

PENNSYLVANIA BULLETIN

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for the Governor's Office's
Regulatory Agenda Notice

Part I

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

No. 495, February 2016

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

4 Pa. Code (Administration)

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6 440, 853

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9 22, 219, 1027

12 Pa. Code (Commerce, Trade and Local Government)

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25 Pa. Code (Environmental Protection)

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211 996

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Proposed Rules

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Unclassified .. 209, 558, 560, 647, 651, 652, 759, 854, 855,
856, 987, 988, 989

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

Proposed Amendments to the Pennsylvania Rules of Disciplinary Enforcement Regarding Mandatory Electronic Filing of Annual Attorney Regis- tration Fee Forms

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering recommending to the Pennsylvania Supreme Court that the Court amend Pennsylvania Rule of Disciplinary Enforcement 219 to provide for mandatory electronic filing of the annual attorney registration fee form.

Electronic filing of the annual fee form has been available since 2011 but is not mandatory. Each subsequent year has seen an increase in the number of attorneys utilizing online filing. For the 2015-2016 registration period, 57% of attorneys filed online. Important benefits will be realized through the use of mandatory electronic filing. These benefits are found in the alleviation of the cost burden to the Disciplinary Board of the mailing and processing of paper forms; the reduction of human error by removing human interaction from the reception of data, which under the proposed changes will be provided directly and instantaneously from the attorney; and, maintaining the Disciplinary Board's currency with broad-based technological changes and updates to how the court system does business. Pennsylvania attorneys will realize benefits in the form of a modern and efficient attorney registration system prepared to promptly and securely process data.

In considering the proposed amendments, the Disciplinary Board reviewed other states' attorney registration procedures, which revealed that New Jersey, Rhode Island, Connecticut, Illinois and Nebraska mandate electronic registration. All of the jurisdictions except Nebraska provide exemptions from the online filing requirements, either by specifically listing exceptions or by providing a procedure for requesting an exemption. This ensures that attorneys who are unable to fulfill the electronic requirement will still have the ability to register in another format.

Changes to comport with electronic filing are found in subdivisions (a), (c), (d), (h), (i), (j), (k) and (n).

Proposed language to subdivision (a) provides that all attorneys admitted to practice law in the Commonwealth shall be required to electronically file the annual fee form provided for in Rule 219. The fee form will be available for filing through a link on the Disciplinary Board's website or at the Unified Judicial System portal. A new Note explains that additional annual fees are imposed for use by the IOLTA Board and the Pennsylvania Lawyers Fund for Client Security. Importantly, subdivision (a) adds language to the effect that upon an attorney's written request submitted to the Attorney Registration Office and for good cause shown, the Attorney Registration Office shall grant an exemption from the electronic

filing requirement and permit the attorney to file the annual fee form in paper form. This language is proposed in recognition that there are valid circumstances under which an attorney may not be able to file the annual fee form by the electronic method. The new language provides flexibility to the Attorney Registration Office in handling requests for exemption, thus ensuring that an attorney who is unable to comply with the electronic mandate will be able to register using a paper form.

Subdivision (c) provides that the Attorney Registration Office shall transmit a notice by email to register electronically by July 1. New language to this subdivision states that failure by the attorney to receive notice shall not excuse the filing of the annual fee form or payment of the annual fee.

Subdivision (d) contains several important changes. In addition to the currently required residence and office addresses, an attorney will now be required to provide his or her current email, pursuant to subparagraph (d)(1)(ii). Subsection (d)(2) provides the new method for payment of the annual fee, which shall be made in one of two ways: electronically by credit or debit card at the time of electronic transmission of the form; or, by check or money order drawn on a U. S. bank, in U. S. dollars using a printable, mail in voucher. Payment by credit or debit card includes a nominal processing fee. This US Bank transaction fee has been in place since electronic filing was made available in 2011 and cannot be waived or eliminated.

Subsection (d)(3) requires an attorney who has filed the form to notify the Attorney Registration Office in writing of any change in information previously submitted. The notice may be sent by mail or facsimile transmission only, not by email. The Note after subparagraph (d)(1)(viii) reminds attorneys of their obligation to give written notice of any change in professional liability insurance. An exception to the notice requirement is that any change in information related to the financial account information that occurs after the filing of the fee form need not be reported until the next registration year. Requiring attorneys to report every change in account information throughout the year would be unduly burdensome to attorneys and to the Attorney Registration Office; therefore, it is proposed that annual reporting of such information is sufficient for purposes of Rule 219. Finally, new subsection (d)(5) provides that submission of the annual fee form through electronic means signifies the attorney's intent to sign the form. By submitting the form electronically, the attorney certifies that the electronic filing is true and correct.

Although electronic filing will now be mandatory, certain classes of attorneys will not be eligible to do so. The Board notes that these classes of attorneys have never been permitted to file electronically, as the Attorney Registration Office procedures pertaining to these attorneys are not compatible with electronic filing. These specific instances are found in subdivisions (h), (i), (j), (k), and (n).

Pursuant to subdivision (h), an attorney who has been administratively suspended for three years or less due to failure to complete registration is not eligible for electronic filing and must follow the procedure set forth in subsections (h)(1), (2), and (3). Pursuant to subdivision (i), an attorney who has retired must mail or deliver in person to the Attorney Registration Office an application

for retirement, accompanied by any applicable late fees and penalties. Pursuant to subsection (j)(2), an attorney on inactive status may request a resumption of active status form which must be mailed or delivered in person to the Attorney Registration Office. Pursuant to subdivision (k), an inactive attorney who has been administratively suspended for failure to file the annual fee form and pay the annual fee may request an administrative change in status form from the Attorney Registration Office, which must be filed by mail or delivered in person to said Office.

Subdivision (n) applies to former or retired justices or judges who wish to resume the practice of law. These individuals must file a notice with the Attorney Registration Office in writing, and include a waiver available through the Office and signed by the justice or judge. New language therein provides that an annual fee form will be provided to the retired or former justice or judge by the Attorney Registration Office and the form must be filed by mail or delivered in person to said Office, accompanied by the appropriate annual fee.

Interested persons are invited to submit written comments by mail or facsimile regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, Facsimile number (717-231-3382), Email address Dboard.comments@pacourts.us on or before March 18, 2016.

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

ELAINE M. BIXLER,
Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 219. Annual registration of attorneys.

(a) Every attorney admitted to practice law in this Commonwealth shall pay an annual fee of \$125.00 and **electronically** file the annual fee form provided for in this rule **by July 1**. The fee shall be collected under the supervision of the Attorney Registration Office, which shall **[send or cause to be sent to every attorney, except an attorney who has elected to file the form electronically, the annual fee form]** make the annual fee form available for filing through a link on the Board's website (<http://www.padisiplinaryboard.org>) or directly at <https://ujportal.pacourts.us>. **[The Attorney Registration Office shall transmit to those attorneys who have elected to file the form electronically a notice by e-mail to register by July 1. Failure to receive the annual fee form by mail or electronically shall not excuse payment of the fee.]** The said fee shall be used to defray the costs of disciplinary administration and enforcement under these rules, and for such other purposes as the Board shall, with the approval of the Supreme Court, from time to time determine. **Upon an attorney's written request submitted to the Attorney Registration Office and**

for good cause shown, the Attorney Registration Office shall grant an exemption from the electronic filing requirement and permit the attorney to file the annual fee form in paper form.

Official Note: Pa.R.P.C. 1.15(u) imposes an additional annual fee for use by the IOLTA Board, and Pa.R.D.E. 502(b) imposes an additional annual fee for use by the Pennsylvania Lawyers Fund for Client Security.

(b) The following shall be exempt from paying the annual fee required by subdivision (a):

* * * * *

(c) On or before May 15 of each year, the Attorney Registration Office shall transmit to all attorneys required by this rule to pay an annual fee **[, except those attorneys who have elected electronic filing, a form required by subdivision (d) of this rule. On or before May 15 of each year subsequent to the year in which an attorney elects electronic filing, the Attorney Registration Office shall transmit to such attorney]** a notice by e-mail to register **electronically** by July 1. **Failure to receive notice shall not excuse the filing of the annual fee form or payment of the annual fee.**

(d) On or before July 1 of each year, all attorneys required by this rule to pay an annual fee shall **electronically** file with the Attorney Registration Office **[a signed or]** an electronically endorsed form prescribed by the Attorney Registration Office in accordance with the following procedures:

(1) The form shall set forth:

(i) The date on which the attorney was admitted to practice, licensed as a foreign legal consultant, granted limited admission as an attorney participant in defender and legal services programs pursuant to Pa.B.A.R. 311, or issued a Limited In-House Corporate Counsel License, and a list of all courts (except courts of this Commonwealth) and jurisdictions in which the person has ever been licensed to practice law, with the current status thereof.

(ii) The current **e-mail**, residence and office addresses of the attorney, **[each]** the latter two of which shall be an actual street address or rural route box number **[, and the]**. The Attorney Registration Office shall refuse to accept a form that sets forth only a post office box number for either **[required]** the residence or office address. A preferred mailing address different from those addresses may also be provided on the form and may be a post office box number. The attorney shall indicate which of the addresses, the residence, office or mailing address, as well as telephone and fax number will be accessible through the website of the Board (<http://www.padisiplinaryboard.org> [/]) and by written or oral request to the Board. Upon an attorney's written request submitted to the Attorney Registration Office and for good cause shown, the contact information provided by the attorney will be nonpublic information and will not be published on the Board's website or otherwise disclosed.

* * * * *

(viii) Whether the attorney is covered by professional liability insurance on the date of registration in the minimum amounts required by Rule of Professional Conduct 1.4(c). Rule 1.4(c) does not apply to attorneys who do

not have any private clients, such as attorneys in full-time government practice or employed as in-house corporate counsel.

Official Note: The Disciplinary Board will make the information regarding insurance available to the public upon written or oral request and on its web site. The requirement of Rule 219(d)(3) that every attorney who has filed an annual fee form [or elects to file the form electronically must notify] must give written notice to the Attorney Registration Office of any change in the information previously submitted within 30 days after such change will apply to the information regarding insurance.

(ix) Such other information as the Attorney Registration Office may from time to time direct.

(2) Payment of the annual fee shall [accompany the form] be made in one of two ways: a) electronically by credit or debit card at the time of electronic transmission of the form through the online system of the Attorney Registration Office, which payment shall include a nominal fee to process the electronic payment; or b) by check or money order drawn on a U.S. bank, in U.S. dollars using a printable, mail-in voucher. IOLTA, trust, escrow and other fiduciary account checks tendered in payment of the annual fee will not be accepted. If the [form and payment are] annual fee form, voucher or payment is incomplete or if a check in payment of the annual fee has been returned to the Board unpaid, the annual fee shall not be deemed to have been paid until a collection fee, and one or both of the late payment penalties prescribed in subdivision (f) of this rule if assessed, shall also have been paid. The amount of the collection fee[,] shall be established by the Board annually after giving due regard to the direct and indirect costs incurred by the Board during the preceding year for checks returned to the Board unpaid.

(3) Every attorney who has filed the form [or elects to file the form electronically] shall notify the Attorney Registration Office in writing of any change in the information previously submitted, including e-mail address, within 30 days after such change, which notice shall be sent by mail or facsimile transmission, provided, however, that any change in the information required by subsections (d)(1)(iii), (iv) and (v) (collectively relating to financial account information) that occurs after the filing of the form required by subdivisions (a) and (d)(1) of this Rule need only be reported on the next regular annual fee form due July 1. Failure to timely register and file the next regular annual fee form shall not excuse this subsection's requirement of reporting changes in financial account information on an annual basis on or before July 1, and failure to make such a report shall constitute a violation of this rule.

(4) Upon original admission to the bar of this Commonwealth, licensure as a Foreign Legal Consultant, issuance of a Limited In-House Corporate Counsel License, or limited admission as an attorney participant in defender and legal services programs pursuant to Pa.B.A.R. 311, a person shall concurrently file a form under this subdivision for the current assessment year, but no annual fee shall be payable for the assessment year in which originally admitted or licensed.

(5) Submission of the annual fee form through electronic means signifies the attorney's intent to sign the form. By submitting the form electronically, the attorney certifies that the electronic filing is true and correct.

Official Note: Subsection (5) of subdivision (d) incorporates the language of *In Re: Provisions for Electronic Filing of Attorney Registration Statements*, No. 99 Disciplinary Rules Docket (Pa. Supreme Court, April 13, 2011).

(e) Upon receipt of a form, or notice of change of information contained therein, filed by an attorney in accordance with the provisions of subdivision (d) of this rule, and of payment of the required annual fee to practice law in this Commonwealth, receipt thereof shall be acknowledged on a certificate or license.

* * * * *

(g) The Attorney Registration Office shall provide to the [Board secretary] Office of the Secretary a copy of any certification filed by the Attorney Registration Office with the Supreme Court pursuant to the provisions of this rule.

(h) An attorney who has been administratively suspended pursuant to subdivision (f) for three years or less is not eligible to file the annual fee form electronically. The procedure for reinstatement [of an attorney who has been administratively suspended pursuant to subdivision (f) for three years or less] is as follows:

(1) The formerly admitted attorney shall submit to the Attorney Registration Office the form required by subdivision (d)(1) along with payment of:

- (i) the current annual fee;
- (ii) the annual fee that was due in the year in which the attorney was administratively suspended;
- (iii) the late payment penalties required by paragraph (3);
- (iv) any unpaid collection fee; and
- (v) a reinstatement fee of \$300.00.

(2) Upon receipt of the annual fee form, a verified statement showing compliance with Enforcement Rule 217 (relating to formerly admitted attorneys), and the payments required by paragraph (1), the Attorney Registration Office shall so certify to the [Board] Office of the Secretary and to the Supreme Court. Unless the formerly admitted attorney is subject to another outstanding order of suspension or disbarment or the order has been in effect for more than three years, the filing of the certification from the Attorney Registration Office with the Prothonotary of the Supreme Court shall operate as an order reinstating the person to active status.

Where a check in payment of the fees and late payment penalties has been returned to the Board unpaid, the Attorney Registration Office shall immediately return the attorney to administrative suspension, and the arrears shall not be deemed to have been paid until a collection fee, as established by the Board under subdivision (d)(2) of this rule, shall also have been paid.

(3) A formerly admitted attorney who is administratively suspended must pay the late payment penalties incurred in the year in which the formerly [admitted] admitted attorney is transferred to administrative suspension. The amount of the late payment penalties shall

be established by the Board annually after giving due regard to such factors as it considers relevant, including the direct and indirect costs incurred by the Board during the preceding year in processing the records of attorneys who fail to timely file the form required by subdivision (d) of this rule.

(i) *Retired Status:* An attorney who has retired [**shall file with**] **must file by mail or deliver in person** to the Attorney Registration Office an application for retirement **and payment of any applicable late fees or penalties pursuant to subdivision (f)**. Upon the transmission of such application from the Attorney Registration Office to the Supreme Court, the Court shall enter an order transferring the attorney to retired status, and the attorney shall no longer be eligible to practice law. The retired attorney will be relieved from [**the**] payment of the **annual** fee imposed by this rule upon active practitioners and Enforcement Rule 217 (relating to formerly admitted attorneys) shall not be applicable to the formerly admitted attorney unless ordered by the Court in connection with the entry of an order of suspension or disbarment under another provision of these rules. An attorney on retired status for three years or less may be reinstated in the same manner as an inactive attorney, except that the retired attorney shall pay the annual active fee for the three most recent years or such shorter period in which the attorney was on retired status instead of the amounts required to be paid by an inactive attorney seeking reinstatement. The Chief Justice may delegate the processing and entry of orders under this subdivision to the Prothonotary.

(j) *Inactive Status:* An attorney who is not engaged in practice in Pennsylvania, has sold his or her practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct, or is not required by virtue of his or her practice elsewhere to maintain active licensure in the Commonwealth may request inactive status or continue that status once assumed. The attorney shall be removed from the roll of those classified as active until and unless such inactive attorney makes a request under paragraph (2) of this subdivision (j) for an administrative return to active status and satisfies all conditions precedent to the grant of such request; or files a petition for reinstatement under subdivision (d) of Enforcement Rule 218 (relating to procedure for reinstatement of an attorney who has been on inactive status for more than three years, or who is on inactive status and had not been on active status at any time within the prior three years) and is granted reinstatement pursuant to the provisions of that Enforcement Rule.

(1) An inactive attorney under this subdivision (j) shall continue to file the annual form required by subdivision (d), **shall file the form through the online system identified in subdivision (a)**, and shall pay an annual fee of \$70.00 **in the manner provided in subdivision (d)(2)**. Noncompliance with this provision will result in the inactive attorney incurring late payment penalties, incurring a collection fee for any check in payment that has been returned to the Board unpaid, and being placed on administrative suspension[,] pursuant to and in accordance with the provisions of subdivision (f) of this rule.

(2) *Administrative Change in Status from Inactive Status to Active Status:* An attorney on inactive status may request a resumption of active status [**on a form provided by**] **form from** the Attorney Registration Office. **The form must be filed by mail or delivered in person to the Attorney Registration Office.** Re-

sumption of active status shall be granted unless the inactive attorney is subject to an outstanding order of suspension or disbarment, unless the inactive attorney has sold his or her practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct (see Enforcement Rule 218(h)), unless the inactive status has been in effect for more than three years, or unless the inactive attorney had not been on active status at any time within the preceding three years (see Enforcement Rule 218(h)), upon the payment of:

* * * * *

(k) *Administrative Change in Status From Administrative Suspension to Inactive Status:* An inactive attorney who has been administratively suspended for failure to file the annual form and pay the annual fee required by subdivision (j)(1) of this rule, may request an administrative change in status [**to inactive status**] **form from the Attorney Registration Office. [The Attorney Registration Office] The form must be filed by mail or delivered in person to the Attorney Registration Office and said Office** shall change the status of an attorney eligible for inactive status under this subdivision upon receipt of:

* * * * *

(l) The Board shall transmit by certified mail[, **return receipt requested,**] to every attorney who fails to pay any expenses taxed pursuant to Enforcement Rule 208(g) (relating to costs), addressed to the last known address of the attorney, a notice stating:

* * * * *

(n) A former or retired justice or judge who is not the subject of an outstanding order of discipline affecting his or her right to practice law and who wishes to resume the practice of law shall file with the Attorney Registration Office a notice in writing [**to that effect**]. The notice shall:

[(i)] (1) describe:

[(A)] (i) any discipline imposed within six years before the date of the notice upon the justice or judge by the Court of Judicial Discipline;

[(B)] (ii) any proceeding before the Judicial Conduct Board or the Court of Judicial Discipline settled within six years before the date of the notice on the condition that the justice or judge resign from judicial office or enter a rehabilitation program; **and**

[(ii)] (2) include a waiver **available through the Attorney Registration Office and signed** by the justice or judge, if the notice discloses a proceeding described in [**paragraph (i)**] **subsection (1)**, of the confidentiality of the record in that proceeding for the limited purpose of making the record available to the Board in any subsequent proceeding under these rules[;].

[(iii)] **be accompanied by payment of the full annual fee for the assessment year in which the notice is filed.**]

An annual fee form will be provided by the Attorney Registration Office. The form must be filed by mail or delivered in person to said Office and be accompanied by payment of the full annual fee for the assessment year in which the notice is filed.

[Pa.B. Doc. No. 16-311. Filed for public inspection February 26, 2016, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Proposed Amendment of Pa.R.C.P. No. 237.3

The Civil Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P. No. 237.3 governing relief from judgment of non pros or by default for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Karla M. Shultz, Counsel
Civil Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9526
civilrules@pacourts.us

All communications in reference to the proposal should be received by April 22, 2016. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Civil Procedural
Rules Committee*

PETER J. HOFFMAN,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 237.3. Relief from Judgment of Non Pros or by Default.

(a) A petition for relief from a judgment of non pros or of default entered pursuant to Rule 237.1 shall have attached thereto a [**verified**] copy of the complaint, **preliminary objections**, or answer which the petitioner seeks leave to file.

(b) If the petition is filed within ten days after the entry of the judgment on the docket, the court shall open the judgment if the proposed complaint, **preliminary objections**, or answer states a meritorious cause of action or defense.

Official Note: Rule 236 requires the prothonotary to give notice of the entry of any judgment and to note in the docket the giving of the notice.

The petitioner must act with reasonable diligence to see that the petition is promptly presented to the court if required by local practice.

See Schultz v. Erie Insurance Exchange, [505 Pa. 90,] 477 A.2d 471 (Pa. 1984) for the requirements for opening a judgment by default and [Pa.R.C.P.] Rule 3051 as to a judgment of non pros. Rule 237.3 does not change the law of opening judgments. Rather, the rule supplies two of the three requisites for opening such judgments by presupposing that a petition filed as provided by the rule is timely and with reasonable explanation or legitimate excuse for the inactivity or delay resulting in the entry of the judgment. The requirement of this rule for proceeding within ten days is not intended to set a standard for timeliness in circumstances outside this rule.

[A defendant who seeks to file a pleading other than an answer is not entitled to the benefit of this rule but must comply with the requirements of *Schultz v. Erie Insurance Exchange*, supra.]

See Rules 206.1 through 206.7 governing petition practice.

Explanatory Comment—1994

[Rule 237.3. Relief from Judgment of Non Pros or by Default.]

Rule 237.3 governs relief from a judgment by default or of non pros. Subdivision (a) requires that a [**verified**] copy of the complaint, **preliminary objections**, or answer sought to be filed be attached to the petition for relief from the judgment. This enables the court to determine from the actual complaint, **preliminary objections**, or answer to be filed whether it alleges a meritorious cause of action or defense.

Subdivision (b) eases the burden of a party against whom judgment has been entered and who moves promptly for relief from that judgment. If the petitioner files a petition for relief from the judgment within ten days after entry of the judgment on the docket, the rule requires the court to open the judgment if the proposed complaint, **preliminary objections**, or answer states a meritorious cause of action or defense. The rule provides a date certain from which to measure the ten-day period and the language establishing the beginning of that period is derived from Rule 1308 governing appeals in compulsory arbitration.

Case law has imposed three requirements for opening a judgment by default: a petition timely filed, a reasonable explanation or legitimate excuse for the inactivity or delay and a showing of a meritorious defense. Rule of Civil Procedure 3051 similarly states these three requisites for opening a judgment of non pros, substituting the showing of a meritorious cause of action rather than a meritorious defense. Rule 237.3(b) presumes that a petition filed within the required ten-day period is both timely and with reasonable explanation or legitimate excuse for the inactivity or delay. In this context, subdivision (b) requires that the judgment be opened if the petitioner attaches to the petition a [**verified**] complaint, **preliminary objections**, or answer which states a meritorious cause of action or defense. A note to the rule cautions that the rule is not intended to change the law relating to the opening of judgments in any way or to impose a new standard of timeliness in cases outside the limited circumstances set forth in the rule.

Illustrations

In illustrations 1 through 3, the defendant has failed to plead within the required time to a complaint containing a notice to plead.

1. Prior to receiving a notice of intention to enter a default judgment, defendant seeks an agreement with the plaintiff for an extension of time in which to plead. The parties may certainly agree to an extension of time and proceed in accordance with their agreement. However, such an agreement is really unnecessary since the plaintiff cannot enter judgment without giving the ten-day notice required by the rule and the ten-day notice cannot be waived. Defendant may plead within the time up to the date of mailing or delivery of the notice plus ten days. This period of time may be more than might be provided by any agreement. In addition, there is no danger of a judgment being entered as the required notice has not been given.

2. Defendant has received the ten-day notice but cannot file the pleading within the ten-day period. Now, as provided by Rule 237.2, it is appropriate to seek an agreement to extend the time in which to plead since the plaintiff has given the notice which is prerequisite to the entry of judgment and actual entry of the judgment is imminent.

3. Defendant has received the ten-day notice and obtained an agreement extending the time to plead. However, defendant does not plead within the agreed time. Plaintiff may enter judgment by default without further notice as provided by Rule 237.2 and the form of agreement set forth in Rule 237.6.

In illustrations 4 [**through 6**] and 5, the plaintiff has entered a valid judgment by default against the defendant and the prothonotary has entered the judgment in the docket and noted the date thereof. Thereafter, the defendant files a petition to open the judgment.

