§ 21.722. Education, examination and re-examination of applicants.

(a) Education. The Board approves educational programs that meet the requirements of section 6(b)(2) of the act (63 P.S. § 216(b)(2)) that are approved by ACEND or the ACN.

(b) Examination.

(1) The Board approves the Registration Examination for Registered Dietitians and Examination of the Certification Board for Nutrition Specialists as the examinations which an applicant may complete to satisfy section 6(b)(4) of the act.

(2) A candidate shall take the examination for the first time within 1 year of completing the dietetics-nutrition education program unless prevented by emergency, illness, military service or other good cause shown, or the candidate holds a license to practice as a dietitian-nutritionist in another state or country.

(c) Re-examination.

(1) A candidate may take the licensing examination as many times as necessary to pass the licensure examination.

(2) Candidates who apply for re-examination 2 years or more after initial examination shall satisfy the administrative and education requirements prevailing at the time of reapplication.

§ 21.723b. Reporting of address changes.

An LDN shall notify the Board within 14 days of a change of address.

§ 21.724. Continuing education.

\* \* \* \* \*

(b) Board-approved continuing professional education. The Board will accept for completion of the CPE requirement substantive learning experiences, subject to the limitations in paragraph (2) relating to the field of nutrition and dietetics which are not designed for the public and which are sponsored by the AND, the ACN, by individual state dietetic associations, if the association is a member of the AND or ACN, by approved college or dietetic programs under § 21.722 (relating to education, examination and re-examination of applicants) when a certificate of attendance is issued, and courses related to the practice of dietetics-nutrition offered by the Accreditation Council for Continuing Medical Education, the Accreditation Council on Pharmaceutical Education, the American Osteopathic Association and the American Medical Association.

\* \* \* \* \*

[Pa.B. Doc. No. 16-2194. Filed for public inspection December 16, 2016, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Issuance of Certificates of Free Sale

The Department of Agriculture (Department) gives notice of the fees it will charge persons for the issuance of Certificates of Free Sale.

A Certificate of Free Sale is a formal, official attestation from the Department, confirming that specified Commonwealth-produced food offered for entry into another country complies with applicable laws for distribution of that food in domestic commerce. A Certificate of Free Sale might also address the process or system by which a food is produced. The actual form or format of a Certificate of Free Sale may vary with the requirements of the receiving nation. Also, a Certificate of Free Sale might be referred to by other terms such as an export certificate, a certificate of free trade, a certificate of origin or similar identifier.

The Department establishes the following fee schedule for the issuance of Certificates of Free Sale:

1. The Department shall assess a fee of \$30 for the issuance of a Certificate of Free Sale with respect to any Certificate of Free Sale that is issued in response to a

request that is received by the Department on or after the date of publication of this notice in the *Pennsylvania Bulletin*.

2. The Department shall assess a fee of \$40 for the issuance of a Certificate of Free Sale with respect to any Certificate of Free Sale that is issued in response to a request that is received by the Department on or after July 1, 2018.

3. The Department shall assess a fee of \$50 for the issuance of a Certificate of Free Sale with respect to any Certificate of Free Sale that is issued in response to a request that is received by the Department on or after July 1, 2019.

Questions regarding the process by which Certificates of Free Sale may be obtained from the Department should be directed to the Department of Agriculture, Bureau of Food Safety and Laboratory Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-4315.

This notice is immediately effective upon publication in the *Pennsylvania Bulletin*.

RUSSELL C. REDDING,  
*Secretary*

[Pa.B. Doc. No. 16-2195. Filed for public inspection December 16, 2016, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P.L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P.L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P.L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending December 6, 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 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

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
12-1-2016	Fidelity Deposit & Discount Bank Dunmore Lackawanna County  Application for approval to purchase assets and assume liabilities of one branch of Wayne Bank, Honesdale, located at:  623 South Main Street Scranton Lackawanna County	Approved

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-18-2016	CNB Bank Clearfield Clearfield County	6600 North High Street Worthington Franklin County	Opened

**NOTICES**

**7833**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-1-2016	Riverview Bank Marysville Perry County	509 North Center Avenue Somerset Somerset County (Limited Service Facility)	Filed
12-2-2016	CNB Bank Clearfield Clearfield County	535 Washington Street Buffalo Erie County, NY	Approved
12-2-2016	CNB Bank Clearfield Clearfield County	5190 Sheridan Drive Williamsville Erie County, NY	Approved
12-2-2016	CNB Bank Clearfield Clearfield County	3049 Orchard Park Road Orchard Park Erie County, NY	Approved
12-5-2016	Republic First Bank Philadelphia Philadelphia County	610 Crosskeys Road Sicklerville Camden County, NJ	Approved
12-5-2016	Republic First Bank Philadelphia Philadelphia County	2 Skeet Road Medford Burlington County, NJ	Approved
12-5-2016	Republic First Bank Philadelphia Philadelphia County	Queen Street and Oxford Valley Road Fairless Hills Bucks County	Approved
12-6-2016	Washington Financial Bank Washington Washington County	1803 Main Street Burgettstown Washington County	Filed
12-6-2016	Penn Community Bank Doylestown Bucks County	601 Louis Drive Warminster Bucks County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-2-2016	CNB Bank Clearfield Clearfield County	5858 North High Street Worthington Franklin County, OH	Closed

**Branch Consolidations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-1-2016	Fidelity Deposit & Discount Bank Dunmore Lackawanna County	<i>Into:</i> 400 South Main Avenue Scranton Lackawanna County  <i>From:</i> 623 South Main Avenue Scranton Lackawanna County	Approved

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
12-5-2016	Asian Bank Philadelphia Philadelphia County  Amendment to Article II of the institution's Articles of Incorporation provides for a change in principal place of business from 913 Arch Street, Philadelphia, Philadelphia County to 1023 Race Street, Philadelphia, Philadelphia County.	Effective

**CREDIT UNIONS**

No activity.

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

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 16-2196. Filed for public inspection December 16, 2016, 9:00 a.m.]

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of January 2017

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of January, 2017, is 5%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub.L. 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 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 2.51 to which was added 2.50 percentage points for a total of 5.01 that by law is rounded off to the nearest quarter at 5%.

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 16-2197. Filed for public inspection December 16, 2016, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Manufactured Housing Installation Program; Approved Training Curriculum for Construction Code Officials

Under 12 Pa. Code § 149.5(d) (relating to code official training), the Department of Community and Economic Development (Department) publishes the list of approved training curriculum for those code officials who inspect the installation of manufactured homes. Persons that have successfully completed the training curriculum listed will have satisfied the requirement in 12 Pa. Code § 149.5(e).

Courses approved by the Department, Housing Standards Division:

*Pa. Manufactured Housing New Home Installation 2017*

*Pa. Manufactured Housing Installer Training for Relocated Homes 2017*

Courses administered by the Pennsylvania Construction Codes Academy:

*Building Code Official Certification Academy*

*BCO 116: Relocated Manufactured Housing, Habitability and Installation*

*BCO 117: Proper Handling of Factory Built Houses and Buildings*

In addition to the approved training programs previously listed, the Department may provide a workshop for code officials who request training. Code officials may contact the Department to request more information on scheduling a work shop.

Program inquiries should be directed to Michele Moore, Manufactured Housing Installation Program Manager, Department of Community and Economic Development, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0225, (717) 720-7414, mimoore@pa.gov.

DENNIS M. DAVIN,  
*Secretary*

[Pa.B. Doc. No. 16-2198. Filed for public inspection December 16, 2016, 9:00 a.m.]

### Manufactured Housing Installation Program; Approved Training Curriculum for Installers

Under 12 Pa. Code § 149.4(a)(4) (relating to installer training and certification), the Department of Community and Economic Development (Department) publishes the list of approved training curriculum for those persons seeking certification as installers of manufactured homes. Persons that have successfully completed the training curriculum listed will be eligible to apply for certification as an installer as defined in section 3 of the Manufacturing Housing Improvement Act (35 P.S. § 1658.3). Installers seeking their initial certification must attend both of the following training curriculums approved by the Department, Housing Standards Division to satisfy this requirement:

*Manufactured Housing New Home Installation 2017*

*Manufactured Housing Installer Training for Relocated Homes 2017*

Persons already certified as installers are required to complete a specified training curriculum every 3 years as provided for in 12 Pa. Code § 149.4(b)(3). Installers may attend either of the following training curriculums approved by the Department, Housing Standards Division to satisfy this requirement:

*Manufactured Housing New Home Installation 2017*

*Manufactured Housing Installer Training for Relocated Homes 2017*

Program inquiries should be directed to Michele Moore, Manufactured Housing Installation Program Manager, Department of Community and Economic Development, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0225, (717) 720-7414, mimoore@pa.gov.

DENNIS M. DAVIN,  
*Secretary*

[Pa.B. Doc. No. 16-2199. Filed for public inspection December 16, 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PAS122204 (Storm Water)	Samuel Adams Brewery American Craft Brewery 7880 Penn Drive Breinigsville, PA 18031	Lehigh County Upper Macungie Township	Iron Run (2-C)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0216747 (Sewage)	Bailey Mine PO Box J Claysville, PA 15323	Washington County West Finley Township	Unnamed Tributary of Enlow Fork (20-E)	No

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0082627 (Sewage)	CBM Ministries, Inc. (Camp Joy-El) 3741 Joy-El Drive Greencastle, PA 17225	Franklin County/ St. Thomas Township	Back Creek (13-C)	Y
PA0088277 (Sewage)	Summit Ridge Homeowner's Association c/o Property Management Unlimited 1013 North George Street York, PA 17404-2025	Adams County/ Berwick Township	UNT Beaver Creek (7-F)	Y

*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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0114472 (Sewage)	Cherry Township Wastewater Treatment Plant 11961 Route 87 Dushore, PA 18614-7440	Sullivan County Cherry Township	Birch Creek (10-B)	Yes
PA0228435 (Sewage)	Brady Township Sewer System 1986 Elimsport Road Montgomery, PA 17752-8919	Lycoming County Brady Township	Black Run (10-C)	Yes
PA0033928 (Sewage)	Town & Country Estates 54 Railroad Avenue Mansfield, PA 16933-1409	Bradford County Troy Township	Unnamed Tributary to West Branch Sugar Creek (4-C)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0000809 (Industrial)	Aqua PA Shenango Valley WTP 644 N Water Avenue Sharon, PA 16146-1515	Mercer County Sharon City	Shenango River (20-A)	Yes
PA0005762 (Industrial)	Electralloy 175 Main Street Oil City, PA 16301-1038	Venango County City of Oil City	Allegheny River (16-E)	Yes
PA0239551 (Sewage)	Westminster Highlands Camp 13110 Old Lake Road East Springfield, PA 16411	Venango County Scrubgrass Township	Little Scrubgrass Creek (16-G)	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.*

**PA0032395**, Sewage, SIC Code 6515, **Patik Richard T**, PO Box 511, Mt Pleasant, PA 15666-0511. Facility Name: Lakeview MHP STP. This proposed facility is located in Perry Township, **Fayette County**.

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

The receiving stream(s), Virgin Run, is located in State Water Plan watershed 19-D and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	1.4	XXX	3.3

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	0.005	XXX	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 <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	25.0	XXX	50.0
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18.0
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0

The EPA Waiver is in effect.

Northeast Regional Office: Regional Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone: 570.826.2511.

**PA0061123**, Sewage, SIC Code 4952, **Moscow Sewer Authority**, P.O. Box 525, Moscow, PA 18444-0525. Facility Name: Moscow Sewer Authority STP. This existing facility is located in Moscow Borough, **Lackawanna 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, Roaring Brook, is located in State Water Plan watershed 05A and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.300 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.4	XXX	1.0
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	39.0	58.5	XXX	15.6	23.4	31.2
Biochemical Oxygen Demand (BOD <sub>5</sub> ) Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids Influent	Report	Report	XXX	Report	Report	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Suspended Solids	43.8	65.8	XXX	17.5	26.3	35.0
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Nitrite-Nitrate as N	20.5	XXX	XXX	8.2	XXX	16.4
Ammonia-Nitrogen						
Nov 1 - Apr 30	11.3	XXX	XXX	4.5	XXX	9.0
May 1 - Oct 31	3.7	XXX	XXX	1.5	XXX	3.0
Total Phosphorus	1.0	XXX	XXX	0.4	XXX	0.8
Copper, Total	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		

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

<i>Parameters</i>	<i>Mass Units (lbs)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>	
Ammonia-Nitrogen						
May 1 - Oct 31	Report	Report	XXX	1.5	XXX	3.0
Nov 1 - Apr 30	Report	Report	XXX	4.5	XXX	9.0
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Nitrite-Nitrate as N	Report	XXX	XXX	8.2	XXX	16.4
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	0.4	XXX	0.8
Total Nitrogen Effluent Net	Report	9,740	XXX	XXX	XXX	XXX
Total Phosphorus Effluent Net	Report	1,217	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:

- Chesapeake Bay Nutrient Requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570.826.5472.

The EPA Waiver is in effect.

**PA0063444**, Sewage, SIC Code 4952, **Butler Township Municipal Authority**, 572 Dutchtown Road, Ashland, PA 17921. Facility Name: Butler Township Municipal Authority WWTP. This existing facility is located in Butler Township, **Schuylkill 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, Mahanoy Creek, is located in State Water Plan watershed 6-B 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 0.24 MGD.

(From Permit Effective Date to Permit Expiration Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	50	80	XXX	25	40	50
Total Suspended Solids	60	90	XXX	30	45	60

<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>	
Fecal Coliform (No./100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Aluminum, Total	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Manganese, Total	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Influent Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Influent Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.24 MGD.

(From Permit Effective Date to 1 Year After Permit Effective Date)

<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>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	1.0	XXX	2.0

The proposed effluent limits for Outfall 001 are based on a design flow of 0.24 MGD.

(From 1 Year After Permit Effective Date to Permit Expiration Date)

<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>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.1

The proposed effluent limits for Outfall 001 are based on a design flow of 0.24 MGD.

(From Permit Effective Date to 3 Years After Permit Effective Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (g/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Copper, Total (µg/L)	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.24 MGD.

(From 3 Years After Permit Effective Date to Permit Expiration Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (g/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Copper, Total (µg/L)	XXX	XXX	XXX	105	XXX	210

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

- TRC Effluent Limits Compliance Schedule
- Toxics Reduction Evaluation (TRE)
- Solids Management

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

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

**PA0026191**, Sewage, SIC Code 4952, **Huntingdon Borough Huntingdon County**, PO Box 592, Huntingdon, PA 16652-0592. Facility Name: Huntingdon Borough WWTP. This existing facility is located in Smithfield Township, **Huntingdon County**.

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

The receiving streams, Juniata River and Muddy Run, are located in State Water Plan watershed 11-B 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 4 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0Max	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	830	1,330	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	1,000.0	1,500.0	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light intensity (mW/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX

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

Parameters	Mass Units (lbs)			Concentrations (mg/L)		
	Monthly	Annual	Monthly	Monthly Average	Maximum	
Ammonia—N	Report	Report	XXX	Report	XXX	
Kjeldahl—N	Report	XXX	XXX	Report	XXX	
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	
Total Nitrogen	Report	Report	XXX	Report	XXX	
Total Phosphorus	Report	Report	XXX	Report	XXX	
Net Total Nitrogen	Report	73,058	XXX	XXX	XXX	
Net Total Phosphorus	Report	9,741	XXX	XXX	XXX	

The proposed effluent limits for Stormwater Outfall 008 are based on a design flow of 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Average Weekly	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Stormwater Outfall 009 are based on a design flow of 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Average Weekly	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

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

- Chesapeake Bay Nutrient requirements
- Solids management
- WETT requirements

- Combined Sewer Overflows
- POTW pretreatment program implementation
- Requirements applicable to Stormwater Outfalls
- Notification of designation of responsible operator
- Hauled in waste restriction

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.

**PA0083011**, Sewage, SIC Code 4952, **Newberry Township Municipal Authority**, 400 Cly Road, York Haven, PA 17370. Facility Name: Newberry Township WWTP. This existing facility is located in Newberry Township, **York County**.

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

The receiving stream(s), Susquehanna River, is located in State Water Plan watershed 7-E and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.3 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
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
UV transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
CBOD <sub>5</sub>	271	434	XXX	25.0	40.0	50
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	325	488	XXX	30.0	45.0	60
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	184	XXX	XXX	17.0	XXX	XXX
Nov 1 - Apr 30	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	22	XXX	XXX	2.0	XXX	4
Zinc, Total	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>	<i>Monthly</i>	<i>Monthly Average</i>	<i>Maximum</i>	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	Report	23,744	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	3,166	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:

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

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

The EPA Waiver is not in effect.

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

**PA0264768**, Sewage, SIC Code 8800, **Elizabeth Swanson**, 2031 Marble Strobleton Road, Fryburg, PA 16326. Facility Name: Elizabeth Swanson SRSTP. This proposed facility is located in Washington Township, **Clarion County**.

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

The receiving stream(s), Unnamed Tributary to Mahles Run, is located in State Water Plan watershed 17-B 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 0.0005 MGD.—Limits.

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

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

The EPA Waiver is in effect.

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

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

**WQM Permit No. WQG01021601**, Sewage, **Hoffmann George**, 119 Baker Drive, Jefferson Hills, PA 15025.

This proposed facility is located in Lincoln Borough, **Allegheny County**.

Description of Proposed Action/Activity: Construction of a small flow treatment facility.

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

**WQM Permit No. 2316405**, Sewage, **DELCORA**, P.O. Box 999, 100 East Fifth Street, Chester, PA 19016-0999.

This proposed facility is located in City of Chester, **Delaware County**.

Description of Action/Activity: Construction and operation of a new pump station.

**WQM Permit No. 2316406**, Sewage, **DELCORA**, P.O. Box 999, 100 East Fifth Street, Chester, PA 19016-0999.

This proposed facility is located in Rose Valley Borough, **Delaware County**.

Description of Action/Activity: Replace pump station and force main to WRTP.

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

**WQM Permit No. 6616402**, Sewage, **Camp Morasha Inc.**, PO Box 928, Hamlin, PA 18427.

This existing facility is located in Buckingham Township, **Wayne County**.

Description of Proposed Action/Activity: Improvements to an existing Lagoon System to meet new effluent limits.

**WQM Permit No. 4816202**, Sewage, **Easton Area Joint Sewer Authority**, 50a S Delaware Drive, Easton, PA 18042-9405.

This proposed facility is located in Easton City, **Northampton County**.

Description of Proposed Action/Activity:

Major improvements at the following locations: The Lehigh Drive Pump Station, The 2nd Street Pump Station, and the South Delaware Drive Pump Station, all located in Easton, PA. Improvements will include the replacement of all pumps (six pumps (6) at South Delaware, five (5) pumps at 2nd St and three (3) pumps at Lehigh Drive) and associated suction and discharge piping and valving, and installation of new variable frequency drives (VFDs) and the installation of new wet well mixing systems. At South Delaware and 2nd St, new influent sewer lines will be installed to enable the wet well sections to be segregated for maintenance.



**WQM Permit No. 3516405**, Sewage, **Scranton City Sewer Authority Lackawanna County**, 312 Adams Avenue, Scranton, PA 18503.

This proposed facility is located in Scranton City, **Lackawanna County**.

Description of Proposed Action/Activity:

A phase of an EPA-issued Consent Order. Project is an upgrade to an existing pump station that will include construction of a new below-grade pump station chamber structure adjacent to the existing pump station (to be demolished), in order to provide additional pumping capacity and reduce CSO overflows from the existing wet well and into Roaring Brook.

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

**WQM Permit No. 2189419, A2**, Sewerage, **Silver Spring Township Authority**, 6475 Carlisle Pike Mechanicsburg, PA 17055.

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

Description of Proposed Action/Activity: Seeking permit approval for upgrade of the existing headworks for the Silver Spring Twp. Wastewater Treatment Plant.

**WQM Permit No. WQG01671601**, Sewerage, **Clair R. Spangler Jr. and Joanne M. Spangler**, T220 James Buchanan Dr., Elizabethtown, PA 17022.

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

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a small flow treatment system to serve their single family residence.

**WQM Permit No. 6716405**, Sewerage, **Springettsbury Twp.**, 1501 Mt. Zion Rd., York, PA 17402.

This proposed facility is located in Springettsbury & Windsor Townships, **York County**.

Description of Proposed Action/Activity: Seeking permit approval for the East York Interceptor Upgrade/Beaverson Pumping station elimination.

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390003	Mr. Richard Koze The Fields at Indian Creek, LLC 5930 Hamilton Blvd. Wescosville, PA 18106	Lehigh	Lower Macungie Township Emmaus Borough Upper Milford Township	Leibert Creek (HQ-CWF, MF)
PAD390004	Mr. Scott Bosco Riverbend Upper Macungie Properties I, LLC 204 W. Newberry Rd. Bloomfield, CT 06002	Lehigh	Upper Macungie Township	Iron Run (HQ-CWF, MF)

*Monroe County Conservation District, 8050 Running Valley Rd., Stroudsburg, PA 18360-0917.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450006	Farda Realty Associates, L.P. P.O. Box 130 Tannersville, PA 18372	Monroe	Pocono Township	UNT to Pocono Creek (HQ-CWF, MF)

*Schuylkill County Conservation District, 1206 Ag Center Dr., Pottsville, PA 17901.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD540002	Susan Matuk 14 Ridge Road Ringtown, PA 17967	Schuylkill	Union Township	UNT to Dark Run (HQ-CWF, MF)

*Wayne County Conservation District, 648 Park Street, Honesdale, PA 18431.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD640002	John E. Marshall 348 Bethel School Rd. Honesdale, PA 18431	Wayne	Berlin Township	UNT to Rattlesnake Creek (HQ-CWF, MF)

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

Permit #	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI032110004R	S&A Homes, Inc. 2121 Old Gatesburg Road, Suite 200 State College, PA 16801	Cumberland	South Middleton Township	Letort Spring Run (EV, MF)

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. (412) 442.4315.*

Permit No.	Applicant & Address	County	Municipality	Stream Name
PAD020001	Hutton Team, LLC 736 Cherry Street Chattanooga, TN 37402	Allegheny County	North Versailles Township	Jacks Run (HQ-TSF)
PAI055609005R	National Park Service 109 West Main Street Suite 104 Somerset, PA 15501	Somerset County	Stonycreek Township	Calendars Run/Lamberts Run (CWF); Grove Run (EV)

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

PAG-12 CAFOs

### CAFO Notices of Intent Received

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

**PAG123723**, CAFO, **Paul Ebersol**, 4970 Sunset Pike, Chambersburg, PA 17201.

This existing facility is located in Greene Township, **Franklin County**.

Description of Size and Scope of Existing Operation/Activity: 93.49 AEU/Poultry (Duck).

The receiving stream, UNT 70752 to Conococheague Creek, classified for: CFW; all in watershed 13-C.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

**PAG123507**, CAFO, **Kenneth Loht**, 250 Road Apple Drive, McClure, PA 17841.

This existing facility is located in Decatur Township, **Mifflin County**.

Description of Size and Scope of Existing Operation/Activity: 445.27 AEU/Swine (Grow-Finish).

The receiving streams: UNT 12421 to Jacks Creek, classified for: CWF; UNT 12425 to Jacks Creek, classified for: CWF; all in watershed 12-A.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 100-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

**PAG123712**, CAFO, **Roy Shank**, 4640 Lighthouse Road, Chambersburg, PA 17201.

This existing facility is located in Guilford Township, **Franklin County**.

Description of Size and Scope of Existing Operation/Activity: 851.40 AEU/Poultry (Layer).

The receiving stream: UNT Conococheague Creek, classified for: WWF; in watershed 11-D.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 100-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

**PAG123713**, CAFO, **Malcolm R. Rudolph**, 200 Ginzle Road, New Oxford, PA 17350.

This existing facility is located in Tyrone Township, **Adams County**.

Description of Size and Scope of Existing Operation/Activity: 670.26 AEU/Swine (Finishing)/Beef.

The receiving streams: UNT 08982 of Plum Run, classified for: WWF; UNT 08981 to Plum Run, classified for: WWF; all in watershed 7-F.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 100-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

**PAG123717, CAFO, Flintrock Corporation**, 16 East Brubaker Valley Road, Lititz, PA 17543.

This existing facility is located in Elizabeth Township, **Lancaster County**.

Description of Size and Scope of Existing Operation/Activity: 758.50 AEU/Poultry (Broilers)/Horses.

The receiving streams: UNT 07669 of Hammer Creek, classified for: TSF; UNT 07668 to Hammer Creek, classified for: TSF; all in watershed 7-J.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 100-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

**PAG123640, CAFO, Melvin J. Nissley**, 1612 Pecks Road, Middletown, PA 17057.

This existing facility is located in Londonderry Township, **Dauphin County**.

Description of Size and Scope of Existing Operation/Activity: 601.9 AEU/Poultry (Layer).

The receiving stream: Conowago Creek, classified for: TSF; in watershed 7-G.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 100-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

**PAG123709, CAFO, Philip Hoover**, 2862 Harvest Road, Elizabethtown, PA 17022.

This existing facility is located in Mount Joy Township, **Lancaster County**.

Description of Size and Scope of Existing Operation/Activity: 310.7 AEU/Poultry (Broilers).

The receiving streams: UNT 07972 of Little Chickies Creek, classified for: TSF; UNT 07965 to Little Chickies Creek, classified for: TSF; all in watershed 7-G.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 100-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

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

**NPDES Permit No. PAG124823, CAFO, Heimbach Keith**, 129 Don Packard Road, Granville Summit, PA 16926-9231.

This existing facility is located in Granville Township, **Bradford County**.

Description of size and scope of existing operation/activity: The facility is comprised of approximately 4,040 swine, 90 beef cattle and 30 bison. There are a total of 677.92 AEU's.

The receiving stream, Unnamed Tributary to North Branch Towanda Creek, is in watershed 4-C and classified for: Cold Water Fishes and Migratory Fishes.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

**NPDES Permit No. PAG124842, CAFO, John Pepper Enterprise LLC**, 2642 Granville Road, Granville Summit, PA 16926.

This existing facility is located in Granville Township, **Bradford County**.

Description of size and scope of existing operation/activity: The facility is comprised of approximately 4,800 swine, 40 milk cows, 15 dry cows, 15 heifers, and 10 calves. There are a total of 802.17 AEU's.

The receiving stream, North Branch Towanda Creek, is in watershed 4-C and classified for: Cold Water Fishes and Migratory Fishes.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

## STATE CONSERVATION COMMISSION 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 Unit</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Phillip Hoover 2862 Harvest Road Elizabethtown, PA 17022	Lancaster	51.2	6.07	Broilers	NA	R
Garrett Weaver 1501 Eshelman Mill Road Willow Street, PA 17584	Lancaster	160.6	144.77	Duck	NA	R
Westview Farm Galen Nolt 222 Little Britain Church Road Peach Bottom, PA 17563	Lancaster	350	3.05	Dairy/ Swine/ Layers	HQ	R
Keith Martin 990 Forest Hills Road Stevens, PA 17578	Lancaster	43	275.89	Poultry	NA	N
Eggs Newburg, LLC 301 Three Square Hollow Road Newburg, PA 17240	Cumberland	1	537.7	Layers	NA	Renewal

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be

considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published

in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

**SAFE DRINKING WATER**

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

*Central Office: Bureau Director, Safe Drinking Water, P.O. Box 8467, Harrisburg, PA 17105-8467.*

**Permit No. [ 9996457 ],** Public Water Supply.

Applicant **[Nestle Waters North America, Inc.]**  
 [Township or Borough] [Zephyrhills, Florida]  
 Responsible Official [Katherine, Young; Quality Assurance Manager]  
 Type of Facility [Out of State Bottled Water System]  
 Application Received Date [November 28, 2016]  
 Description of Action [Applicant requesting a permit amendment to remove the drinking water product from their permit. The following bottled water brands are to be sold in Pennsylvania: Ice Mountain Natural Spring Water, Zephyrhills Natural Spring Water, Zephyrhills Distilled Water, Deer Park Natural Spring Water, Deer Park Distilled Water and Gerber Pure Purified Water.]

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

**Application No. 4016516,** Public Water Supply.

Applicant **3 Springs Water Company, Inc.**  
 1800 Pine Run Rd.  
 Laurel Run, PA 18702  
 [Township or Borough] Laurel Run Borough,  
**Luzerne County**  
 Responsible Official Mr. Joe Sokolowski  
 3 Springs Water Co., Inc.  
 1800 Pine Run Rd.  
 Laurel Run, PA 18702  
 Type of Facility BVRB  
 Consulting Engineer Thomas Pullar, PE  
 Earth Res  
 PO Box 468  
 Pipersville, PA 18947  
 Application Received Date 11/22/2016

Description of Action Applicant proposes the addition of Silver Springs Ranch, LLC finished bulk water source (PWS ID No. 2406317) to bottling permit.

**Application No. 4016517MA,** Public Water Supply.

Applicant **PA American Water**  
 (Lake Scranton & Waters WTP)  
 800 W. Hershey Park Drive  
 Hershey, PA 17033  
 [Township or Borough] Plain Township  
**Luazerne County**  
 Responsible Official Mr. David Kaufman  
 Vice President-Engineering  
 Type of Facility Public Water Supply  
 Consulting Engineer Mark Prouty, PE  
 AECOM  
 4051 Ogletown Road  
 Suite 300  
 Newark, DE 19713  
 Application Received November 22, 2016  
 Description of Action Replacement of the existing chlorine gas disinfection system in to Sodium Hypochlorite feed system.

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 3616520 MA, Minor Amendment,** Public Water Supply.

Applicant **Irvin Manheim MHP**  
 Municipality Penn Township  
 County **Lancaster**  
 Responsible Official Nathan G. Irvin,  
 System Operatoir  
 2535 Mill Road  
 Elizabethtown, PA 17022-8916  
 Type of Facility Public Water Supply  
 Consulting Engineer Stephen M. Yingst CBIE, P.E.  
 Yingst Engineers & Associates Inc  
 4000 Vine Street  
 Middletown, PA 17057  
 Application Received: 11/30/2016  
 Description of Action Modifications to add underground contact piping to maintain 4-log inactivation of viruses.

*Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Application No. 3216507,** Public Water Supply.

Applicant **Indiana County Municipal Services Authority**  
 602 Kolter Drive  
 Indiana, PA 15701  
 [Township or Borough] White Township

Responsible Official Michael Duffalo,  
Executive Director  
Indiana County Municipal  
Services Authority  
602 Kolter Drive  
Indiana, PA 15701

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering  
Company, Inc.  
1004 Ligonier Street  
Latrobe, PA 15650

Application Received Date December 5, 2016

Description of Action Change in coagulant to DelPac  
2000 and addition of blended  
phosphate for corrosion control  
at the Authority's Crooked Creek  
system.

#### MINOR AMENDMENT

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

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

#### Application No. 2400117, Minor Amendment.

Applicant **Priority Healthcare Group**  
463 North Hunter Highway  
Drums, PA 18222-2129

[Township or Borough] Butler Township,  
**Luzerne County**

Responsible Official Tiffany Perna  
463 North Hunter Highway  
Drums, PA 18222-2129

Type of Facility Public Water Supply

Consulting Engineer N/A

Application Received Date November 28, 2016

Description of Action This project provides for the  
transfer of PWS Permit  
24000117 for the facility formerly  
known as Butler Valley Manor,  
now to be known as the Gardens  
at Butler.

#### Application No. 2400024, Minor Amendment.

Applicant **Bonnieville Inc.**  
477 Bonnieville Rd.  
Stillwater, PA 17878

[Township or Borough] Huntington Township,  
**Luzerne County**

Responsible Official James Bonham, Jr.  
477 Bonnieville Rd.  
Stillwater, PA 17878

Type of Facility Public Water Supply

Consulting Engineer N/A

Application Received Date November 28, 2016

Description of Action This project provides for the  
transfer of PWS Permit 2400024  
for the facility known as  
Bonham's Nursing and  
Rehabilitation Center.

#### Application No. 2450027, Minor Amendment.

Applicant **Priority Healthcare Group**  
245 Old Lake Rd.  
Dallas, PA 18612

[Township or Borough] Harvey's Lake Borough,  
**Luzerne County**

Responsible Official Tiffany Perna  
Priority Healthcare Group  
245 Old Lake Rd.  
Dallas, PA 18612

Type of Facility Public Water Supply

Consulting Engineer N/A

Application Received Date November 28, 2016

Description of Action This project provides for the  
transfer of PWS Permit 2450027  
formerly known as Lakeside  
Health and Rehabilitation  
Center. The facility's new name  
is the Gardens at Lakeside.

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

#### Application No. 3016514MA, Minor Amendment.

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

[Township or Borough] Franklin Township

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

Type of Facility Water system

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

Application Received Date December 5, 2016

Description of Action Installation of approximately  
4,276 feet of 8-inch diameter  
waterline (Strope Road waterline  
project).

#### 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**

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

**WA52-411B, Water Allocation, Municipal Authority of the Borough of Milford**, 151 Old Owego Turnpike, Milford, PA 18337, **Pike County**. The applicant is requesting the right to withdraw up to 500,000 gallons per day from springs (known as Springs 1 & 2) located 1,200 feet northwest of Milford Borough in Milford Township, Pike County.

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

**WA 24-37B, Water Allocations. Ridgway Borough**, 108 Main Street, Ridgway, PA 15853, **Ridgway Borough, Elk County**. Water Allocation Permit application requesting the right to withdraw 2,110,000 GPD from Big Mill Creek.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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

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

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

and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

**Peterson Property**, 181 West Central Avenue, East Bangor Borough, **Northampton County**. Mobile Environmental Analytical, Inc., 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Griffin Bros. Fuel, 989 Pennsylvania Avenue, Pen Argyl, PA 18072, submitted a Notice of Intent to Remediate. A release of No. 2 heating oil from an aboveground storage tank impacted soils at this site. The proposed future use of the property will be residential. The Notice of Intent to Remediate was published in *The Express Times* on October 17, 2016.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Former Talon Plant 5**, 626 Arch Street, City of Meadville, **Crawford County**. Tetra Tech, 661 Andersen Drive, Pittsburgh, PA 15220, on behalf of Crawford County Board of Commissioners, 903 Diamond Park, Meadville, PA 16335, submitted a Notice of Intent to Remediate. Environmental assessments show site soil being contaminated with arsenic. Proposed standard for remediation is Site-Specific. Intended future use of the property will be residential and/or commercial. The Notice of Intent to Remediate was published in *The Meadville Tribune* on November 27, 2016.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

ment 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.*

**13-00008A: KME Corporation** (1 Industrial complex, Nesquehoning, PA 18204) for their facility in Nesquehoning Borough, **Carbon County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received a Plan Approval for KME Corporation (1 Industrial complex, Nesquehoning, PA 18204) for their

facility in Nesquehoning Borough, Carbon County. This Plan Approval No. 13-00008A will be incorporated into a Title V Permit through an administrative amendment at a later date.

Plan Approval No. 13-00008A is for the operation of two (2) baghouse dust collectors to control particulate matter (PM). The main emissions from these sources are PM. The sources will be required to comply with 25 Pa. Code § 123.13 particulate matter standards. 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.: 13-00008A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Group Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

**64-00019A: Stourbridge Energy LLC** (358 North Shore Drive, Suite 201, Pittsburgh, PA 15212) for their facility in Berlin Township, **Wayne County**.

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 a Plan Approval to Stourbridge Energy LLC (358 North Shore Drive, Suite 201, Pittsburgh, PA 15212) for their facility to be located in Berlin Township, Wayne County. This Plan Approval No. 64-00019A will be incorporated into a Natural Minor Permit through an administrative amendment at a later date.

Plan Approval No. 64-00019A is for the construction of 22 MW electric generating plant. The plant will include three (3) Rolls-Royce natural gas fired engines with oxidation catalysts and SCR technology. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NO<sub>x</sub> emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. Total PM, SO<sub>x</sub>, and CO emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The Plan approval and Operating Permit will include testing,



monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

The facility is subject to NSPS Subpart JJJJ, MACT Subpart ZZZZ and 25 Pa. Code § 127.12(a)(5) Best Available Technology (BAT) requirements. The visible emission opacity shall not be equal to or greater than 20% at any time. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions.

Emissions from the engines will meet BAT, MACT ZZZZ & NSPS Subpart JJJJ requirements. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 64-00019A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

**39-00004B: Mack Trucks, Inc.** (700 Alburtis Road, Macungie, PA 18062) for their facility in Lower Macungie Township, **Lehigh County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received a Plan Approval for Mack Trucks, Inc. (700 Alburtis Road, Macungie, PA 18062) for their facility in Lower Macungie Township, Lehigh County. This Plan Approval No. 39-00004B will be incorporated into a Title V Permit through an administrative amendment at a later date.

Plan Approval No. 39-00004B is for the revision of the permit limit for Volatile Organic Compounds (VOCs) emissions. The company has requested to add a VOC emission limits of 2.7 tons/year each to the following sources at the facility (ID 003, 017, 018, 201, 202) and also to add a VOC emission limits of 7.5 tons/year each to the following sources at the facility (ID 120, 121). No other operational changes, modification or new equipment installation is proposed by the company. The company has requested these voluntary VOC emission limits in order for the facility to meet RACT 2 applicability. 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.: 39-00004B and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Group Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

**13-00003A: Panther Creek Power Operating LLC** (4 Dennison Road, Nesquehoning, PA 18240) for the modification to their existing circulating fluidized bed (CFB) combustors Units 031 & 032 and associated equipment and apply for a Plantwide Applicability Limit (PAL) for emissions at their facility located in Nesquehoning Borough, **Carbon County**.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

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

*Contact: James A. Beach, New Source Review Chief—  
Telephone: 484-250-5920.*

**23-0016D: PQ Corporation** (1201 West Front Street, Chester, PA 19013) is a Title V facility. PQ Corporation intends to replace the fuel oil supply skid that supplies fuel oil to the # 4 Sodium Silicate Furnace (Source ID 102), at their facility located in the City of Chester, **Delaware County**. The current fuel oil supply skid supplies fuel oil at a rate of eight hundred forty (840) gallons per hour. The new fuel oil supply skid will be able to provide fuel oil at a slightly higher rate of nine hundred (900) gallons per hour. The new fuel oil supply skid will include an upgraded flow meter, control valves, pressure switch, and instrumentation. Although the new fuel oil supply skid will allow for greater flow of fuel oil to the # 4 Sodium Silicate Furnace, the burners on the # 4 Sodium Silicate Furnace are not being changed. The burners can only burn an approximate rate of three hundred seventeen (317) gallons per hour of No. 2 fuel oil. This will not change as a result of the replacement fuel

oil supply skid. Therefore, there will be no emission increases as a result of the new fuel oil supply skid.

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**10-119A: Allegheny Mineral Corp.** (PO Box 1022, One Glade Park East, Kittanning, PA 16201) for the installation of additional sources at their existing mineral processing plant in Slippery Rock Township, **Butler County**.

Notice is hereby given pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 10-119A to Allegheny Mineral Corp. for the installation of additional sources at their existing mineral processing plant in Slippery Rock Township, Butler County. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 10-119A is for the installation of a 1,500 ton per hour capacity impact crusher, with associated grizzly feeder and conveyor. BAT for this equipment will consist of the use of water spray dust suppression system(s), and the use of Best Management Practices to limit fugitive particulate matter emissions. Based on the information provided by the applicant and DEP's own analysis, the subject source(s) will emit a maximum of 9.62 tons of particulate matter, 4.22 tons of which will be particulate matter less than 10 microns (PM<sub>10</sub>), per year.

The facility will be subject to the applicable requirements of 40 CFR Subparts OOO (Standards of Performance for Nonmetallic Mineral Processing Plants). The Plan Approval will contain testing, monitoring, recordkeeping, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the address shown below. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the name, address, and telephone number of the person submitting comments, identification of the proposed Plan Approval; No. 10-119A and a concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Christina S. Nagy, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6940.

**10-395A: Vogel Disposal Service, Inc.** (121 Brickyard Road, Mars, PA 16046) for the installation and operation of a paint booth at their facility in Adams Township, **Butler County**.

Notice is hereby given pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 10-395A to Vogel Disposal Service, Inc. for the installation and operation of a paint booth at their facility in Adams Township, Butler County. The Plan Approval will subsequently be incorporated into an Operating Permit in accordance with 25 Pa. Code § 127.402.

Plan Approval No. 20-310A is for the installation and operation of a paint booth, with associated panel filters, for the painting of rolloff containers. This source was previously exempted under a Request for Determination, and now requires a Plan Approval due to projected increases in throughput. Based on the information provided by the applicant and DEP's own analysis, total emissions from the subject source will not exceed 8.08 tons of volatile organic compounds (VOC) and 0.18 ton of particulate matter per year.

The Plan Approval will contain additional testing, monitoring, recordkeeping, and work practice requirements 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 are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown below. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the address shown below. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the name, address, and telephone number of the person submitting comments, identification of the proposed Plan Approval; No. 10-395A and a concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Christina S. Nagy, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6940.

## OPERATING PERMITS

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

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

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

**09-00003: Superpac, Inc.** (1220 Industrial Boulevard, Southampton, PA 18966), located in Upper Southampton Township, **Bucks County**. This action is a renewal of the Title V Operating Permit. The facility is a manufacturing-commercial printing processor, which operates flexo-

graphic printing presses, numerous space heaters, and various miscellaneous sources associated with printing and manufacturing. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

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

**39-00011: Lafarge Corporation** (5160 Main Street, Whitehall, PA 18052) for renewal of a Title V Operating Permit. This facility currently operates two (2) Portland cement kilns and ancillary equipment and three (3) emergency generators at their facility in Whitehall Township, **Lehigh County**. As a result of the levels of particulate matter (PM/PM<sub>10</sub>/PM<sub>2.5</sub>), nitrogen oxide (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), volatile organic compounds (VOC), and carbon dioxide (CO) emitted this facility is considered a major stationary source subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Permit does not reflect any change in air emissions from the facility. This Title V Operating Permit shall include emission restrictions, monitoring, record keeping, and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

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

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

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

**46-00107: ITW Engineered Polymers formerly known as ITW Philadelphia Resins** (130 Commerce Drive, Montgomeryville, PA 18936) for the renewal of the State-Only Operating Permit (Natural Minor) No. 46-00107. This action is a third renewal of the State-Only Operating Permit. The permit was initially issued on 6/13/2002 and was renewed on 8/24/2007 and was subsequently renewed a second time on 8/15/2012. The facility manufactures a variety of industrial adhesives, grouts and encapsulating epoxies. The company has estimated that the total uncontrolled potential to emit (PTE) of VOCs from all sources at the facility is 23.5 tons per year, without controls or restrictions. The facility's PTE is less than major source thresholds for VOCs; therefore, the facility is categorized as a Natural Minor.

The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

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

**35-00042: Pennsylvania American Water Company, Scranton Site** (312 Adams Avenue, Scranton, PA 18503). The Department intends to issue a renewal State-Only Natural Minor Permit for this facility located in Scranton, **Lackawanna County**.

The main sources at this facility consist of 2 Filter Presses and a Sludge Tank. The sources are controlled by a Wet Scrubber. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP)

and VOC's. The proposed permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.*

**12-00006: Lewis & Hockenberry, Inc.** (4725 Rich Valley Road, Emporium, PA 15834) to issue a renewal State Only Operating Permit for their facility located in Shippen Township, **Cameron County**. The facility is currently operating under State Only Operating Permit 12-00006. The facility's main sources include one (1) wood-fired boiler, one (1) coating booth, thirteen wood drying kilns and few woodworking equipment. The facility has potential emissions of 32.84 tons per year (tpy) of particulate matter/particulate matter with an effective aerodynamic diameter of less than or equal to 10 micrometer, 16.50 tpy of nitrogen oxides, 36.20 tpy of carbon monoxide, 6.66 tpy of volatile organic compounds, 1.50 tpy of sulfur oxides and trace amounts of hazardous air pollutants. The potential emissions at the facility reduced due to removal of wood-fired boiler, wood drying kiln, two emergency generators and adhesive operation that were present at the company's Clear Creek plant. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 as well as 40 CFR Part 60. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

*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-65-00627: Seton Hill University/Greensburg Campus** (1 Seton Hill Drive, Greensburg Campus, PA 15601-1548), 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-65-00627) to Seton Hill University/Greensburg Campus ("SHU") to authorize the continued operation of boilers, emergency generator, and other combustion sources located at their Greensburg Campus in Greensburg City, **Westmoreland County**.

The facility's air contamination sources consist of one (1) CNB 600 BHP tri-fuel boiler burning primarily coal, two (2) Burnham boilers each rated at 300 BHP burning primarily natural gas, and an Onan 250 kVA emergency generator at the university boiler house. There are number of miscellaneous combustion sources scattered throughout the university campus but these are small and considered trivial on an emissions basis. The CNB boiler is equipped with a Breslove separator for control of particulate matter. Potential emissions from the facility are estimated to be 21.2 tons NO<sub>x</sub>, 21.1 tons CO, 63.7

tons SO<sub>x</sub>, 5.6 tons PM, and 2.0 tons VOC. Actual emissions from the facility are much lower.

This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121–145. Proposed SOOP renewal includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements. The emergency generator is subject to the applicable requirement of 40 CFR Part 63 Subpart ZZZZ.

SHU 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 Thomas Kaminski at [thkaminski@pa.gov](mailto:thkaminski@pa.gov) or 412.442.4097.

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 65-00627) 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 Parihar, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. ([jparihar@pa.gov](mailto:jparihar@pa.gov), fax 412.442.4194).