4. The defendant files the petition to open the judgment within ten days of the date on which the prothonotary entered the judgment on the docket and seeks leave to file the answer attached to the petition. The defendant is entitled to the benefit of Rule 237.3(b) by timely filing the petition and attaching an answer. Rule 237.3(b) requires the court to open the judgment upon the defendant demonstrating to the court that the filing of the petition was within the ten-day period and that the answer attached to the petition states a meritorious defense.

[5. The defendant files the petition to open the judgment within ten days of the date on which the prothonotary enters the judgment on the docket and seeks leave to file the preliminary objections attached to the petition. The defendant is not entitled to the benefit of Rule 237.3(b) because, although the petition is timely filed, the rule does not provide for preliminary objections to be attached to the petition. A defendant who wishes to file preliminary objections upon the opening of a judgment must proceed pursuant to case law and meet the standards set forth in *Schultz v. Erie Insurance Exchange*, 505 Pa. 90, 477 A.2d 471 (1984), cited in the note to the rule.

6.] 5. The defendant files a petition to open the judgment more than ten days after the date of entry of the judgment on the docket. The petition to open is not within the scope of Rule 237.3(b) which requires that the petition be "filed within ten days after the entry of the

judgment on the docket". The defendant must proceed pursuant to case law and meet the standards of *Schultz v. Erie Insurance Exchange*, [**505 Pa. 90,**] 477 A.2d 471 (Pa. 1984).

Although these illustrations use the example of the entry of a judgment by default and a petition to open the judgment, they are adaptable and thus equally applicable to the entry of a judgment of non pros for failure to file a complaint and a petition to open such a judgment.

[Explanatory Comment—2001

The amendment to the Note clarifies the procedure when a defendant, upon the opening of a default judgment, intends to file preliminary objections, a pleading not encompassed by this rule. Contrary to the holding of the Commonwealth Court in *Peters Township Sanitary Auth. v. American Home and Land Dev. Co.*, 696 A.2d 899 (Cmwlth Ct. 1997), preliminary objections are not an appropriate attachment to a petition to open a default judgment under Rule 237.3.

Clarifying amendments have been made to the 1994 Explanatory Comment.]

Explanatory Comment—2010

The 1994 Explanatory Comment to Rule 237.3 provides several illustrations of the application of the rule. A discrepancy exists between Illustration 1 and Rule 237.1(a)(2)(ii) governing notice of praecipe to enter judgment of non pros or by default. The 1994 Explanatory Comment provides that the defendant may plead within the time of receiving the notice of praecipe plus ten days. Rule 237.1(a)(2)(ii) states that the ten-day period shall be calculated forward from the date of the mailing or delivery of the notice. The 1994 Explanatory Comment has been amended to conform with the text of Rule 237.1(a)(2)(ii).

Explanatory Comment

The Civil Procedural Rules Committee is proposing the amendment of Rule 237.3 governing relief from judgment of non pros or by default in two respects.

Current Rule 237.3(a) requires a verified copy of a complaint or answer, which the petitioner seeks leave to file, be attached to the petition for relief. The proposed amendment would remove the requirement that the copy be verified. It was reported to the Committee that both *pro se* litigants and attorneys often fail to attach a verified copy. The purpose of Rule 237.3 is to give a litigant who promptly responds to the entry of a judgment under this rule the ability to prosecute or defend a case. The rule does not achieve its purpose if a litigant is barred from doing so by a technical requirement.

The current rule was amended in 2001 to allow a party to attach a complaint or answer only to the petition for relief; the use of preliminary objections was prohibited notwithstanding the decision in *Peters Township Sanitary Auth. v. American Home and Land Dev. Co.*, 696 A.2d 899 (Pa. Cmwlth. 1997)(holding preliminary objections are an appropriate attachment to a petition to open a default judgment under Rule 237.3). It is proposed that Rule 237.3 be amended to permit the use of preliminary objections as a pleading that may be attached to a petition for relief from default judgment. By allowing the use of preliminary objections, the amendment is intended to give a defendant the same opportunity to file a responsive pleading after the entry of a default judgment that is afforded to him or her prior to the entry of a default judgment.

Clarifying amendments have been made to the 1994 Explanatory Comment and the 2001 Explanatory Comment has been deleted.

*By the Civil Procedural
Rules Committee*

PETER J. HOFFMAN,
Chair

[Pa.B. Doc. No. 16-312. Filed for public inspection February 26, 2016, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CHS. 500 AND 1000]

Proposed Amendment of Pa.R.C.P.M.D.J. Nos. 515—516 and the Official Note to Pa.R.C.P.M.D.J. No. 1007

The Minor Court Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P.M.D.J. Nos. 515—516 and the Official Note to Pa.R.C.P.M.D.J. No. 1007, adding a cross-reference regarding termination of a supersedeas and making stylistic changes, for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being republished in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Pamela S. Walker, Counsel
Minor Court Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9526
minorrules@pacourts.us

All communications in reference to the proposal should be received by April 27, 2016. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Minor Court Rules Committee

DONNA R. BUTLER,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 500. ACTIONS FOR THE RECOVERY OF POSSESSION OF REAL PROPERTY

Rule 515. Request for Order for Possession.

A. If the magisterial district judge has rendered a judgment arising out of a non-residential lease that the real property be delivered up to the plaintiff, the plaintiff may, after the 15th day following the date of the entry of the judgment, file with the magisterial district judge a request for an order for possession. The request shall include a statement of the judgment amount, return, and all other matters required by these rules.

B. (1) Except as otherwise provided in subparagraph [(2)] **B(2)**, if the magisterial district judge has rendered a judgment arising out of a residential lease that the real property be delivered up to the plaintiff, the plaintiff may after the 10th day but within 120 days following the date of the entry of the judgment, file with the magisterial district judge a request for an order for possession. The request shall include a statement of the judgment amount, return, and all other matters required by these rules.

(2) In a case arising out of a residential lease, if before the plaintiff requests an order for possession,

(a) an appeal or writ of certiorari operates as a supersedeas; or

(b) proceedings in the matter are stayed pursuant to a bankruptcy proceeding; and

(c) the supersedeas or bankruptcy stay is subsequently stricken, dismissed, lifted, or otherwise terminated so as to allow the plaintiff to proceed to request an order for possession,

the plaintiff may request an order for possession only within 120 days of the date the supersedeas or bankruptcy stay is stricken, dismissed, lifted, or otherwise terminated.

Official Note: The [**fifteen days in subdivision**] **15 days in paragraph A** of this rule, when added to the [**16 day**] **16-day** period provided for in Rule 519A, will give the defendant time to obtain a supersedeas within the appeal period. *See* Rules 1002, 1008, 1009, and 1013.

The 1995 amendment to section 513 of The Landlord and Tenant Act of 1951, 68 P. S. § 250.513, established a [**ten-day**] **10-day appeal** period from a judgment for possession of real estate arising out of a residential lease; therefore, the filing of the request for order for possession in subparagraph B(1) is not permitted until after the appeal period has expired. In cases arising out of a residential lease, the request for order for possession generally must be filed within 120 days of the date of the entry of the judgment.

Subparagraph B(2) provides that in a case arising out of a residential lease, if a supersedeas (resulting from an appeal or writ of certiorari) or bankruptcy stay is stricken, dismissed, lifted, or otherwise terminated, thus allowing the plaintiff to proceed with requesting an order for possession, the request may be filed only within 120 days of the date the supersedeas or bankruptcy stay is stricken, dismissed, lifted, or otherwise terminated. **See Rule 1008B, C(7)—(8), and Rule 1013B, C(7)—(8) and the notes thereto regarding termination of the**

supersedeas. After a court of common pleas enters judgment, the judgment of the magisterial district judge is extinguished and may no longer be executed upon in any magisterial district court. All further process must take place in the court of common pleas.

The time limits in which the plaintiff must request an order for possession imposed in [**subdivision**] **paragraph B** apply only in cases arising out of residential leases and in no way affect the plaintiff's ability to execute on the money judgment. *See* Rule 516, Note, and Rule 521A.

At the time the plaintiff files the request for an order for possession, the magisterial district court should collect server fees for all actions through delivery of possession. Thereafter, if the order for possession is satisfied 48 hours or more prior to a scheduled delivery of possession, a portion of the server costs may be refundable. *See* Rules 516 through 520 and [**Section 2950(d) of the Judicial Code, 42 Pa.C.S. § 2950(d)**] **44 Pa.C.S. § 7161(d)**.

Rule 516. Issuance and Reissuance of Order for Possession.

A. Upon the timely filing of the request form, the magisterial district judge shall issue the order for possession and shall deliver it for service and execution to the sheriff of, or any certified constable in, the county in which the office of the magisterial district judge is situated. If this service is not available to the magisterial district judge, service may be made by any certified constable of the Commonwealth. The order shall direct the officer executing it to deliver actual possession of the real property to the plaintiff. The magisterial district judge shall attach a copy of the request form to the order for possession.

B. (1) Except as otherwise provided in [**subdivision**] **paragraph C**, upon written request of the plaintiff the magisterial district judge shall reissue an order for possession for one additional [**60 day**] **60-day** period.

(2) If an order for possession is issued and subsequently superseded by an appeal, writ of certiorari, supersedeas, or a stay pursuant to a bankruptcy proceeding, and

(a) the appeal, writ of certiorari, or supersedeas is stricken, dismissed, or otherwise terminated; or

(b) the bankruptcy stay is lifted; and

(c) the plaintiff wishes to proceed with the order for possession,

the plaintiff must file with the magisterial district judge a written request for reissuance of the order for possession in accordance with subparagraph [(1)] **B(1)**.

C. In a case arising out of a residential lease a request for reissuance of an order for possession may be filed only within 120 days of the date of the entry of the judgment or, in a case in which the order for possession is issued and subsequently superseded by an appeal, writ of certiorari, supersedeas, or a stay pursuant to a bankruptcy proceeding, only within 120 days of the date the appeal, writ of certiorari, or supersedeas is stricken, dismissed, or otherwise terminated or the bankruptcy stay is lifted.

D. A written request for reissuance of the order for possession filed after an appeal, writ of certiorari, or supersedeas is stricken, dismissed, or otherwise terminated, or a bankruptcy stay is lifted, must be accompanied by a copy of the court order or other documentation

striking, dismissing, or terminating the appeal, writ of certiorari, or supersedeas, or lifting the bankruptcy stay.

Official Note: The order for possession deals only with delivery of possession of real property and not with a levy for money damages. A plaintiff who seeks execution of the money judgment part of the judgment must proceed under Rule 521A, using the forms and procedure there prescribed. The reason for making this distinction is that the printed notice requirements on the two forms, and the procedures involved in the two matters, differ widely.

[**Subdivision**] **Paragraph B** provides for reissuance of the order for possession for one additional [**60 day**] **60-day** period. However, pursuant to [**subdivision**] **paragraph C**, in cases arising out of a residential lease, the request for reissuance of the order for possession must be filed within 120 days of the date of the entry of the judgment or, in a case in which the order for possession is issued and subsequently superseded by an appeal, writ of certiorari, supersedeas, or a stay pursuant to a bankruptcy proceeding, only within 120 days of the date the appeal, writ of certiorari, or supersedeas is stricken, dismissed, or otherwise terminated, or the bankruptcy stay is lifted. The additional [**60 day**] **60-day** period need not necessarily immediately follow the original [**60 day**] **60-day** period of issuance. The written request for reissuance may be in any form and may consist of a notation on the permanent copy of the request for order for possession form, "Reissuance of order for possession requested," subscribed by the plaintiff. The magisterial district judge shall mark all copies of the reissued order for possession, "Reissued. Request for reissuance filed _____ (time and date)." A new form may be used upon reissuance, those portions retained from the original being exact copies although signatures may be typed or printed with the mark "/s/." There are no filing costs for reissuing an order for possession, for the reissuance is merely a continuation of the original proceeding. However, there may be additional server costs for service of the reissued order for possession.

See Rule 1008B, C(7)—(8), and Rule 1013B, C(7)—(8) and the notes thereto regarding termination of the supersedeas. After a court of common pleas enters judgment, the judgment of the magisterial district judge is extinguished and may no longer be executed upon in any magisterial district court. All further process must take place in the court of common pleas.

The time limits in which the plaintiff must request reissuance of an order for possession imposed in [**subdivision**] **paragraph C** apply only in cases arising out of residential leases and in no way affect the plaintiff's ability to execute on the money judgment. *See* Rule 521A.

CHAPTER 1000. APPEALS

APPEAL

Rule 1007. Procedure on Appeal.

A. The proceeding on appeal shall be conducted de novo in accordance with the Rules of Civil Procedure that would be applicable if the action was initially commenced in the court of common pleas.

B. Except as otherwise provided in [**subdivision**] **paragraph C**, the action upon appeal may not be limited with respect to amount in controversy, joinder of causes of action or parties, counter-claims, added or changed aver-

ments or otherwise because of the particulars of the action before the magisterial district judge.

C. When an appeal is taken from a supplementary action filed pursuant to Rule 342, only those issues arising from the Rule 342 action are to be considered.

Official Note: As under earlier law, the proceeding on appeal is conducted de novo, but the former rule that the proceeding would be limited both as to jurisdiction and subject matter to the action before the magisterial district judge (*see Crowell Office Equipment v. Krug*, [213 Pa. Super. 261,] 247 A.2d 657 (Pa. Super. 1968)) has not been retained. Under [subdivision] paragraph B, the court of common pleas on appeal can exercise its full jurisdiction and all parties will be free to treat the case as though it had never been before the magisterial district judge, subject of course to the Rules of Civil Procedure. The only limitation on this is contained in [subdivision] paragraph C, which makes clear that an appeal from a supplementary action filed pursuant to Rule 342 is not intended to reopen other issues from the underlying action that were not properly preserved for appeal.

See Rule 1008B, C(7)—(8), and Rule 1013B, C(7)—(8) and the notes thereto regarding termination of the supersedeas. After a court of common pleas enters judgment, the judgment of the magisterial district judge is extinguished and may no longer be executed upon in any magisterial district court. All further process must take place in the court of common pleas.

REPORT

Proposed Amendment of Pa.R.C.P.M.D.J. Nos. 515—516 and the Official Note to Pa.R.C.P.M.D.J. No. 1007

Request for Order of Possession

I. Introduction

The Minor Court Rules Committee (“Committee”) is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P.M.D.J. Nos. 515—516 and the Official Note to Pa.R.C.P.M.D.J. No. 1007. These rules address the timeframe for requesting an order for possession, and the procedure on appeal from a judgment of a magisterial district court, respectively. The Committee is proposing to add cross-references regarding termination of a supersedeas and to make stylistic changes.

II. Discussion

Currently, Rules 515 and 516 address a request for an order for possession, as well as issuance and reissuance of the order. In a residential landlord tenant case, when a judgment for possession has been rendered by a magisterial district judge, the plaintiff may request an order for possession after the 10th day and within 120 days following the date of entry of the judgment. *See* Rule 515B. In the event an appeal of the judgment operates as a supersedeas or the matter is stayed pursuant to bankruptcy proceedings, the plaintiff may request an order for possession only within 120 days of the date the supersedeas or bankruptcy stay is stricken, dismissed, lifted, or otherwise terminated. *See* Rule 515B(2). An order of possession is valid for a 60-day period, and may be reissued for one additional 60-day period. *See* Rules 516B(1), 519C. In residential lease cases, a plaintiff must file a written request for reissuance of an order for possession when the order has been issued, and, subsequently, an appeal operates as a supersedeas or bankruptcy proceedings stay the matter. *See* Rule 516C. Rule 1007 sets forth the procedures for the appeal in the court of common pleas.

The Committee received correspondence suggesting that it review the rules governing the filing of a request for an order for possession when an appeal has been filed. Specifically, the Committee was asked to review the following hypothetical situation: a magisterial district judge enters judgment in a residential landlord tenant case, the tenant appeals and obtains a supersedeas, the appeal goes before a board of arbitrators pursuant to Pa.R.C.P. Nos. 1301—1314, an arbitration award is entered, and the supersedeas is terminated for nonpayment of rent into escrow prior to expiration of the thirty day period for entry of the award in the court of common pleas. In this scenario, it was suggested that there is ambiguity about where the plaintiff should file a request for an order for possession, in light of the termination of the supersedeas.

The Committee discussed the scenario described above, and agreed that only a judgment entered by the court of common pleas should preclude the plaintiff from requesting an order for possession from the magisterial district court in the absence of a supersedeas or stay. Once the court of common pleas has entered a judgment on an appeal (including entry of judgment of a compulsory arbitration award pursuant to Pa.R.C.P. No. 1307(c)), the judgment of the magisterial district court is extinguished, and may no longer be executed upon in any magisterial district court. However, prior to the entry of judgment by the court of common pleas, the plaintiff may request an order for possession from the magisterial district court, so long as no supersedeas or bankruptcy stay remains in effect. The Committee published a proposal for public comment that attempted to clarify the suggested ambiguity, as well as update a statutory reference to constable fees. *See* 45 Pa.B. 1111 (Mar. 7, 2015).

After reviewing comments received on the proposal, the Committee decided to modify and republish it for public comment. Rule 1008B, C(7)—(8) and Rule 1013B, C(7)—(8) set forth the procedure for termination of a supersedeas. The notes to Rules 1008 and 1013 provide that upon termination of the supersedeas by a prothonotary for failure to deposit the monthly rent when due, “[a] copy of the praecipe [with the termination notated by the prothonotary] may thereupon be displayed to the magisterial district judge who rendered the judgment, and a request for issuance of an order for possession under Pa.R.C.P.M.D.J. No. 515 may be made.” Cross-references to these notes will clarify the procedure for seeking an order for possession after the termination of a supersedeas.

III. Proposed Changes

The Committee plans to propose the amendment of the Official Notes to Rules 515—516 and 1007 by adding the following language:

See Rule 1008B, C(7)—(8), and Rule 1013B, C(7)—(8) and the notes thereto regarding termination of the supersedeas. After a court of common pleas enters judgment, the judgment of the magisterial district judge is extinguished and may no longer be executed upon in any magisterial district court. All further process must take place in the court of common pleas.

The Committee also plans to propose minor stylistic changes to Rules 515—516 and 1007, as well as an amendment of the Official Note to Rule 515 to reflect that constable fees are governed by 44 Pa.C.S. § 7161(d).

[Pa.B. Doc. No. 16-313. Filed for public inspection February 26, 2016, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BEAVER COUNTY

Local Criminal Rule 590; No. AD 10 of 2016

Administrative Order

February 4, 2016

It is hereby Ordered and Directed that:

1. The District Court Administrator's Office shall not list a case for Plea and Sentence on an Expedited List unless counsel for the Commonwealth and counsel for the Defendant have filed with said Office:

A. A written Plea Memo signed by both counsel, the Defendant, the victim (if any) and the Prosecuting Officer;

B. A printed record of the Defendant's prior criminal history (if any), which shall not be filed with the original records in the Clerk of Courts Office; and

C. Printed Sentencing Guidelines.

2. The District Court Administrator's Office shall not list a case for Accelerated Rehabilitative Disposition consideration on an Expedited List unless counsel for the Commonwealth and counsel for the Defendant have filed with said Office:

A. A written Memo signed by both counsel, the Defendant, the victim (if any) and the Prosecuting Officer. The victim's signature may be waived by the Court if the Prosecutor (as an officer of the Court) assures the Court of the victim's consent by means other than the victim's signature. The Memo must contain language to the affect that the District Attorney's Office has conducted a search of the Defendant's prior criminal record with negative results.

3. In every criminal case listed for Judicial Pre-Trial Conference by the District Court Administrator's Office or by Court Order, the Prosecuting Attorney is required to file the following documentation at the scheduled Judge's Chambers, with a copy to counsel for the Defendant, not less than 24 hours prior to the scheduled Pre-Trial Conference:

A. A printed record of the Defendant's prior criminal history (if any), which shall not be filed with the original records in the Clerk of Courts Office;

B. Printed Sentencing Guidelines; and

C. The Prosecutor's offer to settle the case prior to Bench or Jury Trial (if any).

4. The District Court Administrator's Office shall not list a case for Plea and Sentence or Accelerated Rehabilitative Disposition consideration on a Special Plea List unless counsel for the Commonwealth and counsel for the Defendant have filed with said Office:

A. A written Plea Memo signed by both counsel, the Defendant, the victim (if any) and the Prosecuting Officer. The victim's signature may be waived by the Court if the Prosecutor (as an officer of the Court) assures the Court of the victim's consent by means other than the victim's signature. The Plea Memo must contain language to the affect that the District Attorney's Office has conducted a search of the Defendant's prior criminal record with negative results.

B. A printed record of the Defendant's prior criminal history (if any), which shall not be filed with the original records in the Clerk of Courts Office; and

C. Printed Sentencing Guidelines.

The District Court Administrator is Directed to publish this Administrative Order in the *Pennsylvania Bulletin*, file one (1) certified copy with the Administrative Office of Pennsylvania Courts, and publish a copy on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

This Administrative Order shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin* and shall be filed of record in the Office of the Clerk of Courts of Beaver County. Copies shall be served upon the District Attorney of Beaver County and the Public Defender of Beaver County. Copies shall also be filed with and maintained in the Beaver County Law Library and the Office of the Beaver County District Court Administrator, where they shall be available to members of the Defense Bar and the public free of charge.

By the Court

JOHN D. McBRIDE,
President Judge

[Pa.B. Doc. No. 16-314. Filed for public inspection February 26, 2016, 9:00 a.m.]

BEAVER COUNTY

Local Rules of Civil Procedure; No. 10013 of 2016

Amended Administrative Order

February 22, 2016

The following amendment to the Beaver County Local Rules of Civil Procedure is hereby adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin* and publication on the Pennsylvania Judiciary's web application, in accordance with Pa.R.C.P. No. 239(d).

LR1018.1 is amended to read:

LR1018.1. Notice to Defend.

The following organization shall be named in the Notice to Defend as the organization from whom legal help can be obtained:

Lawyer Referral Service of the Beaver County Bar
Association
788 Turnpike Street
Beaver, PA 15009
Telephone Number: 724-728-4888
<http://bcba-pa.org/lawyer-referral-service/>

Note: The sole purpose of this amendment is to add the Beaver County Bar Association's website address.

The District Court Administrator is Directed to:

(1) file one (1) certified copy of the Local Rules with the Administrative Office of Pennsylvania Courts;

(2) submit two (2) certified copies of the Local Rules and a copy on computer diskette or CD-ROM containing the text of the Local Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(3) submit one (1) certified copy of the Local Rules to the Civil Procedural Rules Committee of the Pennsylvania Supreme Court;

(4) keep a copy continuously available for public inspection and copying in the Office of the Prothonotary of Beaver County; and

(5) keep a copy continuously available for public inspection and copying in the Beaver County Law Library.

By the Court

JOHN D. McBRIDE,
President Judge

[Pa.B. Doc. No. 16-315. Filed for public inspection February 26, 2016, 9:00 a.m.]

ERIE COUNTY

Order Amending Rules 208.3(a), 208.3(b), 1028(c), 1034(a) and 1035.2(a) of the Rules of Civil Procedure; Doc. No. 90014-2016

Order

And Now, to wit, this 3rd day of February, 2016, and consistent with the recent amendments clarifying Pa.R.C.P. 211, it is hereby *Ordered* that Erie County Local Rules of Civil Procedure 208.3(a), 208.3(b), 1028(c), 1034(a), and 1035.2(a) are amended as follows (new language appears in bold; removed language appears bracketed and bold). In accordance with Pa.R.C.P. 239.8, these amendments shall be effective upon publication on the Pennsylvania Judiciary's Web Application Portal.

JOHN J. TRUCILLA,
President Judge

Rule 208.3(a). Motions. Non-Dispositive. Procedures.

(1) * * *

(2) The original of any motion shall be filed with the Prothonotary and a copy thereof shall be provided to the assigned judge. If a judge has not yet been assigned, the party seeking to present a motion shall first submit a request for judicial assignment with the trial court administrator and obtain assignment to a judge to whom the motion shall be presented. (See Erie L.R. 302 with respect to the filing of requests for judicial assignment.) The judge to whom the case has been assigned [**will**] **may** schedule argument and, **if granted**, either notify all parties or advise the moving party to notify all other parties of the time, date and location of argument. (See **Pa.R.C.P. 211, the granting of argument is discretionary with the Court.**)

(3) * * *

(4) * * *

(5) * * *

Rule 208.3(b). Motions. Non-Dispositive. Responses.

With respect to any motion which is contested, a response shall be filed within twenty (20) days after service of the motion. All motions which are contested shall be accompanied by a rule to show cause for the scheduling of a hearing or argument as appropriate. Where no response is filed, the moving party shall notify the court and the motion shall be deemed to be uncontested and the Court may proceed to issue a ruling upon the motion. [**Oral argument shall be scheduled by the Court unless the parties waive oral argument.**] **Oral argument is discretionary with the Court.** Nothing set forth herein shall be deemed to limit the discretion of the Court to enter an order in accordance with Pa.R.C.P. 208.4 upon initial consideration of a motion.

Rule 1028(c). Preliminary Objections.

1. * * *

2. * * *

3. After passage of the filing date for the non-moving party's brief, the assigned judge [**shall**] **may** schedule the matter for an argument on the preliminary objections[, **unless all parties waive argument**]. Notice of argument, **if scheduled**, shall be given by the court to each attorney of record and to unrepresented parties by United States mail facsimile transmission or personal delivery.

4. * * *

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

1. * * *

2. * * *

3. After the passage of the filing date for the non-moving party's brief, the assigned judge [**shall**] **may** schedule the matter for argument[, **unless all parties waive argument**]. Notice of argument, **if scheduled**, shall be given by the court to each attorney of record and to unrepresented parties by United States mail, facsimile transmission or personal delivery.

4. * * *

(A) * * *

(B) * * *

(C) [**Prohibit**] **If argument is granted, prohibit** the noncomplying party from participating in oral argument although all parties will be given notice of oral argument and shall be permitted to be present at oral argument and/or

(D) * * *

Rule 1035.2(a). Motion for Summary Judgment.

1. *Procedure for Filing Summary Judgment Motions.*

(A) * * *

(B) * * *

(i) * * *

(ii) * * *

(iii) [**Prohibit**] **If argument is granted, prohibit** the noncomplying party from participating in oral argument although all parties will be given notice of oral argument and shall be permitted to be present at oral argument and/or

(iv) * * *

2. *Scheduling of Argument*

(A) There [**shall**] **may** be oral argument in accordance with Pa.R.C.P. No. 211[, **unless all parties waive argument**]. [**Notice**] **If granted, notice** of argument shall be given by the Court to each attorney of record and to unrepresented parties by United States mail, Facsimile transmission, or personal delivery.

(B) After the passage of the filing date of the brief of the non-moving party, the Court [**shall**] **may** schedule argument on the motion with notice to all parties. [**After argument, The**] **the** Court shall notify the parties of its decision.

[Pa.B. Doc. No. 16-316. Filed for public inspection February 26, 2016, 9:00 a.m.]

LEHIGH COUNTY

Assessment of Costs for DUI Blood Analysis
Laboratory Fees; 39-AD-3-2016

Administrative Order

And Now this 4th day of February, 2016, it is *Hereby Ordered*, all persons convicted of violating Section 3802 of the Vehicle Code, 75 Pa.C.S. § 3802 (relating to driving under the influence of alcohol or controlled substance) and every person admitted to Accelerated Rehabilitative Disposition (ARD) for said offense shall, in addition to any fines, penalties or costs, in every case where blood analysis for blood drug content, be sentenced to pay a laboratory fee as follows. The fees so collected shall be paid into the General Fund of the County of Lehigh, but separately identified in the County's records so that the amounts collected during any given period can be readily ascertained.

- a. Quantitative GCMS, BLD—\$105.50
- b. Drugs of Abuse, 9 Panel—\$61.30
- c. Benzodiazepines, LCMS—\$105.50
- d. Opiates—\$105.50
- e. Expanded Toxicology SCR—\$80.75
- f. Carisoprodol—\$85.45
- g. Zolpidem, Blood—\$188.13
- h. Cocaine—\$105.50
- i. Amphetamine, Quantitative Opiates—\$105.50
- j. Phencyclidine (PCP)—\$105.50
- k. Oxycodone—\$105.50
- l. Methadone—\$105.50
- m. Synthetic cannabinoids—\$207.00
- n. Trazodone—\$188.13
- o. Clonazepam—\$105.50

It Is Ordered that this Administrative Order shall be effective thirty (30) days after publication thereof in the *Pennsylvania Bulletin*, and shall govern all matters then pending.

It Is Further Ordered that in accordance with Pa.R.Crim.P. 105, the Court Administrator of Lehigh County shall:

- (a) File one (1) certified copy hereof with the Criminal Procedural Rules Committee;
- (b) Distribute two (2) certified copies hereof and one (1) CD-Rom copy that complies with the requirements of Pa. Code § 13.11(b), with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
- (c) File one (1) certified copy hereof with the Administrative Office of the Pennsylvania Courts;
- (d) Publish one (1) copy of this Order on the Unified Judicial System's web site at: <http://ujportal.pacourts.us/localrules/ruleselection.aspx>;
- (e) Supervise the distribution hereof to all Judges of this Court.

By the Court

EDWARD D. REIBMAN,
President Judge

[Pa.B. Doc. No. 16-317. Filed for public inspection February 26, 2016, 9:00 a.m.]

LEHIGH COUNTY

Crime Victim's Compensation Fund, Victim Witness Services Fund; 39-AD-2-2016

Administrative Order

And Now this 4th day of February, 2016, it is *Hereby Ordered*, pursuant to Title, Section 11.1101, this Court *Approves* the increased assessment of the Crime Victim's Compensation Fund and Victim Witness Services Fund to a total of \$100, unless otherwise ordered by the Court. This Cost shall be imposed at both the Magisterial District Courts and the Court of Common Pleas of this Judicial District notwithstanding any statutory provision to the contrary.

Pursuant to Title 18, Section 11.1101, Subsection (b), disposition of this assessment shall be as follows:

(1) Thirty-five dollars of the costs imposed where the accused pleaded guilty or nolo contendere, or was placed in a diversionary program, plus 30% of the costs imposed which exceed \$60 (i.e. a total of \$47) shall be paid into the Crime Victim's Compensation Fund, and

(2) Twenty-five dollars of the costs imposed where the accused pleaded guilty or nolo contendere, or was placed in a diversionary program, plus 70% of the costs imposed which exceed \$60 (a total of \$53) shall be paid into the Victim Witness Services Fund.

The costs paid under Subsection (b)(2) that exceed \$60 shall be returned by the Pennsylvania Commission on Crime and Delinquency to the County of Lehigh for victim witness services.

It Is Ordered that this Administrative Order shall be effective thirty (30) days after publication thereof in the *Pennsylvania Bulletin*, and shall govern all matters then pending.

It Is Further Ordered that in accordance with Pa.R.Crim.P. 105, the District Court Administrator shall:

- (a) File one (1) certified copy hereof with the Criminal Procedural Rules Committee;
- (b) Distribute two (2) certified copies hereof to and (1) CD-Rom copy that complies with the requirement of Pa. Code § 13.11(b), with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
- (c) File one (1) certified copy hereof with the Administrative Office of the Pennsylvania Courts;
- (d) Publish one (1) copy of this Order on the Unified Judicial System's web site at: <http://ujportal.pacourts.us/localrules/ruleselection.aspx>;
- (e) Supervise the distribution hereof to all Judges of this Court and the Magisterial District Judges of the County of Lehigh.

By the Court

EDWARD D. REIBMAN,
President Judge

[Pa.B. Doc. No. 16-318. Filed for public inspection February 26, 2016, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Patrick Judge, Jr. (# 77131) having been disbarred from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated July 31, 2015, the Supreme Court of Pennsylvania issued an Order on December 3, 2015, disbarring Patrick Judge, Jr. from the Bar of this Commonwealth, effective January 2, 2016. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,

Secretary

*The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 16-319. Filed for public inspection February 26, 2016, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 189]

Hauling in Excess of Posted Weight Limit

The Department of Transportation (Department), under 75 Pa.C.S. §§ 4902 and 6103 (relating to restrictions on use of highways and bridges; and promulgation of rules and regulations by department), proposes to amend Chapter 189 (relating to hauling in excess of posted weight limit) to read as set forth in Annex A.

Purpose of Chapter

The purpose of Chapter 189 is to establish Department regulations regarding the use of weight restricted highways by vehicles and combinations having a gross weight in excess of the posted weight limit on highways posted with weight restrictions under 75 Pa.C.S. § 4902.

Purpose of this Proposed Rulemaking

Currently, Chapter 189 provides definitions and key terminology, including local traffic criteria, and establishes agreements, permits, security requirements and conditions to allow over-posted-weight vehicles to travel on weight-restricted highways. Recent amendments to 75 Pa.C.S. § 4902 require amendments to Chapter 189 to reflect a broader definition of "local traffic," refine requirements relative to letters of local determination and minimum use permits, establish mandatory guidance for investigations and audits, and institute mandatory guidance relative to suspending, revoking and denying agreements and permits.

Significant Provisions of this Proposed Rulemaking

Proposed amendments include definitions of key terms in the recent amendments to 75 Pa.C.S. § 4902, which include "at-risk industry sector," "commercial site," "Department," "develop," "extract," "freeze-thaw period," "harvest," "heavy user," "letter of local determination," "load," "local traffic," "natural resource," "permanent coal reprocessing or preparation plant," "permanent forest product processing mill," "reachable only through posted highways," "unconventional oil and gas development," "user" and "user vehicle."

The available types of permits and letters of local determination were combined to allow a single permit to be issued with various permit categories including the minimum use permit category for hauling activity of less than 700 loads per year per road.

The proposed rulemaking describes the posting authority's ability to conduct investigations and audits and also to suspend, revoke and deny agreements and permits. Special hauling permits issued under Chapter 179 (relating to oversize and overweight loads and vehicles) are recognized as valid authorization to travel on a weight restricted highway.

Persons and Entities Affected

The proposed rulemaking will allow travel on weight-restricted highways and reduce administrative requirements for businesses and special hauling permits by all over-posted-weight haulers.

Fiscal Impact

Implementation of these regulations will not require the expenditure of additional funds by the Commonwealth or local municipalities. These regulations will potentially impact all over-posted-weight traffic. However, those impacts are minimal because of clarity provided by this proposed rulemaking and extensive feedback from the regulated community.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 17, 2016, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. A copy of this material is available to the public upon request.

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

Effective Date

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

Sunset Date

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

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Richard N. Roman, PE, Director, Bureau of Maintenance and Operations, Department of Transportation, 400 North Street, 6th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120, fax (717) 705-5520, rroman@pa.gov within 30 days of the publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Contact Person

The contact person for technical questions regarding this proposed rulemaking is Halley Cole, PE, Bureau of Maintenance and Operations, Department of Transportation, 400 North Street, 7th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120, (717) 783-6146, fax (717) 705-5520.

LESLIE S. RICHARDS,
Secretary

Fiscal Note: 18-467. (1) Motor License Fund; (2) Implementing Year 2013-14 is \$1,000,000 to \$5,000,000; (3) 1st Succeeding Year 2014-15 through 5th Succeeding Year 2018-19 are \$1,000,000 to \$5,000,000; (4) 2012-13

Program—\$1,874,000; 2011-12 Program—\$2,419,000; 2010-11 Program—\$2,387,000; (7) Various Appropriations; (8) recommends adoption. The various appropriations are able to absorb the increased cost.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VII. VEHICLE CHARACTERISTICS

CHAPTER 189. HAULING IN EXCESS OF POSTED WEIGHT LIMIT

§ 189.1. Scope; authority.

(a) This chapter regulates the use of highways posted with weight restrictions authorized under 75 Pa.C.S. § 4902 (relating to restrictions on use of highways and bridges) by vehicles and combinations having a gross weight in excess of the posted weight limit, and applies to both State highways and highways under the jurisdiction of local authorities unless otherwise stated.

* * * * *

§ 189.2. Definitions.

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

At-risk industry sector—Industry sectors defined by the Department of Labor and Industry as having experienced a 20% or more decline in Statewide employment between March 2002 and March 2011 and additional industry sectors that the Department determines, in consultation with the Department of Labor and Industry, to show evidence of economic decline.

Commercial site—A place including the rooms, buildings and interior or exterior places where commodities or services are exchanged, bought or sold.

Department—The Department of Transportation of the Commonwealth.

Develop—The processes associated with conventional and unconventional oil and gas development.

Excess maintenance—[Maintenance] Repairs or restoration, or both (but not betterment), of a posted highway in excess of normal maintenance [, caused by use of over-posted weight vehicles] .

Extract—The processes associated with gathering or removal of minerals, wind and other natural resources from the air, surface or subsurface, including, but not limited to, coal, stone, water and related site preparation, construction and onsite stockpiling.

Freeze-thaw period—The calendar period between February 15th and April 15th during which time thawing of previously frozen roadbed materials compromises the structural integrity of the pavement system. The posting authority may alter or modify this time period based on recent and anticipated weather conditions for a permit or agreement.

Harvest—The processes associated with the cutting, gathering, stacking or removal of timber and other similar natural resources for future use,

whether cultivated or wild, including, but not limited to, site excavation, grading and construction activities.

Heavy user—The user responsible for generating user vehicles equal to or exceeding 700 loads in any 12-month period on a particular posted highway.

Industry sector—A sector included in the North American Industry Classification System.

Letter of local determination—A determination made by the Department identifying particular vehicles, routes or uses as local in nature.

Load—A single user vehicle and cargo traversing a posted highway in a single direction.

Local traffic—The following shall be regarded as local traffic for the purposes of § 189.3 (relating to local traffic):

[(1)] (i) Emergency vehicles.

[(2)] (ii) School buses.

[(3) Vehicles and combinations of governmental agencies and utilities or their contractors engaged in construction or maintenance on a posted highway or in a location which can be reached only via a posted highway.

(4) Vehicles and combinations going to coming from a residence, commercial establishment, or farm located on a posted highway or which can be reached only via a posted highway.]

(iii) Government-owned vehicles.

(iv) User vehicles of local governmental agency or Department contractors engaged in or providing material for construction or maintenance located on or reachable only through posted highways.

(v) User vehicles of utilities or their contractors engaged in maintenance located on or reachable only through posted highways.

(vi) User vehicles going to or coming from a residence, commercial site, farm, or local government or Department facility located on or reachable only through posted highways.

(vii) User vehicles going to or coming from a permanent forest product processing mill located on or reachable only through posted highways.

(viii) User vehicles going to or coming from a permanent coal reprocessing or preparation plant located on or reachable only through posted highways and not located on the same posted highway as a site where coal is extracted.

Natural resource—

(i) Material from nature having potential economic value including, but not limited to, timber, minerals, oil, gas, wind and water.

(ii) The term does not include trees grown specifically for use in landscaping or as Christmas trees, or food crops, animals or animal products intended for human or animal consumption such as corn, wheat and milk.

Normal maintenance—The usual and typical activities necessary to maintain the roadway, shoulders and drainage facilities in the state of repair existing at the date of the inspection prescribed in § 189.4(f)(1) (relating to use under permit).

[*Over-posted-weight vehicle*—A vehicle or combination having a gross weight in excess of a posted weight limit.]

Permanent coal reprocessing or preparation plant—

(i) One or more permanent facilities located adjacently on a single roadway where coal is delivered directly from the natural resource extraction site and is subjected to chemical or physical processing or cleaning, concentrating, or other processing or preparation. Stockpile or storage facilities located on the same posted highway as the processing facility may be included.

(ii) The term does not include ancillary facilities located separately from the initial processing facility site or at the coal extraction site.

Permanent forest product processing mill—

(i) One or more permanent facilities located adjacently on a single roadway where logs, pulpwood, wood chips or other forest products are delivered directly from the natural resource harvest site to undergo processing. Processing includes bark removal, sawing, resawing, slicing, chipping, pelletizing, edging, trimming, planing or machining.

(ii) The term includes log stockpile facilities.

(iii) The term does not include log landing sites or portable sawmills unless the portable sawmill has become permanently affixed to the real estate.

Posted highway—A highway having a posted weight limit.

Posted weight limit—A restricted weight limit posted on a highway under authority of 75 Pa.C.S. § 4902 (relating to restrictions on use of highways and bridges).

Posting authority—The Department, as to State designated highways and local authorities, as to all other streets and highways.

Reachable only through posted highways—One or more posted highways needed to travel to a location from the nearest nonposted highway or from the location to the nearest nonposted highway by the most direct route possible. The most direct route may not include posted highways which can be avoided by travel on nonposted highways. If available, a reasonable alternate nonposted highway must be taken.

Unconventional oil and gas development—

(i) The activities associated with unconventional oil or gas well construction including site preparation and reclamation, drilling, completion and pipeline construction on oil and gas gathering pipelines, not including transmission and distribution pipelines.

(ii) The term shall be read consistently with “unconventional formation” and “unconventional gas well” as defined in 58 Pa.C.S. § 2301 (relating to definitions).

(iii) The terms “gathering,” “transmission” and “distribution pipelines” shall be read consistently with the definitions of those terms in the Federal pipeline safety regulations of the United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration in 49 CFR 192.3 (relating to definitions).

User—The individual or entity responsible for generating user vehicle traffic.

User vehicle—A vehicle or combination having a gross weight in excess of a posted weight limit.

§ 189.3. Local traffic.

(a) *General rule.* [**Over-posted-weight local traffic**] **Local traffic user vehicles** may exceed posted weight limits unless the posting authority determines that [**an over-posted-weight**] a **user** vehicle or vehicles being driven to or from a particular [**destination or destinations are likely to damage the highway**] location or locations are likely to cause damage to the highway. **User vehicles** related to natural resource development, harvesting or extraction are not **local traffic** when going to or coming from a site at which minerals, gas or natural resources are developed, harvested or extracted, notwithstanding whether the site is located at a residence, a commercial site, farmland, or a local government or Department facility.

(b) [**Vehicles**] *User vehicles determined likely to damage highway.* If the posting authority determines that one or more [**over-posted-weight**] **user** vehicles are likely to damage the highway, the posting authority will so notify the registrants of the [**over-posted-weight**] **user** vehicles or owners of the [**destination or destinations**] location or locations, or both, and will also notify State and local police. After 2 business days following delivery of the notice, or after 5 days following mailing of the notice, [**such over-posted-weight vehicles shall**] **user vehicles** may not exceed the posted weight limits except in accordance with [**the provisions of**] § 189.4 (relating to use under permit).

(c) [**Proof**] *Self-certification; proof of local traffic status.* The following types of documents will constitute evidence that a [**vehicle is local traffic:**] **user vehicle** is traveling to or from a particular site with an address located on or reachable only through posted highways: bills of lading, shipping orders, service orders or other documents on company letterhead which indicate the address of the site and purpose of the user vehicle. The use of the posted road and purpose of the user vehicle must comply with the definition of “local traffic.” An authorized permit from the posting authority is not required unless the local traffic status has been previously revoked in writing; if requested, a local determination permit may be issued for the user’s benefit.

[(1) A bill of lading, shipping order or similar document which shows a destination on the posted highway.

(2) Certification by the permittee or an official of a permittee company on the company letterhead describing the local traffic nature of the activity which the vehicle is engaged in.]

§ 189.4. Use under permit.

(a) *General rule.* No [**over-posted-weight vehicle**] **user vehicles**, except **local traffic user vehicles** authorized under § 189.3(a) (relating to local traffic), shall be driven on a posted highway with a gross weight in excess of the posted weight limit unless the posting authority

has issued a permit for the user vehicle or vehicles in accordance with this section. A user shall, at all times, carry evidence of the user vehicle's destination, which must consist of the type of documents in § 189.3(c). A single permit may authorize permit categories for local determination highways, annual bonded highways and seasonal bonded highways. An original or copy of the issued permit must be carried in the user vehicle at all times. The Department may determine through policy to allow use of electronic permits and self-certification documents to be utilized as acceptable proof of authorized hauling.

[(b) *Types of permits.* Types of permits shall include the following:

(1) A Type 1 permit authorizes use of a particular posted highway or portion thereof by an over-posted-weight vehicle. It is valid only when carried in the over-posted-weight vehicle.

(2) A Type 2 permit authorizes use of a particular posted highway or portion thereof by any number of over-posted-weight vehicles being driven to or from a common destination.

(i) Documents of the type set forth in § 189.3(c) (relating to local traffic) will constitute evidence of the destination of a vehicle.

(ii) A Type 2 permit will be issued only upon request of the permittee and if the posting authority determines that it is not feasible to issue a Type 1 permit for each vehicle, for example, most over-posted-weight vehicles hauling to and from the place of business of the permittee belong to or are hauling under contract with customers or suppliers of the permittee.

(3) A Type 3 permit authorizes use of a number of specified posted highways or portions thereof by an over-posted-weight vehicle.

(i) A Type 3 permit is valid only when carried in the over-posted-weight vehicle.

(ii) A Type 3 permit is issued only if the posting authority determines that damage to the posted highway covered by the permit will be minimal because of the limited number of moves by over-posted-weight vehicles and short term use of the highways anticipated by the permittee.]

(b) *Permit categories.* Permit categories include the following:

(1) *Local determination.* User vehicles may be authorized to exceed a posted weight limit on local determination highways without an excess maintenance agreement and security if the user vehicles meet one or more of the following criteria:

(i) *Local traffic.* User vehicles that are classified as local traffic in accordance with § 189.3 may be authorized as a local determination permit category if requested by the user.

(ii) *At-risk.* The Department may use an at-risk permit category when the user belongs to an at-risk industry sector and is hauling on a posted highway currently bonded by an unconventional oil and gas development company.

(iii) *De minimis.* Hauling activity identified as de minimis under Chapter 190 (relating to letter of

local determination—statement of policy) may be authorized as a local determination permit category.

(iv) *Minimum use.* The Department may use a minimum use permit category when the user responsible for generating user vehicles is not a heavy user for a particular highway. This category is restricted during the designated freeze-thaw period unless written authorization from the Department is provided.

(v) *Application to local highways.* The nonbonded local determination categories in subparagraphs (ii)—(iv) do not apply to local authorities unless the local authority elects to enact an ordinance adopting the minimum use permit category.

(vi) *Use of copy.* The Department may issue a paper or electronic original permit to a user. A user may copy a permit issued for a local determination highway for vehicles owned or operated by the user but may not copy and share a permit issued for a local determination highway with any other user or their contractors and subcontractors.

(2) *Annual and seasonal bonded.* User vehicles may be authorized to exceed a posted weight limit on highways which cannot be authorized under paragraph (1) conditioned upon the user entering an excess maintenance agreement and providing security during the permit authorization period. The posting authority may provide, or require a user to provide at the user's expense, detailed inspections or condition reports showing the condition of the highway at beginning and end of any authorized permit period. Bonded permit categories may include the following:

(i) *Annual bonded.* An annual bonded permit category may be used for any requested posted highway for all desired times of the calendar year including the freeze-thaw period.

(ii) *Seasonal bonded.* A seasonal bonded permit category may be used for any requested posted highway for any portion of the calendar. This permit category may be used in conjunction with a nonbonded local determination permit category which is otherwise restricted for reoccurring or readily anticipated periods of the year.

(c) *Excess maintenance agreement.* [Issuance of a permit to exceed a posted weight limit or limits will be conditioned on the agreement by the permittee to accept financial responsibility for excess maintenance of the posted highway or portion thereof to be used by the permittee. The agreement may provide for the work to be performed by the posting authority or its contractor or by the permittee or its contractor, except that in the case of a self-bonded agreement, the Department will require that all work be performed by the permittee or its contractor.] Bonded authorization shall be conditioned on an agreement by the user to accept financial responsibility for excess maintenance of the posted highway or portion thereof to be used by the user. The agreement may provide for the work to be performed by the posting authority or its contractor or by the user or its contractor, except that in the case of a self-bonded agreement, the Department will require that all work be performed by the user or its contractor.