**OP-63-00488: Monongahela Valley Hospital** (1163 Country Club Road, Monongahela, PA 15063-1013). 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-63-00488) to Monongahela Valley Hospital ("MVH") to authorize the continued operation of boilers, emergency generators, and

ethylene oxide sterilizer located at their Monongahela Valley Hospital in Monongahela City, **Washington County**.

The facility's air contamination sources consists of two (2) 16.7 MMBtu/hr natural gas or No. 2 fuel oil-fired boilers, several small natural gas or No. 2 fuel oil-fired boilers, four (4) emergency generators, and one (1) ethylene oxide sterilizer. Potential emissions from the emission sources of the facility are based on burning natural gas in all boilers for 8,760 hours per year and low sulfur diesel fuel in the emergency generators for 500 hours per year. Potential emissions are estimated to be 29.6 tons NO<sub>x</sub>, 18.1 tons CO, 0.8 ton SO<sub>x</sub>, 2.2 tons PM, and 1.9 ton VOC. Actual emissions from the facility are much lower considering most of the boilers do not operate at full rated capacity.

This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121–145. Proposed SOOP renewal includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements. The emergency generator is subject to the applicable requirement of 40 CFR Part 63 Subpart ZZZZ and the Ethylene Oxide Sterilizer is subject to 40 CFR Part 63 Subpart WWWW.

MVH 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 Thomas Kaminski at [thkaminski@pa.gov](mailto:thkaminski@pa.gov) or 412.442.4097.

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

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 63-00488) 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 tele-

phone, where the Department determines such notification by telephone is sufficient.

Comments, protests, and requests for a public hearing should be directed to Jesse 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.*

**43-00366: National Fuel Gas Supply Corp.—Mercer Compressor Station** (6363 Main Street, Williamsville, NY 14221), the Department intends to issue a Natural Minor Permit to operate a natural gas compressor station in Jefferson Township, **Mercer County**. The sources at the facility include three natural gas-fired compressor engines, a natural gas-fired emergency generator engine, a waste fluid storage vessel, space heaters, and miscellaneous equipment for piping and liquid storage. The engines are subject to standards in 40 CFR 60 Subpart JJJJ pertaining to *Standards of Performance for Stationary Spark Ignition Internal Combustion Engines*. The new permit contains emission restrictions, testing, monitoring, recordkeeping, reporting, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. The potential emissions from the facility are: 27.22 TPY VOC; 37.69 TPY NO<sub>x</sub>; 41.93 TPY CO; 3.53 TPY Formaldehyde; 8.33 TPY total HAPs; 0.15 TPY SO<sub>x</sub>; 2.47 TPY PM<sub>10</sub> and PM<sub>2.5</sub>; and 43,080 TPY GHGs (CO<sub>2</sub>e).

*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 issue a Minor State Only Operating Permit for the following facility:

**N12-014: Tenet Health System—Hahnemann University Hospital** (230 North Broad Street, Philadelphia, PA 19107) for the operation of a hospital facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source include seven (7) emergency generators firing No. 2 fuel oil, each 450 kilowatt or less; two (2) emergency generators firing natural gas, each 190 kilowatt or less; and three (3) fire pumps firing No. 2 fuel oil, each 302 horsepower or less.

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.

## 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.*

**30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC**, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Bailey Mine & Prep Plant in Richhill Township, **Greene County** and related NPDES to install 4L-1 and 4L-2 degas boreholes. Surface Acres Proposed 4.5. No additional discharges. The application was considered administratively complete on November 28, 2016. Application received July 20, 2016.

**30831303 and NPDES No. PA0013511. Cumberland Contura, LLC**, (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). To revise the permit for the Cumberland Mine in Wayne and Center Townships, **Greene County** and related NPDES permit to revise previously permitted underground and subsidence control plan acres from development mining to longwall mining. No additional discharges. The application was considered administratively complete on December 1, 2016. Application received August 12, 2016.

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

**17880126 and NPDES PA0116599. Waroquier Coal Company** (P.O. Box 128, Clearfield, PA 16830). Permit revision to the approximate original contour variance on a bituminous surface and auger mine in Lawrence Township, **Clearfield County** affecting 295.4 acres. Receiving

streams: Unnamed Tributaries to West Branch Susquehanna River classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: November 30, 2016.

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

**Permit No. 54070101R2. Premium Fine Coal, Inc.**, (PO Box 268, Tamaqua, PA 18252), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 121.6 acres, receiving stream: Silver Creek, classified for the following use: cold water fishes. Application received: November 15, 2016.

*Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901.*

**Permit No. 58050837. Thomas C. Cramer, Sr.**, (2109 Snyder Road, New Milford, PA 18834), Stage I & II bond release of a quarry operation in Harford Township, **Susquehanna County** affecting 1.0 acre on property owned by Mark Oakley. Application received: December 1, 2016.

**Permit No. 58070864. Kevin Millard**, (1114 Warner Road, Montrose, PA 18801), Stage I & II bond release of a quarry operation in Jessup Township, **Susquehanna County** affecting 3.0 acres on property owned by Kevin Millard. Application received: December 1, 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:

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
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. PA0262358 (Mining Permit No. 56090103), Mountaineer Mining Corporation**, 1010 Garrett Shortcut Road, Berlin, PA 15530, revision of an NPDES permit for surface mining of coal in Brothersvalley Township, **Somerset County**, affecting 45.1 acres. Receiving streams: unnamed tributaries to Buffalo Creek, classified for the following use: cold water fishes. This receiving stream is included in the Buffalo Creek TMDL. Application received: November 2, 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 outfalls listed below discharge to unnamed tributary "A" to Buffalo Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
003	N

The outfalls listed below discharge to unnamed tributary "B" to Buffalo Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
002	N
004	N
005	N
006	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfall: 002 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	1.5	3.0	3.8
Aluminum (mg/l)	1.1	2.2	2.8
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.

<i>Outfalls: 004, 005, 006 (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)	3.0	6.0	7.0
Manganese (mg/l)	1.5	3.0	3.8
Aluminum (mg/l)	1.1	2.2	2.8
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.

<i>Outfalls: 004, 005, 006 (≤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.

**NPDES No. PA0279447 (Mining Permit No. 05160101), J&J Svonavec Excavating, Inc.**, 618 Samuels Road Somerset, PA 15501, new NPDES permit for discharge of water resulting from surface coal mining activities in Broad Top, Wells, & Wood Townships, **Bedford, Fulton, & Huntingdon Counties**, affecting 95.0 acres. Receiving streams: unnamed tributary to/and Great Trough Creek, classified for the following use: trout stock fishes. Application received: November 4, 2016.

The outfalls listed below discharge to Great Trough Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (Sediment Pond 1)	Y
003 (Sediment Trap 1)	Y
004 (Treatment Facility 1)	Y
005 (Treatment Facility 3)	Y

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 004 &amp; 005 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	Monitor Only		
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: 001 &amp; 003 (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)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	Monitor Only		
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: 001 &amp; 003 (≤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.



Outfalls: 001 & 003 (>10-yr/24-hr Precip. Event)

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

The outfalls listed below discharge to an unnamed tributary to Great Trough Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
002 (Sediment Pond 2)	Y
006 (Treatment Facility 3)	Y

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 002 &amp; 006 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	1.3	2.6	3.2
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

**NPDES No. PA02792858 (Mining Permit No. 29160101), J&J Svonavec Excavating, Inc.**, 618 Samuels Road, Somerset, PA 15501, new NPDES permit for a bituminous surface mine in Broad Top and Wells Townships, **Bedford and Fulton Counties**, affecting 63 acres. Receiving stream: Great Trough Creek, classified for the following use: Trout Stocked fishes. Application received: November 1, 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 outfalls listed below discharge to Great Trough Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	Y
002	Y
003	Y

**NPDES No. PA0262498 (Mining Permit No. 56150102), PBS Coals, Inc.**, P.O. Box 260, Friedens, PA 15541, a revised NPDES permit for a bituminous surface mine in Stonycreek Township, **Somerset County**, affecting 234 acres. Receiving streams: unnamed tributary to Glades Creek and Schrock Run, classified for the following use: cold water fishes and warm water fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: June 2, 2016.

The treated wastewater outfall listed below discharges to Schrock Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
004	N

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 004 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
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 stormwater outfall listed below discharges to Schrock Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
005	N

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 002, 003 &amp; 005 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
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 stormwater outfalls listed below discharge to Glades Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
006	N
007	Y
008	Y
009	Y

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 006, 007, 008 &amp; 009 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

**NPDES No. PA0263249 (Mining Permit No. 11110102), Laurel Sand & Stone, Inc.**, P.O. Box 556, Ligonier, PA 15658, renewal of an NPDES permit for continued operation and restoration of a bituminous surface and auger mine in Jackson Township, **Cambria County**, affecting 225.1 acres. Receiving streams: Unnamed tributaries to/and Braken Run and unnamed tributary to South Branch Blacklick Creek, classified for the following use: cold water fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: August 29, 2016.

The outfalls listed below require a non-discharge alternative:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N
003	N
004	N
005	N
006	N

There is no proposed surface discharge from the above listed facilities to the receiving stream due to the implementation of Best Management Practices in the form of infiltration galleries. The only potential point source discharges to surface water are the discharges from the emergency spillway of a sediment pond during precipitation that exceeds a 10 year/24 hour event.

The proposed effluent limits for the water entering the infiltration galleries are as follows:

<i>Outfalls: 001, 002, 003, 004, 005, 006</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	N/A	N/A	7.0
Manganese (mg/l)	N/A	N/A	5.0
Aluminum (mg/l)	N/A	N/A	5.0
Total Suspended Solids (mg/l)	N/A	N/A	90.0
Nitrite	Monitor and Report Only		
Nitrate	Monitor and Report Only		

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

The proposed effluent limits for the water discharging from the emergency spillways are as follows:

<i>Outfalls: 001, 002, 003</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Total Suspended Solids (mg/l)	N/A	N/A	90.0
Nitrite	Monitor and Report Only		
Nitrate	Monitor and Report Only		

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

**NPDES No. PA0598143 Mining Permit No. 56880103, Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201-9642, renewal of an NPDES permit for a surface coal mine in Summit Township, **Somerset County**, affecting 1,102.0 acres. Receiving streams: three (3) unnamed tributaries to Casselman River and two (2) unnamed tributaries to Bigby Creek, classified for the following uses: cold water fishes and warm water fishes. This receiving stream is included in the Casselman River TMDL. Application received: September 11, 2013.

The outfall listed below discharges to an unnamed tributary to Bigby Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
009 (TF7)—Passive Treatment Facility	N

The proposed effluent limits for the above listed outfall is as follows:

<i>Outfall: 009</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	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	1.6	3.2	4.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			XXX
pH (S.U.): Must be between 6.0 and 10.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

The outfall listed below discharges to an unnamed tributary to Casselman River:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
010 (TF14)—Passive Treatment Facility	N

The proposed effluent limits for the above listed outfall is as follows:

<i>Outfall: 010</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	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	1.3	2.6	3.2
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			XXX
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

The outfall listed below discharges to an unnamed tributary to Casselman River:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
011 (TF44)—Passive Treatment Facility	N

The proposed effluent limits for the above listed outfall is as follows:

<i>Outfall: 011</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	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			XXX
pH (S.U.): Must be between 6.0 and 10.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

The outfall listed below discharges to an unnamed tributary to Casselman River:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
012 (TF45)—Passive Treatment Facility	N

The proposed effluent limits for the above listed outfall is as follows:

<i>Outfall: 012</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	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			XXX
pH (S.U.): Must be between 6.0 and 10.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

The outfall listed below discharges to the Casselman River:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
013 (TF13)—Chemical Treatment Facility	Y

The proposed effluent limits for the above listed outfall is as follows:

<i>Outfall: 013</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			XXX

pH (S.U.): Must be between 6.0 and 10.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

The outfalls listed below discharge to an unnamed tributary to Bigby Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
024 (10)—Sediment Pond	N
025 (11)—Sediment Pond	N
026 (13)—Sediment Pond	N

The proposed dry weather discharge effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 024, 025, 026</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 10.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

The proposed alternate effluent limits which apply to discharges resulting from precipitation events less than or equal to the 10 year/24 hour precipitation event for the above listed outfalls are as follows:

<i>Outfalls: 024, 025, 026</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)			7.0
Total Settleable Solids (ml/l)			0.5

pH (S.U.): Must be between 6.0 and 10.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

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

**NPDES PA0207241 (Mining Permit No. 17930103), Junior Coal Contracting, Inc.**, 2330 Six Mile Road, Philipsburg, PA 16866, revision of an NPDES permit for a bituminous coal surface mining in Decatur Township, **Clearfield County**, affecting 309.9 acres. Receiving stream: Beaver Run classified for the following use(s): CWF. Application received: September 30, 2016.

The NPDES revision adds the following treatment facility for treatment of a discharge (identified as LB-75) to Beaver Run.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
019 (LB-75)	Y

The proposed effluent limits for the above listed outfalls are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	0.75	0.75
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

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

**NPDES Permit No. PA0224995 on Surface Mining Permit No. 54803019. Rausch Creek Land, LP**, (978 Gap Street, Valley View, PA 17983), renewal of an NPDES Permit for an anthracite surface mine (reclamation only) and beneficial use of coal ash operation in Hegins and Porter Townships, **Schuylkill County**, affecting 1,313.0 acres. Receiving stream: East Branch Rausch Creek, classified for the following use: cold water fishes. TMDL for pH, sediment, metals. Application received: November 16, 2015.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit area the BAT limits described above for mining activities.

The outfall(s) listed below discharge to East Branch Rausch Creek:

The outfalls below require a non-discharge alternative:

<i>Outfall</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	Yes	Sediment Basin

The proposed effluent limits for the above listed outfall.

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	1.5	1.75
Total Suspended Solids		35.0	70.0	90.0

<sup>1</sup> The parameter is applicable at all times.

*Noncoal NPDES Draft Permits*

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

**NPDES No. PA0591866 (Mining permit no. 65900403), Hanson Aggregates BMC, Inc.**, 2200 Springfield Pike, Connellsville, PA 15425, renewal NPDES permit for a large noncoal surface mine in Unity Township, **Westmoreland County**, affecting 139.8 acres. Receiving stream: unnamed tributaries to Nine Mile Run, classified for the following use: TSF. Application received: February 1, 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 stormwater outfall(s) listed below discharge to unnamed tributaries to Nine Mile Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
006, 007, 008, 009, 010	N	Stormwater

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.8
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
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.

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

**NPDES Permit No. PA0612791 on Surface Mining Permit No. 06820601. Allan Myers, LP d/b/a Allan Myers Materials**, (638 Lancaster Avenue, Malvern, PA 19355), renewal of an NPDES Permit for a traprock quarry operation in New Morgan Borough, **Berks County**, affecting 97.6 acres. Receiving stream: unnamed tributary to East Branch Conestoga River, classified for the following use: warm water fishes. Application received: February 4, 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 Conestoga River.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Sedimentation Pond

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 <sup>1</sup> (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

<sup>1</sup> The parameter is applicable at all times.

**NPDES Permit No. PA0594261 on Surface Mining Permit No. 5273SM1. H & K Group, Inc.**, (P.O. Box 196, Skippack, PA 19474), renewal of an NPDES Permit for a gneiss and schist quarry operation in Aston Township, **Delaware County**, affecting 37.08 acres. Receiving stream: Chester Creek, classified for the following use: trout stock fishes. Application received: September 2, 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 Chester Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
PM-001	No	Pit Sump Discharge/ Sedimentation Pond

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 <sup>1</sup> (S.U.)	6.0			9.0
Total Suspended Solids Discharge (MGD)		35.0 0.59	70.0	90.0

<sup>1</sup> The parameter is applicable at all times.

**NPDES Permit No. PA0595241 on Surface Mining Permit No. 45900301. Lehigh Cement Co., LLC**, (7660 Imperial Way, Allentown, PA 18195), transfer and renewal of an NPDES Permit for a sandstone, sand and gravel quarry operation in Ross Township, **Monroe County**, affecting 22.65 acres. Receiving stream: Buckwa Creek, classified for the following uses: cold water and migratory fishes. Application received: April 12, 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 Buckwa Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No E&S/Sediment	Pond

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 <sup>1</sup> (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

<sup>1</sup> The parameter is applicable at all times.

**NPDES Permit No. PA0223573 on Surface Mining Permit No. 7775SM12. Highway Materials, Inc.**, (409 Stenton Avenue, Flourtown, PA 19031), renewal of an NPDES Permit for a sandstone quarry operation in Alsace Township, **Berks County**, affecting 137.4 acres. Receiving stream: unnamed tributary to Laurel Run, classified for the following use: cold water fishes. Application received: April 20, 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 Laurel Run.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Pit Sump/Sedimentation Pond

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 <sup>1</sup> (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0
Discharge (MGD)			1.0	

<sup>1</sup> The parameter is applicable at all times.

**NPDES Permit No. PA0594130 on Surface Mining Permit No. 5273SM2. Hanson Aggregates PA, LLC**, (7660 Imperial Way, Allentown, PA 18195), renewal of an NPDES Permit for a granite and gneiss quarry operation in Middletown and Thornbury Townships, **Delaware County**, affecting 247.3 acres. Receiving stream: Chester Creek, classified for the following use: trout stock fishes and migratory fishes. Application received: December 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 outfalls listed below discharge to Chester Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Pit Sump/Stormwater
002	No	Stormwater
003	No	Stormwater
004	No	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>Instantaneous Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Discharge (001)		2.0 MGD		
Total Suspended Solids		35.0	70.0	90.0
Total Dissolved Solids				
Sulfates		Monitor & Report		
Oil & Grease		Monitor & Report		

<sup>1</sup> The parameter is applicable at all times.

**NPDES Permit No. PA0595217 on Surface Mining Permit No. 5276SM5. Eureka Stone Quarry, Inc.,** (P.O. Box 249, Chalfont, PA 18914), renewal of an NPDES Permit for a sandstone quarry operation in Dingman Township, **Pike County**, affecting 202.3 acres. Receiving stream: unnamed tributary to Sawkill Creek, classified for the following use: EV—migratory fishes. Application received: December 19, 2012.

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 Sawkill Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No Pit	Sump/Sedimentation Pond

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 <sup>1</sup> (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0
Turbidity (NTU)				40.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	1.5	1.9
Oil & Grease		Monitor & Report		

<sup>1</sup> The parameter is applicable at all times.

**NPDES Permit No. PA0595721 on Surface Mining Permit No. 7876SM1. New Enterprise Stone & Lime Co., Inc. d/b/a Eastern Industries, Inc.,** (3724 Crescent Court West, Suite 200, Whitehall, PA 18052), renewal of an NPDES Permit for a limestone quarry operation in Whitehall Township, **Lehigh County**, affecting 89.19 acres. Receiving stream: Coplay Creek, classified for the following use: cold water fishes. Application received: December 12, 2012.

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 Coplay 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>Instantaneous Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0
Total Dissolved Solids		Monitor & Report		

<sup>1</sup> The parameter is applicable at all times.

**NPDES Permit No. PA0612871 on Surface Mining Permit No. 8274SM1. New Enterprise Stone & Lime Co., Inc. d/b/a Eastern Industries, Inc.,** (3724 Crescent Court West, Suite 200, Whitehall, PA 18052), renewal of an NPDES Permit for a limestone quarry operation in West Cocalico Township, **Lancaster County**, affecting 309.0 acres. Receiving stream: unnamed tributary to Indian Run, classified for the following use: trout stock fishes. Application received: May 31, 2012.

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 Indian Run.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Sedimentation Pond/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>Instantaneous Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Suspended Solids Discharge (MGD)		35.0 0.05	70.0	90.0

<sup>1</sup> The parameter is applicable at all times.

**(Revised) NPDES Permit No. PA0223352 on Surface Mining Permit Nos. 7973SM5 and 09030301. Eureka Stone Quarry, Inc.,** (P.O. Box 249, Chalfont, PA 18914), renewal and revision of an NPDES Permit for an argillite quarry operation in Wrightstown Township, **Bucks County**, affecting 158.6 acres. Receiving stream: Neshaminy Creek, classified for the following uses: TMDL, warm water fishes and migratory fishes. Applications received: November 26, 2013 and March 12, 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 Neshaminy Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	Yes (increase)	Pit Sump/Sedimentation Pond

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 <sup>1</sup> (S.U.)	6.0			9.0
Total Suspended Solids (mg/l)	11.88	23.75	29.69	
TDS (mg/l)		Monitor and Report		
Oil and Grease (mg/l)		Monitor and Report		
Sulfates (mg/l)		Monitor and Report		
Discharge (MGD)		1.1 MGD	5.8 MGD	

<sup>1</sup> The parameter is applicable at all times.

**(Revised) NPDES Permit No. PA0120979 on Surface Mining Permit No. 7973SM6. Eureka Stone Quarry, Inc.,** (P.O. Box 249, Chalfont, PA 18914), renewal of an NPDES Permit for a argillite quarry operation in Wrightstown Township, **Bucks County**, affecting 35.68 acres. Receiving stream: Mill Creek to Neshaminy Creek, classified for the following uses: warm water and migratory fishes. Application received: August 1, 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(s) listed below discharge to Mill Creek to Neshaminy Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Pit Sump/Sedimentation Pond

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 <sup>1</sup> (S.U.)	6.0			9.0
Total Suspended Solids (mg/l)	18.37	36.74	45.93	
Total Dissolved Solids (mg/l)		Monitor and Report		
Discharge (MGD)		.16 MGD	4.65 MGD	

<sup>1</sup> 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, draw-



ings 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.

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**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.**

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**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E35-465. Scranton Sewer Authority**, 312 Adams Avenue, Scranton, PA 18503, in City of Scranton, Lackawanna County, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a new underground pump station and an above ground generator building. The generator building will be on piers that will elevate it above the 100-year floodplain elevation. The project is located along Richter Street approximately 300 feet from its intersection with Myrtle Street (Scranton, PA Quadrangle, Latitude: 41°24'22"; Longitude: -75°38'19").

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E01-320: Plenary Walsh Keystone Partners**, Butler Township, Adams County, U.S. Army Corps of Engineers Baltimore District.

To remove the existing structure and to 1) construct and maintain a two-span pre-stressed concrete spread box beam bridge with a span of 172.0 feet, an out-to-out width of 42.00 feet, and an underclearance of 6.80 feet, all over Conewago Creek (CWF, MF), temporarily impacting 0.15 acre of Palustrine Emergent (PEM) wetland and 0.12 acre of floodway and permanently impacting 0.48 acre of PEM wetland, and 0.06 acre of floodway, and 2) relocate 117 linear foot of a UNT to Conewago Creek (WWF). All impacts are associated with the SR 0394 bridge replacement over Conewago Creek (Latitude 39°54'54.0"; Longitude -77°13'18.0") for the purpose of improving safety standards.

**E01-318: Gettysburg Borough**, 59 East High Street, Gettysburg, PA 17325 in Gettysburg Borough, Adams County, U.S. Army Corps of Engineers Baltimore District.

The applicant proposes to remove existing structure and to install and maintain (1) 12-foot × 45-foot bridge over Stevens Run (WWF, MF) with scour protection and (2) one (1) 36-inch diameter outfall, one (1) 18-inch diameter outfall, and one (1) 15-inch diameter outfall to Stevens Run (WWF, MF) for the purpose of constructing a bike/walking trail. The project proposed 20 linear feet of stream impact, and 0.08 acre of permanent floodway

impact and 0.03 acre of temporary floodway impact. The project is located in Gettysburg Borough, Adams County (Latitude: 39° 49' 49.4"; Longitude: -77° 14' 15.1").

**E67-928: PA Department of Transportation Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103 in Dover and West Manchester Townships, York County, U.S. Army Corps of Engineers Baltimore District.

To remove the existing structure and to (1) install and maintain a 132.0 ft. × 59.4 ft. two-span prestressed concrete bulb-tee bridge on the existing alignment over Little Conewago Creek (TSF, MF), (2) place R-6 riprap around the pier and R-8 riprap around the abutments for scour protection, (3) place R-4 riprap for bank stabilization within the floodway of Little Conewago Creek (TSF, MF), (4) install two temporary stormwater outfalls and two permanent stormwater outfalls and replace four stormwater pipes within the floodplain of Little Conewago Creek (TSF, MF), and (5) install a temporary rock causeway within the floodway of Little Conewago Creek (TSF, MF), all for the purpose of improving transportation safety and roadway standards. The project is located along SR 0074 Section 056 in Dover and West Manchester Townships, York County (Latitude: 39° 58' 50.4" N, Longitude: 76° 48' 24.5" W). The project proposes 78 linear ft. (0.04 ac.) of temporary impacts and 65 linear ft. (0.15 ac.) of permanent impacts to Little Conewago Creek. The project also proposes 0.11 ac. of temporary impacts and 0.12 ac. of permanent impacts to the floodway of Little Conewago Creek. Compensatory mitigation for wetland impacts is not required, since the project proposes 0.01 ac. of permanent PEM wetland impacts due to fill placement.

**E28-386: Plenary Walsh Keystone Partners**, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275 in Letterkenny and Lurgan Townships, Franklin County, U.S. Army Corps of Engineers Baltimore District.

To remove the existing structure and to: 1) construct and maintain a pre-stressed concrete spread box beam bridge with a span of 83.00 feet, an out-to-out width of 40.00 feet, and an underclearance of 9.88 feet, all over the Conodoguinet Creek (WWF, MF), temporarily impacting; 0.02 acre of Palustrine Emergent (PEM) wetland, 0.03 acre of Palustrine Scrub Shrub (PSS) wetland, 0.05 acre of Palustrine Forested Wetland (PFO), 65 linear feet of stream (unnamed tributary to the Conodoguinet Creek), and 0.08 acre of floodway and permanently impacting; 0.01 acre of PSS wetland, 0.01 acre of PFO wetland, and 0.04 acre of floodway, and 2) relocate 99 linear feet of a UNT to Conodoguinet Creek (WWF, MF). All impacts are associated with the SR 0997 bridge replacement over Conodoguinet Creek (Latitude 40.0917; Longitude -77.6481) for the purpose of improving safety standards.

**E31-235: The Pennsylvania State University**, 139J Physical Plant Building, University Park, PA 16802 in Barree Township, Huntingdon County, U.S. Army Corps of Engineers Baltimore District.

To 1) construct and maintain a stream realignment of an Unnamed Tributary (UNT) to Herod Run (HQ-CWF, MF) which permanently impacts approximately 115 linear feet of stream channel, 0.27 acre of floodway of UNT to Herod Run and Herod Run (HQ-CWF, MF), permanently and temporarily impact approximately 0.01 acre of

Palustrine Forested (PFO) wetland, and which includes the installing and maintaining of a 27.0-foot long by 36.25-inch diameter RCP arch pipe depressed 6.0-inches within the proposed channel relocation of the UNT to Herod Run located along and across Bluelick Hollow Road within the Penn State Experimental Forest (Latitude: 40.631667N; Longitude: -77.886667W); 2) construct and maintain a stream realignment of an Unnamed Tributary (UNT) to Herod Run (HQ-CWF, MF) which permanently impacts approximately 146.0 linear feet of stream channel, 0.34 acre of floodway of UNT to Herod Run and Herod Run (HQ-CWF, MF), and which includes the installing and maintaining of a 39.0-foot long by 36.25-inch diameter RCP arch depressed 6.0-inches within the proposed channel relocation of the UNT to Herod Run located along and across Bluelick Hollow Road within the Penn State Experimental Forest (Latitude: 40.631994N; Longitude: -77.8875W); 3) remove an existing 20.0-foot long by 18.0-inch diameter CMP culvert and install and maintain a 20.0-foot long by 36.0-inch diameter RCP culvert depressed 12.0 inches with riprap scour protection, and remove accumulated sediment and gravel at the upstream end of the existing culvert, all in a UNT to Herod Run (HQ-CWF, MF), and impact approximately 0.05 acre of floodway of a UNT to Herod Run, all located along and adjacent to Bluelick Hollow Road in the Penn State Experimental Forest (Latitude: 40.65667N; Longitude: 77.88778W); 4) remove an existing 40.0-foot long by 24.0-inch diameter CMP culvert and install and maintain a 38.0-foot long by 40.0-inch diameter RCP arch pipe depressed 6.0-inches with minor stream channel realignments at the culvert inlet and outlet all in a UNT to Herod Run (HQ-CWF, MF), impact approximately 0.05 acre of floodway of UNT to Herod Run, and permanently impact approximately 0.01 acre of PFO wetland, and temporarily impact approximately 0.01 acre of PFO wetland, all located at the intersection of Forest Headquarters Lane and Barn Road in the Penn State Experimental Forest (Latitude: 40.623611N; Longitude: -77.883056W); and 5) remove an existing 42.0-foot long by 24.0-inch diameter CMP culvert and install and maintain a 42.0-foot long RCP arch pipe with a 40.0-inch by 65.0-inch opening depressed 6.0-inches all in a UNT to Herod Run (HQ-CWF, MF) located along and adjacent to Barn Road in the Penn State Experimental Forest (Latitude: 40.631944N; Longitude: -77.881994W); all for the purpose of replacing deteriorating structures and removing abrupt 90-degree bends in the stream channels to eliminate road maintenance from washout. The project is located north and south of State Route 305 along Bluelick, Barn Road and Forest Headquarters Road located within the Penn State Stone Valley Experimental Forest (Latitude 40.61696N; Longitude: -77.88233W) in Barree Township, Huntingdon County.

**E67-924: Plenary Walsh Keystone Partners**, 2000 Cliff Mine Road, Park West Two, 3rd floor, Pittsburgh, PA 15275 in Lower Windsor & Windsor Townships, **York County**, U.S. Army Corps of Engineers Baltimore District.

The applicant proposes to remove the existing structure and 1) to construct and maintain a 42.0-foot long by 53.0-foot wide prestressed concrete spread box beam bridge with an underclearance of approximately 10.5 feet across Kreutz Creek (WWF, MF), 2) to relocate 28 linear feet of an unnamed tributary to Kreutz Creek (WWF, MF) to accommodate the new bridge structure, and 3) to impact 0.05 acre of floodway of Kreutz Creek (WWF, MF), all for the purpose of replacing the existing structurally deficient bridge and improve roadway safety standards along SR 0124 in Lower Windsor Township and Windsor Township, York County (USGS Quadrangle: Red Lion, PA; Latitude: 39° 56' 23"; Longitude: -76° 29' 12").

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

**E53-450. Plenary Walsh Keystone Partners**, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275. SR 0449, Section A01, Bridge to Box Culvert Replacement Project, Ulysses Township, **Potter County**. USACOE Baltimore District (Galeton, PA Quadrangle Latitude: 41° 48' 46.00"; Longitude: 77° 47' 17.00").

The applicant is seeking authorization to remove an existing single span bridge and construct, operate and maintain single cell box culvert to carry SR 0449, Section A01, across Buckseller run. Chapter 93 Rules and Regulations designate Buckseller Run as High Quality Cold—Water Fishery, Migratory Fish. Wetlands identified within the project along Buckseller Run are given Exceptional Value protection through Chapter 105, § 105.17(1) (iii). The proposed box culvert will be pre-cast concrete minimally having a clear span of 14-feet and underclearance of 3-feet with 1-foot culvert depression. As proposed, SR 0449, Section A01, Bridge to Box Culvert Replacement Project will incur maximum 107-feet of temporary stream impact and 97-feet of permanent stream impact, whereas 0.08-acre of temporary wetland impact and 0.01-acre of permanent wetland impact will be incurred. The project is located along the eastern and western right-of-ways of SR 049 approximately 1.3-mile south of SR 1001 and SR 0449 intersection in Ulysses Township, Potter County. The Department has deemed 0.01-acre of reported Exceptional Value wetland impacts as de minus, for which replacement wetlands shall not be required for mitigation.

NOTICE WAS INCORRECTLY PUBLISHED AS PERMIT # E53-449 ON NOV. 5, 2016.

**E19-314. Patricia & Stanley Bohenek**, 1269B Scotch Valley Road, Bloomsburg, PA 17815. Bridge in Beaver Township, **Columbia County**, ACOE Baltimore District (Nuremberg, PA Quadrangle Lat: 40° 59' 17"; Long: -76° 14' 50").

Patricia & Stanley Bohenek has applied for a Small Projects—Joint Permit Application to construct, operate and maintain 20 feet of culvert pipe measuring 87 inches by 63 inches in Scotch Run in Beaver Township, Columbia County.

The project proposes to have the following impacts

ID	Stream Name	Chapter 93 Classification	Temporary Impact area Length (LF)	Permanent Impact area Length (Sq Ft)	Latitude/Longitude
Culvert	Scotch Run	CWF, MF	0	500	40° 59' 17" 76° 14' 50"

Proposed waterway impacts to 500 square feet.

The proposed construction will not permanently impact cultural or archaeological resources, National/State/local parks, forests recreational areas, landmarks wildlife refuge, or historical sites. Scotch Run is classified with a designated use of Cold Water Fishery (CWF).

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1746, West Ridge Christian Community Church**, 100 Gorwood Drive, Coraopolis, PA 15108, Findlay Township, **Allegheny County**, Pittsburgh ACOE District.

The applicant is proposing to:

Place and maintain fill in 0.492 acre of the floodway of Montour Run (TSF) for the purpose of constructing a community park which includes a playground, restrooms, accessible walking trail, picnic pavilions & accessible parking lot on a 13.73 acre site in Findlay Township, Allegheny County. The project is located at the intersection of Cliff Mine Road and McClaren Road. (Oakdale Quadrangle, Latitude: 40°27'20.6", Longitude: -80°14'52.6"; Sub-basin: 20G; Pittsburgh Corps District).

**E04-354, Plenary Walsh Keystone Partners**, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275, Hopewell Township, **Beaver County**, Pittsburgh ACOE District.

The applicant is proposing to:

1.) Remove an existing single span, concrete bridge, and construct and maintain a replacement 16 LF-single span-concrete box culvert with a length 133 LF and a width of 16 LF over Tramp Mill Run (WWF) (aka Stream 1);

2.) Fill and relocate 56 LF of an Unnamed Tributary to Tramp Mill Run (aka Stream 2) under S.R. 3009 through an 18 in. concrete culvert;

For the purpose of replacing a structurally deficient bridge. The project is located near the intersection of SR 3009 (Kane Road) and Airport Road (Quadrangle: Aliquippa; Latitude: 40° 35' 39.9"; Longitude: -80° 16' 47.9") in Aliquippa Township, Beaver County. The project will cumulatively result in 190 linear feet of temporary impact and 189 linear feet of permanent impact stream impacts to Tramp Mill Creek and a UNT to Tramp Mill Creek.

**E04-357, Plenary Walsh Keystone Partners**, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275, South Beaver Township, **Beaver County**, Pittsburgh ACOE District.

The applicant is proposing to:

1. Remove an existing 23' long by 27'-11" wide, single span, concrete encased steel I-beam bridge over Painters Run (HQ-CWF), with an under clearance of 2'-10";

2. Construct and maintain a replacement, 22' long by 4' box culvert over Painters Run, with an under clearance of 3';

3. Construct and maintain rock slope protection in the floodway on the upstream and downstream side of the aforementioned structure and associated improvements to the guiderails and approach roads;

4. Install an 18" pipe outfall in the floodway of Painters Run;

5. Place and maintain fill in 25 linear feet of an existing unnamed tributary to Painters Run (aka UNT-1) (HQ-CWF), and to construct and maintain 63 linear feet of new relocated channel;

6. Permanently place and maintain fill in a de minimus amount of PEM wetland (0.014 acre in Wetlands 1, 2 & 3);

7. Temporarily impact 0.102 acre of PEM Wetlands during construction. (Wetlands 1, 2, 3, 4 & 5)

For the purpose of replacing the existing structurally deficient structure over Painters Run. The project is located at State Route 0168, Segment 0500, Offset 1748, approximately 0.4 mile from the intersection between State Route 0168 and Louthan Road, in Darlington, PA 16115 (New Galilee USGS Topographic Quadrangle, Latitude: 40°47'2.70"; Longitude: -80°27'14.8"; Sub-basin: 20-B; Pittsburgh Corps District), in South Beaver Township, Beaver County. This project will impact approximately 124 linear feet of Painters Run and 25 linear feet of UNT to Painters Run.

**E63-692, Pennsylvania Turnpike Commission**, PO Box 67676 Harrisburg, PA 17057-7676, Cecil Township, **Washington County**, Pittsburgh ACOE District.

The applicant is proposing to:

1. Relocate and maintain 561 LF of an Unnamed Tributary (UNT) to McPherson Creek (aka UNT 1 to McPherson Creek) (WWF);

2. Construct and maintain a 76 LF extension of an existing 6' diameter culvert in a UNT to McPherson Creek (aka UNT 1 to Chartiers Creek) (WWF);

3. Relocate and maintain 98 LF of a UNT to Chartiers Creek (aka UNT 2 to Chartiers Creek) (WWF);

4. Relocate and maintain 13 LF of a UNT to Chartiers Creek (aka UNT 1 to Chartiers Creek) (WWF);

5. Replace and maintain an existing 71.5' x 2.5' culvert with a 112' x 2.5' culvert and riprap apron in a UNT to McPherson Creek (aka UNT 5 to McPherson Creek) (WWF);

6. Place and maintain fill in 13 LF of a UNT to McPherson Creek (aka C2-2-UNTF) (WWF);

7. Place and maintain fill in 21 LF of a UNT to McPherson Creek (aka C2-2-UNTE) (WWF);

8. Place and maintain fill in 181 LF of a UNT to McPherson Creek (aka C2-2-UNTD) (WWF);

9. Place and maintain fill in 50 LF of a UNT to UNT to McPherson Creek (aka C2-1-UNTM) (WWF);

10. Place and maintain fill in 148 LF of a UNT to Chartiers Creek (aka Ephemeral 2) (WWF);

11. Place and maintain fill in 112 LF of a UNT to McPherson Creek (aka Ephemeral 3) (WWF);

12. Place and maintain fill in 96 LF of a UNT to McPherson Creek (aka Ephemeral 4) (WWF);

13. Place and maintain fill in 0.11 acre of PEM and PFO wetlands in the Chartiers Creek and McPherson Creek watersheds (WWF);

14. Install and maintain road associated stormwater facilities and outfalls in the Chartiers Creek and McPherson Creek Watersheds (WWF).

In association with reconstructing/realigning Morganza Road (SR 1009), Morgan Road (T-871, and Baker Road (T-787) in association with construction of a new section of the Pennsylvania Turnpike, as a component of the

overall construction of a new 13.3 mile section (aka The Southern Beltway Project) of the Pennsylvania Turnpike, between U.S Route 22, and Interstate 79 (a.k.a. The Southern Beltway project). The structures and activities requiring authorization for Section 55C2-2 in Cecil Township, Washington County (Canonsburg, PA Quadrangle; starting at Latitude: 40° 18' 40" Longitude: -80° 8' 57" will permanently impact a total of approximately 1,768 linear feet (LF) of various watercourses, 0.11 acre of wetland, and temporarily impact a total of approximately 1,129 LF of various watercourses and 0.004 acre of PEM wetland.

To compensate for the watercourse impacts associated with Section 55C2-2 of the Southern Beltway Project, the stream mitigation plan includes the reconstruction, rehabilitation, and enhancement of approximately 841 LF of various tributaries in the Buck Run watershed, in Donegal Township, Washington County (West Middletown, PA Quadrangle; Latitude: 40° 8' 34" Longitude: -80° 25' 10"). Although final plans for future projects are not available, the applicant estimates that the aforementioned future subprojects and the current project will permanently affect a cumulative total of approximately 7.455 acres wetlands. As compensation for these wetland impacts, the applicant will construct approximately 8.3 acres of wetlands, at a site approximately 0.5 mile west of the intersection of S.R. 18, and Joffre Bulger Road, in Smith Township, Washington County (Clinton, PA Quadrangle; Latitude: 40° 23' 16" Longitude: -80° 22' 24").

**E65-985, ADESA Pennsylvania, LLC**, 13085 Hamilton Crossing Blvd. Carmel, IN 46032, Hempfield Township, **Westmoreland County**, Pittsburgh ACOE District.

The applicant is proposing to:

1. Place and maintain fill in 897 linear feet of UNT to Sewickley Creek (WWF); construct and maintain a 1,710 linear foot replacement channel on site;

2. Place and maintain fill in 0.55 acre of PEM wetlands; construct and maintain a replacement 0.55 acre of PEM wetlands on site;

For the purpose of constructing a new ADESA auto auction facility and vehicle storage area. The project is located on Hunker-Waltz Mill Road approximately 0.75 mile from the intersection between Hunker-Waltz Mill Road and Broadview Road, in Hempfield, PA 15679 (Smithton USGS Topographic Quadrangle, Latitude: 40° 12' 58"; Longitude: -79° 38' 36"; Sub-basin 19-D; Pittsburgh Corps District) in Hempfield Township, Westmoreland County. This project will permanently impact 897 linear feet of UNT to Sewickley Creek and 0.55 acre of PEM wetlands.

*Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E10-502, Future Development Group, L.P.**, 1272 Mars Evans City Road, Evans City, PA 16033. Brookview Farms Residential Development, in Jackson Township, **Butler County**, ACOE Pittsburgh District (Evans City, PA Quadrangle N: 40°, 46', 29"; W: 80°, 07', 11").

To construct a 78 lot residential development including all associated grading, utilities, roadways, and stormwater management facilities. Project impacts include roadway and utility crossings of 2 tributaries to Glade Run and associated wetlands. The first utilizes a 20 ft wide by 5 ft high by 48 ft long Conspan pre-cast concrete arch culvert over the tributary and seven 24 inch culverts in the adjacent wetland; the second involves installation of a 30 inch diameter by 30 ft long culvert in

the stream. The proposed crossings will result in permanent impacts to 192 LF of stream channel and 0.19 acre of wetland. The extension of the waterline to service this development will require an additional wetland crossing resulting in temporary impacts to 0.03 acre of wetland. The applicant proposes to create 0.32 acre of wetland onsite as mitigation project impacts.

*District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701.*

**E5829-114: Bridgewater Township, Williams Field Services Company, LLC**; Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275; Bridgewater Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 16 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 4,268 square feet (0.10 acre) of floodway to an unnamed tributary of Meshoppen Creek (CWF, MF) (Montrose West, PA Quadrangle; Latitude: 41° 47' 13", Longitude: -75° 52' 51"),

2) a 16 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,540 square feet (0.04 acre) of a palustrine emergent wetlands (PEM) (Montrose West, PA Quadrangle; Latitude: 41° 47' 12", Longitude: -75° 52' 52"),

3) a 16 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,628 square feet (0.04 acre) of a palustrine emergent wetlands (PEM) (Montrose West, PA Quadrangle; Latitude: 41° 47' 10", Longitude: -75° 52' 57"),

4) a 16 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 591 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Montrose West, PA Quadrangle; Latitude: 41° 47' 13", Longitude: -75° 53' 22"),

5) a 16 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 6,539 square feet (0.15 acre) of a palustrine emergent wetlands (PEM) (Montrose West, PA Quadrangle; Latitude: 41° 47' 04", Longitude: -75° 53' 28"),

6) a 16 inch diameter steel natural gas pipeline impacting 621 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Montrose West, PA Quadrangle; Latitude: 41° 47' 02", Longitude: -75° 53' 28"),

7) a temporary timber mat crossing impacting 867 square feet (0.02 acre) of a palustrine emergent wetlands (PEM) (Montrose West, PA Quadrangle; Latitude: 41° 47' 01", Longitude: -75° 53' 27"),

8) a temporary timber mat crossing impacting 359 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Montrose West, PA Quadrangle; Latitude: 41° 46' 59", Longitude: -75° 53' 32"),

9) a 16 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 569 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Montrose West, PA Quadrangle; Latitude: 41° 47' 00", Longitude: -75° 53' 32"),

10) a 16 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 55 lineal feet of an unnamed tributary of Meshoppen Creek (CWF, MF) (Montrose West, PA Quadrangle; Latitude: 41° 46' 59", Longitude: -75° 53' 33"),

11) a temporary timber mat crossing impacting 1,636 square feet (0.04 acre) of floodway to an unnamed tributary of Meshoppen Creek (CWF, MF) (Montrose West, PA Quadrangle; Latitude: 41° 47' 00", Longitude: -75° 53' 32"),

12) a temporary timber mat crossing impacting 2,399 square feet (0.06 acre) of floodway to an unnamed tributary of Meshoppen Creek (CWF, MF) (Montrose West, PA Quadrangle; Latitude: 41° 46' 56", Longitude: -75° 53' 38"),

13) a 16 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 3,458 square feet (0.08 acre) of floodway to an unnamed tributary of Meshoppen Creek (CWF, MF) (Montrose West, PA Quadrangle; Latitude: 41° 46' 55", Longitude: -75° 53' 38"),

14) a 16 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,103 square feet (0.03 acre) of a palustrine emergent wetlands (PEM) (Montrose West, PA Quadrangle; Latitude: 41° 46' 55", Longitude: -75° 53' 39"),

15) a 16 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 2,394 square feet (0.05 acre) of a palustrine emergent wetlands (PEM) (Montrose West, PA Quadrangle; Latitude: 41° 46' 50", Longitude: -75° 53' 40"),

16) a temporary timber mat crossing impacting 3,115 square feet (0.07 acre) of floodway to an unnamed tributary of Meshoppen Creek (CWF, MF) (Montrose West, PA Quadrangle; Latitude: 41° 46' 50", Longitude: -75° 53' 45"),

17) a 16 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 2,698 square feet (0.06 acre) of a palustrine emergent wetlands (PEM) (Montrose West, PA Quadrangle; Latitude: 41° 46' 50", Longitude: -75° 53' 46"),

18) a 16 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 30,594 square feet (0.70 acre) of a palustrine emergent wetlands (PEM) (Montrose West, PA Quadrangle; Latitude: 41° 46' 50", Longitude: -75° 53' 48"),

19) a 16 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 26,318 square feet (0.60 acre) of a palustrine emergent wetlands (PEM) (Montrose West, PA Quadrangle; Latitude: 41° 46' 51", Longitude: -75° 54' 26"),

20) a 16 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,144 square

feet (0.03 acre) of a palustrine emergent wetlands (PEM) (Montrose West, PA Quadrangle; Latitude: 41° 47' 00", Longitude: -75° 54' 35").