(d) *Security.* Except as provided in paragraph (4), the [**permittee**] user shall be required to provide security in favor of the posting authority to assure compliance with [**the maintenance-reconstruction agreement**] **an excess maintenance agreement. Security is not required for nonbonded authorizations.**

(1) *Amount of security.* Amount of security shall be as follows:

[(i) *Type 1 and Type 2 permits.* Type 1 and Type 2 permits shall include:

(A) **\$6,000 per linear mile for unpaved highways to be maintained at a level consistent with the type of highway.**

(B) **\$12,500 per linear mile for paved highways to be maintained at a level consistent with the type of highway.**

(C) **\$50,000 per linear mile for any highway which the posting authority allows to be maintained below a level consistent with the type of highway.**

(ii) *Type 3 permits.* **\$10,000 for each county or municipality covered by the permit.]**

(i) *Annual or seasonal bonded highways.* Bonded highway amounts include:

(A) **\$6,000 per linear mile for unpaved highways to be maintained at a level consistent with the type of highway.**

(B) **\$12,500 per linear mile for paved highways to be maintained at a level consistent with the type of highway. The posting authority may alternatively elect \$10,000 per county for state highways or \$10,000 per municipality for local government highways.**

(C) **\$50,000 per linear mile for any highway which the posting authority allows to be maintained below a level consistent with the type of highway.**

(ii) *Duration of security.* A user may hold a security bond indefinitely to sustain use during annual or seasonal bond permit periods, or may purchase and make available any bond or other acceptable security of any appropriate duration for use during annual bonded or seasonal bonded permit periods. The security will remain in effect until it is released by the posting authority.

(iii) *Schedule of bonding amounts.* The Department [**will**] may from time to time, but not more often than annually, publish a revised schedule of bonding amounts based on increased or decreased maintenance costs.

(2) *Form of security.* The security may be in the form of a performance bond with surety by a company authorized to do business in [**the**] this Commonwealth; or, at the option of the [**permittee**] user, in the form of a certified or cashier's check, bank account[,] or irrevocable letter of credit in favor of the posting authority; or in some other form of security acceptable to the posting authority.

(3) *Additional security.* When the amount of damage in excess of normal maintenance to a posted highway is estimated by the posting authority to constitute 75% or more of the amount of the security, the posting authority may require the highway to be maintained or reconstructed within 30 days unless the [**permittee**] user

agrees to provide [**such**] additional security as the posting authority shall determine.

(4) *Self-bonding.* The posting authority may authorize self-bonding if it determines, on the basis of the financial ability of the [**permittee**] user, that it is unlikely that the posting authority will be unable to collect a judgment rendered against the [**permittee**] user for failure to comply with [**the**] **an excess maintenance agreement.**

(i) The posting authority may require corporate officers and stockholders and their spouses to execute a self-bond, if the financial ability of a corporation is insufficient in itself to justify self-bonding.

(ii) The posting authority may require the [**permittee**] user to execute liens on real or personal property, or both, as a condition for authorizing self-bonding.

(iii) [**In order to**] **To** be considered for self-bonding by the Department, a [**permittee**] user shall file Contractor's Financial Statement, Department Form CS 4300, Part 1. The financial statement shall be updated annually, and within 30 days of any Department request for an update.

(e) *Multiple [**permittees**] users.* Multiple [**permittees**] users shall conform with the following:

(1) *Agreement to share excess maintenance responsibility.* If two or more [**persons wish to obtain Type 1 or Type 2 permits to operate over-posted-weight**] users wish to obtain bonded authorization to operate vehicles on the same posted highway or portion thereof, they may agree among themselves as to their relative responsibility for the cost of excess maintenance and the posting authority will enter into agreements and accept security on the basis of the agreed shares.

(2) *Determination by posting authority.* If multiple [**applicants for Type 1 or Type 2 permits**] bonded users cannot agree on their relative responsibility, the posting authority [**will**] may determine their relative shares, and [**will**] enter into agreements with and accept security from any person agreeing to [**such**] the determination.

(3) *Subsequent permit applicants.* [**Paragraphs (1) and (2) shall apply even if one or more persons have already entered into a Type 1 or Type 2 permit agreement and posted security when another person expresses the desire to obtain a Type 1 or Type 2 permit to operate over-posted-weight vehicles on the same posted highway.**] Paragraphs (1) and (2) apply even if one or more users have already entered into a bonded authorization and posted security when another user expresses the desire to obtain a bonded authorization to operate vehicles on the same posted highway.

(f) *Determination of highway condition.* Determination of highway condition shall consist of the following:

(1) *Inspection.* Representatives of the posting authority and of the [**permittee or permittees**] user or users will make an onsite inspection of the posted highway immediately before issuance of [**each permit in order**] a permit to determine its condition.

(2) [**Reinspection.**] *Interim inspection or reinspection.* The posted highway will be reinspected:

(i) Upon issuance of any new permit.

(ii) From time to time as the posting authority determines repairs may be required.

(iii) Upon termination of any permit, [**in order**] to determine the amount of damage for which the [**permittee or permittees**] user or users are responsible.

(3) [**Type 3 permits. Before and after using a Type 3 permit on any posted highway specified in the permit, the representatives of the permittee and the posting authority will make an onsite inspection to determine the relative condition of the highway before and after the use and to assess any excess maintenance caused by the permittee.**] **Roadway condition surveys.** The posting authority may conduct frequent but less detailed roadway condition surveys to determine overall condition and identify any areas in need of repair.

(4) *Notification of inspections and reinspections.* All [**Type 1 and Type 2 permittees**] bonded users on a posted highway or portion thereof will be notified of all inspections and reinspections on the highway or portion, and may participate in the inspections and reinspections. **The posting authority is not required to notify bonded users of roadway condition surveys.**

(5) *Inspection costs.* The inspection costs of the posting authority, **including the costs of roadway condition surveys**, shall be paid by the [**permittee or permittees**] user or users. [**Inspection costs related to a county wide or municipality wide—Type 3—permit will be paid solely by the Type 3 permittee.**]

(g) *Administrative fee.* The Department will charge a \$15 administrative fee for issuance of each [**Type 3**] bonded permit. Local authorities may charge an administrative fee of no more than \$15 for issuance of each [**Type 3**] bonded permit.

(*Editor's Note:* Sections 189.5—189.7 are new and printed in regular type to enhance readability.)

§ 189.5. Investigations and audits.

The posting authority may conduct investigations and audits. Users shall provide requested information within 30 days of the request. Users may designate records or portions of records as trade secrets or confidential proprietary information, and the records or parts of records so designated shall be used and retained for audit and investigation purposes only, and shall be protected from disclosure to the extent possible under the law; redaction may be undertaken by the users if the posting authority agrees in advance. Audits shall be limited to determining hauling activity under local determination permit categories to ensure the user has not exceeded the authorized hauling activity. Investigations may be used for any permit category.

§ 189.6. Suspending, revoking or denying agreements or permits.

If the posting authority has determined and notified the user that a violation of a legal or contractual obligation has occurred, the posting authority may suspend, revoke and/or deny any current or future agreements and permits under its jurisdiction. The posting authority shall provide advanced notification and justification to the user prior to revocation of a permit. A permit may be suspended without prior notice if a highway becomes unsafe and impassable. Nothing in this

section is intended to diminish the user's due process and administrative appeal rights or the posting authority's right to take any other action allowed by law, including, but not limited to, imposing appropriate traffic restrictions and closing a highway.

§ 189.7. Use of special hauling permits for certain vehicles.

Users using permits under Chapter 179 (relating to oversize and overweight loads and vehicles) may be exempt from obtaining a permit under this chapter if adequate security is otherwise provided.

[Pa.B. Doc. No. 16-320. Filed for public inspection February 26, 2016, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

[25 PA CODE CHS. 210 AND 211] Handling and Use of Explosives

The Environmental Quality Board (Board) proposes to amend Chapters 210 and 211 (relating to blasters' licenses; and storage, handling and use of explosives) to read as set forth in Annex A.

This proposed rulemaking was adopted by the Board at its meeting of September 15, 2015.

A. Effective Date

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

B. Contact Persons

For further information, contact Thomas Callaghan, PG, Director, Bureau of Mining Programs, Rachel Carson State Office Building, 5th Floor, 400 Market Street, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5015; or Joseph Iole, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposed rulemaking appears in Section J of this preamble. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) web site at www.dep.state.pa.us (select "Public Participation," then "Environmental Quality Board (EQB)").

C. Statutory Authority

This proposed rulemaking is promulgated under the authority of sections 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-17 and 510-20), sections 7 and 11 of the act of July 1, 1937 (P. L. 2681, No. 537) (73 P. S. §§ 157 and 161), section 3 of the act of July 10, 1957 (P. L. 685, No. 362) (73 P. S. § 166), Reorganization Plan No. 8 of 1981 (71 P. S. § 751-35) (transferring powers and duties conferred under the 1937 and 1957 explosives acts from the Department of Labor and Industry to the Department of Environmental Resources), section 2(f) of the act of May 18, 1937 (P. L. 654, No. 174) (43 P. S. § 25-2(f)), Reorganization Plan No. 2 of 1975 (71 P. S. § 751-22) (transferring powers and duties conferred under the 1937 workplace safety law regarding pits, quarries, and the like, from the Department of Labor

and Industry to the Department of Environmental Resources), section 4.2 of the Surface Mining Conservation and Reclamation Act (52 P. S. § 1396.4b) and section 11(e) of the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. § 3311(e)).

D. *Background and Purpose*

The proposed rulemaking amends explosive regulations to address blasting activities for seismic exploration. While permits are currently required for this activity, a supplement to the Department's blasting activity permit application form is necessary because detailed information is needed for site security and regulatory compliance. This seismic supplement form provides the applicant an opportunity to provide the detailed information. The specifications for this additional information are included in this proposed rulemaking. For example, it is often necessary for explosive charges to remain in the ground for extended periods of time—the regulations specify the security measures needed to protect the public safety. The proposed rulemaking will codify requirements, providing certainty to the regulated community regarding the regulatory framework for seismic exploration. The proposed rulemaking also updates explosives use requirements to reflect current practices, eliminates antiquated requirements and provides a more effective enforcement mechanism. The updated requirements will result in more consistency between the requirements for construction blasting and blasting for mining operations. Regarding enforcement, the existing regulations entail criminal penalties for blasting-related violations, imposed by means of summary citations and possible misdemeanor charges. The proposed rulemaking provides a system for issuing civil penalty assessments for these violations. The proposed rulemaking also includes a revised fee schedule to cover costs associated with various permit-related work, license renewals and required onsite safety inspections.

Advisory board collaboration and outreach

Because the mining regulations require compliance with Chapters 210 and 211, the Department reviewed the proposed rulemaking with the Mining and Reclamation Advisory Board and the Aggregate Advisory Board. On April 23, 2015, the Mining and Reclamation Advisory Board voted to recommend that the proposed rulemaking proceed. On May 20, 2015, the Aggregate Advisory Board voted to recommend the same.

There is not an advisory board for the use of explosives for construction or seismic exploration. The Department did outreach through the trade groups for these industry sectors and with the Pennsylvania chapters of the International Society of Explosives Engineers.

E. *Summary of Proposed Regulatory Requirements*

Chapter 210. Blasters' licenses

§ 210.11. Definitions

The proposed rulemaking includes the addition of definitions of "ATF," "employee possessor," "explosive materials," "limited" and "responsible person." The term "limited" is proposed to be added as a category of a blaster's license. This is the category that blasters who use explosives for activities when blasting is not related to excavation or demolition and which applies to seismic exploration operations. Other explosives users who fit within the limited category include those who detonate or supervise the loading of explosives charges in well perforation operations or industrial processes. The other definitions are proposed to be added because the blaster's license requirements are coordinated with the require-

ments of the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). ATF regulations require background checks for explosives users so there is no need for the Department to duplicate this effort.

§ 210.13. General

Subsection (b) is proposed to be added and existing subsections (b)—(d) are proposed to be renumbered as subsections (c)—(e). Proposed subsection (b) requires verification that a person applying for a blaster's license has complied with ATF requirements.

§ 210.15. License application

Proposed amendments to subsection (a) increase the fee amount for a new blaster's license from \$50 to \$150 to cover the costs for administering the blaster's certification program.

§ 210.16. Examinations

Proposed amendments to subsection (c) add the time frame of 2 weeks to the prior notice needed to avoid forfeiture of the application fee if an applicant fails to appear for a blaster's license examination. This is necessary as the Department needs to be able to plan for classes to provide sufficient resources.

§ 210.17. Issuance and renewal of licenses

Proposed amendments to subsection (a) delete the seismic and pole line and well perforation categories of blaster's licenses and add a category for law enforcement. The deleted categories are properly classified under the limited category. The law enforcement category is proposed to be added to reflect the unique circumstances regarding the use of explosives for training by police bomb squads and for regulatory officials. Proposed amendments to subsection (d) add "a minimum of" to modify the 8 hours of continuing education required for each 3-year renewal period. Proposed amendments to subsection (e) increase the fee for a blaster's license renewal from \$30 to \$150.

§ 210.19. Suspension, modification and revocation

Cross-references are proposed to be added to Chapters 77, 87 and 88 (relating to noncoal mining; surface mining of coal; and anthracite coal) to clarify that blasting violations at mine sites are also included in the violations to be considered for suspension, modification or revocation actions.

§ 210.20. Fees

Proposed § 210.20 (relating to fees) imposes an additional fee of \$10 per year for administering a blaster's license. This fee is related to the evaluation of continuing education requirements and confirmation that ATF requirements are met.

Chapter 211. Storage, handling and use of explosives

Subchapter A. General provisions

§ 211.101. Definitions

Proposed amendments to this section add and delete definitions and amend two definitions. The definition of "ATF" is proposed to be added. The definition of "acts" is proposed to be added to provide a reference to the explosive safety laws of 1937 and 1957. The definition of "annual administration fee" is proposed to be added to implement new fees for administering blasting licenses and permits. The definition of "blast area" is proposed to be amended to clarify that this area must include the

area necessary to be secure to prevent injuries. The definition of “cube root scaled distance ($Ds^{1/3}$)” is proposed to be added to evaluate the potential effects of air blasts from demolition blasting for permit review. The definition of “display fireworks” is proposed to be deleted because it is no longer used in Chapter 211; the most recent amendment in 2001 eliminated the need for the definition. The definition of “employee possessor” is proposed to be added to implement the cross-reference with ATF requirements. The definition of “explosive” is proposed to be deleted and is replaced with the proposed definition of “explosive materials” to be consistent with ATF requirements. The definition of “flyrock” is proposed to be amended to provide clarity through more detail. The definition of “nuisance” is proposed to be added for use regarding enforcement actions by the Department. The definition of “purchase” is proposed to be deleted because the requirement for a permit to purchase is being eliminated in the proposed rulemaking. The definition of “responsible person” is proposed to be added to implement the cross-reference with ATF requirements. The definition of “sale or sell” is proposed to be deleted because the requirement for a permit to sell is proposed to be deleted. The ATF has rules for the sales and purchase of explosives which are more stringent than the Department’s existing regulations. The definitions of “unauthorized detonation of explosives,” “unauthorized handling and use of explosives” and “unauthorized storage of explosives” are proposed to be added so it is clear that the Department can take enforcement action when these illegal activities occur.

§ 211.102. Scope

Proposed amendments to subsection (a) delete the reference to “purchasing and selling” since the requirement to have a permit to purchase or a permit to sell is proposed to be deleted. Proposed amendments also clarify which regulations are applicable to underground mining. Subsection (b) is proposed to be amended to delete the reference to “the purchase or sale of explosives.”

§ 211.103. Enforcement

Proposed amendments to subsection (a) add that the Department may issue orders for violations and to require corrective actions. Proposed subsection (c) cross-references the mining-specific explosives regulations and includes interference with the Department and falsification of records as violations. Proposed subsection (d) establishes a permit and license block for violations of State and Federal explosives requirements. Persons with an outstanding violation will not be eligible for a permit or license until the outstanding violation is corrected.

Subchapter B. Storage and classification of explosives

§ 211.112. Magazine license and fees

Proposed subsection (b) requires verification of compliance with ATF requirements prior to approval of a storage magazine license by the Department. Existing subsections (b)—(d) are proposed to be renumbered as subsections (c)—(e). Proposed subsection (d), existing subsection (c), is proposed to be amended to delete the restrictions on the expiration date and period of time that a magazine license may be issued for. This will allow the Department to more efficiently manage the workload of processing magazine license renewals by preventing all of the applications from being due every year by December 31. The Department may allow for storage magazine licenses to be renewed for more than a 1-year period.

§ 211.113. Application contents

Proposed amendments to subsection (b)(1) add the ATF license or permit number as required information for a magazine license application.

§ 211.115. Standards for classifying and storing explosives and constructing, maintaining and siting magazines

Proposed subsection (j) requires that a magazine licensee has a person who is available to respond to emergencies and that the Department be granted access to the magazines within 4 hours of requesting access to the magazines to conduct inspections.

§ 211.116. Decommissioning magazines

Proposed § 211.116 (relating to decommissioning magazines) provides the requirements for when an explosives storage magazine license is no longer valid. When magazines are no longer used, a process to ensure that the explosives are removed from the magazines and either used or moved to another storage location is necessary for public safety. In a recent case, a magazine from a long-closed sporting goods store was scrapped without being emptied. A worker was fatally injured while cutting up the magazine.

§ 211.117. Daily summary of magazine transactions

Proposed § 211.117 (relating to daily summary of magazine transactions) requires that the explosives inventory records required by the ATF be made available to the Department upon request.

Subchapter C. Permits

§ 211.121. General requirements

Proposed amendments to subsections (a), (b) and (d) reflect the deletion of the requirement for permits to purchase and permits to sell. In addition, proposed subsection (f) clarifies that three parties are each responsible for compliance with permits—the permittee, the listed subcontractor and the blaster-in-charge.

§ 211.122. Permits to sell explosives

This section is proposed to be deleted to eliminate the requirement to have a permit to sell explosives in this Commonwealth. The requirement to have a permit to sell explosives predates the requirement for a blasting activity permit and the more stringent ATF requirements put in place in the aftermath of the Oklahoma City bombing. These more recent requirements render the permit to sell explosives obsolete.

§ 211.123. Permits to purchase explosives

This section is proposed to be deleted to eliminate the requirement to have a permit to purchase explosives in this Commonwealth. The rationale for permits to sell also applies to permits to purchase. The recent requirements render the permit to purchase explosives obsolete.

§ 211.124. Blasting activity permits

Proposed amendments to subsection (a) require that an application for a blasting activity permit be prepared by a blaster licensed in a category that would be required to conduct the blasting proposed under the application. For example, a blaster licensed in the limited category would not be eligible to prepare a blasting activity permit application to conduct blasting for a trenching and construction project. Proposed subsection (a)(2) and (3) requires a signature by the applicant and documentation of the ATF authorization for the applicant. The paragraphs within subsection (a) are proposed to be renumbered

accordingly. Under the existing regulations, only the licensed blaster's signature is required. Requiring the applicant to sign provides documentation that the permit holder has requested the authorization to be granted under the blasting activity permit. The requirement for documentation of the ATF authorization confirms that the applicant or contract blasting company meets the Federal regulatory standards.

Proposed subsection (a)(4) is proposed to be amended to state more clearly the requirement for a contact person to be listed on an application. Proposed subsection (a)(6), existing subsection (a)(4), is proposed to be amended to add "specific" as a modifier for the types of explosives to be used. Different explosives have different characteristics and densities which affect how the explosives perform when detonated and the quantity per volume of the explosives loaded into a borehole. For example, some blasting agent blends have higher detonation velocities than others. Blasting agents with higher detonation velocities produce a stronger shock wave which is ideal for breaking harder rock such as granite. Blasting agent blends with lower detonation velocity produce greater gas pressure and are ideal for breaking sandstone or hard shale. Blast performance is related to the level adverse effects with more efficient blasts resulting in less adverse effects. Including the specific type of explosives in a blasting activity permit application helps the permit reviewer better understand the intent of the applicant so the reviewer can make an informed decision on the feasibility of the activity proposed on the application resulting in regulatory compliance.

Proposed subsection (a)(9) requires the minimum scaled distance to be included in the application and to specify that for demolition projects the scaled distance to be used is the cube root scaled distance. Scaled distance is an important planning tool to limit the adverse effects of blasting. Cube root scaled distance is used to plan for the effects of air blast which is the most common impact of demolition blasting.

Proposed subsection (a)(10), existing subsection (a)(7), is proposed to be amended to include that public roads, buildings and other structures must be shown on the map submitted with the application. Proposed subsection (a)(14), existing subsection (a)(11), is proposed to be amended to increase the minimum required liability insurance limits and to require that the permittee be covered by the insurance for what is widely accepted as a minimum industry standard amount. Proposed subsection (a)(17), existing subsection (a)(14), provides standardization for the requirement for identifying the building that will be closest to the blasting. Subsection (a)(20), existing subsection (a)(17), is proposed to be amended to change the minimum distance from 200 feet to 300 feet, or another distance to be specified by the applicant or the Department in the permit, when notification of residents is required. This is necessary due to the potential effects of carbon monoxide produced by blasts.

Proposed subsection (a)(21) requires specific loading plans describing the ranges of blast design parameter dimensions to more accurately describe how blasts are to be designed and better evaluate the feasibility of the blasting activity to be conducted in compliance with the regulations. Blast design parameter dimensions can be compared to widely accepted norms to evaluate feasibility. Proposed subsection (a)(22) requires a description of the stemming material which is proposed to be used. Drill cuttings or crushed stone are typically used as stemming. While drill cuttings may be effective in some cases,

crushed stone is better to ensure that the energy of the detonation of the explosives is contained within the rock. In some cases, such as when blasting is conducted in close proximity to people or structures, the only reasonable type of stemming is crushed stone.

Proposed subsection (e) requires that the blaster-in-charge have the blasting activity permit or blast plan in his possession. This helps ensure that the blasting will be conducted as planned and approved.

§ 211.125. *Blasting activity permit-by-rule*

Subsection (a) is proposed to be amended to exclude demolition and seismic exploration projects from the automatic approval associated with the permit-by-rule. It is necessary to permit blasting for demolition and seismic exploration with individual permits because these uses of explosives are complex and require site-specific planning.

§ 211.126. *Fees*

Proposed § 211.126 (relating to fees) imposes fees for the first time for blasting activity permit applications, magazine security plan applications and revisions, magazine decommissioning and monitoring magazines. The fees are based upon the Department's costs for personnel to complete the work. A lower fee is proposed for a blasting activity permit filed online than for a paper application because it is more efficient to process the applications which are filed electronically. Magazine security plan review requires a site visit by the blasting and explosives inspector to confirm that the proposed security measures will be effective in the location where the explosives storage is proposed. Magazine decommissioning requires an inspection to confirm that the magazine has been emptied of the explosives. The monitoring fee is based upon inspecting a magazine at least every other year to determine compliance with the performance standards for explosives storage.

Subchapter D. Records of disposition of explosives

§ 211.131. *Sales records*

This section is proposed to be deleted to implement the elimination of the requirement for permits to sell explosives.

§ 211.132. *Purchase records*

This section is proposed to be deleted to implement the elimination of the requirement for permits to purchase explosives.

§ 211.133. *Blast reports*

Proposed amendments to this section provide clarifications about the information needed to document each blast. The proposed amendments provide specificity about how to comply with the general requirement in subsection (a) "to provide the Department with sufficient information to reconstruct the conditions and events surrounding a blast." Proposed amendments to subsection (a)(1) specify that the blast location must be identified using at least one corner of the blast pattern as a reference point. Proposed subsection (a)(2) requires the distance and direction from the blast to the location where seismograph monitoring was done. Proposed subsection (a)(3) specifies that the latitude and longitude is required for these monitoring locations and that a 911 address be provided for buildings where monitoring is done. The paragraphs within subsection (a) are proposed to be renumbered accordingly.

Proposed subsection (a)(9), existing subsection (a)(7), is proposed to be amended to add the delay timing and

description of the ground around the blast site to required items to be included on the sketch which must accompany the blast record. This information is needed to verify the amount of explosives and the number of holes or decks detonated per delay period and to determine the degree of horizontal relief provided for the blast, which affects levels of adverse effects such as ground vibration and the risk of flyrock.

Proposed subsection (a)(10), existing subsection (a)(8), is proposed to be amended to specify that the diameter and depth of each blast hole is needed on the blast record. To accurately describe how a blast was loaded, the diameter and depth of each hole must be provided rather than ranges or averages.

Proposed subsection (a)(12) specifies that the amount of explosives loaded in each hole needs to be reported. Section 211.154(f)(5) (relating to preparing the blast) requires that while loading a blast hole, each blast hole shall be logged throughout the loading process to measure the amount and location of explosives placed in the blast hole and that the information is to be recorded on the blast report required under § 211.133 (relating to blast reports). This requirement is met by specifying that the amount of explosives loaded in each borehole be provided on blast reports.

Proposed subsection (a)(14), existing subsection (a)(11), is proposed to be amended to add the requirement to include the product density for bulk blasting agents and the weight for packaged blasting agents. This information is needed to verify the scaled distance and the maximum number of pounds per delay for the blast.

Proposed subsection (a)(17), existing subsection (a)(14), is proposed to be amended to add the requirement to provide the direction in degrees to the nearest building and to include leased buildings in the exception to this requirement. Proposed subsection (a)(18), existing subsection (a)(15), is proposed to be amended to include the street address and latitude and longitude for the nearest building, and delete the reference to local landmarks. Proposed subsection (a)(19), existing subsection (a)(16), is proposed to be amended to describe where the scaled distance is measured to.

Proposed subsection (a)(26) requires a drill log which shows the condition of all holes which were drilled for a blast whether they were loaded or not. Borehole conditions can vary with some boreholes being in rock that is badly cracked and some in rock that is not cracked. Whether a borehole is cracked throughout its length or not is usually not evident on the surface. It is necessary to provide this information on a blast record because borehole conditions have a significant effect on blast performance.

Subchapter E. Transportation of explosives

§ 211.141. General requirements

The reference to purchase and sale permittees is proposed to be deleted since the requirement to obtain these permits is proposed to be deleted in this proposed rulemaking. Paragraph (13) is proposed to be amended to specify that it is on-road vehicles that need to pass the State inspection requirements. Proposed paragraph (14) requires that any vehicle used off-road to transport explosives be properly equipped to do so. Proposed paragraph (15) requires that explosives be removed from a vehicle before maintenance or repairs are done on the vehicle.

Subchapter F. Blasting activities

§ 211.151. Prevention of damage or injury

The heading of this section is proposed to be amended to add "or injury."

Subsection (a) is proposed to be amended to add the concept of prevention of injury. The proposed amendments are focused on safety. The proposed amendments also delete the modifier "real" to property to prevent any property damage, not just damage to real property.

Proposed subsection (b) introduces the concept that blasting needs to be conducted in a manner that prevents a nuisance. Existing subsection (b) is proposed to be renumbered as subsection (c).

Proposed subsection (d), existing subsection (c), is proposed to be amended to specify the location where the scaled distance applies and to delete the grandfather clause which applied to blasting activities approved prior to July 14, 2001.

Proposed subsection (e), existing subsection (d), is proposed to be amended to apply the 133 dBL air blast standard under all circumstances. Table 1 is proposed to be deleted to do this. Table 1 was needed in the past because of the variety of instruments used to measure air blast. Technology has provided standardization and the variable limits are no longer applicable.

Proposed subsection (f) describes the circumstances under which an alternate ground movement limit may be applied by the Department.

Proposed subsection (g) requires the self-reporting of air blast and ground vibration limit violations within 24 hours of when the violation is identified. High air blast or ground vibration levels are indicative of inefficient blast designs. If inefficient blast designs continue to be employed then other adverse effects such as flyrock or toxic gas migration are more likely to occur. The Department needs to be aware of exceedances of the ground vibration and air blast limits so that it can evaluate the situation to determine if action is necessary to ensure public safety.

Proposed subsection (h) requires that blasting be conducted in a manner that protects utility lines. Sections 211.181 and 211.182 (relating to scope; and general provisions) provide for the protection of underground utilities. Proposed subsection (h) clarifies that all utilities, including overhead utilities, must be protected.

§ 211.152. Control of noxious gases, including carbon monoxide and oxides of nitrogen

The heading of this section is proposed to be amended to add carbon monoxide and oxides of nitrogen. Subsection (a) is proposed to be amended to add "toxic" to modify gases, specify carbon monoxide and oxides of nitrogen, and describe the measures which can be taken to reduce the risk of and adverse impact from the gases. Carbon monoxide has become a more prominent issue in recent years due to the proximity of blasting to homes and the availability of carbon monoxide detectors. Workers and residents of nearby homes are subject to this risk because blasting produces large volumes of gases.

Proposed subsection (b) requires reporting to the Department of incidents when gases have affected the health or safety of workers or neighbors. In cases when gases have affected the health or safety of workers or neighbors, the Department needs to evaluate the situa-

tion to determine what safeguards should be put in place to ensure public safety prior to further blasting operations on the site.

§ 211.154. *Preparing the blast*

Subsection (a) is proposed to be amended to specify that both the blaster-in-charge and the permittee are responsible for the effects of a blast. Proposed amendments to subsection (b) add a description of the documentation needed in a request for a lower distance limitation for equipment operation not related to the blast loading. Subsection (d) is proposed to be amended to specify that at-the-hole communication or written drill logs are required for the blaster-in-charge to know the condition of the holes which are to be loaded. It is necessary that this information is provided to blasters because borehole conditions should be used to determine if, or how, each borehole is loaded. These conditions have a significant effect on blast performance. This is necessary to determine how to load boreholes in a manner that results in a safe and efficient blast. Subsection (f)(5) is proposed to be amended to replace the erroneous term "leading" to be the correct term "loading." Subsection (n) is proposed to be amended to provide very specific options for protecting the traveling public. These measures are consistent with the requirements in Chapter 87.

§ 211.155. *Preblast measures*

Paragraph (7) is proposed to be added to require the posting of signs at the blast site to provide warning that blasting operations are underway.

§ 211.158. *Mudcapping*

Proposed amendments to this section reduce the amount of explosives that may be used since the mudcapping technique results in open-air detonation which can produce extremely high air blasts and presents a higher risk for flyrock.

Subchapter G. Requirements for monitoring

§ 211.171. *General provisions for monitoring*

Existing subsection (b) is proposed to be deleted as it is no longer necessary to allow for this exception for monitoring since technology improvements have made seismographs more readily available compared to 1972 when this exception was established. The remainder of the subsections are proposed to be renumbered accordingly. Proposed subsection (e) requires that seismographs meet industry standards as established by the International Society of Explosives Engineers, an international organization comprised of blasters and other explosives industry personnel such as blasting vibration and safety consultants and seismograph manufacturers.

§ 211.172. *Monitoring instruments*

Existing paragraphs (1) and (2) are proposed to be deleted because blasting seismographs have been standardized to eliminate the need for these distinctions. Proposed subsection (b) establishes equipment specifications based upon industry standards as established by the International Society of Explosives Engineers. This section is proposed to be renumbered accordingly.

Subchapter H. Blasting activities near underground utility lines

"Underground" is proposed to be added in the heading of this subchapter to be consistent with the scope described in § 211.181.

§ 211.182. *General provisions*

Proposed subsection (a) requires notification to the owner of an underground utility line when blasting is planned within 200 feet of the line. Notifying a pipeline owner when blasting is proposed within 200 feet of a pipeline is a statutory requirement and is also required under Chapters 77, 87 and 88. The requirement to notify the owners of all underground utility lines is necessary to insure that measures necessary to protect the utility line are implemented. In many cases, PA One Call can be used to make the notification to the underground utility line owner. Existing subsections (b) and (c) are proposed to be deleted as no longer necessary due to advances in explosives product technology and research focused on the effects of ground vibration on utility lines. This subsection is proposed to be renumbered accordingly.

Subchapter I. Seismic exploration

Proposed Subchapter I (relating to seismic exploration) is intended to address the requirements that are unique to the use of explosives for seismic exploration.

§ 211.191. *Scope*

This section establishes the applicability of Subchapter I to the use of explosives for seismic exploration. This use of explosives requires that explosives remain in the ground for extended periods of time due to the large number of holes to be loaded.

§ 211.192. *Permits*

This section describes the additional information that is needed in a permit application for the use of explosives for seismic exploration. Paragraph (1) requires a plan for control and security of loaded holes. In seismic exploration operations, unlike other blasting operations, the explosives charges remain in the ground for a significant time after loading. Paragraph (2) requires reporting of the length of time that the explosives are expected to be in the ground before they are detonated. Two factors must be weighed in the evaluation of an application for seismic blasting. These are the product durability and longevity after loading and how long the explosives remain in the ground. Paragraph (3) requires a map showing where the explosives will be loaded and any mine permit areas within 500 feet of this area. For a permit reviewer to make an informed decision as to the degree of risk to public safety or property, it is necessary to know where the explosives are proposed to be loaded relative to public activity, infrastructure, homes, other buildings, mining activity or any other area of concern. Paragraph (4) requires the specifications for the explosives to be used. This is necessary to minimize the risk for misfires due to product failure.

§ 211.193. *Blasting records*

This section describes the additional information that is needed on blast records for the use of explosives for seismic exploration. Paragraph (1) requires the time and date when each hole was loaded. This is needed because the blast holes are loaded over the course of a number of days. Paragraph (2) requires identification of the blaster-in-charge who supervised loading or loaded each hole. Paragraph (3) requires the latitude and longitude of each hole. Paragraph (4) requires identification of the blaster-in-charge who detonated the explosives in each hole. Paragraph (5) requires the time and date when the charges were detonated. This reflects the fact that the holes may be detonated over the course of a number of days.

§ 211.194. *General requirements for handling explosives on a seismic exploration operation*

This section describes the requirements for the handling and use of explosives for seismic exploration. Subsection (a) excludes § 211.153(e) and (f) (relating to general requirements for handling explosives) because in seismic exploration it is necessary to load explosives over the course of a number of days so the explosives remain in the ground for days or weeks. In the alternative, subsection (b)(1) and (3) provides requirements to prevent misfires and provide blast site security. Subsection (b)(2) prohibits the placement of explosives in the ground within 300 feet of a building or other structure, but allows for exceptions to be authorized.

Subsection (b)(4) excludes mining permit areas from the area where explosives may be placed and provides a process for an exception from this exclusion. The exemption process includes requirements for the demonstration of the legal right to enter the property, a safety plan, a map and documentation of any required mine safety training.

Subsection (b)(5) addresses the security of all loaded blast holes. Subsection (b)(6) requires the removal or destruction in place for any explosives which may have been compromised. Subsection (b)(7) sets an upper limit of 1 year as the amount of time that explosives may remain undetonated in the ground. This time frame was established based upon the characteristics of the explosives typically used for seismic exploration.

Subchapter J. Civil penalties

Proposed Subchapter J (relating to civil penalties) is intended to provide a system for assessing civil penalties for violations of Chapter 211 that occur at operations when explosives are used for construction, demolition, seismic exploration and other nonmining uses. This provides an alternative to filing summary citations with local magistrates. The system and procedure is modeled after the system and procedure applicable to mining under Chapter 77 and Chapter 86 (relating to surface and underground coal mining: general). It will make penalties for violations relating to blasting activities conducted in nonmining applications consistent with mining operations.

§ 211.201. *Scope*

This section establishes the scope to be blasting activity sites and for unauthorized activities involving explosives. This section clarifies that for mining violations, if the procedures under the mining regulations are followed, this subchapter is not applicable.

§ 211.202. *Inspection—general*

This section describes the notification process in cases when an inspection results in the identification of a violation.

§ 211.203. *Assessment of civil penalty*

This section describes the circumstances under which the Department will assess a civil penalty.

§ 211.204. *System for assessment of penalties*

This section establishes the system for calculating civil penalty amounts.

Subsection (b) includes seriousness, culpability, speed of compliance, cost to the Commonwealth, savings to the violator and history of violations as the factors to be considered in calculating a civil penalty amount.

Subsection (b)(1) provides examples of the elements to be considered in determining the seriousness of a violation. These include injury or death, damage, costs of restoration, interference with person's right to enjoyment of life or property, and unauthorized activities. Subsection (b)(2) addresses the culpability factor. The culpability includes evaluation of negligence, willfulness, recklessness and intentional violations. Subsection (b)(3) provides for a credit of up to \$1,000 for rapid compliance with the requirements of an order. Subsection (b)(4) provides for recovery for costs to the Department resulting from a violation. Subsection (b)(5) provides for a calculation to address the cost saving to the violator for avoided costs as a result of a violation. Subsection (b)(6) addresses the history of violations providing for an increase of the penalty based upon other violations for the violator in the 1-year period preceding the violation.

Subsection (c) provides for a minimum penalty amount of \$750 if the violation results in the cessation of operations and for a minimum \$750 per day for each day when a violator fails to comply with a previously issued order.

Subsection (d) provides that each day of violation may be considered as a separate violation. Subsection (e) provides for an upper limit on the penalty amount and that if the violations are attributable to more than one person each person is subject to the maximum penalty amount.

§ 211.205. *Procedures for assessment of civil penalties*

Subsection (a) provides for an opportunity for a person cited with a violation to provide information to the Department for consideration in determining the penalty amount and for the Department to revise the penalty calculation. Subsection (b) requires the Department to serve a copy of a civil penalty assessment by registered or certified mail or by personal service. Subsection (c) allows for an informal conference to discuss an assessment, either upon request of the person to whom the assessment is issued or by the Department's own volition. Subsection (d) establishes the requirements for an informal civil penalty conference.

§ 211.206. *Final action*

Subsection (a) provides that an assessment of civil penalty is appealable to the Environmental Hearing Board (EHB). Subsection (b) describes how the Department is to handle the money posted as escrow during the pendency of an appeal of a civil penalty. Subsection (c) requires the posting of an appeal bond or cash to perfect an appeal of a civil penalty. Subsection (d) provides that both the fact of the violation and the amount of the civil penalty may be challenged when an appeal is filed.

§ 211.207. *Final assessment and payment of penalty*

Subsection (a) provides that an assessment of civil penalty becomes final and the payment is due upon the lapse of the appeal period. Subsection (b) provides that a request for judicial review of an EHB civil penalty appeal decision results in the retention of the escrow status and that otherwise the escrow fund will be transferred. Subsection (c) provides that if the penalty is reduced as a result of the appeal process, the Department will refund the appropriate escrowed amount with interest within 30 days of the EHB or court order. Subsection (d) provides that if the result of the appeal process is an increase in the civil penalty amount, then the responsible party must pay the difference within 30 days of the EHB or court order.

F. *Benefits, Costs and Compliance*

This proposed rulemaking updates the existing regulatory framework regarding blasting and explosives. The proposed amendments will increase the cost of compliance, but provide more certainty to the regulated community with regard to operational requirements. The fact that these requirements will also improve public safety and documentation of blasting activities suggests that the benefits greatly outweigh the costs.

Benefits

The proposed rulemaking deletes the obsolete requirements for permits related to the purchase and sale of explosives. It also improves public safety and provides for more complete documentation of blasting activities. Adding a specific subchapter for seismic exploration provides relief from requirements that cannot be met by that segment of the regulated community and provides alternatives that protect the public safety.

Compliance costs

The proposed rulemaking is expected to result in increased costs, specifically due to new or increased fees. However, the new or increased fees are nominal in comparison with the other costs associated with the use of explosives. The fees are intended to recover a portion of the Department's costs associated with the administration of the explosives safety laws of the Commonwealth. Proposed Subchapter J, regarding civil penalties, will also increase costs for those in the regulated community who do not comply with the requirements. It is anticipated that the increased costs from the assessment of civil penalties will be partially offset by the reduction or elimination of the need to pursue enforcement through summary citations.

Compliance Assistance Plan

Compliance with the proposed rulemaking is expected to be seamless since many of the more stringent requirements are in place through permitting or are incremental changes to the existing requirements. Compliance assistance for this proposed rulemaking will be provided through routine interaction with trade groups and individual applicants.

Paperwork requirements

This proposed rulemaking requires additional information as part of a permit application and for records of blasting activities. The additional requirements are more focused and clarify the requirements.

G. *Pollution Prevention*

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101–13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. This proposed rulemaking has minimal impact on pollution prevention since it is focused on public safety.

H. *Sunset Review*

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 17, 2016, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

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

J. *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to the Board. Comments, suggestions or objections must be received by the Board by March 28, 2016. In addition to the submission of comments, interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by the Board by March 28, 2016. The one-page summary will be distributed to the Board and available publicly prior to the meeting when the final rulemaking will be considered.

Comments including the submission of a one-page summary of comments may be submitted to the Board online, by e-mail, by mail or express mail as follows. If an acknowledgement of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt. Comments submitted by facsimile will not be accepted.

Comments may be submitted to the Board by accessing eComment at www.ahs.dep.pa.gov/eComment. Comments may be submitted to the Board by e-mail at RegComments@pa.gov. A subject heading of the proposed rulemaking and a return name and address must be included in each transmission.

Written comments should be mailed to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

JOHN QUIGLEY,
Chairperson

Fiscal Note: 7-522. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE IV. OCCUPATIONAL HEALTH AND SAFETY

CHAPTER 210. BLASTERS' LICENSES

§ 210.11. Definitions.

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

ATF—The United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.

Blaster—A person who is licensed by the Department under this chapter to detonate explosives and supervise blasting activities.

Blaster learner—An individual who is learning to be a blaster and who participates in blasting activities under the direct supervision of a blaster.

Blaster's license—A license to detonate explosives and supervise blasting activities issued by the Department under this chapter.

Demolition and demolition blasting—The act of wrecking or demolishing a structure with explosives.

Employee possessor—An individual who is in possession of or has control of explosives materials.

Explosive materials—Any material classified as an explosive by the ATF in its most current list published in the *Federal Register* under 18 U.S.C.A. § 841(d) and 27 CFR 555.23 (relating to list of explosive materials).

Limited—A classification of blaster's license applicable to persons who supervise the loading or detonate explosives in operations in which the use of explosives is not related to excavation or demolition.

Mine opening blasting—Blasting conducted for the purpose of constructing a shaft, slope, drift or tunnel mine opening for an underground mine, either operating or under development from the surface down to the point where the mine opening connects with the mineral strata to be or being extracted.

Person—A natural person.

Responsible person—

(i) An individual who has the authority to direct the management and policies of the ATF licensee or permittee pertaining to explosive materials.

(ii) Generally, the term includes partners, sole proprietors, site managers, corporate officers and directors, and majority shareholders.

§ 210.13. General.

(a) A person may not detonate explosives or supervise blasting activities unless the person has obtained a blaster's license.

(b) A blaster's license will only be issued or renewed after it is verified that the applicant has complied with 18 U.S.C.A. Chapter 40 and 27 CFR

Part 555 (relating to commerce in explosives), and has undergone a background check as either a responsible person or an employee possessor by the ATF. Verification can be provided by the applicant entering the ATF license or permit number under which the requirement for a background check was met.

[(b)] (c) The Department may exempt certain individuals from needing a blaster's license if the person is detonating extremely small amounts of explosives for industrial or research purposes. The Department will consider a written request for an exemption from the person seeking the exemption.

[(c)] (d) Upon request, a blaster shall exhibit a blaster's license to the following:

- (1) An authorized representative of the Department.
- (2) The blaster's employer or an authorized representative of the employer.
- (3) A police officer acting in the line of duty.

[(d)] (e) A blaster's license is not transferable.

§ 210.15. License application.

(a) The license application shall be on forms provided by the Department and be accompanied by a check for [\$50] \$150 payable to the Commonwealth of Pennsylvania. The complete application shall be submitted to the Department at least 2 weeks prior to the examination.

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§ 210.16. Examinations.

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(c) An applicant failing to appear for a scheduled examination forfeits the application fee unless the applicant provides written notice to the Department 2 weeks prior to the examination date or submits a valid medical excuse in writing.

* * * * *

§ 210.17. Issuance and renewal of licenses.

(a) A blaster's license is issued for a specific classification of blasting activities. The classifications will be determined by the Department and may include general blasting (which includes all classifications except demolition, mine opening blasting and underground noncoal mining), trenching and construction, [seismic and pole line work, well perforation] law enforcement, surface mining, underground noncoal mining, mine opening blasting, industrial, limited and demolition.

* * * * *

(d) A blaster's license is renewable if the blaster can demonstrate that he has had a minimum of 8 hours of continuing education in Department-approved courses related to blasting and safety within the [3 year] 3-year period.

(e) The blaster's license may be renewed for a 3-year term by submitting a renewal application to the Department and a check for [\$30] \$150, payable to the Commonwealth of Pennsylvania.

* * * * *

§ 210.19. Suspension, modification and revocation.

The Department may issue orders suspending, modifying or revoking a blaster's license. Before an order is issued, the Department will give the blaster an opportunity for an informal meeting to discuss the facts and

issues that form the basis of the Department's determination to suspend, modify or revoke the license. The Department may suspend, modify or revoke a blaster's license for violations of this chapter and [**Chapter 211 (relating to storage, handling and use of explosives in surface applications)**] Chapters 77, 87, 88 and 211.

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

§ 210.20. Fees.

The Department will assess an annual administration fee for the administration of blaster's licenses. The annual administration fee for a blaster's license is \$10.

CHAPTER 211. STORAGE, HANDLING AND USE OF EXPLOSIVES

Subchapter A. GENERAL PROVISIONS

§ 211.101. Definitions.

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

ATF—The United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.

Access point—A point in the outer perimeter security and a point in the inner perimeter security that allows entry to or exit from the magazine or the magazine site.

Acts—Sections 7 and 11 of the act of July 1, 1937 (P. L. 2681, No. 537) (73 P. S. §§ 157 and 161), section 3 of the act of July 10, 1957 (P. L. 685, No. 362) (73 P. S. § 166) and Reorganization Plan No. 8 of 1981 (71 P. S. § 751-35).

Airblast—An airborne shock wave resulting from an explosion, also known as air overpressure, which may or may not be audible.

Annual administration fee—A nonrefundable fee assessed annually based on the cost to the Department of inspecting and administering a permitted activity or a licensed facility and to administer a permit or license.

Blast area—The area around the blast site that [**should**] **must** be cleared and secured to prevent the potential for injury to persons and damage to property.

Blast site—The specific location where the explosives charges are loaded into the blast holes.

* * * * *

Concertina razor wire—Razor wire that is extended in a spiral for use as a barrier, such as along or on a fence and having a minimum of 101 coils of wire to 50 linear feet.

Cube root scaled distance ($D_s^{1/3}$)—A value calculated by using the formula $D_s^{1/3} = D/(\text{cube root } W)$, where actual distance (D) in feet measured in a horizontal line from the blast site to the nearest building or structure not owned or leased by the blasting activity applicant, the permittee or their customers, is divided by the cube root of the maximum weight of explosives (W) in pounds detonated per delay period of less than 8 milliseconds.

Delay interval—The designed time interval, usually in milliseconds, between successive detonations.

Detonator—

(i) A device containing an initiating or primary explosive that is used for initiating detonation of explosives.

(ii) The term includes electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord, delay connectors, and nonelectric instantaneous and delay blasting caps.

[**Display fireworks**—

(i) Large fireworks designed primarily to produce visible or audible effects by combustion, deflagration or detonation.

(ii) The term includes, but is not limited to, salutes containing more than 2 grains (130 mg) of explosive materials, aerial shells containing more than 40 grams of pyrotechnic compositions, and other display pieces which exceed the limits of explosive materials for classification as consumer fireworks. Display fireworks are classified as fireworks UN0333, UN0334 or UN0335 by the United States Department of Transportation at 49 CFR 172.101 (relating to purpose and use of hazardous materials table).

(iii) The term also includes fused setpieces containing components which together exceed 50 mg of salute powder.

Explosive—A chemical compound, mixture or device that contains oxidizing and combustible materials or other ingredients in such proportions or quantities that an ignition by fire, friction, concussion, percussion or detonation may result in an explosion.

(i) The term includes safety fuse, squibs, detonating cord and igniters.

(ii) The term does not include the following:

(A) Commercially manufactured black powder, percussion caps, safety and pyrotechnic fuses, matches and friction primers, intended to be used solely for sporting, recreational or cultural purposes in antique firearms or antique devices, as defined in 18 U.S.C.A. § 921 (relating to definitions).

(B) Smokeless powder, primers used for reloading rifle or pistol cartridges, shot shells, percussion caps and smokeless propellants intended for personal use.]

Employee possessor—An individual who is in possession of or has control of explosives materials.

Explosive materials—The term as defined in § 210.11 (relating to definitions).

Flyrock—Overburden, stone, clay or other material [**ejected**] cast from the blast [**area**] site through the air or along the ground, by the force of a blast[.], and which travels to one of the following areas:

(i) Beyond the blast area.

(ii) Onto property neither owned nor leased by the permittee or its customer.

(iii) Beyond permit boundaries on blasting operations on mining permits issued under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19b), or the Noncoal Surface Mining and Conservation and Reclamation Act (52 P. S. §§ 3301—3326).