The Cantone Pipeline project consists of constructing approximately 2.60 miles of new 16" steel natural gas gathering line located in Bridgewater Townships, Susquehanna County. The project will result in 55 lineal feet of temporary stream impacts, 14,875 square feet (0.34 acre) of floodway only impacts, and 76,965 square feet (1.77 acre) of temporary wetlands impacts all for the purpose of providing safe reliable conveyance of Marcellus Shale natural gas to market.

**E5329-013: JKLM Energy, LLC**, 2200 Georgetown Drive, Suite 500, Sewickley, PA 15143, Summit & Sweden Townships, **Potter County**, ACOE Baltimore District.

To construct, operate and maintain the Sweden Valley Pipeline Connector Project, which consists of two (2) twelve-inch (12") diameter steel natural gas pipeline, with the following impacts:

1. 44.0 linear feet of a UNT to Nelson Run (HQ-CWF) and 1,564 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via open cut trenching and a temporary road crossing (Ayers Hill, PA Quadrangle, Latitude: N41°44'01.18", Longitude: W77°53'56.69");

2. 46.0 linear feet of a UNT to Nelson Run (HQ-CWF) and 275 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via open cut trenching and a temporary road crossing (Ayers Hill, PA Quadrangle, Latitude: N41°44'18.51", Longitude: W77°54'41.65");

3. 236 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands for a temporary access road crossing (Ayers Hill, PA Quadrangle, Latitude: N41°44'46.28", Longitude: W77°54'05.72"); and

4. 300 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands for a temporary access road crossing (Ayers Hill, PA Quadrangle, Latitude: N41°44'48.41", Longitude: W77°53'52.01").

The project will result in 90.0 linear feet of temporary stream impacts, 1,839 square feet (0.04 acre) of permanent EV PFO wetland impacts, and 536 square feet (0.01 acre) of temporary EV PEM wetland impacts, all for the purpose of installing a natural gas gathering line and associated access roadways for Marcellus shale development.

**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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
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.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0252654 (Sewage)	Yough Sanitary Authority WWTP P O Box 9 Dawson, PA 15428	Fayette County Dunbar Township	Dickerson Run (19-D)	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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0056537	Highway Materials, Inc. 1750 Walton Road Blue Bell, PA 19422-0465	Chester County East Whiteland Township	Unnamed Tributary to Valley Creek 3-F	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0239593 (Sewage)	Matthew W Boyd SRSTP 7351 Williams Road North East, PA 16428-4861	Erie County North East Township	Twelvemile Creek (15-A)	Yes
PA0028371 (Sewage)	Youngsville Borough STP 40 Railroad Street Youngsville, PA 16371	Warren County Youngsville Borough	Brokenstraw Creek (16-B)	Yes
PA0104469 (Sewage)	Kasgro Rail Rundle Road Plant 121 Rundle Road New Castle, PA 16102-1913	Lawrence County Taylor Township	Shenango River (20-A)	No

### **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. PA0021113**, Sewage, SIC Code 4952, **Glassport Borough**, 440 Monongahela Avenue, Glassport, PA 15045.

This existing facility is located in Glassport Borough, **Allegheny County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

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

**NPDES Permit No. PA0026794**, Sewage, **Borough of Conshohocken Authority**, 601 East Elm Street, Conshohocken, PA 19428.

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

Description of Action/Activity: To discharge from a facility known as Conshohocken Borough STP to Schuylkill River in Watershed(s) 3-F.

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

**NPDES Permit No. PA0023469-A1**, Sewage, SIC Code 4952, **Central Wayne Regional Authority**, 574 Bucks Cove Road, Honesdale, PA 18431.

This existing facility is located in Honesdale Borough, **Wayne County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit Amendment for an existing discharge of treated sewage.

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

**NPDES Permit No. 0265951**, Industrial Waste, **Old Dominion Electric Cooperative**, 4201 Dominion Blvd., Glen Allen, VA 23060-6149.

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

Description of Proposed Action/Activity: Seeking approval for the amendment of NPDES permit for discharge of treated Industrial wastewater.

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

**NPDES Permit No. PA0264644**, Sewage, SIC Code 8800, **Libby Lauffenburger**, 2867 Cobham Park Road, Warren, PA 16365.

This proposed facility is located in Glade Township, **Warren County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

**NPDES Permit No. PA0026832**, Sewage, SIC Code 4952, **Ellwood City Lawrence County**, 525 Lawrence Avenue, Ellwood City, PA 16117-1927.

This existing facility is located in Ellwood City Borough, **Lawrence County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

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### III. QM Industrial Waste and Sewerage Actions under The Clean Streams Law

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

**WQM Permit No. WQG02461606**, Sewage, **Limerick Township**, 646 West Ridge Pike, Limerick, PA 19468.

This proposed facility is located in Limerick Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sewer extension and the Sankey Pump Station and force main.

**WQM Permit No. 4616404**, Sewage, **Aqua Pennsylvania Wastewater Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010.

This proposed facility is located in Upper Merion Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a gravity sanitary sewer and the upgrade to an existing sewage pump station and force main.

*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. 1984406 A-1**, Sewage, SIC Code 4952, **Patriot Treatment Plant Inc.**, 6009 Columbia Boulevard, Bloomsburg, PA 17815-8800.

This existing facility is located in South Centre Township, **Columbia County**.

Description of Proposed Action/Activity: Installation of tablet feed dechlorinator to an existing treatment facility.

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

**WQM Permit No. 2769401 A-1**, Sewage, **PA DCNR**, PO Box 120, Cooksburg, PA 16217-0120.

This existing facility is located in Barnett Township, **Forest County**.

Description of Proposed Action/Activity: Amendment to remove existing communitor and 2 existing centrifugal pumps and replace them with a waste basket and 2 submersible pumps.

**WQM Permit No. 6216403**, Sewage, **Libby Lauffenburger**, 2867 Cobham Park Road, Warren, PA 16365.

This proposed facility is located in Glade Township, **Warren County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025815003	Hop Bottom Energy, LLC 6051 Wallace Road Ext. Suite 100 Wexford, PA 15090	Susquehanna	Lenox Township	Millard Creek (CWF, MF) Tower Branch (CWF, MF) EV Wetlands
PAI025816001	Wrighter Energy, LLC 6051 Wallace Road Ext Suite 100 Wexford, PA 15090	Susquehanna	Thompson Township	South Branch Canawacta Creek (CWF, MF) UNT's to South Branch Canawacta Creek (CWF, MF) EV Wetlands
PAI024816008	W.W. Transport, Inc. c/o Mr. Kyle Weuve P.O. Box 535 701 East Mount Pleasant Street West Burlington, IA 52655	Northampton	Forks Township	Bushkill Creek (HQ-CWF, MF)
PAI024814009(1)	Ungerer & Company c/o Mr. Kenneth G. Voorhees, Jr. 4 Bridgewater Lane Lincoln Park, NJ 07035-1439	Northampton	Hanover Township	Monocacy Creek (HQ-CWF, MF)
PAI025816002	Scott Andre 17150 State Route 706 Montrose, PA 18801	Susquehanna	Bridgewater Township	Snake Creek (CWF, MF) UNT to Snake Creek (CWF, MF)
PAI024516006	Margaret & Christopher Kinsley 149 Kinsley Lane East Stroudsburg, PA 18301	Monroe	Pocono Township	Bulgers Run (HQ-CWF, MF) Cranberry Creek (HQ-CWF, MF)
PAI024816011	Green Knight Economic Development Corporation c/o Mr. Peter Albanese 2147 Pen Argyl Road Pen Argyl, PA 18072	Northampton	Bushkill Township, Plainfield Township & Wind Gap Borough	UNT to Little Bushkill Creek (HQ-CWF, MF)

*Individual Permit Type—PAD*

*Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD680001	Attention: Patrick M. Webb Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800	Clinton County	East Keating Township	Camp Run, HQ-CWF Rock Run, HQ-CWF

**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 &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Moreland Township Montgomery County	PAG02004616048	BPG Office VI Maryland Ave LP The Buccini/Polling Group 322 A Street Suite 300 Wilmington, DE 19801	Tributary 02460 to Pennypack Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAG02004616051	Mid Atlantic Sports Construction 1000 Conshohocken Road Conshohocken, PA 19428	Mingo Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAG02004616082	Greg L. Beese 198 School Road Scwensville, PA 19473	Unnamed Tributary to Mine Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Concord Township Chadds Ford Township Delaware County	PAG02002316008	Concordville Realty, LLC P.O. Box 188 Route 202 Concordville, PA 19331	Webb Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Concord Township Delaware County	PAG02002316021	Metro Storage Chadds Ford, LLC 13528 West Boulton Boulevard Lake Forest, IL 60045	Brandywine Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Wilkes-Barre Township Luzerne County	PAG02004016020	Colors Hospitality LLC 45 River Road Flemington, NJ 08822	UNT to Susquehanna River (CWF, MF)	Luzerne Conservation District 570-674-7991

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Muncy Creek Twp Lycoming Cnty	PAC410003	Dan Wallace J.C. Bar Development 415 Fallowfield Rd Suite 301 Camp Hill, PA 17011	Muncy Creek—TSF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville, PA 17754 (570) 433-3003
Borough of Northumberland Northumberland Cnty	PAC490006 Formerly: PAG02004916013	Penn DOT, District 3-0 Attn: Chris Neidig, E.I.T. 715 Jordan Avenue Montoursville, PA 17754-0218	UNT to Susquehanna River—WWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4

*Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Midland Borough	PAC040004	Champion, Inc. 180 Traders Mine Road P.O. Box 180 Iron Mountain, MI 49801	Ohio River (WWF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701

*General Permit Type—PAG-03*

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Charleroi Borough Washington County	PAG036144	Rts Pkg LLC PO Box 116 Charleroi, PA 15022	Monongahela River—19-C	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
City of Philadelphia Philadelphia County	PAR120003	Bottling Group LLC 11701 Roosevelt Blvd Philadelphia, PA 19154	Unnamed Tributary to Walton Run 3-J	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970
Falls Township Bucks County	PAG030056	CSC Sugar, LLC 200 Rock Run Road Fairless Hills, PA 19030	Rock Run 2-E	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970
Hatfield Township Montgomery County	PAR900009	Republic Environmental Systems (Pennsylvania) LLC 2869 Sandstone Drive Hatfield, PA 19440	Unnamed Tributary to West Branch Neshaminy Creek 2-F	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970

*General Permit Type—PAG-10*

*Facility Location  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water/Use*

*Contact Office &  
Phone No.*

Bridgewater  
Township  
Susquehanna County

PAG102344

Williams Field Service Co. LLC  
Park Place Corp Center 2  
2000 Commerce Drive  
Pittsburgh, PA 15275-1026

Unnamed Tributary  
of Meshoppen Creek,  
Unnamed Tributary  
to Meshoppen Creek,  
and South Branch  
Wyalusing Creek—  
4-D and 4-G

DEP Northeast  
Regional Office  
Clean Water Program  
2 Public Square  
Wilkes-Barre, PA  
18701-1915  
570.826.2511

North Annville/  
Lebanon County

PAG103573

UGI Utilities Inc.  
2525 N 12th Street  
Suite 360  
PO Box 12677  
Reading, PA 19612-2677

Unnamed Tributary  
to Quittapahilla  
Creek/TSF & MF  
and Unnamed  
Tributary of Swatara  
Creek/WWF & MF

DEP—SCRO—Clean  
Water Program  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707

Upper Allen  
Township/  
Cumberland

PAG103572

UGI Utilities Inc.  
2525 N 12th Street  
Suite 360  
PO Box 12677  
Reading, PA 19612-2677

Mechanicsburg  
Reinforcement Phase  
II Project in Upper  
Allen Twp,  
Cumberland to  
Trindle Spring Run  
in Watershed(s)  
7-B/CWF and MF

DEP—SCRO—Clean  
Water Program  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707

**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

**Operations Permit # 1516523** issued to: **Westtown School**, 975 Westtown Road, West Chester, PA 19382, [(PWSID)] Westtown Township, **Chester County** on November 18, 2016 for the operation of Corrosion Control Feed Equipment for injection of Potassium Orthophosphate Blend facilities approved under construction permit # 1511511.

**Permit No. 1516519, Minor Amendment.** Public Water Supply.

Applicant	<b>Pennsylvania American Water Company</b> 800 West Hershey Park Drive Hershey, PA 17033
Township	East Pikeland
County	<b>Chester</b>
Type of Facility	PWS
Consulting Engineer	Evans Mill Environmental, LLC P.O. Box 735 Uwchland, PA 19480
Permit to Construct Issued	November 29, 2016

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

**PWS Permit No. 6616503MA,** Public Water Supply.

Applicant	<b>Meshoppen Borough Water Company</b> P.O. Box 237 Meshoppen, PA 18630-0255
[Township or Borough]	Meshoppen Borough <b>Wyoming County</b>
Responsible Official	Bruce Marshall, Mayor P.O. Box 237 Meshoppen, PA 18630-0255
Type of Facility	PWS

Consulting Engineer Fredrick E. Ebert, PE  
Ebert Engineering, Inc.  
4092 Skippack Pike  
Suite 202  
P.O. Box 540  
Skippack, PA 19474

Permit Issued Date 10/27/2016

**Permit No. 2400108**, Public Water Supply.

Applicant **Aqua PA, Inc.**  
1 Aqua Way  
White Haven, PA 18661

[Township or Borough] White Haven Borough  
**Luzerne County**

Responsible Official Patrick R. Burke, PE  
Aqua PA, Inc.  
204 E. Sunbury Street  
Shamokin, PA 17872

Type of Facility PWS

Consulting Engineer Jonathan Morris, PE  
GHD  
1240 North Mountain Road  
Harrisburg, PA 17112  
(717) 541-0622

Operation Permit Issued Date 11/26/2016

**Permit No. 3916503**, **Construction Permit**, Public Water Supply.

Applicant **Nestle Waters North America, Inc.**  
Attention: Mr. Weaver  
305 Nestle Way  
Breinigsville, PA

Municipality Upper Macungie Township

County **Lehigh County**

Type of Facility PWS

Consulting Engineer Mr. Edward E. Davis Sr., P.E.  
Miller Brothers Construction, Inc.  
950 East Main Street  
Schuylkill Haven, PA 17972

Permit Issued Date 11/09/2016

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 0116504**, Public Water Supply.

Applicant **New Oxford MHC, LLC**

Municipality Mt. Pleasant Township

County **Adams**

Responsible Official Joseph R. Weber, Chief  
Operating Officer  
9033 Nemo Street  
West Hollywood, CA 90069

Type of Facility Construction of Well No. 6 as a  
new source of supply. Addition of  
a blended phosphate for  
manganese sequestration.

Consulting Engineer N Peter Fleszar, P.E.  
Glace Associates, Inc.  
3705 Trindle Road  
Camp Hill, PA 17011

Permit to Construct 12/1/2016  
Issued

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**Permit No. 4716501-MA—Construction—Public Water Supply.**

Applicant **Danville Municipal Authority**

Township/Borough Danville Borough

County **Montour**

Responsible Official Richard Johns, Chairman  
Danville Municipal Authority  
12 W. Market Street  
P.O. Box 179  
Danville, PA 17821

Type of Facility Public Water Supply

Consulting Engineer David E. Marks  
Gannett Fleming, Inc.  
P.O. Box 67100  
Harrisburg, PA 17106

Permit Issued December 2, 2016

Description of Action Rehabilitation of two water  
treatment plant solids contact  
clarifier units.

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

**Operations Permit** issued to: **Borough of Tarentum**, 318 East 2nd Avenue, Tarentum, PA 15084, (**PWSID # 5020055**), Tarentum Borough, **Allegheny County** on December 5, 2016 for the operation of facilities approved under Construction Permit # 0216510MA.

**Operations Permit** issued to: **Pittsburgh Water & Sewer Authority**, Penn Liberty Plaza I, 1200 Penn Avenue, Pittsburgh, PA 15222, (**PWSID # 5020038**), Borough of Millvale, **Allegheny County** on December 5, 2016 for the operation of facilities approved under Construction Permit # 0216520MA.

**Operations Permit** issued to: **Pittsburgh Water & Sewer Authority**, Penn Liberty Plaza I, 1200 Penn Avenue, Pittsburgh, PA 15222, (**PWSID # 5020038**), City of Pittsburgh, **Allegheny County** on November 30, 2016 for the operation of facilities approved under Construction Permit # 0216543MA.

**Operations Permit** issued to: **Southwestern Cambria County Water Authority**, 79 Vogel Street, Johnstown, PA 15902, (**PWSID # 4110041**), Conemaugh Township, **Cambria County** on December 1, 2016 for the operation of facilities approved under Construction Permit # 1115505MA.

**Operations Permit** issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, (**PWSID # 5260036**), Dunbar Township, **Fayette County** on December 5, 2016 for the operation of facilities approved under Construction Permit # 2615515.

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

**Operation Permit** issued to **The Summit School, Inc.**, **PWSID No. 5100121**, Summit Township, **Butler County**. Permit Number 1016502-C issued December 1, 2016 for the operation of the Corrosion Control Inhibitor

facility. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on October 12, 2016.

## 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.*

**Peterson Property**, 181 west Central Avenue, East Bangor Borough, **Northampton County**. Mobile Environmental Analytical, Inc., 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Griffin Bros. Fuel, 989 Pennsylvania Avenue, Pen Argyl, PA 18072, submitted a Final Report concerning remediation of site soils contaminated with tert-Butyl-Methyl-Ether, Benzene, Toluene, Ethylbenzene, Cumene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, and Naphthalene. 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. Inc./Former Sterling Packaging**, 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.

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

**Family Practice Center**, PC Lower Mahanoy Township, **Northumberland County**. Molesevich Environmental, LLC, P O Box 654, Lewisburg, PA 17837, on behalf of Family Practice Center, PC, 3040 North Susquehanna Trail, P O Box 129, Shamokin Dam, PA 17876, has submitted a Combined Remedial Investigation Report/Final Report concerning remediation of site soil contaminated with Fuel Oil. The combined 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.*

**Punxsutawney Tile & Glass**, 220 Lane Avenue, Punxsutawney Borough, **Jefferson County**. Mavickar Environmental Consultants, 5925 Stevenson Avenue, Suite A, on behalf of Punxsutawney Tile & Glass, 220 Lane Avenue, Punxsutawney, PA 15767, submitted a Final Report concerning the remediation of site soil contaminated with cadmium, silver, and selenium. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**CamTran Facility**, 300 Maple Avenue, City of Johnstown, **Cambria County**. Michael Baker International, Inc., 4431 North Front Street, 2nd Floor, Harrisburg, PA 17110 on behalf of Cambria County Transit Authority, 502 Maple Avenue, Johnstown, PA 15901 has submitted a Final Report concerning the remediation of site soils and groundwater contaminated with heavy metals and semi-volatile organic compounds. The Final Report is intended to document remediation of the site to meet the Site Specific standard. Notice of the Final Report was published in the *Tribune-Democrat* on November 7, 2016.

**Former Glassport Rail Yard (former P&LE Railroad Maintenance Buildings and Yard)**, between Fifth Street and Third Street to the immediate east of the CSX Railroad ROW, Borough of Glassport, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Borough of Glassport, 440 Monongahela Ave, Glassport, PA 15045 has submitted a Final Report concerning site soils contaminated with manganese, benzidine, and tetrachloroethane, and groundwater contaminated with naphthalene, arsenic, and manganese. The Final Report is intended to document remediation of the site to meet the Site-Specific standard. Notice of the Final Report was published in the *Tribune-Review* on October 31, 2016.

**Former Hercules Inc. Clairton Site**, 120 State Street, City of Clairton, **Allegheny County**. EHS Sup-

port, LLC, 2045 W. Haddone Avenue, Chicago, IL 60622 on behalf of Hercules, LLC, 5200 Blazer Parkway, DA-5, Dublin, OH 43017 has submitted a Final Report concerning site soils and groundwater contaminated with metals, volatile and semi-volatile organic compounds (VOCs & SVOCs) and polychlorinated biphenyls (PCBs). The Final Report is intended to document remediation of the site to meet the Statewide Health standard for soil and a Site Specific standard for groundwater based on non-residential use assumptions. Notice of the Final Report was published in the *Pittsburgh Post-Gazette* on November 9, 2016.

## 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.*

**Hospital Central Services, Inc.**, 2139 and 2171 28th Street SW, Allentown City, **Lehigh County**. Leidos, Inc., 6310 Allentown Boulevard, Harrisburg, PA 17112 on behalf of Air Products and Chemicals, Inc., 7201 Hamilton Boulevard, Allentown, PA 18195, submitted a Final Report concerning the remediation of site groundwater contaminated with Tetrachloroethene, Trichloroethene, 1,1-Dichloroethene, cis/trans-1,2-Dichloroethene, 1,2-Dichloroethane, 1,1,1-Trichloroethane. The Final Report demonstrated attainment of the Background Standard, and was approved by the Department on November 30, 2016.

**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 the 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 Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on November 29, 2016.

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

**PennDOT Lewisburg Maint Garage Cleanup**, East Buffalo Township, **Union County**. Dewberry Engineers, Inc., 600 Parsippany Road, Suite 301, Parsippany, NJ 07054 on behalf of Pennsylvania Department of Transportation, 715 Jordan Avenue, Montoursville, PA 17754 has submitted a Final report concerning remediation of site soil and groundwater contaminated with hydraulic fluid. The Final report failed to demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on November 30, 2016.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Punxsutawney Tile & Glass**, 220 Lane Avenue, Punxsutawney Borough, **Jefferson County**. Mavickar Environmental Consultants, 5925 Stevenson Avenue, Suite A, on behalf of Punxsutawney Tile & Glass, 220 Lane Avenue, Punxsutawney, PA 15767, submitted a Final Report concerning the remediation of site soil contaminated with cadmium. The Report was disapproved by the Department on October 27, 2016.

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

**Zimmer-Naef Property**, 98 Millers Gap Road, Enola, PA 17025, Silver Spring Township, **Cumberland County**. Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403, on behalf of Carrie Zimmer-Naef and Hans Peter Naef, 98 Millers Gap Road, Enola, PA 17025, Scott and Margaret Evans, 80 Millers Gap Road, Enola,

PA 17025, and Andrew and Palma Deen, 78 Millers Gap Road, Enola, PA 17025, submitted Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on November 30, 2016.

**Walker Elementary School**, 7864 William Penn Highway, Mifflintown, PA 17059, Walker Township, **Juniata County**. P. Joseph Lehman, Inc., 117 Old Farm Office Road, Suite 113, Duncansville, PA 16635, on behalf of Juniata County School District, 7864 William Penn Highway, Mifflintown, PA 17059, submitted a Remedial Investigation Report concerning remediation of site groundwater contaminated with No. 2 fuel oil. The Report was approved by the Department on December 1, 2016.

**Metropolitan Edison Company North Hanover Substation**, Radio Road West of High Street, Hanover, PA 17332, Conewago Township, **Adams County**. Ramboll Environmental, 4350 North Fairfax Drive, Suite 300, Arlington, VA 22203, on behalf of Miller Chemical & Fertilizer, LLC, 120 Radio Road, Hanover, PA 17332, and FirstEnergy Corporation, P.O. Box 16001, Reading, PA 19612, submitted a Final Report concerning remediation of site soils contaminated with inorganics. The Final Report demonstrated attainment of the Non-Residential Statewide Health Standard, and was approved by the Department on December 1, 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.*

*Hazardous Waste Transporter License Reissued*

**Bed Rock, Inc. dba TSMTCO**, 8141 East 7th Street, Joplin, MO 64801. License No. PA-AH 0697. Effective Nov 30, 2016.

**Ross Transportation Services, Inc.**, 36790 Giles Road, Grafton, OH 44044. License No. PA-AH 0133. Effective Dec 01, 2016.

**US Environmental, Inc.**, 409 Boot Road, Downingtown, PA 19335. License No. PA-AH 0675. Effective Dec 01, 2016.

*New Applications Received*

**Brook Ledge Inc.**, P.O. Box 56, Oley, PA 19547. License No. PA-AH 0855. Effective Nov 19, 2016.

**RSB Logistic Inc.**, 219 Cardinal Crescent, Saskatoon, SK S7L7K8. License No. PA-AH 0854. Effective Nov 21, 2016.

*Renewal Applications Received*

**Dart Trucking Company, Inc.**, PO Box 157, North Lima, OH 44452. License No. PA-AH 0219. Effective Dec 06, 2016.

**Lancaster Oil Company dba Environmental Recovery Corporation of Pennsylvania**, 1076 Old Manheim Pike, Lancaster, PA 17601. License No. PA-AH 0679. Effective Dec 05, 2016.

**US Environmental, Inc.**, 409 Boot Road, Downingtown, PA 19335. License No. PA-AH 0675. Effective Nov 23, 2016.

#### RESIDUAL WASTE GENERAL PERMITS

**Permit(s) issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and 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: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.*

**General Permit No. WMGR123SW010. Greene County Water Treatment, LLC**, 401 Jefferson Road, Waynesburg, PA 15370. A modification of a general permit registration to add additional processing units at an existing treatment facility for the processing and beneficial use of oil and gas liquid waste to be used as a water supply to develop or hydraulically fracture an oil or gas well in Franklin Township, **Greene County** was issued by the Regional Office on December 6, 2016.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permits renewed under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 101611 Berks Transfer, Inc.**, 59 Willow Creek Road Reading, PA 19612-2706 located in Ontelaunee Township, **Berks County**. The permit for Berks Transfer, Inc. which expires on March 11, 2017, was renewed until March 11, 2027. The permit renewal was issued on December 6, 2016 for Solid Waste Permit No. 101611 for the operation of the Berks Transfer Facility in accordance with Article V of the Solid Waste Management Act, 35 P.S. §§ 6018.101, et seq.

Compliance with the terms and conditions set forth in the permit is mandatory. You have the right to file an appeal as to these terms and conditions.

**Permit No. 300980 Commonwealth Disposal, Inc.**, 2340 Paxton Church Road, Harrisburg, PA 17110 (Residual Waste Water Treatment Sediment Impoundment). The permit for Commonwealth Disposal Inc., which expires on June 1, 2017, was renewed until June 1, 2027. The permit renewal was issued on November 14, 2016 for Solid Waste Permit No. 300980 for the operation of the residual waste water treatment sediment impoundment in accordance with Article V of the Solid Waste Management Act, 35 P.S. §§ 6018.101, et seq.

Compliance with the terms and conditions set forth in the permit is mandatory. You have the right to file an appeal as to these terms and conditions.

**Permit No. 400556 Stericycle, Inc.**, (Medical Waste Processing Facility) 1525 Chestnut Hill Road Morgantown, PA 19543-9508. The permit for Stericycle, Inc., which expires on August 13, 2017, was renewed on December 7, 2016 until August 13, 2027 for Solid Waste Permit No. 400556 for the operation of the Stericycle, Inc. Medical Waste Processing Facility in accordance with Article V of the Solid Waste Management Act, 35 P.S. §§ 6018.101, et seq. In addition to the renewal, minor changes to the Preparedness Prevention Contingency

Plan (PPC), Operations Plan, process equipment, updated Radiation Protection Action and Monitoring Plan, and bonding amounts were approved.

Compliance with the terms and conditions set forth in the permit is mandatory. You have the right to file an appeal as to these terms and conditions.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

*Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.*

**GP14-46-0080: Lansdale Crematory** (701 Derstine Avenue, Lansdale, PA 19446-3344) On December 5, 2016 for the installation and operation of a Natural Gas Fired Human Crematory in Lansdale Borough, **Montgomery County**.

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

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**GP3-35-016: Kiewit Power Construction Co.**, (6401 Renner Blvd, Lenexa, KS 66219) on December 2, 2016, for the construction and operation of crushing operations at the Lackawanna Energy Center site at their facility in Jessup Borough, **Lackawanna County**.

**GP11-35-016: Kiewit Power Construction Co.**, (6401 Renner Blvd, Lenexa, KS 66219) on December 2, 2016, for the construction and operation of Engines at the Lackawanna Energy Center site at their facility in Jessup Borough, **Lackawanna County**.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**GP15-36-03101: Wenger's Feed Mill, Inc.** (101 West Harrisburg Avenue, Rheems, PA 17570) on November 29, 2016, for the replacement of pellet lines 1 & 2, under GP15, at the feed mill located in West Hempfield Township, **Lancaster County**.

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

*Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.*

**GP5-03-00979C: Snyder Brothers, Inc.** (90 Glade Drive, PO Box 1022, Kittanning, PA 16201) on December 1, 2016, for construction and/or operation of sources and controls associated with a natural gas compression facility at its Mushroom Mine Compressor Station located in West Franklin Township, **Armstrong 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.**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.*

**41-00077B: Kellogg USA, Inc.**, (572 Industrial Park Road, Muncy, PA 17756) on November 30, 2016, to construct a Haas brand, 13.4 MMBtu/hr, natural gas-fired pastry bake oven at its existing facility in Muncy Creek Township, **Lycoming County**. If the Department determines that the source is constructed and operated in compliance with the plan approval conditions and the specifications of the application for Plan Approval 41-00077B, the terms and conditions of the plan approval will subsequently be incorporated via administrative amendment into State Only (Synthetic Minor) Operating Permit 41-00077 in accordance with 25 Pa. Code § 127.450.

**08-00001B: Tennessee Gas Pipeline Company LLC**, (1001 Louisiana Street, PO Box 2511, Houston, TX 77252-2511) on December 2, 2016, the Department of Environmental Protection issued plan approval for the construction of the natural gas-fired combustion turbine which is coupled to a compressor, as well as the ancillary equipment for operation of the source. The source will be located at their Compressor Station 319 in Wyalusing Township, **Bradford 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.*

**15-0154: Depuy Synthes** (1303 Goshen Parkway, West Chester, PA 19380-5386) On December 1, 2016 for the extension of temporary operations of four Vapor Degreasers and a Cold Cleaning Machine for metal cleaning purposes in East Goshen Township, **Chester County**.

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**67-05004S: P.H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362) on December 1, 2016, for the construction of two (2) Babcock & Wilcox (B&W), (372.6 and 358.3 MMBtu per hour each), natural gas fired boilers and the installation of a hydrated lime injection system to reduce HCl emissions from Power Boiler No. 5, with associated equipment including, but not limited to, a storage silo and pneumatic conveying system at the P.H. Glatfelter Co.'s Spring Grove facility located in Spring Grove Borough, **York County**. The plan approval was extended.



*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.*

**17-00069A: The Pennsylvania State University** (3641 McGeorge Road, Clearfield, PA 16830) on November 22, 2016, extended the authorization an additional 180 days from November 29, 2016 to May 28, 2017, to allow continued operation of the generator engine at the facility pending issuance of a state only operating permit. The facility is located in Lawrence Township, **Clearfield County**. The plan approval has been 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-63-00990B: Donora Dock LLC** (11 Lloyd Ave Suite # 200, Latrobe, PA 15650-1711), on November 30, 2016, plan approval modification issued for continued operation of their coal handling facility located in Carroll Township, **Washington County**.

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**10-368D: Markwest Liberty Bluestone, Bluestone Plant** (1515 Arapahoe St., Tower 1, Suite 1600, Denver, CO 80202) on November 30, 2016, effective November 30, 2016, will issue a plan approval extension for the construction of two (2) 200 MMCF/day capacity cryogenic natural gas processing plants, a deethanizer, fractionator, associated process heaters and storage tanks, and three (3) additional emergency generators along with removing one existing process heater, modify an additional existing process heater, replace the existing flare, remove ten (10) existing natural gas-fired compressor engines, and replace them with electrically driven compression at their facility in **Butler County**. This will expire on May 31, 2017. This is a State Only facility.

**25-053F: Urick Foundry Company** (1501 Cherry Street, Erie, PA 16502) on November 30, 2016, has issued a plan approval extension for the installation of new foundry equipment capable of producing larger castings. This project will include the installation of two (2) 80-ton sand silos, two (2) bin vents, a mold making system, a new pouring/cooling/shakeout system, new sand blasting equipment, new grinding equipment and four (4) new baghouses. This facility is located in the City of Erie, **Erie County**.

**Plan Approvals Denied, Terminated, Modified, Suspended or Revoked under the Air Pollution Control Act and the provisions of 25 Pa. Code §§ 127.13b and 127.13c.**

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

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**40-00014A: Bimbo Bakeries USA, Inc.** (541 White Birch Road, Hazleton, PA 18202) on October 13, 2016 to withdraw a Plan Approval for construction of one (1) anaerobic digester to produce biogas fuel for their facility located in Hazle Township, **Luzerne County**.

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

*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.*

**01-05035: Tucker Industrial Liquid Coatings, Inc.** (407 North Avenue, East Berlin, PA 17316-7813) on December 1, 2016, for the surface coating facility located in East Berlin Borough, **Adams County**. The Title V permit was renewed.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**09-00146: Pelmor Laboratories, Inc.** (3161 State Road, Bensalem, PA 19020) On December 1, 2016 for the renewal of a State-Only, Natural Minor Operating Permit for their location in Bensalem Township, **Bucks County**.

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

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

**39-00074: Sumitomo (Shi) Cryogenics of America, Inc.** (1833 Vultee St., Allentown, PA 18103-4742) issued on 11/29/16, for operation of a surgical and medical instrument manufacturing operation in Allentown City, **Lehigh County**. The source includes three (3) batch vapor degreasers, two (2) cold cleaning degreasers, and one (1) emergency engine. The proposed operating permit includes requirements designed to keep the facility operating within applicable air quality requirements.

*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.*

**67-03175: Cintas Corporation** (27 Whitney Drive, Milford, OH 45150-9784) on December 1, 2016, for the industrial laundry facility located in York City, **York County**.

**22-03005: Harsco Metals Americas Division of Harsco Corp.** (PO Box 5003, Cranberry Township, PA 16066-5003) on November 29, 2016, for the steel slag processing facility located in Steelton Borough, **Dauphin County**. The State-only permit was renewed.

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

*Contact: Tom Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**OP-56-00199: Shade-Central City School District** (PO Box 7, 203 McGregor Ave., Cairnbrook, PA 15924). On November 30, 2016, the Department issued a renewal synthetic minor Operating Permit for the operation of

Shade-Central City High School located in Shade Township, **Somerset County**. Equipment at this facility includes one 6.4 mmbtu/hr tri-fuel boiler, one 8.4 mmbtu/hr No. 2 fuel oil fired boiler, and two small emergency electric generators. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121–145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

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

*Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.*

**16-00094: IA Construction Corporation** (PO Box 568, Franklin, PA 15323). On November 23, 2016, the Department renewed a State Only Operating Permit for the batch hot mix asphalt located in Paint Township, **Clarion County**. The facility is a Synthetic Minor. The permit includes a restriction of a maximum of 495,000 tons of hot mix asphalt to be produced in any 12 consecutive month period. The primary sources at the facility include a Batch Hot Mix Asphalt Plant and a Portable Crushing Plant. Actual 2015 emissions are as follows: 20.41 tons CO; 2.89 tons NO<sub>x</sub>; 6.45 tons PM<sub>10</sub>; 0.23 ton SO<sub>x</sub>; 0.41 ton VOCs; and 0.37 ton HAPs. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**25-00955: Foam Fabricators, Incorporated** (6550 West 26th Street, Erie, PA 16506) on November 29, 2016, the Department renewed the Synthetic Minor Operating Permit. The facility is located in Fairview Township, **Erie County** and manufactures pre expanded polystyrene foam products. The emitting sources include one boiler, miscellaneous natural gas usage, pre expander C, D, and E, bag storage—pre puff, molding machines with central vacuum, warehouse post molding, and a degreaser unit. The facility has taken a restriction of VOC emissions from the facility not more than 49.5 tons per year and is therefore a Synthetic Minor. The emission inventory submitted by the facility for 2015 is as follows: Particulate Matter less than 2.5 micron (PM<sub>2.5</sub>): 0.0710 Ton per year (TPY), Oxides of Nitrogen (NO<sub>x</sub>): 0.9290 TPY, Oxides of Sulfur (SO<sub>x</sub>): 0.0060 TPY, Carbon Monoxide (CO): 0.7250 TPY, Volatile Organic Compound (VOC): 28.8680 TPY, Particulate Matter less than ten micron (PM<sub>10</sub>): 0.0710 TPY.

**37-00012: Dunbar Asphalt Products Plant 2** (PO Box 477, Wheatland, PA 16161-0477) 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, stockpiles and aggregate bins, material handling and storage, and recycled asphalt product handling and storage. The rotary dryer is controlled by a cyclone separator and a baghouse. The facility is located in Mahoning Township, **Lawrence County**. The facility is a synthetic minor based on limiting CO emissions. The CO emissions are limited based on a production 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 17.3 TPY CO, 1.5 TPY NO<sub>x</sub>, 1.45 TPY PM<sub>10</sub>, 0.4 TPY SO<sub>x</sub>, and 1.5 TPY VOC.

**62-00163: IA Construction Corporation** (PO Box 568, Franklin, PA 15323). On November 23, 2016, the Department renewed a State Only Operating Permit for

the Garland aggregate plant located in Pittsfield Township, **Warren County**. The facility is a Synthetic Minor. The permit includes a restriction of a maximum of 525,000 tons of material to be processed in any 12 consecutive month period. The primary sources at the facility are a Stationary Sand & Gravel Plant and a Portable Sand & Gravel Plant. Potential emissions are as follows: 34.85 tpy PM; 14.82 tpy NO<sub>x</sub>; 4.1 tpy CO; 0.2 tpy VOC. A 58 hp diesel engine generator used to power a conveyor is subject to 40 CFR Part 63 Subpart ZZZZ, the NESHAP for Stationary RICE and the applicable requirements are included in the permit. The permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

*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:

**S16-001: Naval Foundry and Propeller Center** (1701 Kitty Hawk Ave, Philadelphia, PA 19112), for the operation of a foundry for the manufacture of propellers in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include sand mixing including two mixers, fourteen (14) electric induction furnaces, sand conveying operations, blasting, metal grinding, sawing, ten (10) combustion units burning natural gas each rated at 20 MMBTU/hr or less, twenty-one (21) combustion units burning natural gas each rated at 3.0 MMBTU/hr or less, propeller cleaning, paint spraying, film developing, and one (1) 795 kilowatt emergency generator burning diesel fuel. The facility's air emission control devices include six (6) baghouses.

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**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.**

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

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

**23-00101: Esschem, Inc.** (4000 Columbia Ave., Linwood, PA 19061) On December 1, 2016 an administrative amendment to change the name of the Responsible Official for its monomer and blending processing facility located in Lower Chichester Twp., **Delaware County**.

**15-00015: Arkema Company, Inc.** (610 Bolmar Street, West Chester, PA 19382) On December 5, 2016 for a minor modification to the Title V Operating Permit to establish a facility wide VOC limit of 49.9 tons per year to escape the RACT Phase II requirements for their facility located in West Chester Borough, **Chester County**.

**15-00027: Johnson Matthey Inc.** (456 Devon Park Drive, Wayne, PA 19087) On December 5, 2016 for a modification to the Title V Operating Permit to incorporate an Alternative Operating Schedule for Line 14 and Line 15 in accordance with 25 Pa. Code § 127.462. The modified Title V Operating Permit contains all of the applicable regulatory requirements including monitoring, recordkeeping, reporting, and emission limits, Upper Hanover Township, **Montgomery County**.

**09-00189: Eureka Stone Quarry, Inc.** (1521 Easton Road, Warrington, PA 18976) On December 5, 2016 for an administrative amendment to incorporate plan approval 09-0189B into the State Only, Synthetic Minor Operating Permit for their quarrying operation and a stone crushing operation located in Montgomery Township, **Montgomery County**.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**50-05001: Texas Eastern Transmission LP** (PO Box 1642, Houston, TX 77251-1642) on November 30, 2016, for the Shermansdale compressor station located in Carroll Township, **Perry County**. The Title V permit underwent a minor modification to add a federally enforceable facility VOC emissions cap of 50 tpy, plus associated recordkeeping.

**67-05041: DLA Installation Support at Susquehanna** (S Avenue & 3rd Street, Bldg. 750, New Cumberland, PA 17070) on November 28, 2016, for the military support facility located in Fairview Township, **York County**. The Title V permit underwent a minor modification to add a federally enforceable facility NO<sub>x</sub> cap, plus associated recordkeeping.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.*

**49-00003: ACF Industries, LLC** (417 N. Arch St., Milton, PA 17847) on November 30, 2016, for their railcar manufacturing facility in Milton Borough, **Northumberland County**. The minor operating permit modification included conditions to incorporate the presumptive RACT requirements pursuant to 25 Pa. Code § 129.97. Minor modification of Title V operating permit No. 49-00003 is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.462.

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**10-00021: Indspec Chemical Corporation** (PO Box 307, 133 Main Street, Petrolia, PA 16050). On December 2, 2016 issued an administrative amendment to the Title V Operating Permit to incorporate the change in responsible official for the facility located in Petrolia Borough, **Butler County**. The plant manager changed to Andre Salameh and other representatives delegated as “Acting Plant Manager” were added to the permit.

**20-00123: Lord Corporation Cambridge Springs Plant** (124 Grant Street, Cambridge Springs, PA 16403-1014). On December 1, 2016 issued an administrative amendment to the Title V Operating Permit to change the responsible official. The facility is located in Cambridge Springs Borough, **Crawford County**.

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**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

*Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.*

**OP-32-00433: Sunoco Pipeline, L.P.** (535 Fritztown Road Sinking Spring, PA 19608). Per 25 Pa. Code § 127.449(i), this Notice is for the following de minimis emission increase at the Sunoco Pipeline, L.P., Blairsville Station, located in Burrell Township, **Indiana County**:

Project to update emissions estimates for the existing equipment associated with the Mariner East 1 pipeline:

1) Emissions from the facility have been recalculated based on as-built Piping and Instrumentation Diagrams (P&IDs).

Total emissions from this project will not exceed -1.24 tpy NO<sub>x</sub>, 0.04 tpy CO, and -0.26 tpy VOC.

The list of de minimis increases for this facility includes only this project.

**TVOP-65-00354: Sunoco Marketing & Terminals Partners, L.P.** (535 Fritztown Road, Sinking Spring, PA 19608). Per 25 Pa. Code § 127.449(i), this Notice is for the following de minimis emission increase at the Sunoco Marketing & Terminal Partners, L.P. Delmont Terminal located in Salem Township, **Westmoreland County**:

Project to install the following equipment:

1. Project to reactivate two existing diesel arms on Loading Rack 3 to accommodate ultra-low sulfur diesel and to add one new loading arm for transmix.

2. Project to reactivate two existing gasoline loading arms on Loading Rack 4 to accommodate gasoline with ethanol and to add a new loading arm for premium gasoline.

There will be no increase in potential emissions or projected future actual emissions as a result of this project. Furthermore, the project will not add any new products to this facility or increase allowable throughputs of any product through the facility and therefore, no new pollutants will be emitted as a result of the project.

The list of de minimis increases for this facility includes only this project.

**OP-65-00354: Sunoco Pipeline, L.P.** (535 Fritztown Road, Sinking Spring, PA 19608). Per 25 Pa. Code § 127.449(i), this Notice is for the following de minimis emission increase at the Sunoco Pipeline, L.P., Delmont Station, located in Salem Township, **Westmoreland County**:

A. Project to update emissions estimates for the existing equipment associated with the Mariner East 1 pipeline:

1) Emissions from the facility have been recalculated based on as-built Piping and Instrumentation Diagrams (P&IDs) for fugitive emissions resulting in an increase of 0.45 tpy VOC.

2) Sources to the flare during Standard Operating Scenario (SOS) exclude process relief valves.

Total emissions from this project will not exceed 0.05 tpy NO<sub>x</sub>, 0.05 tpy CO, and 0.87 tpy VOC.

B. Project to install the following new equipment associated with the Mariner East 2 pipeline:

1) A John Zink Company LLC enclosed ZTOF model flare rated at 30.0 mmbtu/hr controlling emissions from the following new sources:

- Standard Operating Scenario continuous emission sources which will include two (2) mainline booster pumps (4,500 hp) rated at 0.21 scf/hr.

- Maintenance Operations Scenario emission sources which will include two (2) Filters, one (1) 20-in. Pig Launcher, and one (1) 20-in. Pig Receiver.

This unit replaces the existing 10 mmbtu/hr enclosed flare at this facility which is presently controlling emissions from equipment associated with the Mariner East 1 pipeline.

2) A Knockout Tank (Pressure Vessel) for the collection of entrained liquid material prior to the vapors flowing to the flare. The tank will not have any associated working or breathing losses.

3) Fugitive Emission Sources which will include fugitive VOC and HAP emissions resulting from leaks of sealed surfaces associated with equipment such as valve stems, flanges, and other miscellaneous component types.