Indoor magazine—A magazine located entirely within a secure intrusion-resistant and theft-resistant building which is primarily used for commercial or industrial purposes.

* * * * *

Misfire—Incomplete detonation of explosives.

Nuisance—A condition which causes a hazard to public health or safety.

Outdoor magazine site—The contiguous area of land upon which the following are located: a magazine or group of magazines; the outer perimeter security, and the inner perimeter security, if any.

* * * * *

Person—A natural person, partnership, association[,] or corporation, or an agency, instrumentality or entity of state government or a municipality.

Primer—A cartridge or package of high explosives into which a detonator has been inserted or attached.

[Purchase—To obtain ownership of explosives from another person.

Sale or sell—To transfer ownership of explosives to another person.]

Responsible person—

(i) An individual who has the authority to direct the management and policies of the ATF licensee or permittee pertaining to explosive materials.

(ii) Generally, the term includes partners, sole proprietors, site managers, corporate officers and directors, and majority shareholders.

Scaled distance (Ds)—A value calculated by using the formula $Ds = D/(\text{square root } W)$, where actual distance (D) in feet, measured in a horizontal line from the blast site to the nearest building or structure, neither owned nor leased by the blasting activity permittee or its customer, divided by the square root of the maximum weight of explosives (W) in pounds, that is detonated per delay period of less than 8 milliseconds.

[$Ds = D/(\text{square root } W)$]

Stemming—Inert material placed in a blast hole after an explosive charge for the purpose of confining the explosion gases to the blast hole, and inert material used to separate explosive charges in decked holes.

Structure—

(i) A combination of materials or pieces of work built or composed of parts joined together in some definite manner for occupancy, use or ornamentation.

(ii) The term includes everything that is built or constructed, including bridges, offices, water towers, silos and dwellings.

Unauthorized detonation of explosives—The detonation of explosives by a person who is not licensed to detonate explosives under Chapter 210 or the detonation of explosives not authorized by a permit issued under this chapter.

Unauthorized handling and use of explosives—The transportation, handling or use of explosives by a person who is not a responsible person or an employee possessor acting under the authorization of a responsible person.

Unauthorized storage of explosives—Storage of explosives that is not in a magazine licensed by the Department or by persons who are not responsible persons or employee possessors acting under the authorization of a responsible person.

Utility line—An electric cable, fiber optic line, pipeline or other type of conduit used to transport or transmit electricity, gases, liquids and other media including information.

Wheeled vehicle—A vehicle that moves about on three or more wheels and has a gross vehicle weight of less than 11,000 pounds.

§ 211.102. Scope.

(a) This chapter applies to persons using[, storing, purchasing and selling] or storing explosives and engaging in blasting activities within this Commonwealth. Persons [using and] storing explosives underground at permitted underground mines are exempt from this chapter. Persons conducting blasting underground at underground mines shall comply with § 211.151 (relating to prevention of damage or injury). The storage of explosives in magazines on the surface at an underground [noncoal] mine is subject to the applicable requirements of this chapter. The provisions of this chapter that are more stringent than the blasting provisions in Chapters 77, 87 and 88 (relating to noncoal mining; surface mining of coal; and anthracite coal) apply to blasting activities at coal or noncoal surface mines.

(b) Compliance with this chapter does not relieve a person who is engaged in [the purchase or sale of explosives, or] blasting activities[,] from compliance with other applicable laws or regulations of the Commonwealth.

§ 211.103. Enforcement.

(a) The Department may issue orders necessary to implement this chapter including an order to suspend, modify or revoke a license or permit authorized by this chapter, or to require corrective action for a violation identified in subsection (c).

(b) Before issuing an order modifying peak particle velocity or airblast limits in a blasting activity permit, the Department will first provide the permittee with an opportunity to meet and discuss modifications.

(c) It is a violation of this chapter to:

(1) Fail to comply with this chapter or Chapter 77, 87 or 88 (relating to noncoal mining; surface mining of coal; and anthracite coal), regarding storage and use of explosives.

(2) Fail to comply with any order or permit or license of the Department issued under this chapter or Chapter 77, 87 or 88.

(3) Hinder, obstruct or interfere with the Department or its personnel in the performance of any duty hereunder.

(4) Violate 18 Pa.C.S. § 4903 or § 4904 (relating to false swearing; and unsworn falsification to authorities).

(d) The Department will not issue a permit or license to any person who has done any of the following:

(1) Failed or continues to fail to comply with this chapter, a condition of a permit issued under this chapter or an order issued to enforce the requirements of this chapter.

(2) Demonstrated an inability or lack of intention to comply with this chapter as indicated by a past or continuing violation.

(3) Not complied with the 18 U.S.C.A. Chapter 40 and 27 CFR Part 555 (relating to commerce in explosives) and does not have an ATF license or permit, when required.

(4) Not met the requirements to be authorized as an employee possessor or responsible person by the ATF.

Subchapter B. STORAGE AND CLASSIFICATION OF EXPLOSIVES

§ 211.112. Magazine license and fees.

(a) A person storing explosives shall do so in a magazine licensed by the Department. A person may not construct, install or modify a magazine until the Department has issued or amended the license in writing. The licensee shall store explosives in accordance with the approved application, the license and this chapter.

(b) A magazine license will only be issued or renewed after it is verified that the applicant has complied with 18 U.S.C.A. Chapter 40 and 27 CFR Part 555 (relating to commerce in explosives) and is authorized as either a licensee or a permittee by the ATF. Verification can be provided by the applicant entering the ATF license or permit number on the license application.

(c) The license specifies the types and quantities of explosives to be stored in the magazine and any other condition necessary to ensure that the proposed activity complies with applicable statutes and this chapter.

(d) Licenses expire annually on December 31 of each year. (e) Licenses will be issued for a period of time set by the Department and the expiration date will appear on the license. If the Department receives a complete renewal application by December 31 the expiration date, the licensee may continue to operate under the current license until the Department acts on the renewal application.

(e) License fees are as follows:

* * * * *

§ 211.113. Application contents.

* * * * *

(b) A completed license application shall must include:

(1) The applicant's name, address and, telephone number and ATF license or permit number.

* * * * *

§ 211.115. Standards for classifying and storing explosives and constructing, maintaining and siting magazines.

* * * * *

(i) A licensee will be deemed to be in compliance with this section as to having deterred or obstructed, to the greatest extent possible, unauthorized intrusion upon a

magazine site if the licensee constructs, installs, implements and maintains the security measures specified in subsection (d), which meet the requirements of this section and which are specified by the licensee in one of the following:

(1) A plan submitted to the Department under subsection (f).

(2) A plan submitted to and approved by the Department under subsection (g).

(3) A plan submitted to the Department under § 211.113(b)(6) (relating to application contents).

(j) All magazine licensees shall ensure that a person is available at all times to respond to emergencies and to provide the Department access to the licensed magazines for the purpose of determining regulatory compliance. Department access to the magazines shall be granted within 4 hours of a Department request or within a time frame agreed upon by the Department representative and the magazine licensee. Department requests may be verbal or written.

(Editor's Note: Sections 211.116 and 211.117 are new and printed in regular type to enhance readability.)

§ 211.116. Decommissioning magazines.

Prior to the expiration or termination of a magazine license, the licensee shall remove and properly dispose of all explosives from the magazine and submit to the Department documentation as to the disposition of these explosives. This documentation shall be provided within 20 days of the expiration or termination of the magazine license.

§ 211.117. Daily summary of magazine transactions.

The licensee shall make records of inventory required under 27 CFR 555.122, 555.123, 555.124 and 555.125 available to the Department upon request.

Subchapter C. PERMITS

§ 211.121. General requirements.

(a) Except as otherwise provided in this subchapter, a person may not engage in blasting activities, or sell or purchase explosives in this Commonwealth without first obtaining the appropriate permit from the Department issued under this chapter.

(b) Permits under this chapter are not required for the sale, purchase or use of fireworks governed by the act of May 15, 1939 (P.L. 134, No. 65) (35 P.S. §§ 1271-1277).

(c) A permit issued under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1-1396.19b), or the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301-3326), and the regulations promulgated thereunder, authorizing blasting activity shall act as a blasting activity permit issued under this chapter.

(d) An application for a permit for the sale or purchase of explosives or to conduct blasting activities shall be on a form provided by the Department. A permit will not be issued unless the application is complete and demonstrates that the proposed activities comply with the applicable requirements of this chapter. The Department will notify applicants of an incomplete application and identify the items necessary to complete the application. The permittee shall comply with the approved application, the permit and this chapter.

(e) The Department will not issue a permit to any person who has either:

(1) Failed and continues to fail to comply with this chapter or a condition of a permit issued under this chapter or an order issued to enforce this chapter.

(2) Demonstrated an inability or lack of intention to comply with this chapter as indicated by past or continuing violations.

(f) The permittee, all subcontractors listed on the permit and the blaster-in-charge of any blasts conducted on a permit shall comply with the approved application, the permit and this chapter.

§ 211.122. [Permits to sell explosives] (Reserved).

[(a) An application for a permit to sell explosives shall:

(1) Identify the applicant's name, address, telephone number and type of business.

(2) Identify a contact person, including name, title and telephone number.

(3) Specify the type of explosives to be sold.

(4) State whether the applicant will purchase or manufacture the explosives to be sold.

(5) For in-State sellers, include the applicant's magazine license number, if applicable.

(b) Permits to sell explosives are not transferable.

(c) Permits to sell explosives expire on April 30 of each year. If the Department receives a complete renewal application by April 30, the permittee may continue to operate under the current permit until the Department acts on the renewal application.

(d) A permit to sell explosives shall:

(1) Identify the permittee.

(2) Specify the type of explosives that the permittee may sell.

(3) Contain conditions, as necessary, to ensure that the proposed activity complies with applicable statutes and this chapter.]

§ 211.123. [Permits to purchase explosives] (Reserved).

[(a) An application for a permit to purchase explosives shall:

(1) Identify the applicant's name, address, telephone number and type of business.

(2) Identify a contact person, including name, title and telephone number.

(3) Identify the location and license number of the magazine to be used for storing the explosives, if applicable.

(4) Specify the type of explosives that will be purchased.

(5) Specify whether the explosives are being purchased for sale or use by the permittee.

(b) Permits to purchase explosives are not transferable.

(c) Permits to purchase explosives expire on April 30 of each year. If the Department receives a complete renewal application by April 30, the permittee may continue to operate under the current permit until the Department acts on the renewal.]

§ 211.124. **Blasting activity permits.**

(a) An application for a blasting activity permit shall be prepared by a blaster **authorized by the Department to conduct the blasting proposed in the application** and [shall] **must** include:

(1) The applicant's name, address, telephone number and type of business.

[(2) A contact person's name, title and telephone number.]

(2) The signature of the applicant or an authorized representative of the applicant.

(3) The ATF license or permit number of the applicant or the contract blaster.

(4) The name, title and telephone number of a person who can be reached by the Department in the event of an emergency or other reason relating to the blasting activity permitted.

[(3)] (5) The identity of independent subcontractors who will be performing the blasting activities.

[(4)] (6) The [type] specific types of explosives to be used.

[(5)] (7) The maximum amount of explosives that will be detonated per delay interval of less than 8 milliseconds.

[(6)] (8) The maximum amount of explosives that will be detonated in any one blast.

(9) The minimum scaled distance based on calculations made from actual site conditions. In demolition blasting operations the minimum scaled distance must be cube root scaled distance.

[(7)] (10) A map indicating the location where the explosives will be used **and the proximity of explosives use to public roads, buildings or other structures.**

[(8)] (11) The purpose for which the explosives will be used.

[(9)] (12) The location and license number of the magazine that will be used to store the explosives, if applicable.

[(10)] (13) A description of how the monitoring requirements of Subchapter G (relating to requirements for monitoring) will be satisfied.

[(11)] (14) Proof [of] that the permittee has third party general liability insurance in the amount of [\$300,000] \$1 million or greater per occurrence to cover the blasting activity. This requirement is not applicable if the permittee is a noncoal surface mine operator who produces no more than 2,000 tons (1,814 metric tons) of marketable minerals per year from all its noncoal surface mining operations.

[(12)] (15) The anticipated duration of the blasting activity for which the permit is needed.

[(13)] (16) The anticipated days of the week and times when blasting may occur.

[(14)] (17) The distance in feet and direction in degrees to the [closest] building not owned by the permittee or its customer that will be closest to the blasting.

[(15)] (18) Other information needed by the Department to determine compliance with applicable laws and regulations.

[(16)] (19) The printed name, signature and license number of the blaster who prepared the application.

[(17)] (20) Proof that residents within [200 feet (65.61 meters)] 300 feet (91.44 meters) of the blast site, or other distance established in the permit, were informed of the proposed blasting operation. This notification could be a personal notification, written material left at each residence[,] or first class mail. The notification [will] must provide general information about the blasting operation including the duration of the operation.

(21) Loading plans which describe ranges of bore hole diameters and their depths, burdens and spacings.

(22) Types of stemming material.

(b) Blasting activity permits are not transferable.

* * * * *

(d) The permittee may request extensions and modifications by submitting an amended application.

(e) **The blaster-in-charge shall have in his possession a copy of the approved blasting activity permit authorizing the blasting activity being conducted. For blasting activities conducted on and authorized by permits issued under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19b), or the Noncoal Surface Mining and Conservation and Reclamation Act (52 P. S. §§ 3301—3326), possession of the blasting plan for that permit constitutes possession of a copy of the approved blasting activity permit authorizing the blasting activity being conducted.**

§ 211.125. Blasting activity permit-by-rule.

(a) [A] Except for blasting activities for the purpose of demolition or seismic exploration, a person [shall] will be deemed to have a permit for a blasting activity if:

* * * * *

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

§ 211.126. Fees.

(a) Blasting activity permit fees are as follows:

- (1) Blasting activity permit—paper application—\$210
- (2) Blasting activity permit—filed online—\$130
- (3) Blasting activity permit-by-rule—\$12

(b) Explosives storage license fees are as follows:

- (1) Magazine security plan required under § 211.113 (relating to application contents)—\$225
- (2) Explosive storage magazine security plan revision required under § 211.113—\$90
- (3) Explosive storage magazine decommissioning required under § 211.116 (relating to decommissioning magazines)—\$50 per magazine

(c) The Department will assess a fee for inspecting and monitoring an explosive storage magazine. This annual administration fee will be assessed annually and will be collected as part of the explosive storage license applica-

tion renewal process. The annual administration fee for each explosives storage magazine is \$85.

Subchapter D. RECORDS OF DISPOSITION OF EXPLOSIVES

§ 211.131. [Sales records] (Reserved).

[The seller shall keep an accurate record of every sale of explosives for 3 years. The record shall identify the purchaser's name and address, the Department purchase permit number, the date of the sale and the amount and types of explosives.]

§ 211.132. [Purchase records] (Reserved).

[The purchaser shall keep a record of all purchases of explosives for 3 years. The record shall identify the date, types and amounts of explosives purchased and the name and address of the seller.]

§ 211.133. Blast reports.

(a) The blaster-in-charge shall prepare a report of each blast to provide the Department with sufficient information to reconstruct the conditions and events surrounding a blast. The Department may develop and require a blast report form to be used. The blasting activity permittee shall retain the blast report for at least 3 years and shall make the blast report available to the Department upon request. Blast reports [shall] must contain, at a minimum, the following:

(1) [The locations of the blast and monitoring readings.] The location of at least one corner of the blast pattern expressed in latitude and longitude.

(2) The distance in feet and direction in degrees from the blast to the seismograph monitoring location.

(3) The latitude and longitude and a brief description of the monitoring locations. If monitoring is conducted at a home or other building with a 911 address, the address of the structure must be provided.

[(2)] (4) The name of the blasting activity permittee and blasting contractor, if applicable.

[(3)] (5) The blasting activity permit or appropriate mining permit number.

[(4)] (6) The date and time of the blast.

[(5)] (7) The printed name, signature and license number of the blaster-in-charge.

[(6)] (8) The type of material blasted.

[(7)] (9) A sketch showing the number of blast holes, burden, spacing, pattern dimensions, **delay timing sequence, description of the ground surrounding the blast site** and point of initiation.

[(8)] (10) The diameter and depth of **each** blast [holes] hole.

[(9)] (11) The height or length of stemming and deck separation for each hole.

(12) **The amount of explosives loaded in each borehole.**

[(10)] (13) The types of explosives used and arrangement in blast holes.

[(11)] (14) The total weight in pounds of explosives, **product density for bulk blasting agents, weight of packaged blasting agents** and primer cartridges used.

[(12)] (15) The maximum weight in pounds of explosives detonated per delay period of less than 8 milliseconds.

[(13)] (16) The type of circuit, if electric detonation was used.

[(14)] (17) The direction **in degrees** and distance in feet from the blast site to the nearest building not owned or leased by the blasting activity permittee or its customer.

[(15)] (18) A **general** description, **including the street address and latitude and longitude**, of the nearest building [**location**] not owned or leased by the blasting activity permittee or its customer [**based upon local landmarks**].

[(16)] (19) The scaled distance **to the nearest building or other structure neither owned nor leased by the blasting activity permittee or its customer**.

[(17)] (20) The weather conditions.

[(18)] (21) The direction from which the wind was coming.

[(19)] (22) The measures taken to control flyrock, including whether or not mats were used.

[(20)] (23) The total quantity and type of detonators used and delays used.

[(21)] (24) The number of individuals in the blasting crew.

[(22)] (25) The maximum number of blast holes or portions of blast holes detonated per delay period less than 8 milliseconds.

(26) **A drill log showing the condition of all of the blast holes prior to loading and any other bore holes in the blast site related to the blasting activity.**

[(23)] (27) The monitoring records required [**by**] **under** § 211.173 (relating to monitoring records). Monitoring records shall be made part of the blast report within 30 days of the blast. Beginning July 14, 2004, monitoring records shall be made part of the blast report within 14 days of the blast. The Department may grant a waiver to allow monitoring records to be made part of the blasting record within 30 days of the blast if all blasts, regardless of scaled distance, are monitored and monthly summaries of these reports, including the information required [**in**] **under** subsection (b), are provided. Monitoring records shall be made part of the blast report within 7 days, if requested by the Department.

[(24)] (28) If a misfire occurred, the actions taken to make the site safe as specified in § 211.157 (relating to postblast measures).

(b) The Department may require monthly summaries of these reports. The summaries shall include the date and time of the blasts, scaled distance, peak particle velocity, airblast, monitoring location, amount and types of explosives used and other information the Department deems necessary to ensure compliance with this chapter.

Subchapter E. TRANSPORTATION OF EXPLOSIVES

§ 211.141. General requirements.

The blasting activity[, **purchase or sale**] permittee shall:

* * * * *

(13) Only load explosives into **on-road** vehicles that have passed the State safety inspection or certification.

(14) **Only load explosives into off-road vehicles that are properly equipped to carry explosives.**

(15) **Remove explosives prior to conducting maintenance or repair work on vehicles containing explosives or detonators.**

Subchapter F. BLASTING ACTIVITIES

§ 211.151. Prevention of damage or injury.

(a) [**Blasting may not damage real property except for real property under the control of the permittee. If damage occurs, the blaster-in-charge shall notify the Department within 4 hours of learning of the damage.**] **Blasting shall be conducted to prevent injury to persons or damage to private or public property except for property owned or leased by the permittee or its customer. If damage to property or injuries to persons occurs, the blaster-in-charge shall notify the Department within 4 hours of learning of the damage or injuries occurring.**

(b) **Blasting shall be conducted in a manner that does not cause a nuisance.**

[(b)] (c) Blasting may not cause flyrock. If flyrock occurs, the blaster-in-charge shall notify the Department within 4 hours of learning of the flyrock.

[(c)] (d) Blasts shall be designed and conducted in a manner that achieves either a scaled distance of 90 **at the closest building or other structure designated by the Department** or meets the [**maximum**] allowable [**peak**] particle velocity as indicated by Figure 1 at [**the closest**] **any** building or other structure designated by the Department. [**However, blasting activities authorized prior to July 14, 2001, may continue as authorized unless the authorization is modified, suspended or revoked by the Department.**] The scaled distance and maximum allowable peak particle velocity does not apply at a building or other structure owned or leased by the permittee or its customer.

* * * * *

[(d)] (e) Blasts shall be designed and conducted to control airblast so that it does not exceed [**the noise levels specified in Table 1 at a**] **133 dBL at any** building or other structure designated by the Department unless the building is owned or leased by the permittee or its customer.

[Table 1

Lower frequency limits of measuring System in Hz(+3dB)	Maximum allowable levels in dBL
0.1 Hz or lower—flat response*	134 peak
2.0 Hz or lower—flat response	133 peak
6.0 Hz or lower—flat response	129 peak
C-weighted—slow response*	105 peak

*only when approved by the Department

(e) The Department may establish an alternative peak particle velocity or airblast level if it determines that an alternative standard is appropriate because of density of population, land use, age or type of structure, geology or hydrology of the area, frequency of blasts or other factors.]

(f) Except on permits issued under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19b), the Department may establish an alternative peak particle velocity or airblast level at a building or other structure if it determines that either:

(1) The alternative standard will provide for adequate protection of the building or other structure.

(2) The owner of the building or the other structure waives the ground vibration limit in subsection (d) or the airblast limit in subsection (e).

(g) The blasting activity permittee shall notify the Department within 24 hours of learning that the maximum allowable peak particle velocity or the maximum allowable airblast level are exceeded at any building or other structure designated by the Department.

(h) All blasting activities shall be conducted in a manner which prevents damage to utility lines.

§ 211.152. Control of noxious gases, including carbon monoxide and oxides of nitrogen.

(a) A blast shall be conducted so that the toxic gases generated by the blast, including carbon monoxide and oxides of nitrogen, do not affect the health [and] or safety of individuals. [Effects from gases] Gas migration may be prevented or minimized by taking measures such as venting the gases to the atmosphere[,] and interrupting the path along which gases may flow [, and evacuating]. Evacuating people from areas that may contain gases could prevent their health from being affected.

(b) The blasting activity permittee shall notify the Department within 4 hours if the toxic gases generated by the blast affect the health or safety, or both, of individuals.

§ 211.154. Preparing the blast.

(a) The blasting activity permittee shall designate a blaster-in-charge for each blast. The blaster-in-charge shall control and supervise the blasting activity. [The] A blaster-in-charge is responsible for all effects of the [blast] blasts that blaster-in-charge detonates. The blasting activity permittee is responsible for the effects of all blasts detonated under the blasting activity permit.

(b) Only equipment necessary for loading blast holes may be allowed to operate within 50 feet (15.24 meters) of the blast site. The Department may establish, in writing, a different distance limitation. If a written request for a lower distance limitation is submitted to the Department, the request must provide detailed information including why the lower distance limitation is necessary and how blast site safety will be maintained. The Department's written establishment for a lower distance limitation will include all necessary safety requirements.

(c) A blaster-in-charge may not prepare or detonate a blast unless another person is present, able and ready to render assistance in the event of accident or injury.

(d) The blaster-in-charge shall [make every effort to] determine the condition of the material to be blasted from the individual who drilled the blast holes [or], from the drill log or at-the-hole communication prior to loading a blast. The permittee shall ensure that a written drill log or at-the-hole communication is available to the blaster-in-charge.

(e) Only the blaster-in-charge, other blasters[,] and up to six assistants per blaster may be at a blast site once loading of blast holes begins.

(f) While loading a blast hole, the following measures shall be followed:

* * * * *

(5) Each blast hole shall be logged throughout the [leading] loading process to measure the amount and location of explosives placed in the blast hole. The information is to be recorded on the blast report required [by] under § 211.133 (relating to blast [report] reports).

* * * * *

(n) [Blasting activities may not be conducted within 800 feet (243.84 meters) of a public roadway unless precautionary measures are taken to safeguard the public. Precautionary measures include stopping or slowing of traffic and posting signs.] The permittee shall ensure that public highways and entrances to the areas where blasting will occur are barricaded and guarded if the highways and entrances to areas where blasting will occur are located within 800 feet of a point where a blast is about to be fired. The permittee may use an alternative measure to this requirement if the permittee demonstrates, to the Department's satisfaction, that the alternative measure is at least as effective at protecting persons and property from the adverse effects of a blast. Alternative measures are measures such as:

(1) Slowing or stopping traffic in coordination with appropriate State or local authorities, including local police.