Total emissions from this project will not exceed 0.03 tpy NO<sub>x</sub>, 0.15 tpy CO, and 0.72 tpy VOC.

Total emissions from both projects combined will not exceed 0.08 tpy NO<sub>x</sub>, 0.20 tpy CO, and 1.59 tpy VOC.

**OP-32-00434: Sunoco Pipeline, L.P.** (535 Fritztown Road, Sinking Spring, PA 19608). Per 25 Pa. Code § 127.449(i), this Notice is for the following de minimis emission increase at the Sunoco Pipeline, L.P., Cramer Station, located in East Wheatfield Township, **Indiana County**:

Project to update emissions estimates for the existing equipment associated with the Mariner East 1 pipeline:

1) Emissions from the facility have been recalculated based on as-built Piping and Instrumentation Diagrams (P&IDs).

Total emissions from this project will not exceed -1.24 tpy NO<sub>x</sub>, 0.04 tpy CO, and -0.26 tpy VOC.

The list of de minimis increases for this facility includes only this project.

**TVOP-65-00354: Sunoco Marketing & Terminals Partners, L.P.** (535 Fritztown Road, Sinking Spring, PA 19608). Per 25 Pa. Code § 127.449(i), this Notice is for the following de minimis emission increase at the Sunoco Marketing & Terminal Partners, L.P. Delmont Terminal located in Salem Township, **Westmoreland County**:

Project to install the following equipment:

1. Project to reactivate two existing diesel arms on Loading Rack 3 to accommodate ultra-low sulfur diesel and to add one new loading arm for transmix.

2. Project to reactivate two existing gasoline loading arms on Loading Rack 4 to accommodate gasoline with ethanol and to add a new loading arm for premium gasoline.

There will be no increase in potential emissions or projected future actual emissions as a result of this project. Furthermore, the project will not add any new products to this facility or increase allowable throughputs of any product through the facility and therefore, no new pollutants will be emitted as a result of the project.

The list of de minimis increases for this facility includes only this project.

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

*Contact: Dave Balog, New Source Review Chief or Matt Williams, Facilities Permitting Chief—Telephone: 814-332-6340.*

**GP4-25-079B: Berry Plastics Corp.** (316 W. 16th St., Erie, PA 16502) for its facility located in the City of Erie, **Erie County**. The de minimis increases are a result of the addition of five (5) plastic grinding machines and an associated dust collector. The Department has started a list of de minimis increases as prescribed in 25 Pa. Code § 127.449(i).

Since the January 23, 2012 General Operating Permit issuance date, Berry Plastics has notified the Department of the following de minimis emission increases:

Date	Source	PM <sub>10</sub> (tons)	SO <sub>x</sub> (tons)	NO <sub>x</sub> (tons)	VOC (tons)	CO (tons)
11/9/2016	Plastic Grinding Machines (5)	0.61	0	0	0	0
Total Reported Increases		0.61	0	0	0	0
Allowable		0.6 ton/source 3 tons/facility	1.6 ton/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.**

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

*Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**56-00166: PBS Coals, Inc.** (246 Frankfort Road, Monaca, PA 15061) On November 21, 2016, the Department inactivated the Title V Operating Permit for the operation of the Shade Creek Coal Preparation Plant, in accordance with 25 Pa. Code § 127.446(a). The facility has been reconfigured and is now a minor source of

emission of all pollutants. Permanent operation of this facility, which is located in Shade Township, **Somerset County**, is now authorized by BAQ-GPA/GP-12-56841603-R15, which was authorized for use on October 24, 2016.

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**10-00286: Portersville Sales & Testing** (PO Box 131, 1406 Perry Highway, Portersville, PA 16051) on November 18, 2016, for the truck and trailer manufacturing facility located in Portersville Borough, **Butler County**.

This State Operating Permit was revoked because the facility has ceased production and the facility was closed on June 2, 2016.

## 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. 32960103 and NPDES No. PA0213331. Forcey Coal, Inc.**, 475 Banion Road, Madera, PA 16661 renewal for reclamation only of a bituminous surface and auger mine in Green Township, **Indiana County**, affecting 329.7 acres. Receiving streams: unnamed tributaries to Little Mahoning Creek, unnamed tributaries to East Run to Little Mahoning Creek and unnamed tributaries to North Branch of Two Lick Creek classified for the following uses: high quality cold water fishes, cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 24, 2016. Permit issued: November 16, 2016.

**Permit No. 32120101. NPDES No. PA0268976 and General Permit GP-12-32120101, Amerikohl Mining, Inc.**, 202 Sunset Drive, Butler, PA 16001, revision of an existing bituminous coal surface mining site to obtain coverage for coal processing under air quality general permit GP-12 in East Wheatfield Township, **Indiana County**, affecting 210.2 acres. Receiving streams: unnamed tributary to/and Mardis Run to Blacklick Creek, classified for the following uses: cold water fishes and trout stocked fishes. There are no potable water supply intakes within 10 miles downstream. Application received: October 4, 2016. Permit issued: November 23, 2016.

**Permit No. 56140106 and NPDES No. PA0279404. Mountaineer Mining Corporation**, 1010 Garrett Shortcut Road, Berlin, PA 15530 commencement, operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 36.0 acres. Receiving streams: unnamed tributaries to Piney Run, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 27, 2016. Permit issued: November 29, 2016.

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

**26960101 and NPDES Permit No. PA0201600. Daniel J. Patterson** (20 Elizabeth Drive, Smithfield, PA

15478). Permit renewal issued for reclamation only to an existing bituminous surface mine, located in Georges Township, **Fayette County**, affecting 48 acres. Receiving streams: unnamed tributaries to York Run. Application received: February 4, 2016. Renewal permit issued: December 1, 2016.

### Noncoal Permits Issued

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.*

**Permit No. 34092803, GP104 No. PAM411007. Quarry Cut, Inc.**, P.O. Box 1020, 77 Wells Road, Parker Ford, PA 19457. General NPDES Permit for stormwater discharges associated with mining activities on Small Noncoal Permit No. 34092803 located in Turbett Township, **Juniata County**. Receiving stream: Tributary to Hunter's Creek, classified for the following uses: cold water fishes and migratory fishes. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for Coverage received: November 14, 2016. Permit Issued: November 30, 2016.

**Permit No. 34102801, GP104 No. PAM411008. Quarry Cut, Inc.**, P.O. Box 1020, 77 Wells Road, Parker Ford, PA 19457. General NPDES Permit for stormwater discharges associated with mining activities on Small Noncoal Permit No. 34102801 located in Spruce Hill and Turbett Townships, **Juniata County**. Receiving stream: Unnamed tributary to Tuscarora Creek, classified for the following uses: cold water fishes and migratory fishes. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for Coverage received: November 14, 2016. Permit Issued: November 30, 2016.

**Permit No. 1160301, GP104 No. PAM411001. Jigging Technologies LLC, dba Atoll**, 950 Riders Road, Johnstown, PA 15906. General NPDES Permit for stormwater discharges associated with mining activities on Small Noncoal Permit No. 1160301 located in East Taylor Township and the City of Johnstown, **Cambria County**. Receiving stream: Hinckston Run, classified for the following use: warm water fishes. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for Coverage received: November 14, 2016. Permit Issued: November 30, 2016.

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

**Permit No. 64160301 and NPDES Permit No. PA0225622. Wayco, Inc.**, (198 O'Connell Road, Waymart, PA 18472), commencement, operation and restoration of a quarry operation and NPDES Permit for discharge of treated mine drainage in Palmyra Township, **Wayne County** affecting 36.0 acres, receiving streams: Wallenpaupack Lake and Wallenpaupack Creek. Application received: February 4, 2016. Permit issued: November 29, 2016.

**Permit No. 5273WSM1C5 and NPDES Permit No. PA0594261. H & K Group, Inc.**, (P.O. Box 196, Skip-pack, PA 19474), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Aston Township, **Delaware County** affecting 50.0 acres, receiving stream: Chester Creek. Application received: September 2, 2014. Renewal issued: December 2, 2016.

**Permit No. 7775SM12C7 and NPDES Permit No. PA0223573. Highway Materials, Inc.**, (409 Stenton Avenue, Flourtown, PA 19031), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Alsace Township, **Berks County**

affecting 137.4 acres, receiving stream: unnamed tributary to Laurel Run. Application received: April 29, 2015. Renewal issued: December 2, 2016.

### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Issued*

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

**08164106. Meshoppen Stone, Inc.** (P.O. Box 127, Meshoppen, PA 18630). Blasting for Gu-X-Seymour pad and access road in Stevens Township, **Bradford County** and Rush Township, **Susquehanna County** with an expiration date of November 18, 2017. Permit issued: November 29, 2016.

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

**03164003. KESCO, Inc.** (215 South Main St., Zelenople, PA 16063). Blasting activity permit for testing at the NABCO Systems, LLC, located in East Franklin Township, **Armstrong County** with an exploration date of November 16, 2017. Blasting permit issued: November 17, 2016.

**03164001. Precision Geophysical, Inc.** (2695 State Route 83 South, Millersburg, OH 44654). Blasting activity permit to conduct seismic activity for the Pine Creek 2D located in Rayburn, Manor, Kittanning, Valley, Boggs, Pine, Wayne, Madison and Cowanshannock Townships, **Armstrong County** with an exploration date of August 17, 2017. Blasting permit issued: November 29, 2016.

**03164002. Precision Geophysical, Inc.** (2695 State Route 83 South, Millersburg, OH 44654). Blasting activity permit to conduct seismic activity for the Renshaw 2D located in South Buffalo Township, **Armstrong County** with an exploration date of August 17, 2017. Blasting permit issued: November 29, 2016.

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

**Permit No. 36164172. Keystone Blasting Service,** (15 Hopeland Road, Lititz, PA 17543), construction blasting for Melvin Allgyer manure pit in Caernarvon Township, **Lancaster County** with an expiration date of December 30, 2016. Permit issued: December 1, 2016.

**Permit No. 40164111. Hayduk Enterprises, Inc.,** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Jack Cobleigh dwelling in Dallas Township, **Luzerne County** with an expiration date of January 31, 2017. Permit issued: December 1, 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.*

**E40-782. Pennsylvania Department of Transportation, Engineering District 4-0,** 55 Keystone Industrial Park, Dunmore, PA 18512. Bear Creek Township, **Luzerne County**, Army Corps of Engineers Philadelphia District.

To remove the existing structure; and to construct and maintain a 28-foot wide road crossing of Red Run Creek (HQ-CWF, MF), consisting of a single 6-foot diameter concrete pipe depressed 1-foot below streambed elevation with end walls and riprap. The project is located along SR 2036, Section D52 Segment 00700 Offset 0000 (Pleasant View Summit, PA Quadrangle Latitude: 41°14'39.3"; Longitude: -75°43'15.7")

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E04-351, The Beaver County Board of Commissioners**, 810 Third Street, Beaver, PA 15009, Fallston Borough and Bridgewater Borough, **Beaver County**, Pittsburgh ACOE District.

Has been given consent to:

Remove the existing 25' 5.5" width, two span Brickyard Road bridge having a total length of 100', and having a minimum underclearance of 8' 2" over Bradys Run (TSF) with a drainage area of 25.64 square miles; and to construct and maintain a replacement 37' 4.5" wide, 110' long single span bridge, having a minimum underclearance of 8' 2", 54' upstream from the existing bridge. Place and maintain fill in a de minimis 0.018 acre of PEM wetland and permanently impact approximately 117' of stream for the placement of scour protection and other appurtenant works. In addition, construct and maintain associated stormwater and approach road changes; and temporarily impact 0.003 acre of PEM wetland and 179' of stream for the construction of these encroachments. The Beaver County improvement and relocation project is in Fallston Borough and Bridgewater Borough, PA (Aliquippa Quadrangle; N: 17.25 inches; W: 8.75 inches; Latitude 40° 43' 16"; Longitude -80° 18' 46") Beaver County.

**E30-245-A1, Pennsylvania Game Commission**, 4820 Route 711, Bolivar, PA 15923, Whiteley Township and Greene Township, **Greene County**, Pittsburgh ACOE District.

Has been given consent to:

Re-grade the stream banks and to install and maintain stream bank toe rock stabilization along the stream banks at multiple locations along an approximately 1,540 LF long reach of Whiteley Creek (TSF) and to install and maintain rock vane deflectors within this same reach for the purpose of improving fish habitat. In addition, to grade the floodplain along approximately 234 LF of an Unnamed Tributary of Whiteley Creek and excavate approximately 0.02 acre of wetland, to create a 0.21 acre wetland. The project is to compensate for impacts to aquatic resources that were approved under permit E30-233-A1. The project is located within State Game Land # 223, approximately 0.6 mile east of the intersection of Kirby-Garards Fort Road and McCoy Road (Garards Fort, PA USGS Quadrangle, N: 11.0 inches; W: 9.3 inches; Latitude: 39°48'39"; Longitude: -80°3'54"), in Whiteley and Greene Townships, Greene County.

#### ENVIRONMENTAL ASSESSMENTS

*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.*

**D67-021EA. Dave Lewis, Columbia Water Company**, 220 Locust Street, Columbia, PA 17512, Hellam Township, **York County**, USACOE Baltimore District.

Project proposes to remove Wildcat Run Reservoir Dam for the purpose of eliminating a threat to public safety and to restoring approximately 325 feet of stream channel to a free-flowing condition. The proposed restoration project includes the removal of an upstream grate, concrete walls and channel and construction of grade control structures through the breach. The project is located across Wildcat Run (WWF, MF) (Columbia West, PA Quadrangle, Latitude: 40.0479; Longitude: -76.6022).

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, PA 17701.*

ESCP 2 # ESG0035160002

Applicant Name Transcontinental Gas Pipe Line Company, LLC

Contact Person

Address 2000 Commerce Dr

City, State, Zip Pittsburgh, PA 15276

County Clinton

Township(s) Chapman Twp

Receiving Stream(s) and Classification(s) Young Womans Creek (EV), Left Branch Young Womans Creek (EV), Dry Run (HQ), Post Hollow (CWF), Mudlick Run (CWF)

*Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.*

ESCGP-2 # ESX16-059-0025

Applicant Name EQT Production Company

Contact Person Todd Klaner

Address 2400 Zenith Ridge Road, Suite 200

City, State, Zip Canonsburg, PA 15317

County Greene County and Washington County

Township(s) Morgan Township and West Bethlehem Township

Receiving Stream(s) and Classification(s) Bacon Run (WWF), UNT to Tenmile Creek (TSF)

Secondary—Ten Mile Creek

ESCGP-2 # ESX16-005-0004

Applicant Name Snyder Bros Inc

Contact Person Carl Rose

Address P.O. Box 1022

City, State, Zip Kittanning, PA 16201

County Armstrong County

Township(s) East Franklin Township

Receiving Stream(s) and Classification(s) UNT Allegheny River

Secondary—Allegheny River

ESCGP-2 # ESX16-007-0008

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  
 Township(s) New Sewickley  
 Receiving Stream(s) and Classification(s) UNT to Brush  
 Ck (WWF); UNT to Crows Run (WWF)  
 Secondary—Brush Ck & Crows Run

ESCGP-2 # ESG16-129-0011  
 Applicant Name Apex WML Midstream LLC  
 Contact Person Chris Hess  
 Address 6041 Wallace Rd, Suite 100  
 City, State, Zip Wexford, PA 15090  
 County Westmoreland  
 Township(s) Salem  
 Receiving Stream(s) and Classification(s) Beaver Run  
 (HQ-CWF, SI)

ESCGP-2 # ESX16-059-0031  
 Applicant Name EQT Production Co  
 Contact Person Todd Klaner  
 Address 2400 Ansys Dr, Suite 200  
 City, State, Zip Canonsburg, PA 15317  
 County Greene  
 Township(s) Springhill  
 Receiving Stream(s) and Classification(s) UNTs to Knob  
 Run (WWF)  
 Secondary—Knob Run (WWF)

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

ESCGP-2 # ESX11-015-0321 (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) Columbia Twp and Sylvania Boro  
 Receiving Stream(s) and Classification(s) UNT to Morgan  
 Ck (TSF, MF); Morgan Ck (TSF, MF)  
 Secondary—Sugar Ck

ESCGP-2 # ESX10-015-0055 (03)  
 Applicant Name Talisman Energy USA Inc  
 Contact Person Joe Katruska  
 Address 50 Pennwood Pl  
 City, State, Zip Warrendale, PA 15086  
 County Bradford  
 Township(s) Columbia  
 Receiving Stream(s) and Classification(s) UNT to Wolf Ck  
 (TSF, MF)  
 Secondary—Wolf Ck

ESCGP-2 # ESX29-027-16-0004  
 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) Moshannon Ck  
 (TSF, MF)  
 Secondary—W Branch Susquehanna River (WWF)

ESCGP-2 # ESX29-081-16-0027  
 Applicant Name Inflection Energy PA LLC  
 Contact Person Thomas Gillespie  
 Address 49 E 4th St  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming  
 Township(s) Hepburn & Eldred  
 Receiving Stream(s) and Classification(s) UNT to Millers  
 Run (WWF); UNT to Mill Ck (WWF); UNT to Lick Run  
 (TSF)  
 Secondary—Millers Run (WWF); Mill Ck (WWF); Lick  
 Run (TSF)

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## SPECIAL NOTICES

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### Municipal Waste Management Landfill Expansion Application # 100022-A151 Submitted by Chrin Brothers, Inc. Williams Township, Northampton County Public Hearing

The Department of Environmental Protection has scheduled a public hearing to accept comments on Municipal Waste Management Permit Application 100022-A151 for a proposed expansion of the Chrin Brothers Landfill in Williams Township, Northampton County. The application is currently under review.

The public hearing will be held on Tuesday, January 17, 2017 from 6 to 9 p.m. at the Wilson Area High School, 424 Warrior Lane, Easton, PA 18042.

The major permit modification application was submitted to DEP in July 2015 and requests a lateral expansion through proposed new landfill footprint to the east of the existing facility, with an overlay on the existing disposal area. The proposed expansion does not include a change in waste acceptance rates.

The Department requests that individuals wishing to testify at the hearing submit a written notice of intent to Colleen Connolly, Community Relations Coordinator, Chrin Brothers Landfill Public Hearing, PA DEP, 2 Public Square, Wilkes-Barre, PA 18701-1915, or by email at [coconnolly@pa.gov](mailto:coconnolly@pa.gov).

The Department will accept notices up to the day of the hearing. The written notice should include the person's name, address, telephone number and a brief statement as to the nature of their presentation. The Department requests that individuals limit their testimony to 10 minutes so that all individuals have the opportunity to testify.

Written copies of oral testimony are requested. Relinquishing of time to others will not be allowed. Individuals attending the hearing will have the opportunity to testify if they so desire; however, individuals who pre-register to testify will be given priority on the agenda. Persons unable to attend the hearing may submit written statements/comments to the Department on or before January 17, 2017.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Colleen Connolly, 570-826-2511 or through the Pennsylvania AT&T Relay Service at 800-654-5984 (TDD) to discuss how the Department can meet their needs.

The permit application is available for review at the Department's Northeast Regional Office, 2 Public Square, Wilkes-Barre or at the Department's Bethlehem District Office, 4530 Bath Pike, Bethlehem. Contact the Northeast Regional Office at 570-826-2511 or the Bethlehem District Office at 610-861-2070 to schedule an appointment to review the application.

Additional copies of the application are also available for review at the Easton Public Library, 515 Church Street and the Easton Area Neighborhood Center, 902 Philadelphia Road. The public does not need an appointment to view documents at either location.

For further information, contact Colleen Connolly, DEP Northeast Regional Office at 570-826-2511.



**Notice of Certification to Perform Radon-Related Activities in Pennsylvania**

In the month of November 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>
Jeffrey Arms, Jr.	2342 Miller Road Chester Springs, PA 19425	Testing
Roger Burens, Jr.	630 Freedom Business Center 3rd Floor King of Prussia, PA 19406	Mitigation
Spencer Conrad	555 Jamestown Street Philadelphia, PA 19128	Testing
Ronald Crescente	2662 Tacoma Drive Blakeslee, PA 18610	Testing
Aaron Cunningham	1518 Manley Road, # B6 West Chester, PA 19382	Testing
Ronald Eckenroth	1006 Greenway Terrace Reading, PA 19607	Testing
Bruce Eichenlaub	535 Derr Hill Road Lock Haven, PA 17745	Testing
Enviro Management Group, LLC	127 West College Avenue Suite B Pleasant Gap, PA 16823	Mitigation
Michael Gelsick	537 Maurus Street Saint Marys, PA 15857	Testing
Insight Property Services	18 Farview Road Telford, PA 18969	Mitigation
John LaBar	23 Veterans Square Media, PA 19063	Testing
Chris Matteson	50 North Linden Road # 31 Hershey, PA 17033	Testing
Greg Panyko	345 Glaser Avenue Pittsburgh, PA 15202	Testing
Brian Poplarchick	37 North Washington Street Wilkes-Barre, PA 18701	Testing
Ray Remsnyder	880 South 80th Street Harrisburg, PA 17111	Testing
Safe-Buy Home Inspection, LLC	7844 Old Rte. 56 Highway W Indiana, PA 15701	Testing
Kenneth Struder	PO Box 72722 Thorndale, PA 19372	Testing
James Vellella	5990 University Boulevard Suite 12, Box 161 Moon Township, PA 15108	Testing
Steven Wesler	6168 Stump Road Pipersville, PA 18947	Testing
Steven Wesler Radon Protection Systems, Inc.	6168 Stump Road Pipersville, PA 18947	Mitigation

**Final State Water Quality Certification Required by Section 401 of the Clean Water Act for the Rover Pipeline Project—Burgettstown Lateral Pipe and Compressor Station**

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Rita A. Coleman, 412-442-4314.*

**WQ05-007, Rover Pipeline, LLC** (Applicant), 1300 Main Street, Houston, TX 77002. Burgettstown Lateral Pipe and Compressor Station (Project), in Smith Township and Hanover Township, **Washington County**, Pittsburgh ACOE District. The proposed project begins southeast of the intersection of Creek Road and Point Pleasant Road in Smith Township, and continues into West Virginia near the intersection of Aunt Clara Road and Hudson Hill Road in Hanover Township. (Start: Clinton, PA USGS Topographic Quadrangle N: 40°, 24', 49"; W: -80°, 21', 26"; End: Burgettstown, PA USGS Topographic Quadrangle N: 40°, 27', 39"; W: -80°, 31', 3").

On February 20, 2015, Applicant filed an application with the Federal Energy Regulatory Commission (FERC) under Section 7 of the Natural Gas Act (15 U.S.C.A. § 717f) seeking a certificate of public convenience and necessity to construct and operate its Project (FERC Docket No. CP15-93-000. The FERC Environmental Assessment for the Project, which was issued on July 29, 2016 may be viewed on FERC's website at [www.ferc.gov](http://www.ferc.gov) (search eLibrary; Docket Search; CP15-93).

On January 12, 2016, Applicant requested a State water quality certification from the Pennsylvania Department of Environmental Protection (Department), as required by Section 401 of the Clean Water Act (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania through compliance with State water quality standards and associated State law requirements, which are consistent with the requirements of the Clean Water Act.

The Project in Pennsylvania, as proposed, includes approximately 10.4 miles of new 36-inch-diameter pipeline (Burgettstown Lateral) system that will cross 31 streams and 7 wetlands; a new compressor station and meter station on the same site; and two temporary gravel access roads. The proposed Project in Pennsylvania, will require approximately 177.3 acres of earth disturbance, and impacts to 139 linear feet of streams including Raccoon Creek and twelve Unnamed Tributaries (UNT) to Raccoon Creek (WWF); four UNTs to Brush Run (WWF); Kings Creek and five UNTs to Kings Creek (WWF); Aunt Clara Fork and seven UNTs to Aunt Clara Fork (CWF), 4.8 acres of floodway, 0.565 acre of temporary PEM, PSS, and PFO wetland impacts, and 0.251 acre of permanent PEM, PSS, and PFO wetland impacts that are associated with permanent right-of-way maintenance.

The Department published notice of its proposed state water quality certification published at 46 Pa.B. 6133 (October 1, 2016) and received no comments from the public.

The Department certifies to Applicant that the construction, operation and maintenance of the Project will not violate applicable State water quality standards set forth in 25 Pa. Code Chapter 93, provided Applicant complies with the permitting programs, criteria and conditions established pursuant to State law:

1. *Discharge Permit*—Applicant shall obtain and comply with a Department National Pollutant Discharge Elimination System (NPDES) permit for the discharge of

water from the hydrostatic testing of the pipeline pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001), and all applicable implementing regulations (25 Pa. Code Chapter 92a).

2. *Erosion and Sediment Control Permit*—Applicant shall obtain and comply with the Department's Chapter 102 Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment issued pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17), and all applicable implementing regulations (25 Pa. Code Chapter 102).

3. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a Department Chapter 105 Water Obstruction and Encroachment Permits for the construction, operation and maintenance of all water obstructions and encroachments associated with the project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 673.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601.), and all applicable implementing regulations (25 Pa. Code Chapter 105).

4. *Water Quality Monitoring*—The Department retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by Applicant.

5. *Operation*—Applicant shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

6. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of the Department to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be available for inspection by the Department during such inspections of the Project.

7. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, Applicant shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the Department Regional Office of such intent. Notice to the Department shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them.

8. *Correspondence*—All correspondence with and submittals to the Department concerning this State Water Quality Certification shall be addressed to the Department of Environmental Protection, Southwest Regional Office, Rita A. Coleman, 400 Waterfront Drive, Pittsburgh, PA 15222.

9. *Reservation of Rights*—The Department may suspend or revoke this State Water Quality Certification if it determines that Applicant has not complied with the

terms and conditions of this certification. The Department may require additional measures to achieve compliance with applicable law, subject to Applicant's applicable procedural and substantive rights.

10. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable federal or state law or regulation.

11. *Severability*—The provisions of this State Water Quality Certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the Federal Natural Gas Act (15 U.S.C.A. § 717r(d)) with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 within 30 days of publication of this notice, or within 30 days of receipt of written notice of this action, whichever occurs first. Important legal rights are at stake, so you should show this document to a lawyer at once.

**Proposed Conditional State Water Quality  
Certification for the Point Marion Lock and Dam  
Hydroelectric Project, FERC Project No. 13771**

On February 27, 2014, Solia 8 Hydroelectric, LLC (Applicant) filed an application with the Federal Energy Regulatory Commission (FERC), for a license to construct and operate a 5-megawatt (MW) hydropower facility, at the Point Marion Lock and Dam, owned and operated by the U.S. Army Corps of Engineers (Corps), on the Monogahela River, at river mile 90.8, in Fayette County, Pennsylvania (Project). The Applicant is required, pursuant to section 401(a) of the Federal Clean Water Act (act) (33 U.S.C.A. § 1341(a)), to provide FERC with certification from the Commonwealth of Pennsylvania (Commonwealth) that any discharge from the Project to waters of the Commonwealth will comply with provisions of the act relating to water quality standards, and necessary measures to achieve and maintain those standards. The Commonwealth has established such standards and programs to achieve and maintain them under State law, which have been approved by the U.S. Environmental Protection Agency as consistent with the applicable provisions of the act. The Pennsylvania Department of Environmental Protection (Department) administers the Commonwealth's water quality standards programs under State law, and is responsible for the review of requests from applicants for water quality certification made pursuant to section 401 of the act.

On November 14, 2016, Rye Development, LLC provided the Department with a complete application for State Water Quality Certification, including an Environmental Assessment for the Project, on behalf of the Applicant. The Project would consist of a new 255-foot-long intake channel, to be excavated into the riverbed immediately downstream of the Corps' dam. The intake channel would lead to a concrete intake structure that would convey flows past a trash rack with 3-inch clear bar spacing, to a new reinforced concrete powerhouse that is 120 feet long. The powerhouse would house two (2) identical horizontal pit Kaplan turbine generator units with a combined capacity of 5 MW. Flows would exit the powerhouse into a 225-foot-long tailrace excavated into the riverbed. Project power would be transmitted from

the powerhouse to a new project substation, and then from the new substation to an existing distribution line, with an overhead transmission line.

The Department, by this notice, proposes to certify that the construction, operation and maintenance of the Project complies with the applicable provisions of sections 301—303, 306 and 307 of the act (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and will not violate the Commonwealth's water quality standards, provided that the construction, operation and maintenance of the Project complies with the conditions for this certification as listed below, and the terms and conditions of the State law permits required to demonstrate compliance with Pennsylvania Water Quality Standards:

1. *Discharge Permit*—If the proposed facility will result in a discharge into waters of the Commonwealth, the Applicant shall, prior to construction, obtain and comply with a National Pollutant Discharge Elimination System (NPDES) permit from the Department for discharges to waters of the Commonwealth pursuant to the Clean Streams Law (35 P.S. §§ 691.1—691.1001), and applicable regulations implementing the Clean Streams Law, including, but not limited to, 25 Pa. Code Chapters 91, 92a, 93 and 96. As part of the NPDES permit application for the Project, the Applicant shall provide the Department with information on the potential impacts of the Project on water quality and measures that will be taken to avoid, minimize and/or mitigate those impacts, including information on the type, volume and concentration of pollutants that may be discharged, impacts to Federal and State threatened and endangered species and other species of special concern, impacts on the flow and dissolved oxygen levels of the impacted waters, and measures to be taken to avoid water quality impacts, and impingement, entrainment, habitat destruction, and other adverse impacts on fish and wildlife species. The applicant shall also submit a plan as part of the permit application to prevent pollutants from directly or indirectly reaching waters of the Commonwealth through accident, carelessness, maliciousness, hazards of weather or from other causes consistent with 25 Pa. Code § 91.34. The Applicant shall assess impacts and develop best management practices as part of its permit application consistent with applicable Department technical guidance.

2. *Erosion and Sediment Control*—The Applicant shall comply with the rules and regulations of 25 Pa. Code Chapter 102. The Applicant shall obtain and comply with an NPDES permit from the Department for the discharge of stormwater if the earth disturbance activities associated with the Project will result in a total disturbance equal to or greater than 1 acre. Earth disturbance activities associated with discharging dredged or fill material from the Project to waters of the United States which require permit coverage under Section 404 of the Clean Water Act (33 U.S.C.A. § 1344) need not obtain an additional NPDES Permit from the Department for earth disturbance activities covered by the Section 404 permit. The Applicant shall submit final detailed erosion and sediment control and post construction stormwater management plans for all Project activities to the Department and County Conservation District for their review and approval prior to commencement of construction. Specific guidance on the requirements of the NPDES Permit for Stormwater Discharges Associated with Construction Activities can be obtained from the County Conservation District or the DEP Regional Office.

3. *Water Obstruction and Encroachment Permit*—The Applicant shall comply with the rules and regulations of 25 Pa. Code Chapter 105 relating to dam safety and waterway management. The Applicant shall obtain and comply with a Chapter 105 Water Obstruction and Encroachment Permit (WO&EP) issued by the Department for the construction, operation and maintenance of any water obstruction or encroachment associated with the Project that is not part of the Corps' dam or its appurtenant works pursuant to the Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 673.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601.), and all applicable implementing regulations. Project activities requiring a WO&EP may include, but are not limited to, access roads, buildings, penstocks, outfalls, utility lines, pipelines, and staging areas.

4. *Submerged Lands License Agreement*—The Applicant shall obtain and comply with a Submerged Lands License Agreement pursuant to Pennsylvania's Dam Safety and Encroachments Act (32 P.S. § 693.15) from the Department to occupy submerged lands of the Commonwealth in navigable waters as necessary to construct, operate and maintain the Project.

5. *Water Resource Planning Act Registration*—In accordance with the Pennsylvania Water Resources Planning Act (27 Pa.C.S. §§ 3118) and the regulations thereunder (25 Pa. Code Chapter 110), FFP Missouri 5, LLC must register the hydropower facility with the Department and report water usage to the Department annually.

6. *Limited Power Permit*—The Applicant shall obtain and comply with a permit from the Department as required by the act of June 14, 1923 (32 P.S. §§ 591—625) related to the construction of a power dam or for a change in stream to develop power. The Applicant shall submit an application for this permit to the Department on the form available from the Department.

7. *Water Quality Monitoring*—The Department retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by the Applicant's construction, operation or maintenance of the Project.

8. *Preparedness, Prevention and Contingency Plan*—The Applicant shall develop and maintain on site a Preparedness, Prevention and Contingency Plan (PPC Plan) for any project activities utilizing pollutants pursuant to 25 Pa. Code § 91.34. The PPC Plan shall be developed in accordance with the "Guidelines for the Development and Implementation of Environmental Emergency Response Plans" which can be found at: <http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-48522/400-2200-001.pdf>.

9. *Operation*—The Applicant shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by the Applicant.

10. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of the Department to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy

of this certification shall be made available for inspection by the Department during such inspections of the Project.

11. *Transfer of Projects*—If the Applicant intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, the Applicant shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the Department Southwest Regional Office of such intent. Notice to the Department shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them. The existing owner shall continue to be responsible for construction and operations at the Project until a transfer to the new owner has been completed.

12. *Correspondence*—All correspondence with and submittals to the Department concerning this State Water Quality Certification shall be addressed to the Department of Environmental Protection, Southwest Regional Office, and shall reference DEP File No. WQ05-010, APS ID # 890865, or Authorization No. 1107811.

13. *Reservation of Rights*—The Department may suspend or revoke this State Water Quality Certification if it determines that the Applicant has not complied with the terms and conditions of this certification. The Department reserves the right to require additional measures to achieve compliance with applicable laws and/or regulations, subject to the Applicant's applicable procedural and substantive rights.

14. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve the Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable federal or state law or regulation.

15. *Severability*—The provisions of this State Water Quality Certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

The Department will consider all written comments received on or before submitted to the Department within 30 days of this notice, before taking final action on this conditional State Water Quality Certification. Comments submitted by facsimile will not be accepted. All comments must include the originator's name and address. Written comments should be submitted by mail to the Department of Environmental Protection, Southwest Regional Office, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222.

**Proposed State Water Quality Certification  
Required by Section 401 of the Clean Water Act  
for the Leach Xpress Project**

*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Rita Coleman, 412-442-4149.*

**WQ05-012, Columbia Gas Transmission, LLC** (Applicant), 5151 San Felipe Street, # 2400; Houston, TX 77056. Leach Xpress Project (Project), in Richhill Township, **Greene County**, ACOE Pittsburgh District. Within Pennsylvania, the proposed project starts approximately 0.4 mile south of Majorsville, WV (Majorsville, PA Quadrangle N: 39°, 57', 36"; W: -80°, 31', 09") and ends at 0.75 mile north west of the intersection of Fry Hill Road and Coal Rock Road (Majorsville, PA Quadrangle N: 39°, 56', 22"; W: -80°, 31', 09").

On June 8, 2015, Applicant filed an application with the Federal Energy Regulatory Commission (FERC) under Section 7 of the Natural Gas Act (15 U.S.C.A. § 717f) seeking a certificate of public convenience and necessity to construct and operate its Project (FERC Docket No. CP15-514-000). The FERC Environmental Assessment for the Project, which was issued on September 1, 2016, may be viewed on FERC's website at [www.ferc.gov](http://www.ferc.gov) (search eLibrary; Docket Search; CP15-514-000).

On March 25, 2016, Applicant requested a state water quality certification from the Pennsylvania Department of Environmental Protection (Department), as required by Section 401 of the Clean Water Act (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania through compliance with State water quality standards and associated State law requirements, which are consistent with the requirements of the Clean Water Act.

The Project consists of four new natural gas pipelines, totaling 160.67 miles, through West Virginia, Pennsylvania and Ohio. Within Pennsylvania, the Project, as proposed, includes approximately 1.74 mile of 36-inch pipeline, for the purpose of transporting natural gas from Majorsville, PA to the Pennsylvania-West Virginia state line. The Project, as proposed, will require approximately 29.83 acres of earth disturbance, and impacts to 868 linear feet of Unnamed Tributaries of Enlow Fork (WWF), Unnamed Tributaries of Dunkard Creek (WWF), and Dunkard Creek (WWF), 1.98 acre of floodway, 0.09 acre of temporary PEM wetland impacts.

The Department anticipates issuing a state water quality certification to Applicant for the Project that will require compliance with the following State water quality permitting programs, criteria and conditions established pursuant to State law to ensure the Project does not violate applicable State water quality standards set forth in 25 Pa. Code Chapter 93:

1. *Discharge Permit*—Applicant shall obtain and comply with a Department National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the pipeline pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001), and all applicable implementing regulations (25 Pa. Code Chapter 92a).

2. *Erosion and Sediment Control Permit*—Applicant shall obtain and comply with the Department's Chapter 102 Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment issued pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17), and all applicable implementing regulations (25 Pa. Code Chapter 102).

3. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a Department Chapter 105 Water Obstruction and Encroachment Permits for the construction, operation and maintenance of all water obstructions and encroachments associated with the project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 673.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601.), and all applicable implementing regulations (25 Pa. Code Chapter 105).

4. *Water Quality Monitoring*—The Department retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by Applicant.

5. *Operation*—Applicant shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

6. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of the Department to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be available for inspection by the Department during such inspections of the Project.

7. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, Applicant shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the Department Regional Office of such intent. Notice to the Department shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them.

8. *Correspondence*—All correspondence with and submittals to the Department concerning this State Water Quality Certification shall be addressed to the Department of Environmental Protection, Southwest Regional Office, Rita Coleman, 400 Waterfront Drive, Pittsburgh, PA 15222.

7. *Reservation of Rights*—The Department may suspend or revoke this State Water Quality Certification if it determines that Applicant has not complied with the terms and conditions of this certification. The Department may require additional measures to achieve compliance with applicable law, subject to Applicant's applicable procedural and substantive rights.

8. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable federal or state law or regulation.

9. *Severability*—The provisions of this State Water Quality Certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

Prior to issuance of the final state water quality certification, the Department will consider all relevant and timely comments, suggestions or objections submitted to the Department within 30 days of this notice. Comments should be directed to Rita Graham at the above address or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD). Comments must be submitted in writing and contain the name, address and telephone number of the person commenting and a concise statement of comments, objections or suggestions on this proposal. No comments submitted by facsimile will be accepted.

[Pa.B. Doc. No. 16-2200. Filed for public inspection December 16, 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

*DEP ID:* 563-2112-228. *Title:* Guidelines for the Beneficial Use of Coal Ash at Coal Mines. *Description:* This guidance explains acceptable methods to comply with 25 Pa. Code Chapter 290 (relating to beneficial use of coal ash). Specifically, it describes procedures for water monitoring, ash quality monitoring and certification of coal ash sources. The draft guidance was open for a 30-day comment period beginning on December 13, 2014. One individual submitted comments and minor changes were made to the guidance for added clarity. The District Mining Offices and the Mining and Reclamation Advisory Board were consulted during the development of this guidance.

*Contact:* Questions regarding this action should be directed towards Sharon Hill, (717) 787-6842, [shill@pa.gov](mailto:shill@pa.gov).

*Effective Date:* Saturday, December 17, 2016

PATRICK McDONNELL,  
Acting Secretary

[Pa.B. Doc. No. 16-2201. Filed for public inspection December 16, 2016, 9:00 a.m.]

### Board and Committee Meeting Schedules for 2017

The following is a list of 2017 meetings of advisory boards and committees associated with the Department of Environmental Protection (Department). These schedules and an agenda for each meeting, including meeting materials, will be available on the Department's web site at <http://www.dep.pa.gov> through the Public Participation tab. Prior to each meeting, the Department encourages individuals to visit its web site to confirm the meeting date, time and location.

Persons in need of accommodations, as provided for in the Americans with Disabilities Act of 1990, should contact the individual listed for each board or committee, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

#### Aggregate Advisory Board

The Aggregate Advisory Board will meet at 10 a.m. in the Susquehanna Room, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA, unless noted otherwise. The meeting dates are as follows:

February 1, 2017  
May 10, 2017  
August 2, 2017 (offsite location will be announced at a later date)  
November 1, 2017

*Contact:* Daniel E. Snowden, DEd, Bureau of Mining Programs, 400 Market Street, Harrisburg, PA 17101, at [dsnowden@pa.gov](mailto:dsnowden@pa.gov) or (717) 787-5103.

#### Agricultural Advisory Board

The Agricultural Advisory Board will meet at 9 a.m. in Susquehanna Room B, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA. The meeting dates are as follows:

February 23, 2017  
April 27, 2017  
June 22, 2017  
August 24, 2017  
October 26, 2017  
December 21, 2017

*Contact:* Jay Braund, Bureau of Clean Water, 400 Market Street, Harrisburg, PA 17101, at [jbraund@pa.gov](mailto:jbraund@pa.gov) or (717) 772-5636.

#### Air Quality Technical Advisory Committee

The Air Quality Technical Advisory Committee will meet at 9:15 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

February 23, 2017  
April 20, 2017  
June 15, 2017  
August 3, 2017  
October 12, 2017  
December 14, 2017

*Contact:* Kirit Dalal, Bureau of Air Quality, 400 Market Street, Harrisburg, PA 17101, at [kdalal@pa.gov](mailto:kdalal@pa.gov) or (717) 772-3436.

#### Board of Coal Mine Safety

The Board of Coal Mine Safety will meet at 10 a.m. in the Department's Cambria Office, 286 Industrial Park Road, Ebensburg, PA. The meeting dates are as follows:

March 7, 2017  
June 6, 2017  
September 5, 2017  
December 5, 2017

*Contact:* Allison Gaida, Bureau of Mine Safety, Department of Environmental Protection, New Stanton Office, 131 Broadview Road, New Stanton, PA 15672, at [agaida@pa.gov](mailto:agaida@pa.gov) or (724) 404-3147.

#### Citizens Advisory Council

The Citizens Advisory Council (CAC) will meet at 10 a.m. or immediately following the Environmental Quality

Board meeting in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The CAC does not meet in August or December. The meeting dates are as follows:

January 17, 2017  
 February 21, 2017  
 March 21, 2017  
 April 18, 2017  
 May 17, 2017 (moved to Wednesday due to primary election on May 16, 2017)  
 June 20, 2017  
 July 18, 2017  
 September 19, 2017  
 October 17, 2017  
 November 14, 2017

*Contact:* Katie Hetherington Cunfer, Citizens Advisory Council, P.O. Box 8459, Harrisburg, PA 17105-8459, at khethering@pa.gov or (717) 705-2693.

#### *Cleanup Standards Scientific Advisory Board*

The Cleanup Standards Scientific Advisory Board will meet at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

March 15, 2017  
 June 28, 2017  
 November 9, 2017

*Contact:* Mike Maddigan, Bureau of Environmental Cleanup and Brownfields, 400 Market Street, Harrisburg, PA 17101, at mmaddigan@pa.gov or (717) 772-3609.

#### *Climate Change Advisory Committee*

The Climate Change Advisory Committee will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, unless otherwise noted. The meeting dates are as follows:

January 10, 2017  
 March 14, 2017  
 May 9, 2017  
 July 11, 2017  
 September 12, 2017  
 November 8, 2017

*Contact:* Mark Brojakowski, Bureau of Air Quality, 400 Market Street, Harrisburg, PA 17101, at mbrojakows@pa.gov or (717) 772-3429.

#### *Coal and Clay Mine Subsidence Insurance Fund Board*

The Coal and Clay Mine Subsidence Insurance Fund Board (Board) will meet at 10 a.m. in the 12th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting date is as follows:

January 12, 2017

Other meetings may be scheduled by the Board on an as-needed basis.

*Contact:* Lawrence Ruane, Bureau of Mining Programs, 400 Market Street, Harrisburg, PA 17101, at lruane@pa.gov or (717) 783-9590.

#### *Coastal Zone Advisory Committee*

The Coastal Zone Advisory Committee will meet at 9:30 a.m. in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

January 18, 2017  
 June 7, 2017

*Contact:* Stacey Box, Compacts and Commissions Office, 400 Market Street, Harrisburg, PA 17101, at sbox@pa.gov or (717) 772-5622.

#### *Environmental Justice Advisory Board*

The Environmental Justice Advisory Board will meet at 8:30 a.m. in the Delaware Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

March 7, 2017  
 June 6, 2017  
 August 1, 2017  
 November 14, 2017

*Contact:* Carl Jones, Office of Environmental Justice, 400 Market Street, Harrisburg, PA 17101, at caejone@pa.gov or (484) 250-5818.

#### *Environmental Quality Board*

The Environmental Quality Board will meet at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Meetings will only be held when there are a sufficient number of agenda items for consideration. The meeting dates are as follows:

February 21, 2017  
 March 21, 2017  
 April 18, 2017  
 May 17, 2017 (moved to Wednesday due to primary election on May 16, 2017)  
 June 20, 2017  
 July 18, 2017  
 August 15, 2017  
 September 19, 2017  
 October 17, 2017  
 November 14, 2017  
 December 12, 2017

*Contact:* Laura Edinger, Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477, at ledinger@pa.gov or (717) 772-3277.

#### *Laboratory Accreditation Advisory Committee*

The Laboratory Accreditation Advisory Committee will meet at 9 a.m. in Room 206, Bureau of Laboratories Building, 2575 Interstate Drive, Harrisburg, PA. The meeting dates are as follows:

June 7, 2017  
 September 13, 2017  
 December 5, 2017

*Contact:* Aaren Alger, Bureau of Laboratories, 2575 Interstate Drive, Harrisburg, PA 17110, at aalger@pa.gov or (717) 346-7200.

#### *Low-Level Waste Advisory Committee*

The Low-Level Waste Advisory Committee will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting date is as follows:

October 4, 2017

*Contact:* Rich Janati, Bureau of Radiation Protection, 400 Market Street, Harrisburg, PA 17101, at rjanati@pa.gov or (717) 787-2147.

#### *Mine Families First Response and Communications Advisory Council*

The Mine Families First Response and Communications Advisory Council meeting for 2017 has not yet been scheduled.

Notice for the upcoming meeting will be published in a future issue of the *Pennsylvania Bulletin*.

*Contact:* Allison Gaida, Bureau of Mine Safety, New Stanton Office, 131 Broadview Road, New Stanton, PA 15672, at agaida@pa.gov or (724) 404-3147.

#### *Mining and Reclamation Advisory Board*

The Mining and Reclamation Advisory Board will meet at 10 a.m. in the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, unless noted otherwise. The meeting dates and locations are as follows:

January 19, 2017—14th Floor Conference Room  
 April 20, 2017—4th Floor Training Room  
 July 20, 2017—location will be announced at a later date  
 October 19, 2017—Room 105

*Contact:* Daniel E. Snowden, DEd, Bureau of Mining Programs, 400 Market Street, Harrisburg, PA 17101, at dsnowden@pa.gov or (717) 787-5103.

#### *Oil and Gas Technical Advisory Board*

The Oil and Gas Technical Advisory Board will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

February 16, 2017  
 May 18, 2017  
 August 17, 2017  
 November 16, 2017

*Contact:* Todd Wallace, Office of Oil and Gas Management, 400 Market Street, Harrisburg, PA 17101, at twallace@pa.gov or (717) 783-9438.

#### *Pennsylvania Energy Development Authority*

The Pennsylvania Energy Development Authority Board meetings for 2017 have not yet been scheduled.

Notices for upcoming meetings will be published in future issues of the *Pennsylvania Bulletin*.

*Contact:* Dave Althoff, Office of Pollution, Prevention and Energy Assistance, at dalthoff@pa.gov or (717) 783-8411.

#### *Radiation Protection Advisory Committee*

The Radiation Protection Advisory Committee will meet at 9 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

April 6, 2017  
 October 19, 2017

*Contact:* Joseph Melnic, Bureau of Radiation Protection, 400 Market Street, Harrisburg, PA 17101, at jmelnic@pa.gov or (717) 783-9730.

#### *Recycling Fund Advisory Committee*

The Recycling Fund Advisory Committee will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting date is as follows:

September 21, 2017 (joint meeting with the Solid Waste Advisory Committee)

*Contact:* Laura Henry, Bureau of Waste Management, 400 Market Street, Harrisburg, PA 17101, at lahenry@pa.gov or (717) 772-5713.

#### *Sewage Advisory Committee*

The Sewage Advisory Committee will meet at 10:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

March 23, 2017  
 September 13, 2017

*Contact:* Brian Schlauderer, Bureau of Clean Water, 400 Market Street, Harrisburg, PA 17101, at bschlauder@pa.gov or (717) 772-5620.

#### *Small Business Compliance Advisory Committee*

The Small Business Compliance Advisory Committee will meet at 10 a.m. in the 12th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

January 25, 2017  
 April 26, 2017  
 July 26, 2017  
 October 25, 2017

*Contact:* Nancy Herb, Bureau of Air Quality, 400 Market Street, Harrisburg, PA 17101, at nherb@pa.gov or (717) 783-9269.

#### *Small Water Systems Technical Assistance Center Board*

The Small Water Systems Technical Assistance Center Board will meet at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

January 5, 2017  
 March 9, 2017  
 May 4, 2017  
 June 8, 2017  
 July 13, 2017  
 August 24, 2017  
 September 28, 2017  
 October 26, 2017  
 December 7, 2017

*Contact:* Dawn Hissner, Bureau of Safe Drinking Water, 400 Market Street, Harrisburg, PA 17101, at dhissner@pa.gov or (717) 772-2189.

#### *Solid Waste Advisory Committee*

The Solid Waste Advisory Committee will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

March 16, 2017  
 June 29, 2017  
 September 21, 2017 (joint meeting with the Recycling Fund Advisory Committee)  
 December 6, 2017

*Contact:* Laura Henry, Bureau of Waste Management, 400 Market Street, Harrisburg, PA 17101, at lahenry@pa.gov or (717) 772-5713.

#### *State Board for Certification of Sewage Enforcement Officers*

The State Board for Certification of Sewage Enforcement Officers will meet at 10 a.m. in Conference Room 11B, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

March 15, 2017  
 June 28, 2017  
 September 20, 2017  
 December 20, 2017



*Contact:* Kristen Sz wajkowski, Bureau of Clean Water, 400 Market Street, Harrisburg, PA 17101, at ksz wajkows@pa.gov or (717) 772-2186.

*State Board for Certification of Water and Wastewater System Operators*

The State Board for Certification of Water and Wastewater System Operators will meet at 10 a.m. in the 10th Floor Conference Room, unless noted otherwise, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

February 8, 2017—12th Floor Conference Room  
 April 12, 2017  
 June 21, 2017  
 August 17, 2017  
 October 17, 2017  
 December 14, 2017

*Contact:* Cheri Sansoni, Bureau of Safe Drinking Water, Operator Certification, 400 Market Street, Harrisburg, PA 17101, at csansoni@pa.gov or (717) 772-5158.

*Storage Tank Advisory Committee*

The Storage Tank Advisory Committee will meet at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

March 7, 2017  
 June 6, 2017  
 September 5, 2017  
 December 5, 2017

*Contact:* Dawn Heimbach, Bureau of Environmental Cleanup and Brownfields, 400 Market Street, Harrisburg, PA 17101, at daheimbach@pa.gov or (717) 772-5556.

*Technical Advisory Committee on Diesel-Powered Equipment*

The Technical Advisory Committee on Diesel-Powered Equipment will meet at 10 a.m. in the Westmoreland Room, New Stanton Office, 131 Broadview Road, New Stanton, PA 15672. The meeting dates are as follows:

January 11, 2017  
 April 12, 2017  
 July 12, 2017  
 October 11, 2017

*Contact:* Peggy Scheloske, Bureau of Mine Safety, New Stanton Office, 131 Broadview Road, New Stanton, PA 15672, at mscheloske@pa.gov or (724) 404-3143.

*Water Resources Advisory Committee*

The Water Resources Advisory Committee will meet at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

February 8, 2017  
 May 10, 2017  
 August 9, 2017  
 October 25, 2017

*Contact:* Diane Wilson, Bureau of Clean Water, 400 Market Street, Harrisburg, PA 17101, at diawilson@pa.gov or (717) 787-3730.

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 16-2202. Filed for public inspection December 16, 2016, 9:00 a.m.]

**Bond Schedule for the Calculation of Bond Amounts on Noncoal Mining Operations**

The Department of Environmental Protection (Department) announces the bond schedule for noncoal mining operations. The authority for bonding noncoal mining operations is found under The Clean Streams Law (35 P.S. §§ 691.1—691.1001), the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326) and the regulations promulgated thereunder at 25 Pa. Code Chapter 77, Subchapter D (relating to bonding and insurance requirements). The rates listed in this schedule will be used in calculating the bonds for surface noncoal mining operations including surface mines and facilities and the surface facilities of underground mining operations. Other activities, including special revegetation plans, wetland mitigation or stream channel restoration, will be estimated on a case-by-case basis.

Under 25 Pa. Code § 77.202 (relating to determination of bond amount), the Department is providing notice of the bond schedule for bonding Noncoal Surface Mine Sites.

The bond schedule reflects the requirement that the amount of bond shall be the estimated cost to the Department if it had to complete the reclamation, restoration and abatement work under the Noncoal Surface Mining Conservation and Reclamation Act. The rates will become effective January 1, 2017, and will remain in effect until they are revised through a subsequent notice.

The bond rate schedules are available electronically at <http://www.dep.pa.gov/Business/Land/Mining/BureauofMiningPrograms/ProgramsServices/Bonding/Pages/default.aspx>. For background information and supporting documentation regarding bonding rate schedules, contact the Bureau of Mining Programs, Division of Permitting and Compliance, P.O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103.

*General Methodology*

The basic approach to bonding large noncoal sites is to apply a flat per acre rate (to cover minor grading and revegetation) and supplement that with bond to account for spoil storage, backfilling, highwall blasting, demolition or other site-specific costs. For mine sites where consolidated material is mined below the water table, the reclamation bond calculation must account for reclamation slopes to a depth of 50 feet below the anticipated post-mining water level.

For sites that can be mined in lateral phases, the operator can choose to bond the permit area by phase. The operator must identify the portion of the permit area on which mining and reclamation activities will occur within the phase. The Department will calculate the bond liability based on the maximum portion of the permitted area that the permittee is authorized to disturb at any specific time. This area is described in the permittee's mining and reclamation plans and must include all of the land affected by mining activities that is not planted, growing and stabilized.

*Per Acre Rates Applicable to Disturbed (Not Reclaimed) Area*

\$3,500 per acre for mining area (this rate includes select grading and revegetation)

\$1,900 per acre for support areas (this rate includes revegetation)

#### *Spoil Storage/Earthmoving*

The rate of \$1.20 (cost per cubic yard) for grading applies to spoil stored or other additional earthmoving (for example, backfilling for contour mines or subsoil

replacement where more than 12 inches of soil is needed to meet post-mining land use).

#### *Blasting to Achieve the Reclamation Slope*

The following rates apply to highwalls where blasting is necessary to achieve the final slope. Blaster's estimates may be used in lieu of these rates.

**Table 1**  
**Highwall/Bench Height (feet) Cost per Linear Foot of Highwall/Bench**

Up to 20	\$10.00
>20 <30	\$20.00
>30 <40	\$40.00
>40 <50	\$55.00
>50	\$75.00

#### *Mine Sealing*

Mine sealing costs should be calculated using the Bond Rate Schedule in Table 2.

**Table 2**  
**Mine Sealing Bond Rate Schedule**

#### *Sealing Underground Mine Drift and Slope Openings*

<i>Unit Operation</i>	<i>Unit Measure</i>	<i>Unit Costs (\$)</i>
Concrete Work	Cubic yard	128.00
Masonry Work	Square foot	11.00
Fill Material and Earthwork	Cubic yard	23.00
Security Fencing	Lineal foot	29.00
Mobilization Cost	Job	5% of Total Amount

#### *Sealing Underground Mine Shaft Openings*

<i>Unit Operation</i>	<i>Unit Measure</i>	<i>Unit Costs (\$)</i>
Concrete Material	Cubic Yard	96.00
Aggregate Material	Cubic Yard	27.00
Fill Material and Earthwork <sup>1</sup>	Cubic Yard	4.00
Security Fencing	Lineal Foot	29.00
Mobilization Cost	Job	5% of Total Amount

#### *Sealing Boreholes at Underground Mines*

<i>Dimension</i>	<i>Minimum Cost Per Hole (\$)</i>	<i>Unit Cost (\$ Per Lineal Foot</i>
12-Inch or Less Diameter	1,500	5.50
Larger Than 12-Inch Diameter	2,000	5.50

<sup>1</sup> Mine sealing costs are minimum costs. Additional costs per mine seal will be assessed based on specific design criteria, such as the thickness of the seal and the volume of backfill material required, using appropriate material, equipment and labor costs from BAMR bid abstracts or from an industry-standard cost estimation publications, for example, *Means Estimating Handbook* or *Walker's Building Estimator's Reference Book*.

#### *Other Items*

A flat rate of \$3,800 will be used for each pond requiring reclamation. This rate includes dewatering, grading, topsoil replacement and revegetation.

Large equipment tires remaining at a site will be bonded at \$300 per tire.

Available cost information will be used in the event that a unit operation necessary to calculate a reclamation bond is not listed in the schedule. If enough data is not available, the rate will be set from a standard reference like *Means Building Construction Cost Data* or *Walker's Building Estimator's Reference Book*.

Structure demolition costs, for structures that are not compatible with the post-mining land use, will be calculated using these references. Structures that have reasonable post-mining uses do not require bonding.

#### *Mobilization*

Add 4% of the amount, up to \$40,000, for mobilization costs.

#### *Large Noncoal—Unconsolidated material*

Mining of unconsolidated material includes sites where the mining is above and below groundwater. The cost of reclamation for these two types of mining include selective grading to achieve the reclamation slopes and the

safety bench around the water impoundment to meet the requirements of 25 Pa. Code § 77.594 (relating to final slopes).

The cost to grade the highwall to the approved reclamation slope above the groundwater table will be calculated based on the area of the highwall (determined by the length of highwall to be reclaimed multiplied by the horizontal width of the reclamation slope) to be reclaimed and the height of the highwall. The Department will use the following rates for bonding permits mining unconsolidated material:

- \$1,700 per acre for mining up to 35 feet
- \$2,400 per acre for 35 to 65 feet
- \$5,000 per acre over 65 feet

The cost to establish the safety bench on water impoundments will be calculated based on the area around the perimeter of the impoundment multiplied by the width of the safety bench. The Department will use \$1,700 per acre for bonding the safety bench.

The Department will use the Bond Rate Schedule for spoil, storage and earthmoving (cost per cubic yard) for sites that will use unmarketable material to achieve the reclamation contours on unconsolidated material mine sites.

#### *Small Noncoal Sites*

For small noncoal sites that comply with 25 Pa. Code § 77.108(e)(4) (relating to permit for small noncoal operations) and the permit is 1 acre or less, the bond amount is \$1,500 per acre and an additional \$2,500 for mobilization/demobilization.

For small noncoal sites that comply with 25 Pa. Code § 77.108(e)(4) and the permit is over 1 acre, the following rates apply:

- \$1,900 per acre for support
- \$3,000 per acre for mining up to 35 feet
- \$4,000 per acre for 35 to 65 feet
- \$5,000 per acre over 65 feet

#### *Small Noncoal—Consolidated Material*

The Department will use the following rates for bonding permits mining consolidated material that need to exceed the 1-acre limit imposed by 25 Pa. Code § 77.108(e)(4). These are the rates that also apply to the General Permit for Bluestone (GP-105).

- \$1,900 per acre for support
- \$3,000 per acre for mining up to 35 feet
- \$4,000 per acre for 35 to 65 feet
- \$5,000 per acre over 65 feet
- Additional \$2,500 for mobilization/demobilization

#### *Small Noncoal—Unconsolidated Material*

A flat rate of \$3,500 per acre should be used for small sand and gravel pits that exceed the 1-acre limitation of 25 Pa. Code § 77.108(e)(4).

*Effective Date:* January 1, 2017

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 16-2203. Filed for public inspection December 16, 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 Sunoco Logistics Partners, LP and the Monroe Energy Company (SXL/MIPC) are proposing the Delaware River Pipeline Relocation Project.

SXL/MIPC is seeking authorization from the Federal Energy Regulatory Commission and the United States Army Corps of Engineers to relocate, replace, remove, in part, and abandon, in part, two existing 12-inch and 8-inch diameter natural gas pipelines extending across the Delaware River between Delaware County, PA and Gloucester County, NJ in the vicinity of the Philadelphia International Airport, just west of Fort Mifflin and the Philadelphia County line. Existing pipelines will be removed from the navigation channel by a bucket dredge and the remaining pipe will be capped and left in place. The new pipelines will be installed beneath the Delaware River by horizontal directional drilling (HDD). A temporary HDD pad, pullback area and trenching will be installed in the floodplain. Upon project completion, all impacted areas will be returned to preconstruction grade and conditions.

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), SXL/MIPC 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 January 3, 2017, before issuing a final Federal consistency concurrence or objection. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the originator's name and address. Commentators are urged to submit comments using the Department's online eComment system at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment). Written comments should be submitted by e-mail to [ecomment@pa.gov](mailto: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. 16-2204. Filed for public inspection December 16, 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>
Allegheny Health Network Surgery Center—Bethel Park	28 Pa. Code § 551.21 (relating to criteria for ambulatory surgery) (CPT Codes 49652, 49653, 49654, 49655, 49656, 49657, 49650 and 49651)
The Skin Center	28 Pa. Code § 551.3 (relating to definitions), specifically subparagraph (ii) of the definition of “classification levels,” regarding Class B facilities and PSIII patients

The previously listed requests 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 previously listed address. 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. 16-2205. Filed for public inspection December 16, 2016, 9:00 a.m.]

## Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). Department regulations governing hospital licensure can be found in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals). The following hospitals are requesting exceptions to 28 Pa. Code § 153.1 (relating to minimum standards) which contains minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities (Guidelines)*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception, as well as the publication year of the applicable *Guidelines*.

<i>Facility Name</i>	<i>Guidelines Section</i>	<i>Relating to</i>	<i>Publication Year</i>
Allegheny Valley Hospital	2.1-2.2.5.1(1)	Location (hand-washing stations in patient rooms)	2014
	2.2-2.2.2.1(1)	Capacity (medical/surgical nursing unit)	2014
	2.2-2.2.2.2(1)(b)	Area (space requirements)	2014
	2.2-2.2.2.7(2)(c)(i)	Patient bathing facilities	2014
	2.2-2.2.2.7(2)(c)(ii)	Patient bathing facilities	2014
	2.2-2.2.6.13	Examination rooms	2014
	2.2-2.2.8.2	Toilet rooms	2014
UPMC Presbyterian Shadyside	2.1-8.5.3.2	Size (TDRs)	2014

The previously listed requests 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 previously listed address. 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. 16-2206. Filed for public inspection December 16, 2016, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Golden LivingCenter—West Shore  
770 Poplar Church Road  
Camp Hill, PA 17011  
FAC ID # 280202

Meadow View Healthcare and Rehabilitation Center  
225 Park Street  
Montrose, PA 18801  
FAC ID # 011202

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 205.36(h) (relating to bathing facilities):

Sarah A. Todd Memorial Home  
1000 West South Street  
Carlisle, PA 17013  
FAC ID # 711402

StoneRidge Towne Centre  
7 West Park Avenue  
Myerstown, PA 17067  
FAC ID # 051102

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 previously listed address.

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 previously listed address or phone number, 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. 16-2207. Filed for public inspection December 16, 2016, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Additional Class of Disproportionate Share Payments

The Department of Human Services (Department) is announcing its intent to allocate funding for Fiscal Year (FY) 2016-2017 disproportionate share hospital (DSH) payments to qualifying Medical Assistance enrolled acute care general hospitals that participate in an academic medical program. The Department does not intend to otherwise change the qualifying criteria or payment methodology for these payments.

All payment limitations are applicable, including those limitations that the Commonwealth may not exceed its aggregate annual DSH allotment, and that no hospital may receive DSH payments in excess of its hospital-specific limit.

#### *Fiscal Impact*

The FY 2016-2017 impact as a result of the funding allocation for these payments is \$6.221 million (\$3.000 million in State general funds and \$3.221 million in Federal funds) upon approval by the Centers for Medicare & Medicaid Services.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will review and consider comments received within 30 days in determining the final payment methodology for these payments.

Persons with a disability who require an auxiliary aid or services 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-1106. (1) General Fund; (2) Implementing Year 2016-17 is \$6,221,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$0; (4) 2015-16 Program—\$17,431,000; 2014-15 Program—\$17,431,000; 2013-14 Program—\$16,831,000; (7) Medical Assistance—Academic Medical Centers; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-2208. Filed for public inspection December 16, 2016, 9:00 a.m.]

## Managed Care Assessment Program for Fiscal Year 2017-2018

The Department of Human Services (Department) is announcing a proposed adjustment to the managed care assessment fixed fee for Fiscal Year (FY) 2017-2018.

### Background

In 2015, the General Assembly enacted legislation authorizing the Department to impose an annual monetary assessment on managed care organizations (MCO) in the Commonwealth for a 4-year period beginning with State FY 2016-2017. See the act of December 28, 2015 (P.L. 500, No. 92) (Act 92). Act 92 sets the initial assessment fixed fee at \$13.48 per member month,<sup>1</sup> but also authorizes the Secretary of the Department to adjust the assessment fixed fee for all or part of a fiscal year so long as the assessment does not exceed the Federal maximum 6% limit under 42 CFR 433.68(f)(3)(i)(A) (relating to permissible health care-related taxes). Before adjusting the assessment percentage, the Secretary must publish a notice in the *Pennsylvania Bulletin* that specifies the proposed adjusted fixed fee and identifies the aggregate impact on covered MCO plans subject to the assessment and allow interested parties a 30-day period in which to comment. After consideration of any comments received during the 30-day period, the Secretary must publish a second notice announcing the adjusted fixed fee.

### Proposed Adjusted Assessment Fixed Fee

The Department is proposing to adjust the MCO assessment fixed fee to \$15.07 per member month effective July 1, 2017. The proposed adjusted MCO assessment fixed fee does not exceed the Federal maximum limit of 6% of revenue.

### Fiscal Impact

The Department estimates that the annual aggregate assessment fixed fees for MCOs in FY 2017-2018 will total \$1,051.317 million.

### Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered in the determination of the final adjusted MCO assessment fixed fee. 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-1108. (1) General Fund; (2) Implementing Year 2016-17 is \$0; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are -\$1,051,000,000; (4) 2015-16 Program—\$3,828,000,000; 2014-15 Program—\$3,823,000,000; 2013-14 Program—

<sup>1</sup> Individuals who are enrolled in Medicare Advantage plans and other Federally-funded health care plans are not considered members in determining an MCO's assessment amount. See 62 P.S. § 801-1 (definitions). The assessment does not apply to self-funded health care plans.

\$3,995,000,000; (7) Medical Assistance—Capitation; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-2209. Filed for public inspection December 16, 2016, 9:00 a.m.]

## Medical Assistance Program Fee Schedule; Addition of Procedure Code for Vaccine Administration

In accordance with 55 Pa. Code § 1150.61(a) (relating to guidelines for fee schedule changes), the Department of Human Services (Department) announces the addition of the following procedure code to the Medical Assistance (MA) Program Fee Schedule for the administration of a cell culture influenza vaccine, quadrivalent, effective for dates of service on and after January 1, 2017.

Procedure Code	Description	MA Fee
90674	Influenza virus vaccine, quadrivalent (ccIIV4), derived from cell cultures, subunit, preservative and antibiotic free, 0.5 mL dosage, for intramuscular use	\$10

The United States Food and Drug Administration approved use of Flucelvax Quadrivalent®, a quadrivalent influenza virus vaccine derived from cell cultures, on May 23, 2016. The Department is adding Current Procedural Terminology (CPT) code 90674 to the MA Program Fee Schedule to identify when a practitioner administers Flucelvax Quadrivalent®.

CPT code 90674 is part of the Centers for Medicare & Medicaid Services annual 2017 Healthcare Current Procedure Coding System update to be implemented on January 1, 2017.

The Department will issue an MA Bulletin to providers enrolled in the MA Program specifying the procedures for billing of the administration of the vaccine.

### Fiscal Impact

The Department anticipates no fiscal impact as a result of adding procedure code 90674 to the MA Fee Schedule, as there is an existing procedure code on the fee schedule that is being used for the administration of an unspecified vaccine and the addition of this procedure code will not increase utilization.

### Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision to the MA Program Fee Schedule.

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-1107. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 16-2210. Filed for public inspection December 16, 2016, 9:00 a.m.]

# DEPARTMENT OF LABOR AND INDUSTRY

## Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P.S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P.S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Castle Painting a/k/a Castle Painting & Repair and Thomas F. Kaufmann, individually FEIN No. 04-3690069	1075 Franklin Avenue Croydon, PA 19021	11/9/2016

KATHY M. MANDERINO,  
*Secretary*

[Pa.B. Doc. No. 16-2211. Filed for public inspection December 16, 2016, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Triploid Grass Carp Permit Application

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The following application to stock triploid grass carp in waters having a surface area of greater than 5 acres is currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Camp Lohican c/o Mark Buynak	Kinneyville Pond N 41.50.868 W -75.18.283	Lake Como, Buckingham Township Wayne County	28-acre lake discharges to Kinneyville Creek to Equinunk Creek	<i>Coontail</i> ( <i>Ceratophyllum demersum</i> ); <i>American Pondweed</i> ( <i>Potamogeton nodosus</i> )

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 16-2212. Filed for public inspection December 16, 2016, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; Walter R. Johnson; Doc. No. SC16-12-001

Notice is hereby given of the Order to Show Cause issued on December 2, 2016, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: sections 607-A(1) and 611-A(7) and (20) of The Insurance Department Act of 1921 (40 P.S. §§ 310.7(1) and 310.11(7) 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. 16-2213. Filed for public inspection December 16, 2016, 9:00 a.m.]

**Mark D. Miller; Order to Show Cause; Doc. No. SC16-10-017**

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 31 Pa. Code Chapter 56 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for January 26, 2017, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before January 24, 2017. A hearing shall occur on February 9, 2017, at 10 a.m. in the Administrative Hearings Office, Capitol Associates Buildings, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before January 11, 2017, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answers to petitions to intervene, if any, shall be filed on or before January 24, 2017.

Persons with a disability who wish to attend the previously-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-2214. Filed for public inspection December 16, 2016, 9:00 a.m.]

**RiverSource Life Insurance Company; Rate Increase Filing for Form 30160A-PA When Sold Without Endorsement 32100-PA (AERS-130772851)**

RiverSource Life Insurance Company is requesting approval to increase the premium 15% on 1,646 policy-

holders with the following individual LTC policy form number: 30160A-PA. This notice addresses only 30160A-PA policies without Endorsement 32100-PA.

Unless formal administrative action is taken prior to March 2, 2017, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To view these filing notices, hover the cursor over "Consumers" in the blue bar at the top of the webpage then select "Long Term Care Rate Filings" from the drop down menu.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-2215. Filed for public inspection December 16, 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.

#### *Governor's Office*

Management Directive No. 530.11—Benefits Eligibility of Permanent and Nonpermanent Employees, Amended November 9, 2016.

Administrative Circular No. 16-13—Holidays—2017, Dated October 31, 2016.

Administrative Circular No. 16-14—Holiday Trees and Decorations in Commonwealth-Owned or Leased Buildings, Dated November 16, 2016.

LAURA CAMPBELL,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 16-2216. Filed for public inspection December 16, 2016, 9:00 a.m.]



# OFFICE OF THE BUDGET

## Statutory Cost of Living Increases for Salaries of State Officials and the Heads of Departments, Boards and Commissions

Section 3(e) of the Public Official Compensation Act, the act of September 30, 1983 (P.L. 160, No. 39) as amended by Section 2 of the act of October 19, 1995 (P.L. 324, No. 51) mandates that the salaries of the Governor, Lieutenant Governor, State Treasurer, Auditor General, Attorney General and the heads of the departments and members of boards and commissions shall be increased by applying the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics (BLS) immediately prior to the date adjustment is due to take effect.

As required by Section 3(e) of the Public Official Compensation Law, the Governor has determined, based on the change in the CPI-U (PA-DE-NJ-MD) over the past 12 months as reported by BLS on November 17, 2016, that the salaries covered by that law shall be increased by 1.3% effective January 1, 2017. The following chart lists the position, the salary prior to the adjustment, the percentage decrease of the adjustment and the new salary:

### COLA Adjustment for Elected and Appointed Officials Receiving Salaries Contained in Act 1995-51

*Cola Adjustment is Based on the Percent Change in the CPI-U for PA-DE-NJ-MD, CMSA, for the 12-Month Period Ending October 2016*

<i>Position</i>	<i>Salary Prior to 1/1/2017</i>	<i>Cola Adjustment</i>	<i>Salary Effective 1/1/2017</i>
Governor	\$190,823	1.3%	\$193,304
Lieutenant Governor	\$160,289	1.3%	\$162,373
State Treasurer	\$158,764	1.3%	\$160,828
Auditor General	\$158,764	1.3%	\$160,828
Attorney General	\$158,764	1.3%	\$160,828
Large Agency Head	\$152,657	1.3%	\$154,642
Secretary of Education			
Secretary of Environmental Protection			
Secretary of Health			
Secretary of Labor and Industry			
Secretary of Public Welfare			
Secretary of Transportation			
Secretary of Corrections			
Medium Agency Head	\$145,025	1.3%	\$146,910
Secretary of Aging			
Secretary of Community & Economic Development			
Secretary of General Services			
Secretary of Revenue			
State Police Commissioner			
Secretary of Conservation & Natural Resources			
Small Agency Head	\$137,392	1.3%	\$139,178
Adjutant General			
Secretary of Agriculture			
Secretary of Banking			
Secretary of the Commonwealth			
Insurance Commissioner			
Secretary of Drug and Alcohol Programs*****			
Liquor Control Board			
Chairman	\$77,548	1.3%	\$78,556
Member	\$74,494	1.3%	\$75,462
Civil Service Commission****			
Chairman	\$87,261	1.3%	\$88,395
Member	\$83,904	1.3%	\$84,995
State Tax Equalization Board			
Chairman	\$26,716	1.3%	\$27,063
Member	\$24,807	1.3%	\$25,129
Milk Marketing Board			
Chairman	\$24,807	1.3%	\$25,129
Member	\$23,853	1.3%	\$24,163

<i>Position</i>	<i>Salary Prior to 1/1/2017</i>	<i>Cola Adjustment</i>	<i>Salary Effective 1/1/2017</i>
Securities Commission***			
Chairman	\$41,738	1.3%	\$42,281
Member	\$38,079	1.3%	\$38,574
Athletic Commission			
Chairman	\$20,039	1.3%	\$20,300
Member	\$19,080	1.3%	\$19,328
Board of Pardons			
Member	\$17,555	1.3%	\$17,783
Public Utility Commission			
Chairman	\$147,525	**	\$149,410
Member	\$145,025	1.3%	\$146,910
Environmental Hearing Board*			
Chairman	\$147,525	*	\$149,410
Member	\$145,025	*	\$146,910
Board of Claims*****			
Chairman	\$140,940	1.3%	\$142,772
Member	\$133,520	1.3%	\$135,256

\*: The Environmental Hearing Board is not listed in Act 1995-51, but separate legislation requires that the Board's members receive the same compensation as the PUC.

\*\* : Act 1995-51 requires that the PUC Chairman shall receive \$2,500/yr. more than PUC Members.

\*\*\*: Per Act 1998-51.

\*\*\*\*: Per Act 2002-140, effective November 27, 2002.

\*\*\*\*\*: Per Act 2002-118, effective October 2, 2002.

\*\*\*\*\*: The salary for the Secretary of Drug and Alcohol Programs has not yet been set by statute.

RANDY C. ALBRIGHT,  
*Secretary*

[Pa.B. Doc. No. 16-2217. Filed for public inspection December 16, 2016, 9:00 a.m.]

# PENNSYLVANIA CONVENTION CENTER AUTHORITY

## Statements; Net Position; Revenues, Expenses and Changes in Net Position; Cash Flows

### PENNSYLVANIA CONVENTION CENTER AUTHORITY

Statements of Net Position  
As of June 30, 2016 and 2015

	<u>2016</u>	<u>2015</u>
<b>ASSETS</b>		
Cash and cash equivalents	\$ 44,242,501	\$ 41,295,793
Receivables, net	2,600,033	2,467,669
Operating agreement receivable	1,232,850	4,872,198
Prepaid expenses and other assets	<u>2,820,657</u>	<u>2,153,465</u>
Total current assets	50,896,041	50,789,125
<i>Capital assets being depreciated</i>		
Buildings	754,480,131	754,480,131
Building improvements	13,269,501	3,266,681
Furniture and fixtures	31,796,383	30,458,869
Equipment	141,462,891	136,204,908
Leasehold improvements	<u>2,214,697</u>	<u>2,214,698</u>
	943,223,603	926,625,287
Less: Accumulated depreciation	(312,722,524)	(282,643,235)
<i>Capital assets not being depreciated</i>		
Land	993,835	993,835
Construction-in-progress	5,872,614	9,771,218
Fine arts	<u>2,612,690</u>	<u>2,327,254</u>
Total capital assets, net	639,980,218	657,074,359
Total assets	<u>690,876,259</u>	<u>707,863,484</u>
DEFERRED OUTFLOWS OF RESOURCES RELATED TO PENSION	1,394,609	827,029
<b>LIABILITIES</b>		
Accounts payable and other accrued expenses	11,060,458	11,525,908
Unearned income	2,235,733	2,636,166
Current portion of term loan payable	164,759	159,144
Current portion of net OPEB liability	<u>294,490</u>	<u>292,564</u>
Total current liabilities	13,755,440	14,613,782
Loans payable	719,850	884,609
Net pension liability	3,544,960	2,595,742
Net OPEB liability	<u>3,932,041</u>	<u>3,835,528</u>
Total liabilities	<u>21,952,291</u>	<u>21,929,661</u>
DEFERRED INFLOWS OF RESOURCES RELATED TO PENSION	30,371	34,018
<b>NET POSITION</b>		
Invested in capital assets	639,980,218	657,074,359
Restricted by Commonwealth of Pennsylvania		
Operating Agreement	<u>30,307,988</u>	<u>29,652,475</u>
Total net position	<u>\$ 670,288,206</u>	<u>\$ 686,726,834</u>

The accompanying notes are an integral part of these financial statements.

**PENNSYLVANIA CONVENTION CENTER AUTHORITY**

Statements of Revenue, Expenses, and Changes in Net Position  
For the Years Ended June 30, 2016 and 2015

	<u>2016</u>	<u>2015</u>
<b>OPERATING REVENUE</b>		
<i>Convention Center events</i>		
Space license fees	\$ 7,526,131	\$ 6,393,644
Commissions	4,660,458	4,314,659
Other event revenue	3,985,519	2,575,506
Other	<u>819,382</u>	<u>492,978</u>
Total operating revenues	16,991,490	13,776,787
Operating expenses, excluding depreciation	<u>34,502,267</u>	<u>35,258,717</u>
Operating loss before depreciation	(17,510,777)	(21,481,930)
Depreciation	<u>30,079,289</u>	<u>29,200,586</u>
Operating loss after depreciation	(47,590,066)	(50,682,516)
<i>Non-operating revenue (expense)</i>		
Hotel tax income	34,235,622	30,929,025
Interest income	50,080	17,347
Operating agreement expense	(15,713,275)	(7,338,605)
Interest expense	(31,095)	(36,640)
Grant income	4,300,000	-
Welcome Fund loan interest and fee revenue	-	325,333
Welcome Fund loan interest and fee expense	-	(325,333)
Other expenses	<u>(5,695,428)</u>	<u>(1,531,559)</u>
Total non-operating revenue, net	<u>17,145,904</u>	<u>22,039,568</u>
Decrease in net position before contributions	(30,444,162)	(28,642,948)
Capital contributions	<u>14,005,533</u>	<u>4,314,500</u>
Decrease in net position	(16,438,629)	(24,328,448)
Net position, beginning of year	<u>686,726,835</u>	<u>711,055,282</u>
<b>Net position, end of year</b>	<u>\$ 670,288,206</u>	<u>\$ 686,726,834</u>

\*See supplemental schedule for details of operating expenses.

The accompanying notes are an integral part of these financial statements.

**PENNSYLVANIA CONVENTION CENTER AUTHORITY**  
 Statements of Cash Flows  
 For the Years Ended June 30, 2016 and 2015

	<u>2016</u>	<u>2015</u>
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
Cash received from Convention Center events	\$ 16,235,298	\$ 14,203,006
Salaries and administrative costs paid to employees	(8,012,688)	(7,092,565)
Payments to suppliers for services	<u>(24,775,234)</u>	<u>(26,956,563)</u>
Net cash used in operating activities	<u>(16,552,624)</u>	<u>(19,846,122)</u>
<b>CASH FLOWS FROM NON-CAPITAL FINANCING ACTIVITIES</b>		
Hotel tax income received from City/Commonwealth	20,093,672	21,636,067
Other expenses	(5,695,428)	(1,531,559)
Increase in other assets	-	(1,420,000)
Cash received from grants	4,274,500	-
Cash received from Lehman bankruptcy claim	201,856	233,354
Cash reserve funds received from Commonwealth	<u>396,000</u>	<u>1,239,170</u>
Net cash provided by non-capital financing activities	<u>19,270,600</u>	<u>20,157,032</u>
<b>CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES</b>		
Operating Agreement/Lease and service fee reimbursed to Commonwealth/City	(79,945)	(1,300,926)
Capital funds received from Commonwealth	15,743,142	3,270,669
Principal and interest paid on term loan/Welcome Fund loan	(33,640)	(123,284,514)
Welcome Fund loan fees received from Commonwealth	-	123,245,416
Decrease in term loan	(159,144)	(153,687)
Purchase of capital assets, net	<u>(15,291,761)</u>	<u>(5,692,631)</u>
Net cash provided by (used in) capital and related financing activities	<u>178,652</u>	<u>(3,915,673)</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>		
Interest income	<u>50,080</u>	<u>17,347</u>
Net increase (decrease) in cash	2,946,708	(3,587,416)
Cash and cash equivalents, beginning of the year	<u>41,295,793</u>	<u>44,883,209</u>
<b>Cash and cash equivalents, end of the year</b>	<u><u>\$ 44,242,501</u></u>	<u><u>\$ 41,295,793</u></u>
<b>RECONCILIATION OF OPERATING (LOSS) TO NET CASH USED IN OPERATING ACTIVITIES</b>		
Operating loss	\$ (47,590,066)	\$ (50,682,516)
<i>Adjustments to reconcile operating loss to net cash used in operating activities</i>		
Depreciation and amortization	30,079,289	29,200,586
Bad debt expense	204,275	50,593
<i>Change in assets and liabilities</i>		
Accounts receivable	(355,759)	(696,118)
Other assets	(1,274,419)	(435,055)
Unearned income	(400,433)	1,122,336
Accounts payable and other accrued expenses	<u>2,784,489</u>	<u>1,594,052</u>
<b>Net cash used in operating activities</b>	<u><u>\$ (16,552,624)</u></u>	<u><u>\$ (19,846,122)</u></u>

The accompanying notes are an integral part of these financial statements.

GREGORY J. FOX,  
 Chairperson

[Pa.B. Doc. No. 16-2218. Filed for public inspection December 16, 2016, 9:00 a.m.]

# PENNSYLVANIA eHEALTH PARTNERSHIP AUTHORITY

## Financial Statements INDEPENDENT AUDITORS' REPORT

To the Executive Director  
Pennsylvania eHealth Partnership Authority  
Harrisburg, Pennsylvania

We have audited the accompanying financial statements of the PENNSYLVANIA eHEALTH PARTNERSHIP AUTHORITY (the "Authority"), a component unit of the Commonwealth of Pennsylvania, as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the Authority's basic financial statements as listed in the table of contents.

### *Management's Responsibility for the Financial Statements*

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### *Auditors' Responsibility*

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

### *Opinion*

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the Authority as of June 30, 2016, and the respective changes in financial position and cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

### *Adoption of Governmental Accounting Standards Board Statements*

As discussed in Note 1 to the financial statements, during the year ending June 30, 2016, the Authority adopted the provisions of Governmental Accounting Standards Board's Statement No. 72, "Fair Value Measurement and Application", Statement No. 76, "The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments", and Statement No. 79, "Certain External Investment Pools and Pool Participants". Our opinion is not modified with respect to these matters.

### *Other Matters*

#### *Required Supplementary Information*

Accounting principles generally accepted in the United States of America require that the schedule of the Authority's proportionate share of the net pension liability and the schedule of the Authority's contributions on pages 19-20 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquires of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

#### *Omission of Management's Discussion and Analysis*

Management has omitted the management's discussion and analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards

Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

ZELENKOFKSKE AXELROD LLC

Harrisburg, Pennsylvania  
October 25, 2016

**STATEMENT OF NET POSITION  
JUNE 30, 2016**

<b>ASSETS</b>	
Investments	\$2,229,889
Interest Receivable	1,077
Due From Primary Government	2
Grants Receivable	725,789
<b>TOTAL ASSETS</b>	<u>2,956,757</u>
<b>DEFERRED OUTFLOWS OF RESOURCES</b>	
Deferred Outflows of Resources from Pensions	<u>1,277,537</u>
<b>TOTAL DEFERRED OUTFLOWS OF RESOURCES</b>	<u>1,277,537</u>
<b>LIABILITIES</b>	
Current Liabilities:	
Accounts Payable	850,570
Other Liabilities	58,823
Noncurrent Liabilities:	
Compensated Absences	76,519
Other Post Employment Benefits	111,301
Pension Liability	<u>2,726,162</u>
<b>TOTAL LIABILITIES</b>	<u>3,823,375</u>
<b>DEFERRED INFLOWS OF RESOURCES</b>	
Deferred Inflows of Resources from Pensions	<u>49,427</u>
<b>TOTAL DEFERRED INFLOWS OF RESOURCES</b>	<u>49,427</u>
<b>NET POSITION</b>	
Restricted	<u>361,492</u>
<b>TOTAL NET POSITION</b>	<u><u>\$361,492</u></u>

The accompanying notes are an integral part of the financial statements.

**STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN NET POSITION  
YEAR ENDED JUNE 30, 2016**

Operating Revenues	
Contributions:	
Commonwealth	\$1,500,000
Intergovernmental Revenue	<u>1,698,274</u>
<b>TOTAL OPERATING REVENUES</b>	<u>3,198,274</u>
Operating Expenses	
Personnel	1,684,406
Operations	<u>3,399,758</u>
<b>TOTAL OPERATING EXPENSES</b>	<u>5,084,164</u>
<b>OPERATING LOSS</b>	<u>(1,885,890)</u>
Nonoperating Revenues	
Interest income	<u>11,171</u>
<b>NONOPERATING REVENUES</b>	<u>11,171</u>
Decrease in Net Position	(1,874,719)
<b>NET POSITION, Beginning of Year</b>	<u>2,236,211</u>
<b>NET POSITION, End of Year</b>	<u><u>\$361,492</u></u>

The accompanying notes are an integral part of the financial statements.

**STATEMENT OF CASH FLOWS  
YEAR ENDED JUNE 30, 2016**

Cash Flows from Operating Activities:	
Cash receipts from contributions	\$1,500,059
Cash receipts from intergovernmental revenues	1,117,518
Cash paid for personnel services	(1,364,968)
Cash paid for operating expenses	(2,926,536)
Net cash used in operating activities	<u>(1,673,927)</u>
Cash Flows from Investing Activities:	
Net investment activity	1,663,197
Interest on investments	10,730
Net cash provided by investing activities	<u>1,673,927</u>
Change in cash	
Cash, Beginning of Year	—
Cash, End of Year	<u>\$—</u>
Reconciliation of Operating Loss to Cash Flows Used in Operating Activities:	
Operating Loss	\$(1,885,890)
Adjustments to reconcile operating loss to net cash provided by operating activities:	
Effects of changes in operating assets and liabilities:	
Grants receivable	(580,756)
Other Assets	(210,732)
Due from primary government	59
Accounts payable	430,525
Due to primary government	(12,106)
Compensated absences	(11,376)
Other post employment benefits	56,704
Other liabilities	539,645
Net cash used in operating activities	<u><u>\$(1,673,927)</u></u>

The accompanying notes are an integral part of the financial statements.

**NOTES TO FINANCIAL STATEMENTS  
YEAR ENDED JUNE 30, 2016**

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

*A. Organization*

The Pennsylvania eHealth Partnership Authority (the "Authority") was established by Act 121 of 2012 (effective July 5, 2012), as an independent agency of the Commonwealth of Pennsylvania (the "Commonwealth"). The Authority took over the work of its predecessor, the PA eHealth Collaborative, a separate fund of the Commonwealth. The purpose of the Authority is to improve healthcare delivery and healthcare outcomes in Pennsylvania by providing, as appropriate, leadership and strategic direction for public and private, federally-funded and state-funded investments in health information technology (HIT) initiatives, including electronic health information exchange (eHIE) capabilities and other related HIT initiatives.

The Authority's operations are administered by a board of directors consisting of fifteen members including the following: the Secretary of Health or a designee; the Secretary of Public Welfare, or a designee; seven members are appointed by the Governor; three members are appointed by the President pro tempore of the Senate, in consultation with the Majority and Minority Leaders of the Senate; and three members are appointed by the Speaker of the House of Representatives, in consultation with the Majority and the Minority Leaders of the House of Representatives.

The Authority is a component unit of the Commonwealth reporting entity due to the Commonwealth's ability to impose its will on the Authority. The Authority is presented as an enterprise fund on the accrual basis of accounting.

*B. Measurement Focus and Basis of Accounting*

The Authority follows Generally Accepted Accounting Principles (GAAP). GAAP allows specialized accounting for government entities, which is governed by pronouncements set by the Government Accounting Standards Board (GASB).

The Authority is considered a special-purpose government since it is engaged solely in business-type activities under GASB Statement No. 34. The Authority's financial statements are prepared using the economic resources measurement focus and accrual basis of accounting. Under the accrual basis of accounting revenues are recorded when earned and expenses are recorded when they have been incurred. The statements are intended to report the Authority as an economic unit that includes all measurable assets and liabilities, financial and capital, of the institution.

All activities of the Authority are accounted for within a single proprietary (enterprise) fund. A proprietary fund is used to account for operations that are (a) financed and operated in a manner similar to private business enterprises where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges; or (b) where the governing



body has decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, account ability, or other purpose.

The Authority follows the Government Accounting Standards Board (GASB) Statement No. 34, Basic Financial Statements and Management's Discussion and Analysis. Within the Statements of Revenues, Expenses and Changes in Net Position, Statement No. 34 requires operating income and expenses to be separated from non-operating income in order to show net operating income. Operating income and expenses are defined as those activities directly related to the Authority's primary business of providing employment through economic development lending. Non-operating revenues and expenses consist of those revenues and expenses that are related to financing and investing types of activities and result from non-exchange transactions, such as investment income/loss.