(2) Using mats to suppress flyrock.

(3) Designing the blast to prevent damage or injury to persons and property located on the public highways or at the operation's entrances by using design elements such as:

(i) Orienting the blast so that the direction of relief is away from public highways or operation entrances.

(ii) Adjusting blast design parameters including:

(A) The diameter of holes.

(B) The number of rows.

(C) The number of holes.

(D) The amount and type of explosive.

(E) The burden and spacing.

(F) The amount and type of stemming.

(G) The powder factor.

§ 211.155. Preblast measures.

Prior to detonating a blast, the blaster-in-charge shall:

* * * * *

(6) At least 1 minute but no more than 2 minutes prior to detonation, sound a warning signal of three blasts, each lasting approximately 5 seconds. The warning signal shall be of sufficient power to be heard 1,000 feet (304.80 meters) from the blast site.

(7) Post signs at access points to a blast site which clearly warn of explosives use. If there are no specific access points, a minimum of four signs shall be posted on all sides of the blast site at a distance of 100 feet from the blast site.

§ 211.158. Mudcapping.

Mudcapping in blasting activities is allowed only if the blaster-in-charge determines that drilling the material to be blasted would endanger the safety of the workers. If mudcapping is necessary, no more than [10 pounds (4.53 kilograms)] 1 pound (0.454 kilogram) of explosives shall be used for a blast.

Subchapter G. REQUIREMENTS FOR MONITORING

§ 211.171. General provisions for monitoring.

(a) If the scaled distance of a blast is 90 or numerically less at the closest building not owned or leased by the blasting activity permittee or its customer, ground vibration and airblast monitoring shall be conducted. The Department may require the permittee to conduct ground vibration and airblast monitoring at other buildings or structures even if the scaled distance is greater than 90.

[(b) Blasting activities without monitoring may be considered in compliance with this chapter if at a specified location, on at least five blasts, monitoring has demonstrated that the maximum peak particle velocity at the specified location represents more than a 50% reduction from the limit in the permit and this chapter. Future blasts shall maintain a scaled distance equal to or greater than the scaled distance for the monitored blasts.

(c)] (b) If monitoring is required, a ground vibration and airblast record of each blast shall be made part of the blast report.

[(d)] (c) If monitoring is performed with instruments that have variable "trigger levels," the trigger for ground vibration shall be set at a particle velocity of no more than .25 [inches] inch per second unless otherwise directed by the Department.

[(e)] (d) If the peak particle velocity and airblast from a blast are below the set trigger level of the instrument, a printout from the instrument shall be attached to the blast report. This printout shall provide the date and time when the instrument was turned on and off, the set trigger levels and information concerning the status of the instrument during the activation period. When an instrument is used that does not provide this information, the Department will allow the permittee to supply on/off times on a signed statement.

(e) Blasting seismographs shall be deployed in the field according to the guidelines established by the International Society of Explosives Engineer's Standards Committee.

§ 211.172. Monitoring instruments.

(a) If monitoring is required, the monitoring instrument shall provide a permanent record of each blast.

[(1) A monitoring instrument for recording ground vibration, at a minimum, shall have:

(i) A frequency range of 2 Hz to 100 Hz.

(ii) Particle velocity range of .02 to 4.0 inches (5.08 x 10⁻⁴ to 0.10 meters) per second or greater.

(iii) An internal dynamic calibration system.

(2) A monitoring instrument used to record airblast shall have:

(i) A lower frequency limit of 0.1, 2.0 or 6.0 Hz.

(ii) An upper end flat-frequency response of at least 200 Hz.

(iii) A dynamic range that, at a minimum, extends from 106 to 142 dBL.]

(b) The monitoring instrument must be constructed to meet the guide established by the International Society of Explosives Engineer's Standards Committee.

[(3)] (c) A monitoring instrument shall be calibrated annually and when an instrument is repaired and the repair may [effect] affect the response of the instrument. Calibration shall be done by the manufacturer of the equipment, or by an organization approved by the manufacturer, or by an organization having verifiable knowledge of the calibration procedures developed by the manufacturer. The calibration procedure shall include testing the response of the entire system to externally-generated dynamic inputs. These inputs shall test the entire monitoring system at a sufficient number of discrete frequency intervals to assure flat response throughout the frequency ranges specified by this chapter. Dynamic reference standards used for calibration shall be traceable to the National Institute of Standards and Technology [(NIST)]. Calibration procedures and documentation of calibration shall be made available for review by the Department.

[(4)] (d) A nonalterable sticker that is clearly visible shall be firmly affixed to the instrument. The sticker shall indicate the name of the calibration facility, the calibration technician, the date of calibration and frequency range of the airblast monitor.

Subchapter H. BLASTING ACTIVITIES NEAR UNDERGROUND UTILITY LINES

§ 211.182. General provisions.

(a) Prior to conducting blasting activities within 200 feet of an underground utility line, the blasting activity permittee shall ensure that the owner of the line is notified of the blasting activities and demonstrate to the Department that that notification has been made.

(b) Blasts shall be designed and conducted so that they provide the greatest relief possible in a direction away from the utility line and to keep the resulting vibration and actual ground movement to the lowest possible level.

(b) Blasting shall use a type of explosive specifically designed to minimize the likelihood of propagation between explosive charges.

(c) When blasting within 200 feet (60.96 meters) of a utility line, blast holes may not exceed 3 inches (7.62 x 10⁻² meters) in diameter.

(c) Blasting in the vicinity of a utility line shall be conducted as follows:

(1) Excavation from the ground surface to a depth corresponding to the elevation of the top of the buried utility line may proceed at the discretion of the blaster-in-charge, using safe, accepted techniques.

(2) Once the excavation has attained a depth equal to the elevation of the top of the buried utility line or if the line is exposed, or makes solid contact with the surface, the vertical depth of subsequent blast holes shall be restricted to one half the horizontal distance from the closest portion of the utility line.

(d) If one or more of the requirements listed in this section are not feasible or creates a potential safety problem, the permittee may apply to the Department for a waiver of the provision or provisions in question. This waiver will be granted if, in the judgment of the Department and the utility owning the lines, the alternate procedure does not endanger the utility line.

(Editor's Note: Subchapters I and J are new and printed in regular type to enhance readability.)

Subchapter I. SEISMIC EXPLORATION

- Sec.
- 211.191. Scope.
- 211.192. Permits.
- 211.193. Blasting records.
- 211.194. General requirements for handling explosives on a seismic exploration operation.

§ 211.191. Scope.

This subchapter applies to seismic exploration activities which employ explosives. Unless otherwise specified, Subchapters A—H apply to persons engaging in seismic exploration activities using explosives.

§ 211.192. Permits.

In addition to the requirements of Subchapter C (relating to permits), an application for a blasting activity permit for seismic exploration must include the following:

(1) A detailed plan describing how explosives loaded in the ground will be kept under the control of the permittee, secured against being compromised, detonated, unearthed or otherwise tampered with.

(2) The maximum time, in days, that explosives will be allowed to remain in the borehole from loading until detonation.

(3) A map clearly delineating all of the areas where the placement of explosives charges is planned and the footprint of any mining permits where mining, reclamation or water treatment are occurring, or may occur, within 500 feet of where the placement of explosives charges is planned.

(4) Detailed information, including data sheets and warranty information, on the explosives products to be used.

§ 211.193. Blasting records.

In addition to the requirements of § 211.133 (relating to blast reports), blast reports on seismic exploration operations must contain, at a minimum, the following:

- (1) The time and date the explosives were loaded into holes.
- (2) The blaster-in-charge who supervised or loaded the charges, or both.
- (3) The specific location of the loading of the charges, expressed in latitude and longitude.
- (4) The blaster-in-charge who detonated the charges.
- (5) The time and date the charges were detonated.

§ 211.194. General requirements for handling explosives on a seismic exploration operation.

(a) Section 211.153(e) and (f) (relating to general requirements for handling explosives) is not applicable to the handling and use of explosives for seismic exploration operations.

(b) Except as specified in subsection (a), in addition to the requirements of Subchapter F (relating to blasting activities), the following provisions apply to the handling and use of explosives on seismic exploration operations:

(1) All explosives loaded into boreholes shall either be detonated or removed from the borehole after the maximum number of days specified in the applicable blasting activity permit.

(2) Explosives charges may not be placed closer than 300 feet from any building or other structure designated by the Department unless authorized by the Department.

(3) All detonators used in seismic exploration operations must employ the best technology available for security and functionality under the conditions into which the detonators are loaded.

(4) Explosives may not be placed on areas permitted for mining activities under Chapter 77 or 86 (relating to noncoal mining; and surface and underground coal mining; general) without prior Department approval. To obtain Department approval to place explosives on area permitted for mining activities, the permit applicant shall provide information including, but not limited to, the following:

- (i) Demonstration of authorization to place explosives charges and to conduct activities on the site.
- (ii) A plan to ensure the safety and security of explosives charges on the mining permit from loading through detonation of the charges.
- (iii) A map detailing the specific location of where charges are to be placed on the mining permit area.
- (iv) If the United States Department of Labor, Mine Safety and Health Administration required training is

necessary, how and when that training will be obtained and who will obtain the training. The permittee shall provide written documentation of the training to the Department prior to entry onto the mining permit.

(5) The permittee is responsible for the security of all charges in the ground to prevent the charges from being detonated, removed or otherwise tampered with. The permittee shall secure all explosives charges in accordance with the approved blasting activity permit.

(6) For all incidents where explosives are loaded into boreholes and have had their functionality compromised by loading, handling or manufacturing defects, the permittee shall remove the explosives from the borehole or destroy them in place.

(7) The permittee may not allow explosives charges to remain in the ground for more than 1 year.

Subchapter J. CIVIL PENALTIES

Sec.

- 211.201. Scope.
- 211.202. Inspection—general.
- 211.203. Assessment of civil penalty.
- 211.204. System for assessment of penalties.
- 211.205. Procedures for assessment of civil penalties.
- 211.206. Final action.
- 211.207. Final assessment and payment of penalty.

§ 211.201. Scope.

This subchapter applies to the assessment of civil penalties for the use of explosives on permitted blasting activity sites and for the unauthorized detonation, storage, transportation, handling or use of explosives. This subchapter does not apply in cases when the procedures in Chapter 77 or 86 (relating to noncoal mining; and surface and underground coal mining; general) are used.

§ 211.202. Inspection—general.

When the Department determines that a person subject to this chapter has violated any provision of this chapter or a permit issued under this chapter, the Department will notify the alleged violator either by copy of an inspection report, a notice of violation, or through a Department order or other enforcement document. The failure of the Department to issue a notice of a violation may not be interpreted to be evidence of the absence of a violation. The Department will provide notices, orders or other public records for public inspection at the appropriate Department district office.

§ 211.203. Assessment of civil penalty.

(a) The Department will assess a civil penalty for each violation which is included as a basis for a cessation order.

(b) The Department may assess a civil penalty for each violation.

(c) The amount of the civil penalty may not exceed \$10,000 per day for each violation.

§ 211.204. System for assessment of penalties.

(a) The penalty per day for each violation may be set at any amount from \$0 through the maximum of \$10,000.

(b) Civil penalties will be assessed based on the following criteria:

(1) *Seriousness.* Up to \$10,000 per day for each violation will be assessed based on the seriousness of the violation, including:

- (i) Personal injury or death.
- (ii) Damage or injury to the lands or to the waters of the Commonwealth or their uses.

(iii) The cost of restoration.

(iv) A hazard to the health or safety of the public.

(v) Private property damage.

(vi) Government property damage.

(vii) The interference with a person's right to the comfortable enjoyment of life or property.

(viii) Unauthorized detonation of explosives.

(2) *Culpability.* If the violation was caused, contributed to or allowed to continue due to negligence on the part of persons working on the blasting activity site, a penalty of up to \$2,000 per day for each violation will be assessed depending on the degree of negligence of the persons. If the violation was willful or the result of reckless conduct on the part of the person working on the blasting activity permit site, or a result of unauthorized detonation, transportation, storage, handling or use of explosives, a penalty of up to the maximum of \$10,000 per day for each violation, but at least \$500, will be assessed. Blasting to intentionally cause private property damage, government property damage, personal injury or death will be assessed at the maximum of \$10,000 per day for each violation.

(3) *Speed of compliance.* A credit will be given of up to \$1,000 per day for each violation based on the person's attempt to achieve rapid compliance after the person knew or should have known of the violation. If the violation is abated within the time period in an abatement order, a credit will not be given under this paragraph unless the violation is abated in the shortest possible time, in which case a credit of up to \$1,000 per day for each violation will be given. The credit will be available to offset only civil penalties assessed for the specific violation at issue.

(4) *Cost to the Commonwealth.* A penalty may be assessed based on the costs expended by the Commonwealth as a result of the violation. The costs may include:

(i) Administrative costs.

(ii) Costs of inspection.

(iii) Costs of the collection, transportation and analysis of samples.

(iv) Costs of preventive or restorative measures taken to prevent or lessen the threat of damage to a property or environmental value, or to prevent or reduce injury to a person.

(5) *Savings to the violator.* If the person who commits the violation gains economic benefit as a result of the violation, a penalty may be assessed in an amount equal to the savings up to the regulatory maximum for each violation.

(6) *History of previous violations.* In determining a penalty for a violation, the Department will consider previous violations of the applicable laws for which the same person or municipality has been found to have been responsible in a prior adjudicated proceeding, agreement, consent order or decree which became final within the previous 1-year period on the permit where the violation has occurred. The penalty otherwise assessable for each violation will be increased by a factor of 5% for each previous violation. The total increase in assessment based on history of previous violation will not exceed \$1,000 per day for each violation.

(i) A previous violation will not be counted if it is the subject of pending administrative or judicial review, or if the time to request the review or to appeal the administrative or judicial decision determining the previous violation has not expired.

(ii) Each previous violation will be counted without regard to whether it led to a civil penalty assessment.

(c) Whenever a violation is included as a basis for an administrative order requiring the cessation of a blasting operation, or for another abatement order, and if the violation has not been abated within the abatement period set in the order, a civil penalty of at least \$750 per day for each violation shall be assessed for each day during which the failure to abate continues. If the person to whom the order was issued files an appeal of the order with respect to the violation, the abatement period will be extended if suspension of the abatement requirement is ordered in a supersedeas order is issued by the EHB under §§ 1021.61—1021.64 (relating to supersedeas). In this case, the period permitted for abatement will not end until the date on which the EHB issues a final adjudication with respect to the violation in question or otherwise revokes the supersedeas order.

(d) Each day of a continued violation of the acts, this chapter, or a permit, license or order of the Department issued under this chapter will be considered a separate violation for purposes of this chapter. The cumulative effect of a continued violation will be considered in assessing the penalty for each day of the violation.

(e) If a penalty calculated under the criteria in this section would yield a penalty in excess of the regulatory maximum for a violation, the maximum penalty will be imposed for that violation. Separate violations occurring on the same day may each be assessed a penalty of up to the regulatory maximum. When violations may be attributed to two or more persons, a penalty of up to the regulatory maximum may be assessed against each person.

§ 211.205. Procedures for assessment of civil penalties.

(a) Within 15 days of service of a notice of violation or order, the person to whom it was issued may submit written information about the violation to the Department and to the inspector who issued the order. The Department will consider any submitted information in determining the facts surrounding the violation and may revise a civil penalty calculated in accordance with the criteria in § 211.204(b) (relating to system for assessment of penalties), if the Department determines that, taking into account exceptional factors present in the particular case, the civil penalty is demonstrably unjust. The Department will not reduce the civil penalty on the basis of an argument that a reduction in civil penalty could be used to abate violations of the acts, this chapter, or a condition of a permit or exploration approval. The Department will explain and document the basis for every revision of a civil penalty in the records of the case. If the Department revises the civil penalty, the Department will use the general criteria in § 211.204(b) to determine the appropriate civil penalty. When the Department has elected to revise a civil penalty, the Department will give a written explanation of the basis for the revised civil penalty to the person to whom the order was issued.

(b) The Department will serve a copy of the civil penalty assessment on the person responsible for a violation. This assessment will be served within the time in the applicable statute of limitations. Service will be by

registered or certified mail, or by personal service. If the mail is tendered at the address in the permit, or at an address the person is located, and delivery is refused, or mail is not collected, the requirements for service will be deemed to have been met.

(c) Upon written request of the person to whom the assessment was issued, the Department will arrange for an informal conference to review the assessment. The Department may also initiate an informal conference.

(d) The procedures for informal assessment conferences are as follows:

(1) The Department will assign a representative to hold the informal assessment conference. The informal assessment conference will not be governed by requirements for formal adjudicatory hearings, and may be held at any time at the convenience of the parties.

(2) The Department will post notice of the time and place of the informal assessment conference at the regional or district office closest to the mine at least 5 days before the conference. Any person shall have a right to attend and participate in the conference.

(3) The Department will consider all relevant information on the violation. After the informal assessment conference is held, the Department may do one of the following:

(i) Settle the issues, in which case a settlement agreement will be prepared and signed by appropriate representatives of the Department and the person assessed the penalty.

(ii) Affirm, raise, lower or vacate the penalty.

(e) The Department representative may terminate the informal assessment conference when the representative determines that the issues cannot be resolved or that the person assessed is not diligently working toward resolution of the issues.

(f) At formal review proceedings under § 211.206 (relating to final action), evidence as to statements made or evidence produced by one party at an informal assessment conference may not be introduced as evidence by another party or to impeach a witness.

(g) The time for appeal from an assessment will not be stayed by the request for or convening of an assessment conference.

§ 211.206. Final action.

(a) The person upon whom a civil penalty assessment has been served may file an appeal of the civil penalty assessment with the EHB in accordance with § 1021.52 (relating to timeliness of appeal). Prepayment of the civil penalty shall be made in accordance with § 1021.54a(a) and (d) (relating to prepayment of penalties). Payment under this section shall be cash in the form of certified check, treasurer's check, bank check or cashier's check, or a bond in the amount of the assessed civil penalty executed by a surety who is licensed to do business in this Commonwealth and who is otherwise satisfactory to the Department.

(b) The Department will hold the payment of civil penalty in escrow pending completion of the administrative and judicial review process, at which time it will disburse the payment as provided in § 211.207 (relating to final assessment and payment of penalty).

(c) An appeal from a penalty assessment will not be considered to be timely unless a properly executed appeal bond or cash equal to the full amount of the assessed penalty, or a verified statement that the appellant is unable to pay, is received by the Department within 30 days of the appellant's receipt of the assessment or reassessment.

(d) A person may challenge either the fact of the violation or the amount of the penalty once an appeal of that issue has been perfected. In either challenge, the appellant will be bound as to actions of the Department which have become final under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514). A final action includes a compliance order which has become final, even though the order addresses the same violation for which a civil penalty is assessed.

§ 211.207. Final assessment and payment of penalty.

(a) If the person to whom a civil penalty assessment is served does not file an appeal of the penalty assessment as provided in § 211.206 (relating to final action), the penalty assessment will become final and the penalty assessed will become due and payable upon expiration of the time allowed to file the appeal.

(b) If a party requests judicial review of an adjudication of the EHB, the initial payment of the penalty assessed will continue to be held in escrow until completion of the review.

(c) If the final decision in the administrative and judicial review process results in an order reducing or eliminating the proposed penalty assessed under this chapter, the Department will, within 30 days of receipt of the order, refund to the person assessed all or part of the escrowed amount, with any interest accumulated by the escrow deposit.

(d) If the final decision in the administrative and judicial review processes results in an order increasing the penalty, the person to whom the notice or order was issued shall pay the difference to the Department within 30 days after the order is mailed to the person.

[Pa.B. Doc. No. 16-321. Filed for public inspection February 26, 2016, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CHS. 1, 3, 5, 23 AND 29]

[L-2015-2507592]

Reduce Barriers to Entry for Passenger Motor Carriers

The Pennsylvania Public Utility Commission (Commission), on November 5, 2015, adopted a proposed rule-making order to reduce the current barriers to entry for qualified passenger motor carrier applicants by eliminating the requirement that an applicant for passenger motor carrier authority establish that approval of the application will serve a useful public purpose, responsive to a public demand or need.

Executive Summary

The Pennsylvania Public Utility Commission is vested with jurisdiction over passenger common carrier service in Pennsylvania. The Commission recognizes several distinct types of passenger common carriers in its regulations, including scheduled route carriers, call or demand (taxi) carriers, group and party carriers, limousine carriers, airport transfer carriers, paratransit carriers, and experimental service carriers. 52 Pa. Code §§ 29.301—29.356. Each of these carriers has unique equipment and operating characteristics.

Historically, the Commission has required applicants for passenger carrier authority to establish that they are technically and financially fit, can operate safely and legally, and that there is a public demand or need for the services. 52 Pa. Code §§ 3.381 and 41.14. Upon consideration of the acknowledged benefits of increased competition among passenger motor carriers and advances in technology, the Commission believes that it is appropriate to reduce the current barriers to entry for qualified applicants by eliminating the requirement that an applicant for passenger motor carrier authority establish that approval of the application will serve a useful public purpose, responsive to a public demand or need. Rather than determining public need by means of a complex, costly and time consuming administrative process, public need or demand will be determined in the marketplace by competition among passenger carriers in regard to price, quality and reliability, as well as the experienced demand for their services by consumers who may freely choose among those competing carriers. Passenger carrier applicants will continue to be required to establish, in the application process at 52 Pa. Code § 3.381, that they have the technical and financial ability to provide the proposed service safely, reliably and legally, and that they are fully insured in accordance with the requirements of state law and Commission regulations.

As a corollary to the proposed elimination of public demand or need in the application process, the Commission envisions an industry that will grow even more competitive. Competition drives market pricing, obviating the need to engage in traditional ratemaking processes geared toward monopoly markets. The Commission proposes to permit all passenger carriers to change rates without filing the extensive supporting financial justification required by 52 Pa. Code § 23.64 by eliminating the threshold interstate revenue amount for passenger carriers in § 23.68. Passenger carriers will continue to be required to submit filings notifying the Commission of tariff changes and to provide the basic operational and financial data enumerated at 52 Pa. Code § 23.68 to support those filings.

Another consequence of eliminating the public need requirement for passenger carrier applicants is that the current territorial restrictions that accompany a carrier's certificate are no longer necessary. Therefore, passenger carriers will be deemed to have statewide authority, unless otherwise requested. Additionally, given the elimination of the public need requirement for passenger carrier applicants and the statewide authorization for all passenger carriers, the Commission believes that the regulatory provisions providing for Emergency Temporary Authority (ETA) and Temporary Authority (TA) are no longer applicable to passenger carriers. 52 Pa. Code §§ 3.383—3.385.

Public Meeting held
November 5, 2015

Commissioners Present: Gladys M. Brown, Chairperson;
John F. Coleman, Jr., Vice Chairperson; Pamela A.
Witmer; Robert F. Powelson; Andrew G. Place

*Proposed Rulemaking Amending 52 Pa. Code Chapters 1,
3, 5, 23 and 29 to Reduce Barriers to Entry for Passenger
Motor Carriers and to Eliminate Unnecessary Regulations
Governing Temporary and Emergency Temporary
Authority; Doc. No. L-2015-2507592*

Proposed Rulemaking Order

By the Commission:

Pursuant to Section 1101 of the Public Utility Code (Code), 66 Pa.C.S. § 1101, a public utility must obtain a certificate of public convenience from the Commission in order to offer, render, furnish, or supply public utility service in Pennsylvania. Section 1103 of the Code, 66 Pa.C.S. § 1103, establishes the procedure to obtain a certificate of public convenience. That provision provides, *inter alia*, that “[A] certificate of public convenience shall be granted by order of the commission, only if the commission shall find or determine that the granting of such certificate is necessary or proper for the service, accommodation, convenience, or safety of the public.”

Pursuant to Section 102 of the Code, 66 Pa.C.S. § 102, common carriers by motor vehicle are public utilities. The Commission recognizes several distinct types of common carriers in its regulations. 52 Pa. Code Chapters 21, 29, and 31. A passenger carrier is defined as “a motor common or contract carrier that transports passengers.” 52 Pa.C.S. § 21.1. Our regulations recognize several types of passenger carriers, including scheduled route carriers, call or demand (taxi) carriers, group and party carriers, limousine carriers, airport transfer carriers, paratransit carriers, and experimental service carriers. 52 Pa. Code §§ 29.301—29.356.