When an expense is incurred for purposes for which both restricted and unrestricted net positions are available, the Authority's policy is to apply restricted net position first, then unrestricted net position as they are needed.

#### *C. Net Position*

*Restricted Net Position*—This category presents external restrictions imposed by creditors, grantors, contributors or laws and regulations of other governments and restrictions imposed by law through constitutional provisions or enabling legislation.

#### *D. Investments*

The Authority values its investments at fair value. The fair value of the Authority's investments are based upon values provided by external investment managers and quoted market prices.

#### *E. Use of Estimates*

The preparation of financial statements requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

#### *F. Statement of Cash Flows*

The Authority considers all highly liquid investments with a maturity of three months or less at the time of purchase to be cash equivalents. Cash equivalents are stated at cost, which approximates fair value.

#### *G. Pensions*

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the Pennsylvania State Employees' Retirement System (SERS) and additions to/deductions from SERS' fiduciary net position have been determined on the same basis as they are reported by SERS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

#### *H. Deferred Outflows/Inflows of Resources*

The Statement of Net Position reports separate sections for deferred outflows and deferred inflows of resources. These separate financial statement elements represent a consumption or acquisition of net position that applies to a future period(s) and so will not be recognized as an outflow or inflow of resources (expense/revenue) until then. The Authority has one item that qualifies for reporting in these categories: deferred outflows/inflows related to pensions.

Deferred outflows/inflows of resources related to pensions are described further in Note 3. The components of deferred outflows of resources and deferred inflows of resources, other than the difference between the projected and actual earnings on investments, are amortized into pension expense over a closed period, which reflects the weighted average remaining service life of all SERS members beginning the year in which the deferred amount occurs (current year). The annual difference between the projected and actual earnings on SERS investments is amortized over a five-year closed period beginning the year in which the difference occurs (current year).

#### *I. Adoption of Governmental Accounting Standards Board Statements*

In February 2015, the GASB issued Statement No. 72, "Fair Value Measurement and Application". In June 2015, the GASB issued Statement No. 76, "The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments". In January 2016, the GASB issued Statement No. 79, "Certain External Investment Pools and Pool Participants". The adoption of these statements had no impact on the Authority's financial statements.

#### *J. Pending Changes in Accounting Principles*

In June 2015, the GASB issued Statement No. 73, "Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement 68, and Amendments to Certain Provisions of GASB Statements 67 and 68". The Authority is required to adopt Statement No. 73 for its fiscal year 2017 financial statements.

In June 2015, the GASB issued Statement No. 74, "Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans". The Authority is required to adopt Statement No. 74 for its fiscal year 2017 financial statements.

In June 2015, the GASB issued Statement No. 75, "Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions". The Authority is required to adopt Statement No. 75 for its fiscal year 2018 financial statements.

In August 2015, the GASB issued Statement No. 77, "Tax Abatement Disclosures". The Authority is required to adopt Statement No. 77 for its fiscal year 2017 financial statements.

In December 2015, the GASB issued Statement No. 78, "Pensions Provided through Certain Multiple-Employer Defined Benefit Pension Plans". The Authority is required to adopt Statement No. 78 for its fiscal year 2017 financial statements.

In January 2016, the GASB issued Statement No. 80, "Blending Requirements for Certain Component Units—An Amendment of GASB Statement No. 14". The Authority is required to adopt Statement No. 80 for its fiscal year 2017 financial statements.

In March 2016, the GASB issued Statement No. 81, "Irrevocable Split-Interest Agreements". The Authority is required to adopt Statement No. 81 for its fiscal year 2018 financial statements.

In March 2016, the GASB issued Statement No. 82, "Pension Issues—an amendment of GASB Statements No. 67, No. 68, and No. 73". The Authority is required to adopt Statement No. 82 for its fiscal year 2017 financial statements.

The Authority has not yet performed analysis to determine the impact of these statements.

#### NOTE 2: DEPOSIT AND INVESTMENT RISK

The Commonwealth's fiscal code, as amended, authorizes the Authority to invest in obligations of the U.S. government and government-sponsored agencies and instrumentalities; certificates of deposits, fully insured or collateralized; certain commercial paper and repurchase agreements; highly rated bank promissory notes or investment funds or trusts; and "prudent man" investments as determined by the Authority's depository (i.e. Commonwealth Treasury Department).

All of the Authority's investments are invested in the Liquid Asset Pool of the Commonwealth which is managed by the Commonwealth's Treasury Department (the Treasury Department).

The deposit and investment policies of the Treasury Department are governed by Sections: 301, 301.1 and 505 of the Pennsylvania Fiscal Code (Act of 1929 P.L. 343), and Section 321.1 of the Pennsylvania Administrative Code (Act of 1929 P.L. 177. No. 175).

Treasury deposits must be held in insured depositories approved by the Board of Finance and Revenue and must be fully collateralized. The Fiscal Code grants the Treasury Department the authority to invest in any deposits and investments subject. This authority is subject, however, to the exercise of that degree of judgment and care under the circumstances then prevailing which persons of prudence, discretion and intelligence who are familiar with such matters exercise in the management of their own affairs not in regard to speculation but in regard to the permanent disposition of the funds considering the probable income to be derived therefrom as well as the probable safety of their capital. Treasury Department deposits and investments may include equity securities and mutual funds.

As of June 30, 2016, the Treasury Department manages the Commonwealth Investment Program (CIP). Treasury is required to exercise careful judgment in determining those investments that are appropriate for each Commonwealth fund based upon distinct investment criteria such as income needs, cash flow requirements, investment time horizons, and risk tolerance. All investments are made in accordance with the statutory authority described in the preceding paragraph. The CIP investment pool structure invests in both equity securities and fixed income securities to achieve the investment objectives of the funds of the Commonwealth Investment Program. Asset allocation targets among cash, equity securities, fixed income securities and alternative are established in order to meet these overall objectives.

Treasury has created two separate Pools within the Commonwealth Investment Program, each with its own distinct investment strategies, goals, and holdings that reflect the differing needs of Commonwealth funds for income, cash flows, and investment risk tolerance. A highly liquid vehicle, Pool 99 (Liquid Asset Pool), is a stable share price investment vehicle that invests exclusively in fixed income securities, primarily of short duration; in essence a money market fund. A less liquid vehicle, Pool 198 (Common Investment Pool), is a variable share price investment vehicle that seeks to generate additional investment return over time by investing in a diversified portfolio of fixed income, equity, and alternative securities.

As of June 30, 2016, the balance of the Authority's investments held in the Commonwealth Investment Pool was \$2,229,889.

#### NOTE 3: RETIREMENT BENEFITS

##### **General Information about the Pension Plan**

###### *Plan Description*

All employees of the Authority participate in the Pennsylvania State Employees' Retirement System (SERS), a cost-sharing multiple-employer defined benefit pension plan established by the Commonwealth to provide pension benefits for employees of state government and certain independent agencies. Membership in SERS is mandatory for Authority (and other state) employees. Article II of the Commonwealth's constitution assigns the authority to establish and amend the benefit provision of the plan to the General Assembly. SERS issues a publicly available financial report that can be obtained at [www.sers.pa.gov](http://www.sers.pa.gov).

###### *Benefits Provided*

SERS provides retirement, death, and disability benefits. Member retirement benefits are determined by taking years of credited service, multiplied by final average salary, multiplied by 2%, multiplied by class of service multiplier. Authority employees participate in one of the following class of service categories: Class A, Class AA, Class A-3 or Class A-4. According to the State Employees' Retirement Code (SERC), all obligations of SERS will be assumed by the Commonwealth should SERS terminate.

###### *Contributions*

Section 5507 of the SERC (71 Pa.C.S. § 5507) requires the Commonwealth and other employers whose employees are SERS members to make contributions to the fund on behalf of all active members and annuitants necessary to fund the liabilities and provide the annuity reserves required to pay benefits. SERS funding policy, as set by the board, provides for periodic active member contributions at statutory rates. The SERS funding policy also provides for periodic employer contributions at actuarially determined rates based on SERS funding valuation, expressed as a percentage of annual

retirement covered payroll, such that they, along with employee contributions and an actuarially determined rate of investment return, are adequate to accumulate assets to pay benefits when due. However, Act 2010-120 imposes rate increase collars (limits on annual rate increases) on employer contributions. The collar for Commonwealth fiscal year 14/15 was 4.5% and will remain at that rate until no longer needed. The Authority's retirement contribution, as a percentage of covered payroll, by class is as follows:

<b>Year Ended June 30</b>	<b>Class A</b>	<b>Class AA</b>	<b>Class A-3</b>	<b>Class A-4</b>
2016	19.89%	24.86%	17.18%	17.18%
2015	15.94%	19.92%	13.77%	13.77%
2014	12.10%	15.12%	10.46%	10.46%

Contributions to the pension plan from the Authority were \$211,544 for the fiscal year ended June 30, 2016.

#### **Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions**

At June 30, 2016, the Authority reported a liability of \$2,726,162 for its proportionate share of the net pension liability. The net pension liability was measured as of December 31, 2015, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of that date. The Authority's proportion of the net pension liability was based on a projection of the Authority's long-term share of contributions to the pension plan relative to the projected contributions of all participating agencies, actuarially determined. At December 31, 2015, the Authority's proportion was 0.015%, which was a decrease of .026% from its proportion measured as of December 31, 2014.

For the fiscal year ended June 30, 2016, the Authority recognized pension expense of \$555,455. At June 30, 2016, the Authority reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	<b>Deferred Outflows of Resources</b>	<b>Deferred Inflows of Resources</b>
Differences between expected and actual experience	\$55,202	\$—
Net difference between projected and actual investment earnings on pension plan investments	277,574	—
Changes of assumptions	80,993	—
Differences between employer contributions and proportionate share of contributions	7,338	18,544
Changes in proportion	741,911	30,883
Authority contributions subsequent to measurement date	<u>114,519</u>	<u>—</u>
	<u>\$1,277,537</u>	<u>\$49,427</u>

\$114,519 reported as deferred outflows of resources related to pensions resulting from Authority contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability in the year ended June 30, 2017. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

#### **Year ended June 30:**

2017	\$301,549
2018	301,549
2019	301,549
2020	204,030
2021	4,914
Thereafter	<u>-</u>
	<u>\$1,113,591</u>

#### *Actuarial assumptions*

Every five years, SERS is required to conduct an actuarial experience study to determine whether the assumptions used in its annual actuarial valuations remain accurate based on current and anticipated demographic trends and economic conditions. The 18th Investigation of Actuarial Experience study for the period 2011—2015 was released in March 2016. The actuary, under oversight of the SERS Board, reviewed economic assumptions (such as the assumed future investment returns and salary increases) as well as demographic assumptions (such as employee turnover, retirement, disability, and death rates). Some assumption adjustments increased projected cost and some decreased projected cost, but the overall result was a slight increase to the net pension liability.

Economic assumption recommendations resulting from the experience study included: keeping the targeted investment return rate assumption at 7.5%; keeping the inflation rate at 2.75%; keeping the general salary growth rate at 3.05%; and decreasing career salary growth rates, by varying amounts depending upon the employee's length of service at all service levels. In addition to the five-year experience study, SERS reviews its investment return assumption in light of economic conditions every year as part of its annual valuation.

Most demographic assumptions remained the same as or similar to experience over the last five years. However, the experience study did recommend changing some assumptions, which are highlighted as follows. The study recommended decreasing disability retirement rates for all active members. Additionally, it recommended adjusting superannuation separation rates, early retirement separation rates, and withdrawal rates for certain active member groupings (gender, age, years of service) in both the general and special membership classes. Furthermore, it recommended decreasing most annuitant and survivor mortality rates.

The board adopted the actuarial assumptions set forth in the 18th Investigation of Actuarial Experience at its March 2016 meeting. The study can be viewed at [www.SERS.pa.gov](http://www.SERS.pa.gov).

The following methods and assumptions were used in the December 31, 2015 actuarial valuation. These methods and assumptions were applied to all periods included in the measurement:

Investment rate of return	7.50% net of expenses including inflation
Projected salary increases	average of 5.70% with range of 3.85%—9.05% including inflation
Inflation	2.75%
Mortality rate	projected RP-2000 Mortality Tables adjusted for actual plan experience and future improvement
Cost of living adjustments (COLA)	ad hoc and thus are not considered to be substantively automatic

The long-term expected real rate of return on pension plan investments is determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. Best estimates of arithmetic real rates of return for each major asset class included in SERS current and target asset allocation as of December 31, 2015, are summarized in the following table:

<b>Asset Class</b>	<b>Target Allocation</b>	<b>Long-term Expected Rate of Return</b>
Alternative Investments	15.00%	8.50%
Global Public Equity	40.00%	5.40%
Real Assets	17.00%	4.95%
Diversifying Assets	10.00%	5.00%
Fixed Income	15.00%	1.50%
Liquidity Reserve	<u>3.00%</u>	0.00%
Total	<u><u>100.00%</u></u>	

#### *Discount Rate*

The discount rate used to measure the total pension liability was 7.50%. The projection of cash flows used to determine the discount rate assumed that employee contributions will be made at the rates applicable for each member and that employer contributions will be made based on rates determined by the actuary and as set by statute. Based on those assumptions, SERS fiduciary net position was projected to be available to make all projected future benefit payments of current active and non-active SERS members. Therefore, the long-term expected rate of return on SERS investments was applied to all periods of projected benefit payments to determine the total pension liability.

#### *Sensitivity of the Authority's proportionate share of the net pension liability to change in the discount rate*

The following presents the Authority's proportionate share of the 2015 net pension liability calculated using the discount rate of 7.50%, as well as what the Authority's proportionate share of the net pension liability would be if it were calculated using a discount rate that is one percentage point lower or one percentage point higher than the current rate:

	<b>1% Decrease 6.50%</b>	<b>Current discount rate 7.50%</b>	<b>1% Increase 8.50%</b>
Authority's share of the net pension Liability as of the 12/31/15 measurement date	\$3,386,407	\$2,726,162	\$2,160,038

#### *Pension plan fiduciary net position*

Detailed information about the pension plan's fiduciary net position is available in the separately issued SERS financial report.

#### *Payables to the Pension Plan*

As of June 30, 2016, the Authority reported zero liability within the accounts payable and accrued liabilities on the Statement of Net Position for the Authority's share of contributions that had not yet been paid to SERS.

## NOTE 4: POSTEMPLOYMENT BENEFITS OTHER THAN PENSIONS

*Plan Description*

The Commonwealth of Pennsylvania (the "Commonwealth") sponsors the Retired Employees' Health Program (REHP). We participate in the Commonwealth's REHP, a single-employer defined benefit postemployment healthcare plan administered by the Pennsylvania Employees' Benefit Trust Fund (PEBTF), acting as a third-party administrator on behalf of the Commonwealth's Office of Administration. The REHP provides health care and prescription drug plan benefits to eligible Commonwealth retirees, and their eligible dependents. The REHP's benefit provisions are established and may be amended by the Commonwealth of Pennsylvania's Office of Administration.

While the Commonwealth accounts for the REHP as a single employer plan, we account for our participation in the plan as a cost-sharing employer, because the plan is administered like a cost-sharing plan with a single actuarial valuation and the Commonwealth allocates annual OPEB costs to Commonwealth funds and component units, consistent with a pooling arrangement. Additionally, the Commonwealth structured the REHP so that employer contributions are irrevocable, plan assets are dedicated to providing benefits to retirees and their beneficiaries in accordance with the terms of the plan, and plan assets are legally protected from creditors of the employer(s) or plan administrator.

The REHP does not issue stand-alone financial statements, however the REHP note disclosures will be included in the Commonwealth's CAFR for the year ended June 30, 2016. For additional information on the REHP including the Commonwealth's total Other Post Employment Benefit (OPEB) expenses, funded status, funding progress, actuarial accrued liability, and the actuarial assumptions used to determine these amounts for the Commonwealth's REHP, a complete actuarial report is available for review at [www.budget.pa.gov](http://www.budget.pa.gov) (select Publications and Reports and under the heading "Actuarial Reports" select "Actuarial Valuation of the Commonwealth's Other Post-Employment Benefits: REHP (August 2015)").

*Funding Policy*

The Office of Administration and the Governor's Budget Office establish REHP contribution requirements. All employing agencies and certain plan members of the Commonwealth must contribute specified amounts to the REHP.

REHP plan members with a retirement date between July 1, 2005 and June 30, 2007, must contribute 1.0% of their final annual gross salary toward the cost of the REHP coverage. REHP plan members with a retirement date on or after July 1, 2007 but before July 1, 2011 are required to pay retiree contributions of 3.0% of either their final annual gross salary or final average salary, whichever is less. REHP plan members with a retirement date on or after July 1, 2011 are required to pay retiree contributions of 3.0% of their final average salary.

Upon enrollment in Medicare, Commonwealth employees who are currently paying 3.0% will pay retiree contributions of 1.5% of either their final annual gross salary or final average salary, whichever applies.

Surviving spouses and dependents of deceased retirees may continue to participate in the plan if they pay contributions at a rate designed to fund the full cost of the coverage.

For the year ended June 30, 2016, our annual contribution rate was \$97,797, and we have made the required contribution to the REHP as determined by the Office of Administration.

The monthly contribution rate was based on a projected retiree cost for the related fiscal year times the number of current, active REHP eligible employees. Effective July 1, 2016, our contribution rate will be approximately \$6,299 per month or \$75,588 annually. This current level of funding generally represents an amount needed to fund ongoing annuitant health care costs for the current year with a small portion representing advance funding.

The Statements of Funded Status and Funding Progress are disclosed in the Commonwealth's CAFR, Pension and Other Postretirement Benefits footnote for the year ended June 30, 2016. The June 30, 2016, Commonwealth's CAFR can be accessed on-line at [www.budget.state.pa.us](http://www.budget.state.pa.us), select "Financial Reports" and select "Comprehensive Annual Financial Reports".

## NOTE 5: RELATED PARTY

The Authority entered into an Interagency Agreement with the Commonwealth, through the Commonwealth Office of Administration to provide administrative and operational support services for the Authority. The Authority owns no capital assets; the employees performing service for the Authority are Commonwealth employees. As such, under the Interagency Agreement, the Authority reimburses the Commonwealth for services rendered by Commonwealth employees to the Authority. For the fiscal year ended June 30, 2016, the services provided by the Commonwealth to the Authority are recorded as Personnel Services totaled \$1,684,406.

## NOTE 6: CONTINGENCIES

*Litigation*

In the normal course of business, there may be various claims and suits pending against the Authority and its appointed officials. Management is of the opinion that these matters, if any, will not have a material adverse effect on the Authority's financial position at June 30, 2016.

*Economic Dependency*

The program operations of the Authority are funded through multiple grant funding streams. For fiscal year ending June 30, 2016, the Authority recognized \$1,698,274 in grant funding. The administrative operations of the Authority are primarily funded through Commonwealth budget appropriations (see Note 8). Reduction of, or loss of, these funding sources could have a significant effect on the Authority's overall operations.

## NOTE 7: PROGRAM OPERATIONS

The program operation expenses consist of the following:

Other Authority Program Operations	\$893,126
P3N Costs	1,616,000
Staff Augmentation	283,327
Payments to Federal Entities	<u>607,305</u>
	<u>\$3,399,758</u>

## NOTE 8: COMMONWEALTH APPROPRIATION

For fiscal year 2015-2016, the Commonwealth of Pennsylvania approved a \$1.5 million appropriation from the Commonwealth to the PA eHealth Partnership Authority, which is reflected in the Commonwealth contribution line on the financial statements.

## NOTE 9: SUBSEQUENT EVENTS

On July 8, 2016, the Governor signed House Bill 1062 into law. Act 76 of 2016 creates the Pennsylvania eHealth Partnership Program within the Department of Human Services and repeals Act 121 of 2012.

**Required Supplementary Information****Schedule of Authority's Proportionate Share of the Net Pension Liability  
Pennsylvania State Employees' Retirement System**

Last 10 Fiscal Years\*

Fiscal Years Ended June 30

	2016	2015	2014
Authority's proportion of the net pension liability (asset)	0.01499223%	0.01525873%	0.00681218%
Authority's proportionate share of the net pension liability (asset)	\$2,726,162	\$2,267,052	\$930,774
Authority's covered-employee payroll	\$919,133	\$928,697	N/A
Authority's proportionate share of the net pension liability (asset) as a percentage of its covered-employee payroll	296.60%	244.11%	N/A
Plan fiduciary net position as a percentage of the total pension liability	58.9%	64.8%	66.7%

\* The amounts presented for each fiscal year were determined as of the calendar year-end that occurred within the fiscal year.

Fiscal year 2015 was the year of implementation; therefore, only information for the years available is presented.

**Schedule of Authority's Contributions****Pennsylvania State Employees' Retirement System**

Last 10 Years

Fiscal Year Ended June 30

	2016	2015
Contractually required contribution	\$211,544	\$180,543
Contributions in relation to the contractually required contribution	(211,544)	(180,543)
Contribution deficiency (excess)	<u>\$ —</u>	<u>\$ —</u>
Authority's covered-employee payroll	\$919,133	\$928,697
Contributions as a percentage of covered-employee payroll	23.02%	18.71%

Fiscal year 2015 was the year of implementation; therefore, only information for the years available is presented.

[Pa.B. Doc. No. 16-2219. Filed for public inspection December 16, 2016, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Petroleum Products Transportation Service

**A-2016-2575829. Laurel Pipe Line Company, LP.** Application of Laurel Pipe Line Company, LP for all necessary authority, approvals and certificates of public convenience to change the direction of petroleum products transportation service to delivery points west of Eldorado, PA.

Formal protests and petitions to intervene in this matter must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before February 1, 2017, by 4:30 p.m. This date extends the original due date for pleadings.

All pleadings must be filed with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. E-filing instructions are at <http://www.puc.state.pa.us/efiling/default.aspx>. The parties may agree to electronic service among themselves.

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 (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address. Responsive pleadings such as formal protests and petitions to intervene, as well as further directives from the Commission, will also be available for inspection and copying at the Office of the Secretary or on the Commission's web site.

*Applicant:* Laurel Pipe Line Company, LP

*Through and By Counsel:* Lillian S. Harris, Esquire, Garrett P. Lent, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601; David B. MacGregor (ID # 28804), Post & Schell, PC, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, PA 19103-2808; and Todd J. Russo, Esquire, Senior Vice President, General Counsel and Secretary, Buckeye Partners, LP, Five TEK Park, 9999 Hamilton Boulevard, Breinigsville, PA 18031

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 16-2220. Filed for public inspection December 16, 2016, 9:00 a.m.]

## Pro Forma Change in Indirect Ownership

**A-2016-2577819 and A-2016-2577841. Communications Sales and Leasing, Inc., PEG Bandwidth PA, LLC and Talk America Services, LLC.** Joint application of Communications Sales and Leasing, Inc., PEG Bandwidth PA, LLC and Talk America Services, LLC for approval of a pro forma change in indirect ownership.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before January 3, 2017. 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](http://www.puc.pa.gov) and at the applicant's business address.

*Applicants:* Communications Sales and Leasing, Inc.; PEG Bandwidth PA, LLC; and Talk America Services, LLC

*Through and By Counsel:* Anthony C. DeCusatis, Esquire, Catherine G. Vasudevan, Esquire, Morgan, Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103-2921; and Ronald W. Del Sesto, Jr., Esquire, Jeffrey Strenkowski, Esquire, Morgan, Lewis & Bockius, LLP, 2020 K Street, NW, Washington, DC 20006-1806

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 16-2221. Filed for public inspection December 16, 2016, 9:00 a.m.]

## Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by January 3, 2017. 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-2016-22577638. Afton Limousine Service, LLC** (10 North Main Street, Yardley, Bucks County, PA 19067) for the right to transport as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Bucks, Montgomery and Philadelphia, including transportation to and from the Philadelphia Airport, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2016-2577694. Kopp Kar Transportation, LLC** (745 School Lane, New Holland, Lancaster County, PA 17557) for the right to begin to transport, as a common carrier, by motor vehicle, persons in call or demand service, between points in Pennsylvania.

**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-2016-2575087. Takoukam Trading, LLC** (1901 Old Crooked Hill Road, Harrisburg, Dauphin County, PA 17110) for the right to transport as a common carrier, by motor vehicle, persons upon call or demand, between points in the Counties of Cumberland, Dauphin and York;

which is to be a transfer of the rights from A-00110608, F.2 issued to Salgals, Inc., t/a American Taxi. *Attorney:* Craig A. Doll, Esquire, 25 West 2nd Street, P.O. Box 403, Hummelstown, PA 17036-0403.

**Application of the following for approval to *begin operating as a broker for transportation of household goods as described under the application.***

**A-2016-2577707. Transit Systems, Inc., t/a Moves for Seniors** (999 Old Eagle School Road, Suite 114, Wayne, Chester County, PA 19087) for a brokerage license, evidencing the Commission's approval of the right and privilege to operate as a broker to arrange for the transportation of household goods in use between points in Pennsylvania.

**Application of the following for the approval of the *transfer of stock as described under the application.***

**A-2016-2577880. Manor Valley Taxi, Inc.** (9756 Broadway, P.O. Box 457, Manor, Westmoreland County, PA 15665) for the approval of the transfer of 500 shares of the issued stock from Jeffrey Yurt to Kathy Molchan (250 shares) and David Raling (250 shares). *Attorney:* John A. Pillar, 150 Green Commons Drive, Pittsburgh, PA 15243.

**Application of the following for the approval of the *right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.***

**A-2016-2578383. MTDJ Transportation, LLC** (100 West Undercliff Avenue, Pittsburgh, Allegheny County, PA 15223) for the discontinuance of service and cancellation of its certificate, as a common carrier, by motor vehicle, at A-6315060, authorizing the transportation of persons, in paratransit service, between points in the Counties of Allegheny, Armstrong, Bedford, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Mercer, Somerset, Venango, Washington and Westmoreland.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 16-2222. Filed for public inspection December 16, 2016, 9:00 a.m.]

**Service of Notice of Motor Carrier Formal Complaints**

Formal Complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due January 3, 2017, and must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. TDF Services, Inc.; Docket No. C-2016-2573536**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are

prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to TDF Services, Inc., (respondent) is under suspension effective October 20, 2016 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at PO Box 111, Oakmont, PA 15139.

3. That respondent was issued a Certificate of Public Convenience by this Commission on March 30, 1998, at A-00114665.

4. That respondent has failed to maintain evidence of Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

*Wherefore*, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00114665 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 11/9/16

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement



NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound

by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Keep It Moving, LLC; Docket No. C-2016-2573586**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Keep It Moving, LLC, (respondent) is under suspension effective October 06, 2016 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at PO Box 28458, Philadelphia, PA 19149.

3. That respondent was issued a Certificate of Public Convenience by this Commission on August 26, 2013, at A-8915205.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

*Wherefore*, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8915205 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 11/3/16

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 16-2223. Filed for public inspection December 16, 2016, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

**Philadelphia Parking Authority v. EYL Cab Co.;**  
**CPC No. 1000153-01; Medallion No. P-1132**

Dear EYL Cab Co., Kerlines Lundy, Pennsylvania Taxi Association, & Melrose Credit Union:

Please be advised that the Opinion and Order of Hearing Officer, Hon. Chris R. Wogan, was issued and entered with the Philadelphia Parking Authority's ("Authority") Taxicab and Limousine Division's (TLD) Office of the Clerk on August 11, 2016, under Docket No. C-16-03-033.

In addition to the penalties and fees imposed, the Hearing Officer cancelled EYL Cab Co.'s medallion taxicab certificate of public convenience ("CPC") No. 1000153-01 with respect to medallion No. P-1132. The cancellation of the CPC was effective August 26, 2016. In accordance with 53 Pa.C.S. § 5713, a CPC is the licensing

right which accompanies each medallion and authorizes the operation of one taxicab. Therefore, EYL Cab Co. no longer has operating authority for its medallion No. P-1132 and as a result, it is specifically prohibited from providing taxicab service in the City of Philadelphia for this medallion.

Pursuant to 53 Pa.C.S. § 5713, please be advised that EYL Cab Co. has six months from the date of its CPC's cancellation, which is no later than February 26, 2017, to sell medallion No. P-1132 or the medallion will become nontransferable and possession must be surrendered to the Authority. See also *Metro Transp. Co. v. Phila. Parking Auth.*, 105 A.3d 855, 2014 Pa. Commw. Unpub. LEXIS 691 (Pa. Cmwlth. Dec. 3, 2014). The TLD is already in possession of the medallion for safekeeping, if and until, the medallion is sold within the aforementioned time period. See 53 Pa.C.S. § 5713 (relating to property and licensing rights). Please refer to Authority regulations at 52 Pa. Code Chapter 27 concerning the sale of rights. An SA-1 "Sale Application" may be obtained on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld).

Furthermore, according to Pennsylvania's Department of State, Bureau of Corporations and Charitable Organizations, there is record(s) of a Uniform Commercial Code financing statement filed by the above secured party(s), Pennsylvania Taxi Association and Melrose Credit Union, against EYL Cab Co. Therefore, the secured party(s) is hereby being provided with notice of the aforementioned time period at which medallion P-1132 may become nontransferable. If a lender or creditor executes on or seizes a medallion, it shall immediately notify the Authority in writing. Upon seizure or execution of the medallion, any sale of the medallion shall occur at authority offices within one year of said seizure or execution. Failure to sell the medallion within the one year will render the medallion nontransferable and possession will be surrendered to the authority.

If you have any questions concerning this notice, please do not hesitate to contact me at (215) 683-9637, or via e-mail at [mmcilmil@philapark.org](mailto:mmcilmil@philapark.org). All questions concerning the SA-1 application process, please contact Christine Kirlin, Esq., Administrative Counsel, at (215) 683-9653 or [ckirlin@philapark.org](mailto:ckirlin@philapark.org). Thank you.

Sincerely,

Michael P. McIlmail, Esq.,  
Deputy Manager of Administration  
Taxicab and Limousine Division

CLARENA TOLSON,  
*Executive Director*

[Pa.B. Doc. No. 16-2224. Filed for public inspection December 16, 2016, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority applications 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 January 3, 2017. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are 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-16-12-01. F.F. Kabir Co.** (111 Marlborough Road, Upper Darby, PA 19082): An application for a medallion taxicab certificate of public convenience (CPC) 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.

**Doc. No. A-16-12-02. Madaan Cab Corp.** (115 Chatham Road, Upper Darby, PA 19082): An application for a medallion taxicab CPC 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. 16-2225. Filed for public inspection December 16, 2016, 9:00 a.m.]

### Service of Reminder Notice of Citation Complaint

#### The Philadelphia Parking Authority, Taxicab and Limousine Division v. Eagle Chauffeured Service, LLC; Doc. No. C-16-10-095

Attention Eagle Chauffeured Service, LLC, last known address of 99 Aldan Avenue, Glen Mills, PA 19342, this is a reminder notice that on November 12, 2016, Citation Complaint T-20939 (Citation) was issued against you by the Taxicab and Limousine Division's (TLD) Enforcement Department via publication in the *Pennsylvania Bulletin* on November 12, 2016 (see 46 Pa.B. 7234), citing a violation of 52 Pa. Code § 1051.4 "failure to pay assessment" due on September 17, 2016. The TLD Enforcement Department is seeking a penalty of \$250 and cancellation of CPC No. 1025937-04.

Respondents must either request a hearing on a citation or pay the penalty identified in a citation within fifteen (15) days of issuance. See 52 Pa. Code § 1005.13(b). If you fail to take immediate action by either requesting a hearing or paying the penalty identified above, it may result in the entry of a default order as to the Citation and the penalty; along with imposing any suspension or revocation identified in the Citation.

Please take the necessary actions to satisfy the above referenced citation immediately. Payments made payable to the Philadelphia Parking Authority or requests for a hearing may be submitted to:

Office of the Clerk  
Philadelphia Parking Authority  
Taxicab and Limousine Division  
2415 South Swanson Street  
Philadelphia, PA 19148

If you have any questions concerning this notice, please do not hesitate to contact the TLD's Office of the Clerk, Heidi Robb, Clerk, (215) 683-9498, TLDclerk@philapark.org.

CLARENA TOLSON,  
*Executive Director*

[Pa.B. Doc. No. 16-2226. Filed for public inspection December 16, 2016, 9:00 a.m.]

### Service of Reminder Notice of Citation Complaint

#### **The Philadelphia Parking Authority, Taxicab and Limousine Division v. Eagle Chauffeured Service, LLC; Doc. No. C-16-10-096**

Attention Eagle Chauffeured Service, LLC, last known address of 99 Aldan Avenue, Glen Mills, PA 19342, this is a reminder notice that on November 12, 2016, Citation Complaint T-20940 (Citation) was issued against you by the Taxicab and Limousine Division's (TLD) Enforcement Department via publication in the *Pennsylvania Bulletin* on November 12, 2016 (see 46 Pa.B. 7234), citing a violation of 52 Pa. Code § 1051.4 "failure to pay assessment" due on September 17, 2016. The TLD Enforcement Department is seeking a penalty of \$250 and cancellation of CPC No. 1025937-06.

Respondents must either request a hearing on a citation or pay the penalty identified in a citation within fifteen (15) days of issuance. See 52 Pa. Code § 1005.13(b). If you fail to take immediate action by either requesting a hearing or paying the penalty identified above, it may result in the entry of a default order as to the Citation and the penalty; along with imposing any suspension or revocation identified in the Citation.

Please take the necessary actions to satisfy the above referenced citation immediately. Payments made payable to the Philadelphia Parking Authority or requests for a hearing may be submitted to:

Office of the Clerk  
Philadelphia Parking Authority  
Taxicab and Limousine Division  
2415 South Swanson Street  
Philadelphia, PA 19148

If you have any questions concerning this notice, please do not hesitate to contact the TLD's Office of the Clerk, Heidi Robb, Clerk, (215) 683-9498, TLDclerk@philapark.org.

CLARENA TOLSON,  
*Executive Director*

[Pa.B. Doc. No. 16-2227. Filed for public inspection December 16, 2016, 9:00 a.m.]

### Service of Reminder Notice of Citation Complaint

#### **The Philadelphia Parking Authority, Taxicab and Limousine Division v. Eagle Chauffeured Service, LLC; Doc. No. C-16-10-097**

Attention Eagle Chauffeured Service, LLC, last known address of 99 Aldan Avenue, Glen Mills, PA 19342, this is a reminder notice that on November 12, 2016, Citation Complaint T-21081 (Citation) was issued against you by the Taxicab and Limousine Division's (TLD) Enforcement

Department via publication in the *Pennsylvania Bulletin* on November 12, 2016 (see 46 Pa.B. 7234), citing a violation of 52 Pa. Code § 1051.4 "failure to pay assessment" due on September 17, 2016. The TLD Enforcement Department is seeking a penalty of \$250 and cancellation of CPC No. 1025937-07.

Respondents must either request a hearing on a citation or pay the penalty identified in a citation within fifteen (15) days of issuance. See 52 Pa. Code § 1005.13(b). If you fail to take immediate action by either requesting a hearing or paying the penalty identified above, it may result in the entry of a default order as to the Citation and the penalty; along with imposing any suspension or revocation identified in the Citation.

Please take the necessary actions to satisfy the above referenced citation immediately. Payments made payable to the Philadelphia Parking Authority or requests for a hearing may be submitted to:

Office of the Clerk  
Philadelphia Parking Authority  
Taxicab and Limousine Division  
2415 South Swanson Street  
Philadelphia, PA 19148

If you have any questions concerning this notice, please do not hesitate to contact the TLD's Office of the Clerk, Heidi Robb, Clerk, (215) 683-9498, TLDclerk@philapark.org.

CLARENA TOLSON,  
*Executive Director*

[Pa.B. Doc. No. 16-2228. Filed for public inspection December 16, 2016, 9:00 a.m.]

## **PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD**

### **Hearing Scheduled**

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimant's request concerning the indicated account.

The hearing will be held before a hearing officer at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

January 25, 2017	Paul D. Makovsky (Purchase of Service— Nonqualifying Part-Time)	1 p.m.
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Persons with a disability who wish to attend the previously listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Lori Koch, Assistant to the Executive Director at (717) 720-4606 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general

rules), procedural matter will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

GLEN R. GRELL,  
*Executive Director*

[Pa.B. Doc. No. 16-2229. Filed for public inspection December 16, 2016, 9:00 a.m.]

## STATE BOARD OF COSMETOLOGY

**Bureau of Professional and Occupational Affairs v.  
Natalie L. Asher; Doc. No. 0891-45-15**

On July 14, 2016, Natalie L. Asher, cosmetology license No. CO282689, last known of Williamsport, Lycoming County, was suspended indefinitely based on her felony conviction.

Individuals may obtain a copy of the order by writing to Ariel E. O'Malley, Board Counsel, State Board of Cosmetology, P.O. Box 69523, Harrisburg, PA 17106-9523.

STEPHEN A. WALLIN,  
*Chairperson*

[Pa.B. Doc. No. 16-2230. Filed for public inspection December 16, 2016, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.  
Rachael L. Yerkes; Doc. No. 1556-45-16**

On August 15, 2016, Rachael L. Yerkes, cosmetology license No. CO279897, last known of Dublin, Bucks County, was suspended for failing to pay a previously imposed civil penalty.

Individuals may obtain a copy of the order by writing to Ariel E. O'Malley, Board Counsel, State Board of Cosmetology, P.O. Box 69523, Harrisburg, PA 17106-9523.

STEPHEN A. WALLIN,  
*Chairperson*

[Pa.B. Doc. No. 16-2231. Filed for public inspection December 16, 2016, 9:00 a.m.]

## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.  
Gerald Scott Pourbaix, LPN; File No. 14-51-  
02997; Doc. No. 0787-51-15**

On October 28, 2016, Gerald Scott Pourbaix, LPN, Pennsylvania license No. PN270748, last known of Fairmont, WV, had his practical nurse license indefinitely suspended until at least the respondent proves that he is fit to practice practical nursing with reasonable skill and safety, based on receiving disciplinary action by the proper licensing authority of another state.

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

KRISTIN MALADY, BSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 16-2232. Filed for public inspection December 16, 2016, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearing Scheduled

The following hearing has been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimant's request concerning the indicated accounts.

The hearing will be held before a hearing officer at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

January 5, 2017      Willis W. Berry, Jr.      1 p.m.  
Act 140 Pension Forfeiture

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

DAVID E. DURBIN,  
*Secretary*

[Pa.B. Doc. No. 16-2233. Filed for public inspection December 16, 2016, 9:00 a.m.]

## STATE POLICE

**Storage and Preservation Policy for Sexual Assault Evidence**

Under the Sexual Assault Testing and Evidence Collection Act (act) (35 P.S. §§ 10172.1—10172.5), local law enforcement agencies must take possession of sexual assault evidence obtained by a health care facility within 72 hours of being notified of its existence. For those cases in which the victim has provided written notice of consent to the forensic testing, the law enforcement agency must submit evidence awaiting testing to an approved labora-

tory within 15 days. For those cases in which the victim has not provided consent to the testing, the evidence must be preserved and stored for a period of no less than 2 years, unless consent is provided before that period. See section 3(c) of the act (35 P.S. § 10172.3(c)).

This policy provides guidelines for optimal storage conditions for the preservation of sexual assault evidence, and applies in all cases regardless of whether or not a victim has consented to forensic testing. While there are many factors which may affect a law enforcement agency's ability to meet and maintain these conditions, every effort should be made to comply with these best practices for long-term storage. It should be noted that deviation from these optimal conditions will not preclude laboratory testing at a future time, but may impact on the ability of a laboratory to successfully analyze any evidence.

When a law enforcement agency takes possession of the sexual assault evidence from the health care facility, the Sexual Assault Kit (SAK) must be in a sealed condition. The evidence seal should remain intact and only broken by laboratory personnel for the purpose of testing the contents of the SAK. In general, items typically collected in the SAKs manufactured in compliance with the mini-

mum standards<sup>1</sup> as provided by the Department of Health, under the act, should be treated the same as dry biological stained items and stored in a temperature controlled setting (see the following definitions). However, to ensure proper storage conditions are met, the following information should be obtained by the law enforcement agency prior to taking possession of the SAK:

- Does the SAK contain any liquid blood samples?
- Does the SAK contain any urine samples?
- Does the SAK contain any wet items that cannot be dried (for example, tampons, used condoms)?

If the SAK contains any of these three types of items, then the entire SAK should be stored in accordance with that item's storage recommendation (for example, if the SAK contains liquid blood, the entire kit should be refrigerated).

Long-term storage conditions, described as follows, should be maintained for evidence retained longer than 72 hours to preserve evidence integrity. Ideally, evidence should be stored under these conditions as soon as practicable once in the possession of law enforcement.

**Long-Term Storage Conditions Matrix<sup>2</sup>**

<i>Type of Evidence</i>	<i>Frozen</i>	<i>Refrigerated</i>	<i>Temperature Controlled</i>	<i>Room Temperature</i>
Liquid blood	Never	Best		
Urine	Best			
Dry biological stained item			Best	
Hair			Best	Acceptable
Swabs with biological material			Best (dried)	
Buccal swabs			Best	
DNA extracts	Best (liquid)	Acceptable (liquid)	Acceptable (dried)	
Wet items (if they cannot be dried)	Best	Acceptable		

*Definitions:*

*Frozen:* Temperature is maintained thermostatically at or below  $-10^{\circ}\text{C}$  ( $14^{\circ}\text{F}$ ).

*Refrigerated:* Temperature is maintained thermostatically between  $2^{\circ}\text{C}$  and  $8^{\circ}\text{C}$  ( $36^{\circ}\text{F}$  and  $46^{\circ}\text{F}$ ) with less than 25% humidity.

*Temperature controlled:* Temperature is maintained thermostatically between  $15.5^{\circ}\text{C}$  and  $24^{\circ}\text{C}$  ( $60^{\circ}\text{F}$  to  $75^{\circ}\text{F}$ ) with less than 60% humidity.

<sup>1</sup> Under 28 Pa. Code § 117.52(a)(1) (relating to minimum requirements for sexual assault emergency services), all hospitals providing sexual assault emergency services under 28 Pa. Code §§ 117.51—117.58 (relating to sexual assault victim emergency services) "shall utilize a rape kit that complies with the minimum standard requirements developed by the Department or that is otherwise approved by the Department under the [act]."

<sup>2</sup> Adapted from *The Biological Evidence Preservation Handbook: Best Practices for Evidence Handlers*, page 19 (<http://nvlpubs.nist.gov/nistpubs/ir/2013/NIST.IR.7928.pdf>) and the draft *National Institute of Justice National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach*, page 35 (<https://www.regulations.gov/document?D=OJP-2016-0002-0002>).

*Room temperature:* Temperature is equal to the ambient temperature of its surroundings; storage area may lack temperature and humidity control methods.

This policy has been developed with concurrence of the Pennsylvania Chiefs of Police Association and the Pennsylvania District Attorneys Association, as well as in consultation with the laboratories in this Commonwealth approved to receive sexual assault evidence, namely the Philadelphia Police Department Office of Forensic Science, the Allegheny County Office of Chief Medical Examiner Forensic Laboratory and the State Police Bureau of Forensic Services.

COLONEL TYREE C. BLOCKER,  
*Commissioner*

[Pa.B. Doc. No. 16-2234. Filed for public inspection December 16, 2016, 9:00 a.m.]

# STATE REAL ESTATE COMMISSION

**Bureau of Professional and Occupational Affairs v.  
Lapp & Alderfer, Inc.; Doc. No. 1504-56-16; File  
No. 14-56-11376**

On August 10, 2016, Lapp & Alderfer, Inc., license Nos. RB019259A, RO008501A and RO008838A, of Souderton, Montgomery County, had its licenses automatically sus-

pended based on findings that a payment totaling \$55,000 was made from the Real Estate Recovery Fund to satisfy the claim of ACTS Retirement-Life Communities, who has uncollectible civil judgments against them.

Individuals may obtain a copy of the order by writing to the Prothonotary, Department of State, P.O. Box 2649, Harrisburg, PA 17105-2649.

JOSEPH J. McGETTIGAN,  
*Chairperson*

[Pa.B. Doc. No. 16-2235. Filed for public inspection December 16, 2016, 9:00 a.m.]





# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[ 231 PA. CODE CHS. 400 AND 1000 ]

Order Amending Rules 410, 430 and 1065 and Adopting Rule 1064 of the Rules of Civil Procedure; No. 655 Civil Procedural Rules Doc.

#### Order

*Per Curiam*

And Now, this 29th day of November, 2016, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published for public comment at 45 Pa.B. 1249 (March 14, 2015):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 410, 430, and 1065 of the Pennsylvania Rules of Civil Procedure are amended in the following form, and that Rule 1064 of the Pennsylvania Rules of Civil Procedure is adopted in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective January 1, 2017.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 400. SERVICE OF ORIGINAL PROCESS

##### SERVICE IN PARTICULAR ACTIONS

#### Rule 410. Real Property Actions.

(a) In actions involving title to, interest in, possession of, or charges or liens upon real property, original process shall be served upon the defendant in the manner provided by Rule 400 *et seq.*

(b)(1) If in an action involving an interest in real property the relief sought is possession or mortgage foreclosure, original process also shall be served upon any person not named as a party who is found in possession of the property. The sheriff shall note the service in the return.

(2) If the relief sought is possession, the person so served shall thereupon become a defendant in the action. Upon praecipe of the plaintiff the prothonotary shall index the name of the person found in possession as a party to the action.

(3) If the relief sought is mortgage foreclosure, the person so served shall not thereby become a party to the action.

(c) If service is made pursuant to an order of court under Rule 430(a), the court shall direct one or more of the following methods of service:

- (1) publication as provided by Rule 430(b),

**Official Note:** See Rule 1064 for additional requirements for service of original process by publication for actions to quiet title involving subsurface mineral rights.

(2) posting a copy of the original process on the most public part of the property,

(3) registered mail to the defendant's last known address, and

(4) such other methods, if any, as the court deems appropriate to give notice to the defendant.

#### SERVICE PURSUANT TO SPECIAL ORDER OF COURT

#### Rule 430. Service Pursuant to Special Order of Court. Publication.

(a) If service cannot be made under the applicable rule the plaintiff may move the court for a special order directing the method of service. The motion shall be accompanied by an affidavit stating the nature and extent of the investigation which has been made to determine the whereabouts of the defendant and the reasons why service cannot be made.

**Official Note:** A sheriff's return of "not found" or the fact that a defendant has moved without leaving a new forwarding address is insufficient evidence of concealment. *Gonzales v. Polis*, [ 238 Pa. Super. 362, ] 357 A.2d 580 (Pa. Super. 1976). Notice of intended adoption mailed to last known address requires a "good faith effort" to discover the correct address. *Adoption of Walker*, [ 468 Pa. 165, ] 360 A.2d 603 (Pa. 1976).

An illustration of a good faith effort to locate the defendant includes (1) inquiries of postal authorities including inquiries pursuant to the Freedom of Information Act, 39 [ CFR ] C.F.R. Part 265, (2) inquiries of relatives, neighbors, friends, and employers of the defendant, [ and ] (3) examinations of local telephone directories, courthouse records, voter registration records, local tax records, and motor vehicle records, and (4) a reasonable internet search.

See Rule 1064 for additional requirements for service of original process by publication for actions to quiet title involving subsurface mineral rights.

(b)(1) If service of process by publication has been authorized by rule of civil procedure or order of court, the publication shall be by advertising a notice of the action once in the legal publication, if any, designated by the court for the publication of legal notices and in one newspaper of general circulation within the county. The publication shall contain the caption of the action and the names of the parties, state the nature of the action, and conclude with a notice substantially in the following form:

\* \* \* \* \*

#### CHAPTER 1000. ACTIONS

##### Subchapter D. ACTION TO QUIET TITLE

#### Rule 1064. Service.

[ (Rescinded) ]

In actions involving subsurface mineral rights, if the plaintiff seeks to serve original process by publication pursuant to Rule 430 and obtains actual

**knowledge of a last known address of the defendant outside the county in which the property is located, the plaintiff shall explain in the affidavit required by Rule 430(a) the search for the defendant in that locale.**

**Official Note:** For service of original process, *see* Rule 410 governing service in actions involving real property. *See* Rule 430 for additional requirements for service of original process by publication.

**Rule 1065. Specific Avertisments.**

[ The ] (a) **Except as provided in subdivision (b), the plaintiff shall describe the land in the complaint.**

(b) **In an action to quiet title involving subsurface mineral rights, the complaint shall describe the land by attaching:**

(1) **a summary of the abstract of the mineral title, or the full abstract of the mineral title if the title documents are not available in the courthouse records, and**

(2) **a statement of acreage involved that includes a metes and bounds description, if available, or other description sufficient to identify the subject land.**

**EXPLANATORY COMMENT**

The Supreme Court of Pennsylvania has amended Rules 410, 430, and 1065 and reconstituted Rule 1064 to update the requirements for the service by publication authorized by special order of court for actions to quiet title of subsurface mineral rights. Currently, when a plaintiff is unable to serve original process on a defendant pursuant to Rules 400 *et seq.*, the Rules of Civil Procedure allow a plaintiff to serve original process by publication pursuant to Rule 430 governing service by special court order. For service by publication to be allowed, the plaintiff must file a motion with an affidavit describing the good faith efforts on the part of the plaintiff to locate the defendant. The note to Rule 430 currently provides illustrations of what constitutes a good faith effort to locate a defendant. The proposed amendment would expand the sources to be searched to include courthouse records and a reasonable internet search. By including these sources, the amendment is intended to update the rule to use modern technology in an effort to locate a defendant as well as records that are already available at the courthouse. In many instances, courthouse records are available on-line as well.

With regard to actions to quiet title of subsurface mineral rights, the amendment reconstitutes Rule 1064, which formerly governed service generally for actions to quiet title. The reconstituted rule requires a plaintiff, who seeks to serve original process pursuant to Rule 430 and obtains actual knowledge of a last known address of the defendant outside of the county in which the property at issue is located, to explain in the affidavit required by Rule 430(a) the search for the defendant in that locale.

The Court has also amended Rule 1065 governing the content of a complaint in actions to quiet title of subsurface mineral rights to require a verified land description in the complaint by attaching a summary of the abstract of the mineral title, or the full abstract of the mineral

title if documents to the property are not available in the courthouse records, and a statement of acreage involved with a metes and bounds description, if available or other description sufficient to identify the subject land.

Cross-references to reconstituted Rule 1064 have been provided in the notes to Rule 430(a) governing service by special order of court and Rule 410(c)(1) governing service in real property actions in order to aid the practitioner in finding the additional requirements set forth in that rule for service by publication in quiet title actions involving subsurface mineral rights.

*By the Civil Procedural  
Rules Committee*

WILLIAM S. STICKMAN, IV,  
*Chair*

[Pa.B. Doc. No. 16-2236. Filed for public inspection December 16, 2016, 9:00 a.m.]

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

**Proposed Amendment of Pa. O.C. Rule 1.5, Proposed Rescission of Pa. O.C. Rules 14.1—14.5 and Orphans' Court Forms G-01—G-04, Proposed Adoption of New Pa. O.C. Rules 14.1—14.12 and Orphans' Court Forms G-01—G-07 and Proposed Amendment of the Appendix of Forms**

The Orphans' Court Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa. O.C. Rule 1.5, the rescission of Chapter XIV of the Pennsylvania Orphans' Court Rules, Pa. O.C. Rules 14.1—14.5, together with related forms, G-01 through G-04, to be replaced with the adoption of new Pa. O.C. Rules 14.1—14.12 and Orphans' Court Forms G-01 through G-07, and the amendment of the Appendix of Forms, for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

Orphans' Court Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
FAX: (717) 231-9551  
orphanscourtproceduralrules@pacourts.us

All communications in reference to the proposal should be received by February 27, 2017. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Orphans' Court  
Procedural Rules Committee*

JOHN F. MECK, Esq.,  
*Chair*

## Annex A

## TITLE 231. RULES OF CIVIL PROCEDURE

## PART II. ORPHANS' COURT RULES

## CHAPTER I. PRELIMINARY RULES

**Rule 1.5. Local Rules.**

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

**(b) All previously promulgated local rules under Chapter 14 regarding guardianship of incapacitated persons are hereby vacated, effective (TBD).**

[ (b) ] (c) The requirements for the promulgation and amendment of local procedural rules for orphans' court proceedings are set forth in Pennsylvania Rule of Judicial Administration 103(d).

[ (c) ] (d) The local rules applicable to practice in the Civil or Trial Division of the local Court of Common Pleas shall not be applicable in the Orphans' Court Division unless so directed by these Rules or by local rule adopted by the court of the particular judicial district in accordance with Pa.R.J.A. No. 103.

**Note:** Effective August 1, 2016, Pennsylvania Rule of Judicial Administration 103 was amended to consolidate and include all local rulemaking requirements. Accordingly, the rulemaking requirements under Pa. O.C. Rule 1.5 for the promulgation and amendment of local procedural rules for orphans' court proceedings were rescinded and replaced.

*(Editor's Note: As part of this proposed rulemaking, the Committee is proposing to rescind Chapter XIV, Rules 14-1—14-5, which appears in 231 Pa. Code pages 14-1 to 14-2, serial pages (382157) and (382158), and replace it with Chapter XIV as follows. This chapter is new and printed in regular type to enhance readability.)*

**CHAPTER XIV. GUARDIANSHIPS OF  
INCAPACITATED PERSONS**

Rule	
14.1.	Petition for Adjudication of Incapacity and Appointment of a Guardian of the Person or Estate of an Incapacitated Person.
14.2.	Written Deposition.
14.3.	Counsel.
14.4.	Waiver or Modification of Bond.
14.5.	Determination of Incapacity, Selection of Guardian, Order & Certificate.
14.6.	Guardianship Reporting, Monitoring, Review, and Compliance.
14.7.	Review Hearing.
14.8.	Proceedings Relating to Real Estate.
14.9.	Transfer of Guardianship of the Person to Another State.
14.10.	Transfer of Guardianship of the Estate to Another State.
14.11.	Acceptance of a Guardianship Transferred from Another State.
14.12.	Forms.

**Rule 14.1. Petition for Adjudication of Incapacity and Appointment of a Guardian of the Person or Estate of an Incapacitated Person.**

(a) *Petition Contents.* A petition to adjudicate an individual as an incapacitated person shall state in plain language:

(1) Name, age, address, and mailing address, if different, of the petitioner and the petitioner's relationship to the alleged incapacitated person;

(2) Name, age, residence, and mailing address, if different, of the alleged incapacitated person;

(3) Names and addresses of the spouse, parents, and presumptive adult intestate heirs of the alleged incapacitated person;

(4) Name and address of the person or institution providing residential services to the alleged incapacitated person;

(5) Names and addresses of other service providers and nature of services being provided;

(6) Reason(s) why guardianship is sought, including a description of functional limitations and the physical and mental condition of the alleged incapacitated person;

(7) If not plenary, then specific areas of incapacity over which it is requested that the guardian be assigned powers;

(8) The probability of whether the physical condition and mental condition of the alleged incapacitated person will improve;

(9) Whether there is an executed health care power of attorney, and if so, the name of the person designated in the document to act as the health care agent;

(10) Whether there is an executed power of attorney, and if so, the name of the person designated in the document to act as the agent;

(11) Whether there has been a prior incapacity hearing concerning the alleged incapacitated person, and if so, the name of the court, the date of the hearing, and the determination of capacity;

(12) Steps taken to find a less restrictive alternative than a guardianship;

(13) If a guardian of the estate is sought, then the gross value of the estate and net income from all sources, to the extent known;

(14) Whether there is a prepaid burial account, to the extent known;

(15) Whether the alleged incapacitated person is a veteran of the United States Armed Services, and whether the alleged incapacitated person is receiving benefits from the United States Veterans' Administration on behalf of himself or herself or through a spouse; and

(16) Name and address, if available, of any person proposed to receive a notice of filing pursuant to Rule 14.6(b).

(b) *Nomination of Guardian.* The petition for adjudication of incapacity shall also include:

(1) The name, address, and mailing address, if different, of the proposed guardian whom the petitioner nominates to be appointed guardian and the nominee's relationship, if any, to the alleged incapacitated person;

(2) Whether the proposed guardian has any adverse interest to the alleged incapacitated person;

(3) Whether the proposed guardian is available and able to visit or confer with the alleged incapacitated person;

(4) Whether the proposed guardian has completed any guardianship training, including the name of the training program, length of the training, and date of completion;

(5) Whether the proposed guardian is or was a guardian in any other matters; and

(6) If the petition nominates a different proposed guardian of the estate from the proposed guardian of the person, then the information required in subparagraphs (b)(1)—(b)(5) as to each nominee.

(c) *Exhibits.* The following exhibits shall be appended to the petition:

(1) All powers of attorney, if available;

(2) A Pennsylvania State Police criminal history report for each proposed guardian issued within six months of the filing of the petition.

(A) If any proposed guardian has resided outside the Commonwealth and was 18 years of age or older at any time within the previous five-year period, then the petition shall include a criminal history report obtained from the statewide database, or its equivalent, in each state in which such proposed guardian has resided within the previous five-year period.

(B) When any proposed guardian is an entity, the person or persons to have direct responsibility for the alleged incapacitated person shall comply with the requirements of subparagraph (c)(2)(A); and

**Note:** For information on requesting a criminal history report from the Pennsylvania State Police, see <http://www.psp.pa.gov/Pages/Request-a-Criminal-History-Record.aspx>.

(3) Any proposed orders as required by Rule 3.4(b).

(4) Any consent or acknowledgement of a proposed guardian to serve.

(d) *Emergency Guardian.* A petition seeking the appointment of an emergency guardian shall aver with specificity the facts giving rise to the emergent circumstances and why the failure to make such an appointment will result in irreparable harm to the person or estate of the alleged incapacitated person.

**Note:** Limitations on emergency guardianships are prescribed by statute. See 20 Pa.C.S. § 5513.

(e) *Separate Petitions.* Separate petitions shall be filed for each alleged incapacitated person.

(f) *Citation with Notice.* A citation with notice using the form provided in the Appendix to these Rules shall be attached to and served with the petition as follows:

(1) Upon the alleged incapacitated person in the manner pursuant to Rule 3.5(a) no less than 20 days prior to the hearing in accordance with Rule 4.2(a). Additionally, the content and terms of the petition shall be explained to the maximum extent possible in language and terms the alleged incapacitated person is most likely to understand.

(2) In the manner pursuant to by Rule 3.5(b) no less than 20 days prior to the hearing upon:

(A) All persons who are *sui juris* and would be entitled to an intestate share in the estate of the alleged incapacitated person;

(B) The person or institution providing residential services to the alleged incapacitated person; and

(C) Such other parties as the court may direct, including service providers.

(3) For a petition seeking the appointment of an emergency guardian, the court may direct the manner of service as emergent circumstances warrant. Thereafter, notice shall be served in accordance with Rule 14.1(f)(2).

#### **Rule 14.2. Written Deposition.**

Evidence of incapacity may be admissible through a written deposition using the form provided in the Appendix to these rules under the following circumstances:

(a) The deponent is qualified by training and experience in evaluating individuals with incapacities for the type alleged in the petition;

(b) The deponent signs, dates, and verifies the responses set forth in the form; and

(c) Incapacity is uncontested.

**Explanatory Comment:** This rule and referenced form are intended to permit the admission of expert testimony by written deposition rather than live testimony. See 20 Pa.C.S. § 5518. The rule is permissive; whether a deposition is admitted in lieu of testimony is at the discretion of the court. Nothing in this rule is intended to preclude the court from requiring the deponent to appear or requiring supplementation if the court is not satisfied with the responses contained within the deposition. With the necessity of cross-examination, the use of a written deposition pursuant to this rule is not permitted when capacity is contested.

#### **Rule 14.3. Counsel.**

(a) *Private Counsel.* If the alleged incapacitated person has retained private counsel, counsel shall prepare a comprehensive engagement letter for the alleged incapacitated person to sign, setting forth when and how counsel was retained, the scope of counsel's services, whether those services include pursuing any appeal, if necessary, how counsel will bill for legal services and costs and the hourly rate, if applicable, who will be the party considered responsible for payment, whether any retainer is required, and if so, the amount of the retainer. Counsel shall provide a copy of the signed engagement letter to the court upon request.

(b) *Appointed Counsel.* The court may appoint counsel if deemed appropriate in the particular case. Any such order appointing counsel shall delineate the scope of counsel's services and whether those services include pursuing any appeal, if necessary.

(c) *Other Counsel.* Counsel for any other party shall enter an appearance in accordance with Rule 1.7(a).

**Explanatory Comment:** Reasonable counsel fees, when appropriate, should be paid from the estate of the alleged incapacitated person whenever possible. If the alleged incapacitated person is unable to pay for counsel, then the court may order counsel fees and costs to be paid by the county. See 20 Pa.C.S. § 5511(c). Any fee dispute should be resolved in a timely and efficient manner to preserve resources in order to maintain the best possible quality of life for the incapacitated person.

#### **Rule 14.4. Waiver or Modification of Bond.**

(a) *Request.* A request for the court to waive or modify a bond requirement for a guardian of the estate may be raised within the petition for adjudication or at any other time by petition.

(b) *Waiver or Modification.* The court may order the waiver or modification of a bond requirement for good cause.

(c) *Assurance.* If the court waives or modifies a bond requirement, then the court shall consider whether a consumer report or proof of insurance should be filed and the frequency thereof.

**Note:** See Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* for definition and availability of consumer reports.

**Rule 14.5. Determination of Incapacity, Selection of Guardian, Order & Certificate.**

(a) *Determination of Incapacity.* The procedure for determining incapacity and for appointment of a guardian shall meet all requirements set forth at 20 Pa.C.S. §§ 551, 5512, and 5512.1.

(b) *Selection of Guardian.* If guardianship services are needed, then the court shall appoint the person nominated as such in a valid power of attorney, except for good cause shown or disqualification. Otherwise, the court shall consider the eligibility of one or more persons to serve as guardian in the following order:

(1) *Guardian of the Person:*

- (A) The guardian of the estate;
- (B) The spouse, unless estranged or an action for divorce is pending;
- (C) An adult child;
- (D) A parent;
- (E) The nominee of a deceased or living parent of an unmarried alleged incapacitated person;
- (F) An adult sibling;
- (G) An adult grandchild;
- (H) Other adult family member;
- (I) An adult who has knowledge of the alleged incapacitated person's preferences and values, including, but not limited to, religious and moral beliefs, and would be able to assess how the alleged incapacitated person would make decisions; or
- (J) Other qualified proposed guardian.

(2) *Guardian of the Estate.* When the estate of the incapacitated person consists of minimal assets or where the proposed guardian possesses the skills and experience necessary to manage the finances of the estate:

- (A) The guardian of the person.
- (B) The spouse unless estranged or an action for divorce is pending;
- (C) An adult child;
- (D) A parent;
- (E) The nominee of a deceased or living parent of an unmarried alleged incapacitated person;
- (F) An adult sibling;
- (G) An adult grandchild;
- (H) Other adult family member;
- (I) An adult who has knowledge of the alleged incapacitated person's preferences and values, including, but not limited to, religious and moral beliefs, to assess how the alleged incapacitated person would make decisions; or

In all other instances, where no individual listed in subparagraphs (A)—(I) of paragraph (b)(2) possesses the skills and experience necessary to manage the finances of the estate, the guardian of the estate may be any qualified proposed guardian, including a corporate fiduciary.

**Note:** See *In re Peery*, 727 A.2d 539 (Pa. 1999) (holding a person does not require a guardian if there is no need for guardianship services). See also 20 Pa.C.S. § 5511(f) (who may be appointed guardian).

(c) *Order and Certificate.* The order and findings adjudicating incapacity and appointing the guardian shall be entered on the docket.

(1) *Order Adjudicating Incapacity and Appointing Guardian.* Any such order shall identify all persons entitled to receive a notice of filing pursuant to Rule 14.6(b) and advise the incapacitated person of:

(A) The right to appeal the order within 30 days from the date of the order by filing a notice of appeal with the clerk.

(B) The right to petition the court at any time to modify or terminate the guardianship due to a change in circumstances.

(C) The right to be represented by counsel to file an appeal or to seek modification or termination of the guardianship.

(2) *Certificate of Guardianship.* Upon the request of the guardian, the clerk shall issue a certificate identifying the incapacitated person, the guardian, any limitations on the guardian's powers, and directives of the court in the form provided in the Appendix to these rules.

**Explanatory Comment:** The guardian may present a certificate of guardianship to a third-person (e.g., financial institution) when exercising authority without unnecessarily disclosing details of the incapacitated person's impairment.

**Rule 14.6. Guardianship Reporting, Monitoring, Review, and Compliance.**

(a) *Reporting.* A guardian shall file the following reports with the clerk:

- (1) An inventory by the guardian of the estate within 90 days of such guardian's appointment;
- (2) An annual report by the guardian of the estate one year after appointment and annually thereafter;
- (3) An annual report by the guardian of the person one year after appointment and annually thereafter;
- (4) A final report from the guardian of the person and the guardian of the estate within 60 days of the death of the incapacitated person, an adjudication of capacity or a change of guardian; and
- (5) A final report from the guardian of the person and the guardian of the estate upon receipt of the provisional order from another state's court accepting transfer of a guardianship.

(b) *Notice of Filing.* If the order appointing the guardian includes the name of a person entitled to receive notice of the filing of any report set forth in paragraph (a) pursuant to Rule 14.5(c)(1), the guardian shall serve a notice of filing within ten days of filing a report using the form provided in the Appendix to these rules. Service shall be in accordance with Rule 4.3.

(c) *Design of Forms.* The Court Administrator of Pennsylvania, in consultation with the Orphans' Court Procedural Rules Committee and the Office of Elder Justice in the Courts, shall design and publish forms necessary for the reporting requirements set forth in paragraph (a).

(d) *Monitoring.* The clerk or the court's designee shall monitor the guardianship docket to confirm the guardian's compliance with the reporting requirements set forth in paragraph (a).

(e) *Review.* The court or its designee shall review the filed reports.

(f) *Compliance.* To ensure compliance with these reporting requirements:

(1) If any report is deemed incomplete or is more than 20 days delinquent, then the clerk or the court's designee shall serve notice on the guardian directing compliance within 20 days, with a copy of the notice sent to the court and the guardian's counsel, if represented.

(2) If the guardian fails to comply with the reporting requirements within 20 days of service of the notice, then the clerk or the court's designee shall file and transmit a notice of deficiency to the adjudicating judge and serve a notice of deficiency on those persons named in the court's order pursuant to Rule 14.5(c) as entitled to receive a notice of filing.

(3) The court may thereafter take such enforcement procedures as are necessary to ensure compliance.

**Explanatory Comment:** The reporting forms are available at TBD. This rule is silent as to the manner of proceeding when reports are deficient or warrant further investigation, or when the guardian is recalcitrant after being given notice by the clerk or the court's designee. In its discretion, the court may order further documentation, conduct a review hearing, or take further action as may be deemed necessary, including, but not limited to, removal of the guardian or contempt proceedings.

#### Rule 14.7. Review Hearing.

(a) *Initiation.* A review hearing may be requested by petition or ordered by the court.

(b) *Petition.* A petition for a review hearing shall set forth:

(1) the name, age, address, and mailing address, if different, of the petitioner and the petitioner's relationship to the incapacitated person;

(2) the date of the adjudication of incapacity;

(3) the names and addresses of all guardians;

(4) if the incapacitated person has been a patient in a mental health facility, the name of such facility, the date of admission, and the date of discharge;

(5) the present address of the incapacitated person, and the name of the person with whom the incapacitated person is living;

(6) the names and addresses of the presumptive adult intestate heirs of the incapacitated person; and

(7) an averment that:

(A) there has been significant change in the incapacitated person's capacity and the nature of that change;

(B) there has been a change in the need for guardianship services and the nature of that change; or

(C) the guardian has failed to perform duties in accordance with the law or act in the best interest of the incapacitated person, and details as to the duties that the guardian has failed to perform or has performed but are allegedly not in the best interests of the incapacitated person.

(c) *Service.* The petition shall be served in accordance with Rule 4.3 upon the incapacitated person and those entitled to notice pursuant to Rule 14.1(f)(2).

(d) *Hearing.* The review hearing shall be conducted promptly after the filing of the petition with notice of the hearing served upon those served the petition pursuant to paragraph (c).

**Explanatory Comment:** Nothing in this rule is intended to preclude the court from scheduling a review hearing upon its own initiative or in the order adjudicating incapacity and appointing a guardian. For the court's disposition of a petition for a review hearing and evidentiary burden of proof, see 20 Pa.C.S. § 5512.2.

#### Rule 14.8. Proceedings Relating to Real Estate.

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

(b) *Objection.* The guardian shall include in the petition an averment as to whether the guardian knows or has reason to know of any objection of the incapacitated person to the proposed transaction. The nature and circumstances of any such objection, including whether expressed before or after the adjudication of incapacity, shall be set forth in the petition.

**Explanatory Comment:** See Pa. O.C. Rule 5.10, 5.11, and 5.12.

#### Rule 14.9. Transfer of Guardianship of the Person to Another State.

(a) *Petition.* A petition filed by a guardian appointed in Pennsylvania to transfer the guardianship of the person to another state must plead sufficient facts to demonstrate:

(1) the incapacitated person is physically present in or is reasonably expected to move permanently to the other state;

(2) plans for care and services for the incapacitated person in the other state are reasonable and sufficient;

(3) the court to which the guardianship will be transferred; and

(4) the guardianship will be accepted by the other state's court.

(b) *Service.* The guardian shall serve a copy of the petition in accordance with Rule 4.3 upon the incapacitated person and those entitled to notice pursuant to Rule 14.1(f)(2).

(c) *Objections.* Any person entitled to service of the petition may file an answer with the clerk raising objections alleging that the transfer would be contrary to the interests of the incapacitated person.

(d) *Hearing.* If needed, the court shall conduct an evidentiary hearing on the petition.

(e) *Orders.* Upon finding that the allegations contained in the petition have been substantiated and the objections, if any, have not been substantiated, the court shall:

(1) issue an order provisionally granting the petition to transfer the guardianship and directing the guardian to petition for acceptance of the guardianship in the other state; and

(2) issue a final order confirming the transfer and relinquishing jurisdiction upon receipt of the provisional order from the other state's court accepting the transfer and the filing of the final report of the guardian.

**Explanatory Comment:** See Subchapter C of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, 20 Pa.C.S. §§ 5921—5922. This petition

may also include a request to transfer the guardianship of the estate to another state as provided in Rule 14.10.

**Rule 14.10. Transfer of Guardianship of the Estate to Another State.**

(a) *Petition.* A petition filed by a guardian appointed in Pennsylvania to transfer the guardianship of the estate must plead sufficient facts to demonstrate:

- (1) the incapacitated person is:
  - (A) physically present in the other state;
  - (B) reasonably expected to move permanently to the other state; or
  - (C) significantly connected to the other state.
- (2) adequate arrangements will be made for the management of the incapacitated person's estate;
- (3) the court to which the guardianship will be transferred; and
- (4) the guardianship will be accepted by the other state's court.

(b) *Notice.* The guardian shall serve a copy of the petition in accordance with Rule 4.3 upon the incapacitated person and those entitled to notice pursuant to Rule 14.1(f)(2).

(c) *Objections.* Any person entitled to service of the petition may file an answer with the clerk raising objections alleging that the transfer would be contrary to the interests of the incapacitated person.

(d) *Hearing.* If needed, the court shall conduct an evidentiary hearing on the petition.

(e) *Orders.* Upon finding that the allegations contained in the petition have been substantiated and the objections, if any, have not been substantiated, the court shall:

- (1) issue an order provisionally granting the petition to transfer the guardianship and directing the guardian to petition for acceptance of the guardianship in the other state; and
- (2) issue a final order confirming the transfer and relinquishing jurisdiction upon receipt of the provisional order from the other state's court accepting the transfer and the filing of the final report of the guardian.

**Explanatory Comment:** See Subchapter C of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, 20 Pa.C.S. §§ 5921—5922. For factors used to determine the significance of the incapacitated person's connection with the other state, see 20 Pa.C.S. § 5911(b). This petition may also include a request to transfer the guardianship of the person to another state as provided in Rule 14.9.

**Rule 14.11. Acceptance of a Guardianship Transferred from Another State.**

(a) A petition to confirm the transfer of a guardianship from another state to Pennsylvania shall:

- (1) plead sufficient facts to demonstrate:
  - (A) the eligibility of the guardian for appointment in Pennsylvania;
  - (B) the proceeding in the other state approving the transfer was conducted in a manner similar to Rules 14.9 or 14.10 (concerning transfer of guardianship); and
- (2) include a certified copy of the other state's provisional order approving the transfer.

(b) *Notice.* The guardian shall serve a copy of the petition in accordance with Rule 4.3 with notice in accordance with Rule 3.5(b) upon the incapacitated person and those entitled to notice pursuant to Rule 14.1(f)(2).

(c) *Objections.* Any person entitled to notice of the petition may file an answer with the clerk raising objections alleging that the transfer would be contrary to the interests of the incapacitated person.

(d) *Hearing.* If needed, the court shall conduct an evidentiary hearing on the petition.

(e) *Orders.* Upon finding that the allegations contained in the petition have been substantiated and the objections, if any, have not been substantiated, the court shall:

- (1) issue an order provisionally granting the petition to transfer the guardianship; and
- (2) upon receiving a final order from the court transferring the guardianship, the court shall issue a final order accepting jurisdiction, appointing the guardian appointed previously by the court of the other state as the guardian in Pennsylvania, and directing the guardian of the estate to file an inventory in conformance with Rule 14.6(a)(1).

(f) *Review Hearing.* Not later than 90 days from the issuance of the final order pursuant to paragraph (e)(2), the court shall conduct a review hearing to determine whether the guardianship may require modification.

**Explanatory Comment:** See Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, 20 Pa.C.S. § 5922. The review hearing may address reporting requirements, bond requirements, any replacement of a guardian, and persons to receive a notice of filing pursuant to Rule 14.5(c)(1).

**Rule 14.12. Forms.**

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

- (a) Important Notice—Citation with Notice (G-01);
- (b) Report of Guardian of the Estate (G-02);
- (c) Report of Guardian of the Person (G-03);
- (d) Guardian's Inventory (G-04);
- (e) Guardianship of Incapacitated Person: Petition for Adjudication/Statement of Proposed Distribution Pursuant to Pa. O.C. Rule 2.4 (OC-03);
- (f) Guardianship of Minor: Petition for Adjudication/Statement of Proposed Distribution Pursuant to Pa. O.C. Rule 2.4 (OC-04);
- (g) Written Deposition (G-05);
- (h) Notice of Filing (G-06); and
- (i) Certificate of Guardianship (G-07).

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

**EXPLANATORY REPORT**

**Proposed Amendment of Pa. O.C. Rule 1.5, Proposed Rescission of Pa. O.C. Rules 14.1-14.5 and Orphans' Court Forms G-01 through G-04, Proposed Adoption of New Pa. O.C. Rules 14.1-14.12 and Orphans' Court Forms G-01 through G-07, and Proposed Amendment of the Appendix of Forms**

In 2014, the Elder Law Task Force delivered a comprehensive 284-page report detailing 130 specific recommendations to help lay the foundation for improvements in

tackling elder law issues in the courts and by other government entities. The report recommended a number of amendments to the Pennsylvania Orphans' Court Rules. The report also suggested modification of current statewide guardianship forms and the addition of several new forms to assist in monitoring guardianships.

In order to respond to many of those recommendations and to provide more comprehensive statewide rules establishing uniformity and consistency for guardianship proceedings, the Orphans' Court Procedural Rules Committee proposes rescinding and replacing Chapter XIV of the Pennsylvania Orphans' Court Rules, Pa. O.C. Rules 14.1—14.5, together with related forms, G-01 through G-04. In formulating this proposal, the Committee has been guided by several concepts endemic to guardianship proceedings.

Guardianship proceedings are intimate, personal matters involving the loss of autonomy and the delegation of care or control to another. The Committee is appreciative of the Elder Law Task Force's report serving as a catalyst for reexamining the procedural rules related to guardianships. The Committee is also mindful that guardianships serve not only the elderly, but a broader segment of our vulnerable population.

Guardianships vary widely in duration and type. Some guardianships may be uncontested; while others may be litigated as to capacity or choice of guardian or both. Given the individualized nature of these proceedings and the potential for variability in both procedure and relief, the Committee believes that procedural rules should both provide a degree of structure and preserve the flexibility of judicial discretion.

Additionally, the Committee recognizes the need for greater monitoring and oversight of guardianships after the adjudicatory process has concluded. Therefore, the proposed rules have expanded to accommodate this need by addressing reporting requirements and revising reporting forms. In doing so, the Committee acknowledges that there is a growing number of professional entities offering guardianship services; but, the Committee has endeavored to construct rules applicable to all guardians rather than develop different rules based on the professionalism of the guardian.

Regarding the Elder Law Task Force's specific recommendations, they are reproduced below together with the Committee's responses. Please note that the Committee's responses do not possess the imprimatur of the Supreme Court; rather each represents the collective opinion of the Committee.

*Recommendation 40:* The Task Force recommends that, whenever possible, courts should favor the appointment of a family member as guardian of the person. Through amendment to the Orphans' Court Procedural Rules, the definition of "family member" should be expanded so as not to be limited to immediate family, but rather attempts to contact other relatives and friends should be encouraged. In addition, the Rules should be amended to encourage courts to look to the hierarchy in 20 Pa.C.S. § 5461(d)(1) for guidance.

*Response:* The Committee considered both the Health Care Agents and Representatives Act, 20 Pa.C.S. § 5451 *et seq.* and the *Guardianship Law: Proposed Amendments to the Probate, Estates and Fiduciaries Code*, at pp. 26—30, Report of the Advisory Committee on Decedents' Estates Laws, Joint State Government Commission (October 2012) when developing a hierarchy of individuals for guardian consideration. The Committee believes that the

hierarchy set forth in proposed Rule 14.5(b) is stated so as not to exclude other friends or relatives from consideration provided they have knowledge of the incapacitated person's preferences and values.

Moreover, the Committee notes that, aside from persons nominated in a valid power of attorney, the court is only required to give consideration to nominees based upon the hierarchy; the court is not required to appoint a guardian based upon the hierarchy.

*Recommendation 41:* The Task Force recommends that, through amendment to the Orphans' Court Procedural Rules, courts may favor the appointment of a family member to serve as a guardian of the estate when the estate of the incapacitated person consists of minimal assets or where the proposed guardian of the estate has the skills and experience necessary to manage the estate and is able to obtain a bond or provide other assurance of financial responsibility.

*Response:* The proposed rules provide for family members to receive relatively higher consideration for appointment as guardian of the estate than non-family members provided that the estate consists of minimal assets or the proposed family member possesses the necessary skills.

*Recommendation 42:* The Task Force recommends that, through amendment to the Orphans' Court Procedural Rules, a list of individuals and agencies qualified to act as guardian of the person or estate to serve if family and friends are not viable options be mandated.

*Response:* The Committee agrees that a court maintained list of qualified and available guardians is a best practice. However, the responsibility for doing so, as well as other operational aspects, is a matter of judicial administration based upon resource availability. Absent a rule of judicial administration, whether local or statewide, the Committee believes this matter is best implemented if left to the discretion of the President Judge or Administrative Judge, as the case may be.

*Recommendation 43:* The Task Force recommends that, through amendment to the Orphans' Court Procedural Rules, training be mandated for all guardians. This training should include, but not be limited to matters of liability and ethics.

*Response:* The Committee acknowledges the salutary purpose that mandatory training would serve. However, the Committee believes that imposing a universal training requirement is a substantive matter for the General Assembly to address. Also, a training requirement opens a host of related issues such as availability, funding, timing, and curriculum, which are more policy than procedure.

*Recommendation 44:* The Task Force recommends that, through amendment to the Orphans' Court Procedural Rules, all individual guardians, family and professional, be required to undergo criminal background checks.

*Response:* Per Rule 14.1(c)(2), the Committee proposes that a Pennsylvania State Police report issued within six months be appended to the petition. The Committee considered requiring a more recent report, but concluded that such a requirement would become overly burdensome for professional guardians and others who serve as guardians on a frequent basis. Recognizing that a "criminal background check" likely is not available for an organization or entity, Rule 14.1(c)(2)(B) requires the person or persons who will have responsibility for the alleged incapacitated person to be the subject of the background check.



*Recommendation 45:* The Task Force recommends that the Orphans' Court Procedural Rules be amended to require that in all guardianship matters where the court does not require a bond, the proposed guardian be required to submit a current credit report. This requirement should be ongoing and, after appointment, the guardian should be required to supply a current credit report each year together with the annual report. The guardian's credit reports should be kept confidential and not be made publicly available. For good cause shown, the court may waive the requirement of a credit report. If the court waives the requirement of a credit report, however, it should still require an assurance of financial responsibility as recommended in Section V.C.1.d.

*Response:* The Committee recognizes that the availability of a bond may be limited in certain circumstances and that premiums may be costly. Therefore, the Committee proposes Rule 14.4 permitting a guardian to seek court approval for either the waiver or modification of a bond requirement. The proposed rule allows the court to waive or modify the bond requirements only for "good cause" shown, but the Committee refrained from attempting to define "good cause." Bonds are intended to protect the incapacitated person's assets and any reduction or elimination of this protection must be determined on an individualized basis rather than by applying formulaic criteria. Further, the proposed rule leaves to the court's discretion the necessity of filing assurances of a guardian's creditworthiness or liability coverage.

*Recommendation 46:* The Task Force recommends that the Orphans' Court Procedural Rules be amended to require that in addition to not having any interest adverse to the AIP, the proposed guardian should have the willingness and ability to visit with the AIP on a regular basis and be available at all times to confer with the AIP's physicians, nurses, and other care providers. If the proposed guardian is not a family member, he or she should have some education and/or experience in guardianship or in providing services to elders and/or the disabled. In lieu of adopting specific requirements concerning minimum education and/or experience for all guardians, the Task Force believes that the goal of assuring that qualified guardians are appointed would similarly be met by mandating that all guardians undergo training before assuming their duties.

*Response:* The proposed rules require that the petition include information about the proposed guardian's availability and training. Whether the individual's or entity's availability and training are sufficient to perform as a guardian is a matter to be evaluated and determined by the judge in a particular case.

*Recommendation 47:* The Task Force recommends that the Orphans' Court Procedural Rules be amended to limit a potential guardian's appointment to a guardianship of the person in appropriate circumstances to avoid potential intra-familial disagreements as well as any financial responsibility of a potential guardian.

*Response:* The Committee agrees with the merits of this recommendation, but when an outcome is based upon "appropriate circumstances" that are incapable of being defined by rule, then the matter is best left to the discretion of the judge. The Committee believes that judges will select the best suited guardian for the incapacitated person and will consider the potential for conflict when doing so.

*Recommendation 48:* The Task Force recommends that the Orphans' Court Procedural Rules be amended to require that in all cases where the AIP does not have private counsel, counsel should be appointed. Private counsel for an AIP should be required to enter his or her appearance as soon as possible to allow the court to quickly identify when counsel needs to be appointed. Counsel fees should be paid by the AIP whenever possible and, if resources are insufficient, then by the Commonwealth, as under the existing approach.

*Response:* Upon review of 20 Pa.C.S. § 5511(a), rather than a rule mandating counsel's appointment, the Committee favors a rule mirroring the statutory provision that counsel may be appointed if the court deems it appropriate. The Committee believes the remainder of the recommendation is reflected within proposed Rule 14.3.

*Recommendation 49:* The Task Force recommends that Clerks of the Orphans' Court have the capability to produce a standardized list of data items for each active guardianship (including Case Management and Caseload Reports). To ensure uniformity across all counties, this practice should be implemented through a statewide Orphans' Court Procedural Rule.

*Response:* The Committee believes that this capability and practice is a matter of judicial administration and not procedural. Therefore, any requirement should be located in the Rules of Judicial Administration, if necessary.

*Recommendation 50:* The Task Force recommends that the Orphans' Court Procedural Rules and/or Disciplinary Rules be amended to require attorneys serving as guardians to complete the same training and other requirements as professional guardians, unless the court specifically waives that obligation, and that CLE credit, including ethics credit, be made available to attorneys for this training.

*Response:* The Committee does not believe that the training requirements for professional guardians and attorneys serving as guardians should differ. Because the Committee believes that a training requirement for non-attorney guardians is a substantive matter, it follows that establishing training requirements for attorneys serving as guardians is premature.

*Recommendation 51:* The Task Force recommends that the Orphans' Court Procedural Rules and/or Disciplinary Rules be amended to require attorneys to clarify to the client, the court, and all other involved parties which role or roles counsel is assuming and to clarify those role(s) through a letter of engagement stating who is being represented and describing counsel's role. It should also be required that these role(s) be restated to the court when entering an appearance with the court.

*Response:* Proposed Rule 14.3(a) requires private counsel for the alleged incapacitated person to set forth the scope of employment within an engagement letter, which is producible to the court upon request. Likewise, proposed Rule 14.3(b) would require the court to delineate the scope of appointed counsel's role within the order of appointment. Furthermore, this proposed rule requires all counsel to enter their appearance. The duty to clarify these roles or avoid misperceptions is already covered by the Rules of Professional Conduct.

*Recommendation 52:* The Task Force recommends that the Orphans' Court Procedural Rules be amended to require that where the court appoints counsel to represent an AIP, the court indicate whether, except for pursuing rights of appeal, counsel for the AIP is dis-

charged or is to continue representing the person now under guardianship in the event the petition is granted and a guardian is appointed.

*Response:* Proposed Rule 14.3(b) would require the court to delineate the scope of appointed counsel's role within the order of appointment.

*Recommendation 53:* The Task Force recommends that, through amendment to the Orphans' Court Procedural Rules, model language be developed pertaining to retention or discharge of counsel which can be inserted into a final decree of incapacity and appointment of a guardian.

*Response:* The Committee did not favor the creation of a statewide form order wherein such language may be inserted. The proposed rules do require the court to state within the order the right of the incapacitated person to be represented by an attorney in filing an appeal or seeking to modify or terminate the guardianship.

*Recommendation 54:* The Task Force recommends that, through amendment to the Orphans' Court Procedural Rules, guardians and IPs have access to legal counsel for consultation following adjudication.

*Response:* If counsel's services terminate upon the finality of the adjudication of incapacity and appointment of a guardian, as per the private engagement letter or order of appointment, then the guardian would need to obtain private counsel for himself or herself or for the incapacitated person to be paid from the estate of the incapacitated person. If the incapacitated person's estate is unable to pay for counsel, then the guardian should seek the appointment of counsel by the court.

*Recommendation 55:* The Task Force recommends that the Orphans' Court Procedural Rules be amended to require that the assets of the IP be used for the purpose of maintaining the best possible quality of life for the IP.

*Response:* This is not a procedural matter; rather it appears to be a qualitative and quantitative measure to be monitored through the evaluation of reports.

*Recommendation 56:* The Task Force recommends that the Orphans' Court Procedural Rules be amended to require that fee disputes be resolved in a timely, efficient manner.

*Response:* The Committee is cognizant that prolonged fee disputes drain assets that otherwise could be used for the incapacitated person's benefit. Therefore, the Committee inserted a statement to this effect in the Explanatory Comment to proposed Rule 14.3.

*Recommendation 57:* The Task Force recommends that the Orphans' Court Procedural Rules be amended to require that professional guardians, i.e., those guardians with more than two guardianships at the same time, should be certified by the professional guardian certification program referred to in § II.C.1.f.

*Response:* The Committee believes that certifications held, like completed training programs, relate to the qualifications of a prospective guardian, which should be evaluated by the court on an individual basis. To the extent that this recommendation suggests a statewide certification process, such a requirement is a substantive matter, rather than procedural, and would need to be addressed by the General Assembly.

*Recommendation 58:* The Task Force recommends that guardians be required, through amendment to the Orphans' Court Procedural Rules, to complete the inventory (as revised per Appendix C to the Guardianship Monitoring Committee Report) 90 days after appointment.

*Response:* Proposed Rule 14.6(a) implements this recommendation.

*Recommendation 59:* The Task Force recommends that guardians be required, through amendment to the Orphans' Court Procedural Rules, to complete the Annual Report of the Person (as revised per Appendix F to the Guardianship Monitoring Committee Report, and/or Annual Report of the Estate as revised per Appendix E to the Guardianship Monitoring Committee Report) one year after appointment.

*Response:* Proposed Rule 14.6(a) implements this recommendation.

*Recommendation 60:* The Task Force recommends that guardians be required, through amendment to the Orphans' Court Procedural Rules, to complete a Firearms Search (Appendix D to the Guardianship Monitoring Committee Report) within 90 days of appointment.

*Response:* Courts already send to the Pennsylvania State Police a "notification of mental health commitment" pursuant to 18 Pa.C.S. § 6111.1(f).

The statutory basis cited to require the guardian to actively search and secure firearms and complete a "firearm search form" is 18 Pa.C.S. § 6105(c)(4), but that cited statute makes it a crime for an individual to possess a firearm if that person has been "adjudicated as an incompetent." Undeniably there is merit in requiring a guardian to search and secure all weapons and other dangerous items when an incapacitated person is capable of harm to self or others. However, absent statute or precedent, the Committee does not favor using a firearms search form to extend criminal liability under Title 18 ("incompetent") to a guardian appointed under Title 20 ("incapacitated").

*Recommendation 61:* The Task Force recommends that guardians be required, through amendment to the Orphans' Court Procedural Rules, to send a Certificate of Filing (Appendix G to the Guardianship Monitoring Committee Report), to the persons identified at the time of adjudication, within 10 days of filing each form with the Clerk of the Orphans' Court.

*Response:* Proposed Rule 14.6(b) implements this recommendation.

*Recommendation 62:* The Task Force recommends that the imposition of filing fees for required annual reports by local court or administrative order should be prohibited through amendment to the Orphans' Court Procedural Rules.

*Response:* The Committee is not aware of such fees being imposed and the purported basis for the imposition of such fees. The Committee will evaluate any information submitted in the form of a comment to this proposal to determine if further rulemaking is needed.

*Recommendation 63:* The Task Force recommends that the Supreme Court, through amendment to the Orphans' Court Procedural Rules, require that Clerks of the Orphans' Court be responsible for docketing and monitoring guardians' compliance with submitting the inventory and annual reports by the required due dates.

*Response:* In Rule 14.6(d), the Committee is requiring either the clerk or the court's designee to monitor the docket for compliance with reporting requirements. The ultimate responsibility is a matter of judicial administration and likely a function of local resources.