Each of these carriers has unique equipment and operating characteristics:

Scheduled route carriers operate over a scheduled route and pick up and discharge persons at points along that route, as authorized by their certificate. These carriers are obligated to provide printed time schedules for their routes, and must provide notice of any changes in routes or time schedules. In addition, these carriers must operate vehicles with seating capacities of six passengers or greater, excluding the driver. 52 Pa. Code §§ 29.301—29.305.

Call or demand carriers, or taxis, transport persons on an exclusive or nonexclusive basis in vehicles with seating of eight passengers or less, excluding the driver. These carriers must transport passengers by the shortest practical route unless otherwise directed by the passenger, and must maintain log sheets for each trip. The call and demand vehicle must also be equipped with a meter that records the fare. The meter must be plainly visible to the passenger and, if requested, the carrier must provide a receipt to the passenger. 52 Pa. Code §§ 29.311—29.316.

Group and party carriers transport persons in charter service, tour or sightseeing service, or special excursions, and operate vehicles with seating capacities of 10 passengers or greater, excluding the driver. Unless these carriers obtain a special permit from the Commission, they may not provide service that duplicates a direct or connecting service rendered by a scheduled route carrier or a public transportation system. 52 Pa. Code §§ 29.321—29.324.

Limousine carriers transport persons on an advance reservation basis in exclusive service provided by luxury vehicles with seating capacities of 10 passengers or less,

excluding the driver. These carriers must provide service on an advance reservation service and not by street hail, must charge a single person or organization for the service and not by passengers as individuals, and must maintain trip logs for each vehicle. In addition, limousine carrier rates must be based solely upon time, and must be contained in tariffs. 52 Pa. Code §§ 29.331—29.335.

Airport transfer carriers transport persons on a nonexclusive, individual charge basis from points authorized by the certificate to the airport specified by the certificate, and vice versa. Airport transfer service may be offered on a scheduled basis serving specified points according to a published time schedule or on a request basis with the origin or destination of the transportation to or from the airport arranged between the individual and the carrier, or on both bases. A material change in a time schedule shall be posted at terminals and in vehicles engaged in service affected by the change for a period of not less than seven days prior to the effective date of the change. 52 Pa. Code §§ 29.341—29.343.

Paratransit carriers transport persons on an advance reservation basis in nonexclusive service in vehicles with seating capacities of 15 passengers or less, excluding the driver. The paratransit vehicles used to transport handicapped persons must contain equipment necessary for the safety and comfort of handicapped passengers. The service must be provided on an advance reservation basis, and the rates charged must be contained in tariffs. 52 Pa. Code §§ 29.353—29.356.

Experimental carriers provide a new, innovative, or experimental type of service not encompassed within the other recognized categories of service. A certificate for experimental service is valid only until the service is abandoned, until two years have elapsed from the time the certificate was approved, or until the Commission enacts regulations covering the service, whichever occurs first. Carriers must abide by any regulations or requirements which the Commission prescribes. 52 Pa. Code § 29.352.

Discussion

Historically, the Commission has required applicants for passenger carrier authority to establish that they are technically and financially fit, can operate safely and legally, and that there is a public demand or need for the services. 52 Pa. Code §§ 3.381 and 41.14. Upon consideration of the acknowledged benefits of increased competition among passenger motor carriers and advances in technology, we believe that it is appropriate to reduce the current barriers to entry for qualified applicants by eliminating the requirement that an applicant for passenger motor carrier authority establish that approval of the application will serve a useful public purpose, responsive to a public demand or need.¹ Rather than determining public need by means of a complex, costly and time

¹Pursuant to our Order in dated March 22, 2001, we adopted a final policy statement wherein we eliminated the requirement that applicants for limousine authority are required to establish that the proposed service is responsive to a public demand or need, and that the proposed service will not endanger or impair the operation of existing carriers. Evidentiary Criteria Used to Decide Motor Common Applications, Docket No. L-00980135 (Order entered March 22, 2001). Notwithstanding our adoption of this policy statement for these carriers, we still must address ancillary regulatory provisions that may be affected by our action. Additionally, we note that 49 U.S.C. § 14501(a) preempts state regulation of intrastate ‘charter bus service’ as far as rates, routes, and service requirements. This preemption was implemented in 1998. The Commission has previously determined that “charter bus transportation,” per § 14501(a)(1)(C), is limited to group and party service provided in vehicles with seating capacities of 16 or more, including the driver. Regulation of Group and Party Carriers, Docket No. P-00981458 (Order entered January 11, 1999). *Regency Transportation Group, Ltd., v. Pa. Public Utility Commission*, 44 A. 3d 107 (Pa. Cmwlth. 2012). We also determined that it was appropriate to extend the preemption to the ancillary tour and sightseeing and special excursion services. Therefore, per our January 11, 1999 order, we bifurcated the group and party service category into ‘group and party 11-15’ and ‘group and party greater than 15,’ for regulatory purposes. Since that time, we have not required proof of public demand or need for processing of group and party greater than 15 carrier applications, but maintained the public need requirement for group and party 11-15 carrier applications. Our proposed regulations will reflect these changes.

consuming administrative process, public need or demand will be determined in the marketplace by competition among passenger carriers in regard to price, quality and reliability, as well as the experienced demand for their services by consumers who may freely choose among those competing carriers.

In a competitive market with reduced barriers to entry for qualified carriers, the Commission finds no reason to continue to protect, by an administrative process, passenger carriers whose services are no longer demanded by consumers who have chosen other carriers. Indeed, lowering outdated barriers to entry will further promote competition in this industry, which will, in turn, provide consumers with more choices and more competition among carriers as to price, quality and reliability.

Consistent with our policy statement and in light of the benefits of increased competition in the passenger carrier industry, we believe that it is appropriate to modify our regulations governing all passenger carrier applications by lowering the barriers to entry for qualified carriers who are technically and financially fit and who can provide service that is safe, reliable and fully insured.

We note that our legal authority to eliminate the public need requirement has been considered and affirmed by the Pennsylvania Supreme Court. *Elite Industries, Inc. v. Pa. Public Utility Commission*, 832 A.2d 428 (Pa. 2003). In *Elite*, the Court posited:

Allowing the applicant to meet a less stringent evidentiary burden makes expansion of the market possible. This situation falls squarely within the PUC's area of expertise and is best left to the commission's discretion.

Id. at 432. The Court found that an agency may revise its policies and amend its regulations in interpreting its statutory mandates. Citing *Seaboard Tank Lines v. Pa. Public Utility Commission*, 502 A.2d 762 (Pa. Cmwlth. 1985), the Court reiterated that an agency's past interpretation of a statute, though approved by the judiciary, does not bind that agency to that particular interpretation. Moreover, the Court in *Elite* cited, with approval, the *Seaboard* description of the Commission's scope of authority, as follows:

The PUC's mandate with respect to the granting of certificates of public convenience is a broad one: "a certificate of public convenience shall be granted by order of the commission, only if the commission shall find or determine that the granting of such certificate is necessary or proper for the service, accommodation, convenience, or safety of the public." The legislature, however, provided no definition of specifically what the criteria were to be in determining the propriety of granting a certificate, leaving the formulation of such criteria to the PUC. . . .

Id. at 432. Accordingly, the *Elite* and *Seaboard* cases hold that the various and specific factors to be considered in determining whether to grant a certificate of public convenience to an applicant for motor carrier authority, beyond those expressly stated in the statute, are matters left to the administrative expertise, sound discretion, and good judgment of the Commission.

Other jurisdictions, such as New Jersey, Ohio and Maryland, as well as the Federal Motor Safety Administration, do not require passenger carrier applicants to establish a public demand or need as a prerequisite to certification. We believe that at this juncture, it is appropriate and in the public interest to eliminate the

need requirement from the passenger carrier application process. This will foster further competition in this market.

As a corollary to the proposed elimination of public demand or need in the application process, we envision an industry that will grow even more competitive. Competition drives market pricing, obviating the need to engage in traditional ratemaking processes geared toward monopoly markets. Therefore, as barriers to entry are reduced and competition increases, the Commission is able to reduce and eliminate regulations that were adopted for a monopoly environment and are no longer necessary.

Chapter 23 of our regulations, 52 Pa. Code Chapter 23, governs tariffs and ratemaking procedures for common carriers. Specifically, 52 Pa. Code § 23.68 provides that small passenger carriers with gross annual intrastate revenue of less than \$500,000 need not file the substantiating data required by 52 Pa. Code § 23.64, to support changes in rates. We now propose to permit all passenger carriers to change rates without filing the extensive supporting financial justification required by 52 Pa. Code § 23.64 by eliminating the threshold interstate revenue amount for passenger carriers in § 23.68. Passenger carriers are still required to submit filings notifying the Commission of tariff changes and to provide the basic operational and financial data enumerated at 52 Pa. Code § 23.68, including the reasons for the proposed tariff change, the effect of the change on the carrier's revenues, the gross intrastate revenue for the most recent fiscal year, the projected operating revenue and expense, and the projected operating ratio. The Commission will continue to review such filings to ensure that rates are just and reasonable based on the required submittal.² See 66 Pa.C.S. § 1301.

Another consequence of eliminating the public need requirement for passenger carrier applicants is that the current territorial restrictions that accompany a carrier's certificate are no longer necessary.³ Currently, passenger carriers generally demonstrate that their business will serve a useful public purpose, responsive to a public demand or need by presenting witnesses who testify that the service is needed in a particular geographic territory. As such, the PUC routinely limits carriers' authority to the geographic territories where the carrier was able to demonstrate a need for the service. With the elimination of the need requirement, the corresponding limitation on carriers' certificates to specific service territories is no longer necessary. Therefore, existing passenger carriers will be deemed to have statewide authority. However, a carrier may wish to limit its operating territory due to operational concerns, insurance costs, or other factors. If this is the case for an existing carrier, the carrier may advise the Commission accordingly. New carriers will

² By Order entered October 16, 1997, the Commission allowed limousine and group and party carriers to engage in flexible ratemaking. Investigation of Flexible Ratemaking for the Bus and Limousine Industries, Docket No. I-00960063 (Order entered October 16, 1997). In that Order, the Commission allowed group and party and limousine carriers to establish initial rates and change existing rates with at least (1) day notice to the Commission, with no supporting financial justification as provided at 52 Pa. Code §§ 23.62–23.64 for new tariffs or changes to existing tariffs. Finally, we waived the requirement that group and party and limousine carriers post a notice of changes in fares. 52 Pa. Code § 23.61.

Since our 1997 Order establishing flexible ratemaking, we have not observed any reason to deviate from this practice. Market driven pricing, obviating the need to engage in traditional ratemaking processes geared toward monopoly markets, has been successful. We will modify our regulations to reflect our 1997 order and current practice accordingly.

³ We have followed this practice since 2001 in the limousine industry and have observed a functional marketplace without the strictures of unnecessary economic regulation. Likewise, large group and party carriers and property carriers have been operating with statewide authority since federal preemption in 1998 and 1994, respectively.

retain the ability to propose limitations on its operating territory at the time of application.

Given the elimination of the public need requirement for passenger carrier applicants and the statewide authorization for all passenger carriers, we believe that the regulatory provisions providing for Emergency Temporary Authority (ETA) and Temporary Authority (TA) are no longer applicable to passenger carriers. 52 Pa. Code §§ 3.383—3.385. The regulations governing ETA and TA are designed to meet emergency situations when there is an immediate need for service that cannot be met by existing carriers. These provisions would not be relevant in a competitive market served by carriers that are not constrained by artificial territorial restrictions. To the extent an emergency would arise requiring service or a change in rates, we believe that our regulations governing Emergency Relief in general, would suffice. 52 Pa. Code §§ 3.1—3.12.⁴

We stress that passenger carrier applicants are still required to establish, in the application process at 52 Pa. Code § 3.381, that they have the technical and financial ability to provide the proposed service safely, reliably and legally, and that they are fully insured in accordance with the requirements of state law and our regulations.⁵

In sum, while we are eliminating certain outdated barriers to entry for passenger carriers and unnecessary regulations as a result of these changes, applicants will continue to be required to demonstrate their technical and financial fitness to provide the proposed service, including adequate training and experience, capitalization and insurance coverage. Moreover, we intend to remain vigilant as to consumer protection and will not hesitate to bring enforcement actions against carriers that fail to maintain proper levels of insurance, fail to operate safely or lawfully, or otherwise fail to meet their fundamental duty to provide safe, reasonable, and adequate service to the public. 66 Pa.C.S. § 1501.⁶

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 10, 2016, the Commission submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Consumer Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

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

⁴ We note that ETA and TA are also available to broker and contract carriers. Our experience indicates that these provisions have not been utilized by either group in recent history. We believe that these groups can likewise avail themselves of our regulations governing emergency relief should it be required.

⁵ Protests to passenger carrier applications have been limited to these criteria. 52 Pa. Code § 3.351(c). Given the limited scope of any protests, the provisions providing for restrictive amendments to applications for motor carrier authority would be no longer applicable to applications for passenger authority. See 52 Pa. Code § 5.235.

⁶ We note that in addition to our regulations at 52 Pa. Code Chapter 3, the public need requirement is also referenced in our policy statement at 52 Pa. Code § 41.14. After the regulatory changes effected by this rulemaking became final, we will issue an order amending our policy statement so that it is consistent with current regulations.

Conclusion

Annex A is permitted by sections 501, 1102 and 1103 of the Public Utility Code. Accordingly, under section 501 of the Public Utility Code, 66 Pa.C.S. § 501, and the Commonwealth Documents Law (45 P. S. §§ 1201 et seq.), and regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5, we propose to amend our regulations as set forth in Annex A; *Therefore,*

It Is Ordered That:

1. The Secretary shall submit this order and Annex A to the Office of Attorney General for preliminary review as to form and legality.

2. The Secretary shall submit this order and Annex A, to the Governor’s Budget Office for review of fiscal impact.

3. The Secretary shall submit this order and Annex A for review by the designated standing committees of both Houses of the General Assembly, and for review and comment by the Independent Regulatory Review Commission.

4. The Secretary shall duly certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

5. Within 30 days of this order’s publication in the *Pennsylvania Bulletin*, an original of any comments concerning this order should be submitted to the Office of the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Alyson Zerbe, Regulatory Coordinator, Law Bureau at (717) 772-4597 or through the Pennsylvania AT&T Relay Center at (800) 654-5988. The contact person is John Herzog, Assistant Counsel, Law Bureau, (717) 783-3714.

ROSEMARY CHIAVETTA,
Secretary

Fiscal Note: 57-312. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 1. RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE

Subchapter E. FEES

§ 1.43. Schedule of fees payable to the Commission.

(a) *Fees for services.* The fees for services rendered by the Commission are as follows:

<i>Description</i>	<i>Fee (in dollars)</i>
* * * * *	

Filing an application for a certificate of public convenience for a motor common carrier of property **or a group and party carrier of more than 15 passengers** \$100

[Filing an application for emergency temporary authority as common carrier of passengers or household goods in use, contract carrier of passengers or household goods in use, or broker or for an extension thereof \$100

Filing an application for temporary authority as common carrier of passengers or household goods in use, contract carrier of passengers or household goods in use, or broker\$100]

* * * * *

CHAPTER 3. SPECIAL PROVISIONS

Subchapter E. MOTOR TRANSPORTATION PROCEEDINGS

§ 3.381. Applications for transportation of property, household goods in use and persons.

* * * * *

(b) *Notice.* Applications will be docketed by the Secretary and, with the exception of motor common carrier property **and group and party carrier of more than 15 passengers** applications, thereafter forwarded for publication in the *Pennsylvania Bulletin*. No other notice to the public or to a carrier, forwarder or broker is required, except that an applicant filing an application for the discontinuance of the transportation of persons, on a scheduled basis, shall certify to the Commission that it has done the following:

- (i) Notified the local government having jurisdiction over affected areas.
- (ii) Posted notice of the proposed discontinuance in a conspicuous place in vehicles engaged in service on affected routes.

(c) *Protests.*

(1) *Applications for passenger or household goods in use authority.*

(i) *Content and effect.*

(A) A person objecting to the approval of an application shall file with the Secretary and serve upon the applicant and the applicant's attorney, if any, a written protest which shall contain the following:

- (I) The applicant's name and the docket number of the application.
- (II) The name, business address and telephone number of the protestant.
- (III) The name, business address and telephone number of the protestant's attorney or other representative.
- (IV) A statement of the protestant's interest in the application [, **including a statement of any adverse impact which approval of the application can be expected to have on the protestant**].

(V) A list of all Commission docket numbers under which the protestant operates [, **accompanied by a copy of any portion of the protestant's authority upon which its protest is predicated**].

[(VI) **A statement of any restrictions to the application which would protect the protestant's interest, including a concise statement of any amendment which would result in a withdrawal of the protest. This provision is not applicable to applications for household goods in use authority.**

(VII)] (VI) A protest [**to a household goods in use application**] is limited to challenging the fitness of the applicant, including whether the applicant possesses the technical and financial ability to provide the proposed service and whether the applicant lacks a propensity to operate safely and legally.

* * * * *

(iii) *Failure to file protests.* If no protest is filed with the Commission on or before the date specified in the *Pennsylvania Bulletin* or if all protests have been withdrawn at or prior to the hearing, the Commission may take either of the following actions:

(A) Consider the application without holding an oral hearing if it deems the facts are sufficient as in the application or as determined from additional information as the Commission may require of the applicant. An application processed under this section, without oral hearing, will be determined on the basis of verified statements submitted by the applicant and other interested parties.

* * * * *

[(III) **Verified statements of the supporting party or firm shall be in paragraph form and shall contain the following information, as applicable:**

- (-a) **The legal name and domicile of the supporting party or firm.**
- (-b) **The identity and qualifications of the person making the statement for supporting party or firm.**
- (-c) **A general description of the supporting party, organization or operations.**
- (-d) **The volume and frequency of intended use.**
- (-e) **Specific or representative origins and destinations, or both.**
- (-f) **The type of service required—persons, group movements, tours, call or demand, scheduled, and the like.**
- (-g) **Similar applications supported—pertinent docket numbers.**
- (-h) **Other information deemed pertinent.**

(IV)] (III) There will be the following extensions of time to file verified statements. When extenuating circumstances exist, the Commission will grant up to 45 days to file verified statements. Requests for extensions of time may be granted by the Commission based upon a written request giving reasons for the extension.

[(V) **Verified statements of supporting parties are not required for applications for household goods in use authority.**]

(B) Schedule the unprotested application for oral hearing at a time, date and place to be set, thereafter notifying the applicant by letter of the scheduling.

(2) *Applications for motor common carrier of property and group and party service for more than 15 passenger authority.* No protests to applications for motor common carrier property **and group and party carrier more than 15 passenger** authority may be filed.

(d) *Hearings on protested applications and applications for motor carrier of property authority when safety issues are raised.*

(1) *Applications for passenger, excluding group and party service more than 15 passenger, or household goods in use authority.*

(i) *Scheduling hearings.*

[(A) **Applications for passenger authority. The applications to which timely protests were filed will not be acted on by the Commission for 20 days**

after the closing date for filing of protests to permit the applicant to make restrictive amendments leading to the withdrawal of protests. If all protests are withdrawn upon amendment, the Commission may dispose of the application in accordance with subsection (c). If the application is still subject to protest, then after the expiration of the 20-day waiting period, the Commission will set the application for hearing and will notify all parties thereof. Absent good cause shown, no further amendments to the application will be considered after expiration of the 20-day period or the commencement of hearings.

(B)] (A) *Applications for passenger and household goods in use authority.* Applications for passenger and household goods in use authority to which timely protests were filed will be set for hearing with notice to the parties.

(ii) *Requests for postponements.* If any scheduled hearing is postponed for any reason prior to the date thereof, notice of postponement and the date, time and place of the continued hearing will be given by the presiding officer of the Commission to all parties. Requests for hearing postponements shall be submitted in writing to the Secretary of the Commission and the presiding officer with copies to parties of record, no later than 5 days prior to hearing. Hearings will not be postponed absent good cause.

(iii) *Prehearing conferences.* The presiding officer may, in his discretion or at the written request of any party of record, set any protested application for prehearing conference, to simplify the issues prior to hearing.

(2) *Applications for motor common carrier of property and group and party service for more than 15 passenger authority.*

(i) *Scheduling hearings.* If the [**Bureau of Transportation and Safety prosecutory staff determine**] **Commission's prosecutory staff determines** that conditional or unsatisfactory safety ratings from other jurisdictions or adverse decisions in safety related proceedings before other tribunals exist, [**the Bureau of Transportation and Safety shall enter its**] **prosecutory staff shall enter an** appearance and refer the matter to the Office of Administrative Law Judge for hearing on the applicant's safety fitness. A determination by the Commission, after hearing, that the applicant possesses the necessary safety fitness will result in the application being processed as though the applicant possessed a satisfactory safety rating.

* * * * *

(f) *Compliance: conditions for approval for motor common carrier property and group and party more than 15 passenger authority.* If the [**Bureau of Transportation and Safety**] **Commission's prosecutory staff determines** that a hearing is not required, as provided in subsection (d)(2), the Commission will act on applications as follows:

(1) A compliance letter will be issued directing that the applicant file a Form E Uniform Motor Carrier Bodily Injury and Property Liability Certificate of Insurance and a Form H Uniform Cargo Insurance Certificate, **if applicable.** Temporary evidence of insurance may be filed in the form of an insurance identification card for vehicles registered in this Commonwealth, a copy of the declaration page of the insurance policy, a copy of a valid binder

of insurance or a copy of a valid application for insurance to the Pennsylvania Automobile Insurance Plan. The temporary evidence of insurance shall be replaced by the required certificates within 60 days. A carrier may begin operations upon filing acceptable evidence of insurance.

(2) Once acceptable Form E and Form H certificates of insurance have been filed, a certificate of public convenience will be issued authorizing the transportation of property, not including household goods in use **or group and party more than 15 passenger authority**, between points in this Commonwealth.

* * * * *

§ 3.382. Evidentiary guidelines for applications for passenger, **excluding group and party more than 15 passenger**, and household goods in use authority.

[(a) *Service request evidence.* Evidence of requests received by an applicant for passenger service may be offered by the applicant in a transportation application proceeding relevant to the existence of public necessity for the proposed service. The credibility and demeanor of a witness offering evidence will be considered in evaluating the evidence. The weight which will be attributed to the evidence will depend upon the extent to which the alleged requests are substantiated by evidence such as the following:

- (1) The date of each request.
- (2) The name, address and phone number of the person or company requesting service.
- (3) The nature of the service requested on each occasion, including the commodities or persons to be transported, and the origin and destination of the requested transportation.
- (4) The disposition of the request, that is, whether the applicant provided the service or, if not, whether the requesting shipper was referred to another carrier and, if there was a referral, to which carrier was the shipper referred.

(b) *Prospective rate evidence.*] An applicant for a motor carrier certificate or permit for the transportation of passengers or household goods in use, though not required to offer testimony as to the rates proposed to be charged, may do so if it is otherwise competent. The weight to be attributed to the evidence will depend upon the extent to which it is accompanied by cost evidence demonstrating that the prospective rates would be compensatory, that is, that the prospective rates would be adequate to enable the applicant to recover its costs and realize a reasonable return either on investment or under operating ratio standards. The demeanor and credibility of a witness offering the evidence will also be considered in evaluating the weight to be attributed to the evidence.

§ 3.383. [**Applications for temporary authority and emergency temporary authority**] (Reserved).

[(a) *Controlling legislation.* The provisions of 66 Pa.C.S. §§ 1103(d) and 2509 (relating to procedure to obtain certificates of public convenience and temporary permits and licenses) are as follows:

“§ 1103(d) **Temporary authority—Except during the threat or existence of a labor dispute, the commission under such regulations as it shall prescribe may, without hearing, in proper cases, consider and approve applications for certificates of public convenience, and in emergencies grant temporary cer-**

tificates under this chapter, pending action on permanent certificates; but no applications shall be denied without right of hearing thereon being tendered to the applicant.”

“§ 2509 Temporary permits and licenses—The commission, under such regulations as it shall prescribe, may, without hearing, in proper cases, consider and approve applications for permits and licenses, and in emergencies grant temporary permits and licenses under this chapter, pending action on permanent permits or licenses; but no application shall be denied without right of hearing thereon being tendered the applicant.”

(b) *