*Recommendation 64:* The Task Force recommends that the Clerks of the Orphans' Court, through amendment to

the Orphans' Court Procedural Rules, be responsible for providing delinquency notices to guardians when required reports become past due.

*Response:* In Rule 14.6(f), the Committee is requiring either the clerk or the court's designee to notify the guardian and ultimately the court if any report is delinquent or incomplete. The ultimate responsibility is a matter of judicial administration and likely a function of local resources.

*Recommendation 65:* The Task Force recommends that the judge or judge's staff be required, through amendment to the Orphans' Court Procedural Rules, to review the content of all inventories and annual reports received by the court to identify areas requiring further scrutiny, additional documentation, or a review hearing.

*Response:* In Rule 14.6(e), the Committee has proposed that either the court or its designee review the filed reports. The logistics of reviewing is a matter of judicial administration.

\* \* \*

In addition to the above responses to the recommendations contained in the Elder Law Task Force's Report, the Committee wishes to supply further commentary to specific proposed rules:

#### *Rule 1.5 Local Rules*

Through amendment of Rule 1.5, the Committee intends to recommend that the Court vacate on all local rules pertaining to guardianships on a date certain unless the local rules have been reviewed for inconsistency pursuant Pa.R.J.A. No. 103.

Similar to the more global amendments of the Pennsylvania Orphans' Court Rules, effective September 1, 2016, the Committee will recommend an effective date on which all local guardianship rules will be vacated, providing however, sufficient time for the judicial districts to review their local rules and submit to the Committee for review any new rules or current local rules that they wish to retain. Submission of local rules will be subject to a deadline to allow the Committee time to review the proposed local rules for inconsistency.

#### *Rule 14.1 Petition for Adjudication of Incapacity and Appointment of a Guardian of the Person or Estate of an Incapacitated Person*

The required content of a petition set forth in the rule is intended to include those requisites set forth in 20 Pa.C.S. § 5511(c) as well as information to assist the court in determining capacity, the need for a guardian, the appointment of a guardian for the estate and/or the person, and the replacement of a guardian, as the case may be. An additional requirement is the identification of any person or persons who are to receive notice of the filing of reports. The Committee favored a naming procedure rather than a rule stating universally and categorically the classes of persons entitled to view reports.

To the extent possible, the service and notice provisions for petitions have incorporated existing procedures.

#### *Rule 14.2 Written Deposition*

The Committee previously published for comment a proposed rule and form regarding written depositions to be used for the admission of expert testimony in lieu of live testimony. See 46 Pa.B. 2306 (May 7, 2016). That proposal represented a refinement of an earlier published version of the form. See 45 Pa.B. 1070 (March 7, 2015). After reviewing several comments and suggestions, the

Committee made further revisions and intends to submit the rule and form to the Court with a recommendation for adoption.

The version being submitted to the Court is set forth in the proposed rules to provide context for the remaining rules and forms. The Committee is not soliciting comment on either the written deposition rule or the form.

#### *Rule 14.3 Counsel*

This rule was crafted to establish the scope of counsel's services before commencement of the proceedings in order to avoid confusion about the role of counsel. While the rule requires private counsel to set forth information regarding fees in the engagement letter, the reasonableness of all fees incurred on behalf of the alleged incapacitated person, whether attributed to private counsel or appointed counsel, are subject to court review.

As mentioned in the response to Recommendation 48, the rule leaves to the discretion of the court whether counsel should be appointed in a particular case.

#### *Rule 14.4 Waiver or Modification of Bond*

The Committee is cognizant that the availability of bonds may be limited for some otherwise qualified guardians and the cost of bonds may be significant and operate as a further drain on the estate. Of course, bonds serve to protect incapacitated persons' estates from the misdeeds of guardians. However, the Committee believes there may be other assurances available to indemnify the estate from loss attributed to the guardian. Therefore, with these competing interests, the Committee believes that bonds should be subject to waiver and modification, but only pursuant to court order and for good cause shown.

The rule is silent as to what constitutes "good cause." The Committee believes that good cause will depend on the facts and circumstances of individual cases.

This rule is not intended to encourage waiver or modification of bonds. Rather, it is intended to establish a procedure and standard for waiver and modification. Should the court grant a waiver or modification, then the court may require filing proof of the guardian's creditworthiness or insurance. Nothing in this rule is intended to preclude the court from requiring such proof when initially determining "good cause" to modify or waive the bond requirement.

The "assurance" provision of Rule 14.4(c) is not intended to suggest that modifications are limited to downward adjustments. There may be instances where the value of an estate increases, which would require an upward modification of the bond. Further, modification of a bond requirement may include the procurement of a separate bond under circumstances where the incapacitated person has been serving as a fiduciary for another's estate and the guardian(s) must account to those interested parties for the property held by the incapacitated person as fiduciary. See 20 Pa.C.S. § 5516.

#### *Rule 14.5 Determination of Incapacity, Selection of Guardian, Order & Certificate*

The Committee opted to incorporate by reference the statutory procedures for determining incapacity and appointing a guardian. This approach is consistent with current Pa. O.C. Rule 14.2. Within 20 Pa.C.S. § 5511 there are some provisions that could be replicated within the proposed rules, such as closed hearings, jury trial, seven-day notice if counsel has not been retained, and the authority of the court to order an independent evaluation. Likewise, 20 Pa.C.S. § 5512.1 sets forth required findings

to be made by the court regarding incapacity and the need for a guardianship. However, the Committee believed that the proposed rules and Chapter 55 of Title 20 should be read in *pari materia* with each supplementing the other as to procedure. The Committee welcomes comment on whether the proposed rules should more fully reflect the statutory requirements.

The selection of a guardian and the hierarchy of eligibility is discussed in the Committee's response to Recommendation 40. Proposed Rule 14.1(b)(2) requires the petitioner to state in the petition whether the proposed guardian has an adverse interest to the alleged incapacitated person. This information is intended to assist the court in assessing who may be appointed guardian pursuant to 20 Pa.C.S. § 5511(f). The Note to proposed Rule 14.5(b)(2), in addition to referencing Section 5511(f), also contains reference to *In re Peery* as a reminder that a guardian is not required if the persons, albeit lacking capacity, does not need guardianship services.

The Committee deliberated on whether to propose a form order adjudicating incapacity and appointing a guardian. A form order would mandate captioning, format, and findings, including impairment, extent of impairment, need for services, type of guardianship, appointment of guardian, and specific limitations or responsibilities of the guardian. See 20 Pa.C.S. § 5512.1; see also 20 Pa.C.S. § 5513 (emergency guardian). Ultimately, the Committee concluded that the format of the order should be left to local practice and statutory requirements. The Committee may wish to reconsider this matter in the future should a particular form be identified as a best practice.

Section 5512.1(h) requires the court to advise the incapacitated person at the conclusion of the proceeding of the right to appeal or seek modification or termination of the guardianship. The Committee believes that these rights are best conveyed in the order itself and it should also be conveyed that the incapacitated person has the right to obtain private counsel or seek appointed counsel for the purpose of exercising these rights. See Rule 14.5(c)(1).

Additionally, Rule 14.5(c)(2) provides for the clerk to issue a "short certificate" or a certificate of guardianship to the guardian who may then present it to third parties when conducting matters on behalf of the incapacitated person in lieu of presenting the entire order, including details of impairment. This rule has a corresponding form in the Appendix. Within the form, the Committee proposes specific language directed toward financial institutions that may be included in the adjudication and appointment order for replication within the certification. This language is intended to address anecdotal reports of some financial institutions being reluctant to allow a court-authorized guardian access to the incapacity person's accounts. The Committee welcomes suggestions for further refinement of this form.

#### *Rule 14.6 Guardianship Reporting, Monitoring, Review, and Compliance*

The requirement and timing of guardian reports and inventory required by statutes are reflected in Rule 14.6(a). See 20 Pa.C.S. §§ 5142, 5521(b), (c), 5921(f)(2). The forms to be used for reporting and inventory are set forth in the Appendix.

Once a guardian has filed a reporting form or inventory form with the clerk, Rule 14.6(b) requires the guardian to serve notice of the filing on all persons entitled to receive such notice, as identified in the court's order. The notice

of filing instructs the recipient that a copy of the notice along with proper identification will be required to access and view the filed documents.

In Rule 14.6(c), the Committee proposes that the Court Administrator assume responsibility for future form design, which would include future revisions, in consultation with the Committee and the Office of Elder Justice. The Committee deliberated on whether the reports and inventory referenced in Rule 14.6(a) and Rule 14.12(b), (c), and (d) should remain within the Appendix to the Orphans' Court Procedural Rules or whether those forms might be better located with the Administrative Office of Pennsylvania Courts, exclusive of the rulemaking requirements of Pa.R.J.A. No. 103(d). These deliberations remain ongoing.

The monitoring, review, and compliance requirements of Rule 14.6(d), (e), and (f) are discussed in the Committee's response to Recommendations 63—65.

#### *Rule 14.7 Review Hearing*

Proposed Rule 14.7 was drafted to permit the court to order a review hearing *sui sponte* or upon petition. When a review request is initiated by petition, the petitioner shall comply with the requirements of (b) and (c) relating to petition contents and service. Notice of the hearing, whether *sui sponte* ordered or prompted by petition, shall be served on those who are or would be entitled to service of the petition.

#### *Rule 14.8 Proceedings Relating to Real Estate*

Proposed Rule 14.8(a) is identical to existing Pa. O.C. Rule 14.4. Given the uniqueness, irreplaceability, and reliance that may be placed upon a sale, exchange, lease, or option of same, as well as a mortgage, of real estate, the Committee favored adding paragraph (b) as a means of bringing potential objections to the court's attention at the time of the petition.

#### *Rule 14.9 Transfer of Guardianship of the Person to Another State*

In 2012, the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, 20 Pa.C.S. §§ 5901—5992, was enacted to govern the interstate judicial coordination of guardianships. Within the Act, Subchapter C provides for the transfer of guardianships from and to Pennsylvania. Rule 14.9 is intended to establish procedural rules implementing 20 Pa.C.S. § 5921 as it relates to guardianships of the person. Rule 14.10 is intended to establish similar rules for guardianships of the estate.

As indicated in the Explanatory Comment, a petition under Rule 14.9 relating to the guardianship of the person may also include a transfer request as provided in Rule 14.10 relating to the guardianship of the estate. This ability to present both matters in one petition is intended to eliminate the need to file multiple petitions. However, this ability does not relieve the petitioner of pleading all the necessary facts required of each specific petition.

#### *Rule 14.10 Transfer of Guardianship of the Estate to Another State*

See the Committee's comment to Rule 14.9.

#### *Rule 14.11 Acceptance of a Guardianship Transferred from Another State*

Rule 14.11 is intended to provide a procedure for the transfer of a guardianship from another state to Pennsylvania. This rule is intended to implement 20 Pa.C.S. § 5922. Consistent with the reporting requirements applicable to guardianships commenced within Pennsylvania, a guardian of the transferred estate will be required to file an inventory within 90 days of the final order.

Further, the court will be required to conduct a review hearing within 90 days of the final order accepting the transfer.

*Rule 14.12 Forms*

There are nine statewide forms associated with this Chapter, two of which (OC-03 and OC-04) are also associated with Pa. O.C. Rule 2.4 in Chapter II. Rule 14.12(e) & (f) are intended to incorporate those forms by reference. Likewise, Forms OC-3 and OC-04 are not replicated within the Appendix to Chapter XIV; rather, they are incorporated by reference. Those forms (OC-03 and OC-04), recently revised and repromulgated on September 1, 2016, are not being revised, rescinded, or replaced by this proposal.

The Citation with Notice form is largely the same content as the current form with 14 point font to address the requirement of “large type.” See 20 Pa.C.S. § 5511(a). As with all forms, the “footer date” on the form will reflect the effective date as established by Supreme Court order.

Regarding the Report of the Guardian of the Estate and the Report of the Guardian of the Person, these forms were previously published for comment at 45 Pa.B. 1070 (March 7, 2015). After reviewing the comments and suggestions, the Committee made further revisions to the reporting forms. The revised forms are being republished for comment.

Similarly, the Inventory was previously published for comment at 45 Pa.B. 1070 (March 7, 2015). The Committee received several comments with regard to this form, ranging from concerns that the form was overly burdensome to comments containing specific suggestions. The Committee seeks to republish this proposed form for further comment to be considered together with the previously submitted comments.

With the exception of OC-03 and OC-04, which have already been adopted, the remaining forms can be found on the Committee’s webpage online at <http://www.pacourts.us/courts/supreme-court/committees/rules-committees/orphans-court-procedural-rules-committee> during the comment period where users may test their functionality. Aside from G-05 (Written Deposition), which is being submitted separately to the Court, the Committee invites comment regarding the forms.

After any necessary revisions and Supreme Court adoption, the forms will be posted permanently on the UJS website with the other Orphans’ Court forms.

\* \* \*

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

**Annex B**

**TITLE 231. RULES OF CIVIL PROCEDURE  
PART II. ORPHANS’ COURT RULES  
INDEX TO APPENDIX**

**ORPHANS’ COURT AND REGISTER OF WILLS FORMS  
ADOPTED BY SUPREME COURT  
PURSUANT TO Pa. O.C. Rule 1.8**

Available as Fill-in Forms on Website  
of Administrative Office of Pennsylvania Courts  
<http://www.pacourts.us/Forms/OrphansCourtForms.htm>  
Orphans’ Court and Administration Forms

\* \* \* \* \*

*B. Guardianship Forms*

1. Important Notice—Citation with Notice  
(Pa. O.C. Rule [ 14.5 ] 14.1)..... G-01

2. [ **Annual Report—** ] **Report of** Guardian of  
Estate ..... G-02

3. [ **Annual Report—** ] **Report of** Guardian of  
Person ..... G-03

4. Guardian’s Inventory ..... G-04

5. Guardianship of Incapacitated Person: Petition  
for Adjudication/Statement of Proposed Distribution  
Pursuant to Pa. O.C. Rule 2.4 ..... OC-03\*

6. Guardianship of Minor: Petition for Adjudication/  
Statement of Proposed Distribution Pursuant to Pa. O.C.  
Rule 2.4..... OC-04\*\*

**7. Written Deposition..... G-05**

**8. Notice of Filing ..... G-06**

**9. Certificate of Guardianship..... G-07**

\* Form OC-3 is not reprinted here and is located under Audit and Administration Forms at No. 3.

\*\* Form OC-4 is not reprinted here and is located under Audit and Administration Forms at No. 4.

\* \* \* \* \*

*(Editor’s Note: As part of this proposed rulemaking, the Committee is proposing to rescind Forms G-01—G-04, which appear in 231 Pa. Code pages Appx-50 to Appx-62, serial pages (383198) to (383210), and replace them with Forms G-01—G-07 as follows. The proposed forms are printed in regular type to enhance readability.)*

COURT OF COMMON PLEAS OF  
ORPHANS' COURT DIVISION

To \_\_\_\_\_ :

**IMPORTANT NOTICE  
CITATION WITH NOTICE**

A Petition has been filed with this Court to have you declared an Incapacitated Person. If the Court finds you to be an Incapacitated Person, your rights will be affected, including your right to manage money and property and to make decisions. A copy of the Petition which has been filed by is attached.

You are hereby ordered to appear at a hearing to be held in Courtroom No. \_\_\_\_\_, \_\_\_\_\_, Pennsylvania on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ .m. to tell the Court why it should not find you to be an Incapacitated Person and appoint a Guardian to act on your behalf.

To be an Incapacitated Person means that you are not able to receive and effectively evaluate information and communicate decisions and that you are unable to manage your money and/or other property, or to make necessary decisions about where you will live, what medical care you will get, or how your money will be spent.

At the hearing, you have the right to appear, to be represented by an attorney, and to request a jury trial. If you do not have an attorney, you have the right to request the Court to appoint an attorney to represent you and to have the attorney's fees paid for you if you cannot afford to pay them yourself. You also have the right to request that the Court order that an independent evaluation be conducted as to your alleged incapacity.

If the Court decides that you are an Incapacitated Person, the Court may appoint a Guardian for you, based on the nature of any condition or disability and your capacity to make and communicate decisions. The Guardian will be of your person and/or your money and other property and will have either limited or full powers to act for you.

To: \_\_\_\_\_:

If the Court finds you are totally incapacitated, your legal rights will be affected and you will not be able to make a contract or gift of your money or other property. If the Court finds that you are partially incapacitated, your legal rights will also be limited as directed by the Court.

If you do not appear at the hearing (either in person or by an attorney representing you) the Court will still hold the hearing in your absence and may appoint the Guardian requested.

By: \_\_\_\_\_  
Orphans' Court Clerk

COURT OF COMMON PLEAS OF  
ADAMS COUNTY PENNSYLVANIA  
ORPHANS' COURT DIVISION

**REPORT OF GUARDIAN OF THE ESTATE**

Estate of \_\_\_\_\_, an Incapacitated Person  
*Name of Incapacitated Person*

No \_\_\_\_\_

DATE COURT APPOINTED YOU AS GUARDIAN: \_\_\_\_\_

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**PART I: INTRODUCTION**

1. Name(s) of Guardian(s): \_\_\_\_\_

2. Is this a limited Guardianship?     Yes         No

3. Report Period

This is the **Report** for the period from \_\_\_\_\_  
to \_\_\_\_\_ (the "**Report Period**"); or

This is the **Final Report** for the period from \_\_\_\_\_ to  
\_\_\_\_\_ (the "**Report Period**") and is filed for the following reason:

The death of the Incapacitated Person. Date of death: \_\_\_\_\_  
Name of Executor/Administrator: \_\_\_\_\_

The Guardianship was terminated by a court order dated: \_\_\_\_\_

Transfer of Guardianship to: \_\_\_\_\_  
Date of court order approving transfer: \_\_\_\_\_

4. Have you sent the Notice of Filing for the Report to those indicated in the court order appointing you as guardian?     Yes         No



**PART II. INCOME**

5. List all sources of income received during the **Report Period**:

Did the Incapacitated Person receive any of the following?		Amount During Report Period
Unspent Income from prior Report Period (from Prior Report, page 4, question 10)	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
Alimony or Support	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
Annuity Payments	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
Dividends	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
Interest Income	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
IRA Distributions	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
Long Term Care Insurance Benefits	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
Pension/Retirement Benefits (for example: 401(k), 403(b), etc.)	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
Public Assistance (cash only)	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
Rental Property Income	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
Royalties (including from mineral and land rights)	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
Social Security Disability Benefits	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
Social Security Retirement Benefits	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
Supplemental Security Insurance Benefits (SSI)	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
Tax Refund	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
Trust Income	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
Veterans Benefits (disability/pension/aid and attendance)	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
Wages	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
Workers' Compensation Benefits	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$
	<b>TOTAL</b>	\$

**PART III. ANNUAL EXPENSES**6. List all payments made for the care and maintenance of the Incapacitated Person during the **Report Period**.

Expense	To Whom Was It Paid?	Total for Report Period
Auto Insurance		\$
Cable/Satellite/Internet		\$
Child/Spousal Support/Alimony		\$
Clothing		\$
Condo/Co-op Assessments		\$
Debt (incurred prior to your appointment)		\$
Entertainment		\$
Fees/Costs Paid to Guardian		\$
Food		\$
Gifts - Personal or Charitable		\$
Home Health Care/Personal Aide		\$
Homeowners Insurance		\$
Home/Property Maintenance & Repair		\$
Income Taxes		\$
Life Insurance Premiums		\$
Medical Insurance Premiums		\$
Medical Expenses		\$
Medicine		\$
Mortgage		\$
Nursing Home/Assisted Living/Institutionalized Care		\$
Personal Expenses (including allowance)		\$
Phone/Cell Phone		\$
Real Estate Taxes		\$
Rent		\$
Utilities		\$
	<b>TOTAL</b>	\$

7. Does the Incapacitated Person have a credit card(s)?  Yes  No  
 If **yes**, has it been used during this report period?  Yes  No  
 What is the current balance on the credit card(s)? \$ \_\_\_\_\_

**PART IV. COMPARING INCOME AND EXPENSES**

8. Total Income (page 2, Question 5 TOTAL): \$ \_\_\_\_\_  
 9. Total Expenses (page 3, Question 6 TOTAL): \$ \_\_\_\_\_  
 10. Unspent Income: (subtract 9 from 8): \$ \_\_\_\_\_  
 (If 9 is more than 8, enter zero)  
 11. If Expenses exceed Income, was Court approval received for the use of the principal?  
 Yes - Attach a copy of the Court Order  
 No - Explain why court approval was not obtained:  
 \_\_\_\_\_  
 \_\_\_\_\_

**PART V. ASSETS**

12. What was the value of the assets reported on the Inventory? \$ \_\_\_\_\_  
 13. List any additional assets received during the **Report Period**? (for example: gifts, inheritance, lawsuit recovery, etc.)

Description/Source	Value at the end of Report Period
<b>TOTAL</b>	

14. Where are the assets deposited or held at the end of the **Report Period**?

List of Assets: Type and Location	Value at the end of Report Period
<b>TOTAL</b>	

15. Does the incapacitated person own a house/condo/co-op?

- Yes - Answer Questions a - c       No

a. Address of property: \_\_\_\_\_

b. Does the Incapacitated Person live in the house/condo/co-op?       Yes       No

c. If purchased during the **Report Period**, what was the purchase price? \$ \_\_\_\_\_

**PART VI. GUARDIAN’S COMPENSATION**

16. Did the Guardian receive compensation during the **Report Period**?

- Yes - Complete the table below       No - Skip to Question 18

Amount	Method of Determination

17. Was the compensation approved by the court?

- Yes - Attach a copy of the court order.  
 No - Explain why court approval was not obtained.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

18. Have you maintained a log of your activities as guardian?

- Yes - Attach a copy       No

**Part VII. ATTORNEY’S FEES**

19. Were attorney’s fees paid during the **Report Period**?

- Yes - Complete the table below       No - Skip to Question 21

Amount	Name of Counsel

20. Was the attorney’s fee approved by the court?

Yes - Attach a copy of the court order.

If fee is based on an hourly rate, specify the rate and number of hours expended:

No - Explain why court approval was not obtained.

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**Part VIII. REPRESENTATIVE PAYEE**

21. Does the Guardian act as the Incapacitated Person’s representative payee for the Social Security Administration (SSA) or Veterans Administration (VA)?

Yes - Attach copy of the report(s) provided to SSA or VA during this **Report Period**

No

**Part IX. SURETY INFORMATION**

22. Was a surety bond required?

Yes - In what amount \$ \_\_\_\_\_; and then answer Questions a - b.

No - The court waived a surety bond, skip to Question 23

a. Is the surety bond still in effect?

Yes                       No - Provide an explanation as to why not.

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b. Is the value of the estate at the end of the **Report Period** greater than the amount reported on the Inventory?

Yes (the amount on Question 14 TOTAL is greater than the amount on Question 12)     No

If **yes**, has the amount of the surety bond been increased?

Yes. To what amount \$ \_\_\_\_\_                       No

23. If you are a professional guardian, agency or an attorney serving as guardian, do you have professional/guardian liability insurance that covers theft?

Yes - Answer Question a and b.                       No - Skip to Question 24

a. Are the coverage limits greater than the assets (Question 14 TOTAL)?

Yes                       No

b. Describe the deductible and any exclusions

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**Part X. GUARDIAN INFORMATION**

24. During this **Report Period**, did you participate in guardianship training?  Yes  No

If yes, provide the following information:

Dates of Training	Provider	Training Description

25. During this **Report Period**, have any judgments been filed against you or have you filed for bankruptcy protection?

Yes - Please describe  No

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26. During this **Report Period**, were you charged or convicted of a crime?

Yes - Please describe  No

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27. Is there any reason you cannot continue to serve as guardian?

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**Part XI. SUMMARY**

28. If this is the first annual report, state the value of the assets reported on the Inventory. (Use amount from Question 12 of <i>this</i> Report.) (Principal)	\$
29. If this is not the first Report, state the Total Assets (principal) from the prior Report. (Use TOTAL amount from Question 14 of <i>prior</i> Report.)	\$
30. What was the total amount of Income received during the <b>Report Period</b> ? (Use the amount from Question 5 of <i>this</i> Report.)	\$
31. What is the total amount of Expenses paid during the <b>Report Period</b> ? (Use the amount from Question 6 of <i>this</i> Report.)	\$
32. What are the Total Assets remaining at the end of the <b>Report Period</b> ? (Use the amount from Question 14 of <i>this</i> Annual Report.)	\$
33. What is the Unspent Income at the end of the <b>Report Period</b> ? (Use the amount from Question 10 of <i>this</i> Report.)	\$

I verify that the foregoing information is correct to the best of my knowledge, information and belief; and that this verification is subject to the penalties of 18 Pa.C.S. § 4904 relative to unsworn falsification to authorities.

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of Guardian of the Estate*

\_\_\_\_\_  
*Name of Guardian of the Estate (type or print)*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*City, State, Zip*

\_\_\_\_\_  
*Home Phone Number*

\_\_\_\_\_  
*Office Phone Number*

\_\_\_\_\_  
*Cell Phone Number*

\_\_\_\_\_  
*Email*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of Co-Guardian of the Estate (if applicable)*

\_\_\_\_\_  
*Name of Co-Guardian of the Estate (type or print)*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*City, State, Zip*

\_\_\_\_\_  
*Home Phone Number*

\_\_\_\_\_  
*Office Phone Number*

\_\_\_\_\_  
*Cell Phone Number*

\_\_\_\_\_  
*Email*

COURT OF COMMON PLEAS OF  
ADAMS COUNTY PENNSYLVANIA  
ORPHANS' COURT DIVISION

**REPORT OF GUARDIAN OF THE PERSON**

Estate of \_\_\_\_\_, an Incapacitated Person  
*Name of Incapacitated Person*

No. \_\_\_\_\_

DATE COURT APPOINTED YOU AS GUARDIAN: \_\_\_\_\_

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**PART I: INTRODUCTION**

1. Name(s) of Guardian(s): \_\_\_\_\_

2. Is this a limited Guardianship:     Yes     No

3. Report Period:

This is the **Report** for the period from \_\_\_\_\_ to \_\_\_\_\_  
(the "**Report Period**"); or

This is the **Final Report** for the period from \_\_\_\_\_ to \_\_\_\_\_  
(the "**Report Period**") and is filed for the following reason:

The death of the Incapacitated Person. Date of death: \_\_\_\_\_  
Name of Executor/Administrator: \_\_\_\_\_

The Guardianship was terminated by court order dated: \_\_\_\_\_

Transfer of Guardianship to: \_\_\_\_\_  
Date of court order approving transfer: \_\_\_\_\_

4. Have you sent the Notice of Filing for this Report to those indicated in the court order appointing you as guardian?     Yes     No

**IF THIS IS A FINAL REPORT, ONLY COMPLETE SECTIONS I AND V.**



**PART II: PERSONAL INFORMATION ABOUT THE INCAPACITATED PERSON**

1. Incapacitated Person’s date of birth: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

2. Current address of the Incapacitated Person’s residence:

\_\_\_\_\_  
\_\_\_\_\_

Facility Name, if any: \_\_\_\_\_

3. Residence of the Incapacitated Person

a. Type of Residence/Facility:

Incapacitated Person’s home ( with part-time home health care aide *or*  24/7 assistance)

Your home

Relative’s home

Relative’s name \_\_\_\_\_ Relationship \_\_\_\_\_

Address: \_\_\_\_\_

Domiciliary Care

Personal Care Boarding Home

Assisted Living Facility

Nursing Home Facility

Other: \_\_\_\_\_

b. If in Personal Care Boarding Home, Assisted Living Facility or Nursing Home, is the incapacitated person in a Memory Support Facility?  Yes  No

4. The Incapacitated Person has been in the residence noted in question 3 since: \_\_\_\_\_

5. Has the Incapacitated Person moved during the **Report Period**?  Yes  No

If **yes**, date of move: \_\_\_\_\_

If **yes**, please provide:

Reason for move: \_\_\_\_\_

Previous residence/address: \_\_\_\_\_

**PART III: MEDICAL INFORMATION**

1. List the medical professionals who have seen the Incapacitated Person during the **Report Period**:

	Name
Medical Doctor(s):	
Dentist:	
Eye Doctor:	
Ear Doctor:	
Psychologist or Psychiatrist:	
Physical Therapist:	
Occupational Therapist:	
Social Worker:	
Geriatric Caseworker:	
Other:	

2. The major medical or psychiatric problems of the Incapacitated Person are as follows:

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3. Describe any social, medical, psychological and support services the Incapacitated Person is receiving:

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**PART IV: GUARDIAN’S OPINION**

1. Should the guardianship be:

- Continued
- Continued with modifications
- Terminated

2. Provide the reasons for your opinion. List specific recommended modifications.

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3. Have you filed a petition for modification or termination?

- Yes       No

**PART V: INFORMATION ABOUT THE GUARDIAN**

1. If you do not live with the Incapacitated Person, how many times during the **Report Period** have you visited?

- None
- Quarterly
- Monthly
- Weekly
- Daily

2. What is the average length of a visit?

- Less than 15 minutes
- Between 15 minutes and 1 hour
- Between 1 and 2 hours
- More than 2 hours
- Not applicable

3. Have you maintained a log of your activities as guardian?

- Yes - Attach a copy       No

4. During this **Report Period**, did you participate in guardianship training?       Yes       No

If **yes**, provide the following information:

Dates of Participation	Provider	Training Description

5. During this **Report Period**, were you charged or convicted of a crime?

Yes - Please describe       No

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6. During this **Report Period**, was a Protection from Abuse Order and Protection from Sexual Violence or Intimidation Order entered against you?

Yes - Please describe       No

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7. Is there any reason you cannot continue to serve as guardian?

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I verify that the foregoing information is correct to the best of my knowledge, information and belief and that this verification is subject to the penalties of 18 Pa.C.S. § 4904 relative to unsworn falsification to authorities.

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of Guardian of the Person*

\_\_\_\_\_  
*Name of Guardian of the Person (type or print)*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*City, State, Zip*

\_\_\_\_\_  
*Home Phone Number*

\_\_\_\_\_  
*Office Phone Number*

\_\_\_\_\_  
*Cell Phone Number*

\_\_\_\_\_  
*Email*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of Co-Guardian of the Person (if applicable)*

\_\_\_\_\_  
*Name of Co-Guardian of the Person (type or print)*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*City, State, Zip*

\_\_\_\_\_  
*Home Phone Number*

\_\_\_\_\_  
*Office Phone Number*

\_\_\_\_\_  
*Cell Phone Number*

\_\_\_\_\_  
*Email*

**Form G-04. Guardian’s Inventory**  
 COURT OF COMMON PLEAS OF

ORPHANS’ COURT  
 DIVISION **INVENTORY**

ESTATE/GUARDIANSHIP OF \_\_\_\_\_  
 An Incapacitated Person

DOCKET NO. \_\_\_\_\_ DATE OF DECREE: \_\_\_\_\_

DUE DATE: \_\_\_\_\_ FILING FEE: \_\_\_\_\_

Inventory type:       Initial                       Amended

**PART I: ANNUAL INCOME**

1. List all sources of income for the Incapacitated Person:

Does the Incapacitated Person receive any of the following as income?

Social Security Retirement benefits	<input type="checkbox"/> Yes	<input type="checkbox"/> No	\$
Social Security Disability benefits	<input type="checkbox"/> Yes	<input type="checkbox"/> No	\$
Supplemental Social Security Income benefits (SSI)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	\$
Public Assistance	<input type="checkbox"/> Yes	<input type="checkbox"/> No	\$
Veterans Financial benefits	<input type="checkbox"/> Yes	<input type="checkbox"/> No	\$
Trust income	<input type="checkbox"/> Yes	<input type="checkbox"/> No	\$
Wages	<input type="checkbox"/> Yes	<input type="checkbox"/> No	\$
Workman’s Compensation benefits	<input type="checkbox"/> Yes	<input type="checkbox"/> No	\$
Dividends	<input type="checkbox"/> Yes	<input type="checkbox"/> No	\$
Interest income	<input type="checkbox"/> Yes	<input type="checkbox"/> No	\$
Tax refund	<input type="checkbox"/> Yes	<input type="checkbox"/> No	\$
Realized Gain on Other Asset	<input type="checkbox"/> Yes	<input type="checkbox"/> No	\$

Does the Incapacitated Person receive any of the following as income?			Amount
Rental Income	<input type="checkbox"/> Yes	<input type="checkbox"/> No	\$
Pension	<input type="checkbox"/> Yes	<input type="checkbox"/> No	\$
Annuity Income	<input type="checkbox"/> Yes	<input type="checkbox"/> No	\$
Other: _____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	\$
<b>TOTAL</b>			\$ 0.00

**PART II. ASSETS**

2. List all personal and real property below. If the property is owned by both the incapacitated person and others, indicate in the last column the name of the co-owner.

Asset	Value	Name of Co-Owner
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
<b>TOTAL</b>		\$ 0.00

3. Is any property co-owned by the Incapacitated Person and the guardian?

Yes

No

If yes:

3a. On what date was the property acquired? \_\_\_\_\_

3b. On what date was the guardian's name added? \_\_\_\_\_

3c. The guardian is:

an individual having access or control over the account

an owner of the account

4. Does the Incapacitated Person have a homeowners insurance policy for real property?

Yes

No

If yes:

4a. Carrier: \_\_\_\_\_

4b. Coverage period: \_\_\_\_\_

Attach a copy of insurance policy identifying coverage amounts

5. Does the Incapacitated Person have a homeowners insurance policy for personal property (jewelry, collectibles, etc.)?

Yes

No

If yes:

5a. Carrier: \_\_\_\_\_

5b. Coverage period: \_\_\_\_\_

Attach a copy of insurance policy identifying coverage amounts



6. Does the Incapacitated Person have an automobile insurance policy?

Yes

No

If yes:

6a. Carrier: \_\_\_\_\_

6b. Coverage period: \_\_\_\_\_

Attach a copy of insurance policy identifying coverage amounts

7. Does the incapacitated person have a safe deposit box?

No

Yes, in sole name

Yes, in joint names \_\_\_\_\_

If yes:

7a. Location of safe deposit box: \_\_\_\_\_

7b. Are there plans to inventory the contents?

Yes

No

**PART III. LIABILITIES/DEBTS**

8. List all debts the Incapacitated Person owes, including mortgages, loans, credit card debt, etc.

Liabilities/Debts	Lender	Value
		\$
		\$
		\$
		\$
		\$
		\$
		\$

**TOTAL DEBTS:** \_\_\_\_\_ \$ 0.00



12. Can the Incapacitated Person remain in their current residence with assistance, or in the home of a relative?

Yes

No

If yes:

12a. List the name of the responsible family member:

\_\_\_\_\_

12b. What services does the Incapacitated Person require?

Services from local Area Agency on Aging

Private Companion/Assistance Service

Number of days per week: \_\_\_\_\_

Number of hours per day: \_\_\_\_\_

Assistance from family members

Will compensation be provided?

Yes

No

If yes, indicate compensation amount:

13. Will the Incapacitated Person be moved into a supervised residential setting?

Yes

No

If yes:

13a. Indicate the type of supervised residential setting:

Domiciliary Care

Personal Care

Boarding Home

Assisted Living Facility Nursing Home

Other: \_\_\_\_\_

13b. Describe the steps that are being taken to move the Incapacitated Person into a supervised residential setting?

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**PART VI. FINANCIAL PLAN**

14. Complete the following table using initial inventory or most recent amended inventory.

14a. Total Annual Income (Question 1)	\$ 0.00	14b. Annual estimated expenses	
Net Income (14a minus 14b)	\$ 0.00	14c. Total assets (principal) (Question 2)	\$ 0.00

15. Is the net income listed above sufficient to care for the needs of the Incapacitated Person?

- Yes
- No, but assets (principal) are available based on petition to court requesting permission
- No, and assets (principal) are not available

16. Indicate any applications for government benefits that have been submitted:

Application type	Has an application been submitted?	Date of submission
Social Security Disability Insurance (SSDI)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Supplemental Security Income (SSI)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Social Security Retirement Benefits	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Veteran's Benefits	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Medical assistance, long term care	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Medical assistance, Home Waiver	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Other	<input type="checkbox"/> Yes <input type="checkbox"/> No	



**PART VII: MEDICAL INFORMATION**

19. Is a “no-code” (Do Not Resuscitate) provision in place for the incapacitated person?

Yes

No

20. When still capacitated, did the Incapacitated Person execute a durable power of attorney for health care or some other health care directive (including, but not limited to, a POLST or a mental health care power of attorney)?

Yes

No

If **yes**, identify the authorized agent for making health care decisions:

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21. Are you aware of any will or trust executed by the Incapacitated Person, and/or any funeral or burial wishes of the Incapacitated Person?

Yes

No

If **yes**, describe:

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22. Is the Certificate of Filing attached?

Yes

No

I verify that the foregoing information is correct to the best of my knowledge, information and belief; and that this Verification is subject to the penalties of 18 Pa.C.S. § 4904 relative to unsworn falsification to authorities.

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of Guardian*

\_\_\_\_\_  
*Name of Guardian (type or print)*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*Telephone*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of Co-Guardian (if applicable)*

\_\_\_\_\_  
*Name of Co-Guardian (type or print)*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*Telephone*

**INSTRUCTIONS FOR SUBMITTING EXPERT TESTIMONY BY  
ANSWERS TO WRITTEN DEPOSITION**

To establish incapacity, the petitioner must present testimony from an individual qualified by training and experience in evaluating persons with incapacities of the type alleged by the petitioner. As an accommodation to such expert witnesses, but only when incapacity is not being contested, the Court will accept such testimony by answers to written (legibly) deposition rather than require their testimony.



COURT OF COMMON PLEAS OF  
ADAMS COUNTY PENNSYLVANIA  
ORPHANS' COURT DIVISION

**WRITTEN DEPOSITION**

RE: \_\_\_\_\_  
*An Alleged Incapacitated Person (AIP)*

No. \_\_\_\_\_

**PART I: PROFESSIONAL BACKGROUND** (You may attach curriculum vitae, if it provides answers to Questions 1 through 5. Please answer those questions not covered by curriculum vitae.)

1. Name: \_\_\_\_\_ Title: \_\_\_\_\_

2. Professional Address: \_\_\_\_\_

3. Complete education information:

	Name of Institution	Type of Degree Received	Date Completed
Undergraduate			
Graduate			
Post-Graduate			

4. Do you have any active professional licenses?  Yes  No

If **yes**, indicate in what state or states you are licensed as well as the date(s) issued.

\_\_\_\_\_  
\_\_\_\_\_

List any board certifications: \_\_\_\_\_

5. An Incapacitated Person is legally defined as: An adult whose ability to receive and evaluate information effectively and communicate decisions in any way is impaired to such a significant extent that he/she is partially or totally unable to manage his/her financial resources or to meet essential requirements for his/her physical health and safety.

Do you have experience evaluating whether or not an individual is incapacitated?  Yes  No

If **yes**, indicate the basis of your experience.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PART II: ALLEGED INCAPACITATED PERSON (AIP)**

6. a. Have you previously treated, assessed, or evaluated the AIP?

Yes     No

b. Indicate the date(s) and location of any treatment, assessment, or evaluation you have provided or made over the last two (2) years:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

c. If 6a. is yes, what tests have you or others administered, mini mental status exam (MMSE), Montreal Cognitive Assessment (MOCA), St. Louis University Mental Status Exam (SLUMS), etc.? List dates administered and the score. (Attach test results, not just the score.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. What is the present condition of the AIP? List all known medical and psychiatric diagnoses and current Conditions. (You may attach a list from your records.)

<u>Diagnosis</u>	<u>Symptoms/Manifestations</u>

8. List all known medications, including over-the-counter, that the AIP is taking. For each known medication, indicate, if known, the prescribing physician and the diagnosis for which the medication was prescribed or reason for taking. (You may attach a list from your records.)

<u>Medication</u>	<u>Diagnosis/Reason Taken</u>	<u>Prescribing Physician</u>

9. Indicate the AIP’s ability to perform the following functions:

	Unimpaired	Needs Some Help (Explain in #10 )	Totally Impaired	Not Assessed or Not Enough Information
Receiving and evaluating information effectively				
Communicating decisions				
Ability to give informed consent				
Short-term memory				
Long-term memory				
Activities of daily living				
Managing finances (including paying bills, making deposits, withdrawals and working with other financial institutions)				
Managing health care (including following doctor’s orders and managing/taking medications)				
Providing for physical safety				
Responding to emergency situations				
Ability to resist scams				

10. For any response in Question 9 where the AIP “needs some help,” please describe the type and extent of assistance needed.

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11. What recommendations have you made or would you make concerning services necessary to meet the essential requirements for the AIP’s physical health and safety?

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12. What recommendations have you made or would you make concerning management of the AIP’s finances?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. As indicated in Question 5, an Incapacitated Person is legally defined as: An adult whose ability to receive and evaluate information effectively and communicate decisions in any way is impaired to such a significant extent that he/she is partially or totally unable to manage his/her financial resources or to meet essential requirements for his/her physical health and safety.

In your expert opinion, within a reasonable degree of professional certainty and based on your knowledge, skills, experience, and education, is the AIP incapacitated?

- Yes, totally impaired       Yes, partially impaired       No

14. In your opinion, the most appropriate, least restrictive living situation for the AIP is (check one):

- The AIP can be left alone without supervision
- Home ( with part-time home health aide or  24/7 assistance)
- Independent living facility (room and board provided, emergency services readily available)
- Assisted living facility (room and board provided, assistance with some activities of daily living)
- Secure facility (Alzheimer’s/Mental Health for safety and basic needs)
- Skilled nursing facility

15. If your response in Question 9 indicated that the AIP is totally impaired or “needs some help”, do you expect the AIP’s abilities, in the next 6 months to (Check best estimate):

- Stay the same       Improve       Decline

Please explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PART III: GUARDIANSHIP AND SERVICES**

16. Are you aware of any circumstances, medical or otherwise, that create a need for the appointment of an emergency guardian for the AIP?

- Yes       No

If yes, indicate reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

17. The AIP is required to be at the hearing, absent circumstances that could cause harm to the AIP. Putting aside whether the court proceeding may be moderately upsetting to, confusing to or not understood by the AIP, do you believe that the AIP's presence at the hearing would cause harm to the AIP's physical or mental condition?

Yes                       No

Indicate reason for response:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

18. Please provide any additional information that could assist the court in determining incapacity.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

I verify that the foregoing information is correct to the best of my knowledge, information and belief; and that this verification is subject to the penalties of 18 Pa.C.S. § 4904 relative to unsworn falsification to authorities.

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Name (type or print)*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*City, State, Zip*

\_\_\_\_\_  
*Telephone*

\_\_\_\_\_  
*Email*

COURT OF COMMON PLEAS OF

ORPHANS' COURT DIVISION

NOTICE OF FILING

ESTATE/GUARDIANSHIP OF \_\_\_\_\_,  
AN INCAPACITATED PERSON

\_\_\_\_\_, GUARDIAN

No. \_\_\_\_\_

I certify that on \_\_\_\_\_ I filed the following documents:

- Inventory   Amended Inventory
- Annual Report - Guardian of the Person   Annual Report - Guardian of the Estate
- Final Report

A copy of this Notice of Filing is being served on the following person(s) designated by court order and in the following manner:

1. \_\_\_\_\_

- By mail  By fax  By personal delivery  By e-mail if requested

2. \_\_\_\_\_

- By mail  By fax  By personal delivery  By e-mail if requested

3. \_\_\_\_\_

- By mail  By fax  By personal delivery  By e-mail if requested

4. \_\_\_\_\_

- By mail  By fax  By personal delivery  By e-mail if requested

Submitted by:

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Name (print or type)*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*City, State, Zip*

\_\_\_\_\_  
*Telephone*

\_\_\_\_\_  
*Email*

**Instructions for Document Access**

If you are one of the individuals noted above to who this notice of filing was sent, you may access and view the documents filed by presenting this notice of filing along with proper identification to the Clerk of the Orphans' Court in the county listed on the previous page.

COURT OF COMMON PLEAS OF

ORPHANS' COURT DIVISION

CERTIFICATE OF GUARDIAN

RE: \_\_\_\_\_, an Incapacitated Person

No. \_\_\_\_\_

I CERTIFY that on \_\_\_\_\_, after giving full consideration to the factors set forth in Chapter 55 of the Probate, Estate, and Fiduciaries Code, 20 Pa.C.S. § 5501, et seq., in the above-captioned matter, the Court adjudged \_\_\_\_\_ an incapacitated person and appointed \_\_\_\_\_ as:

A. Plenary Guardian of the Estate

B. Limited Guardian of the Estate - with the following authority:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. Plenary Guardian of Person

D. Limited Guardian of Person - with the following authority:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**FURTHER, I CERTIFY** the Court ordered:

- All financial institutions, including without limitation, banks, savings and loans, credit unions, and brokerages to grant access to the guardian of the incapacitated person’s estate to any and all assets, records, accounts maintained for the benefit of the incapacitated person, and the guardian of the incapacitated person’s estate shall be entitled to transfer, retitle, withdraw, or otherwise exercise dominion and control over any and all said assets. The failure of any financial institution to honor this order may lead to contempt proceedings and the imposition of sanctions.

The duration of such guardianship shall be: \_\_\_\_\_  
(Date Certain)

- Until further order of Court.

The Guardian named herein has not been discharged or removed.

[seal]

Witness my hand and seal of said Court  
this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

CLERK OF ORPHANS’ COURT

\_\_\_\_\_

\_\_\_\_\_

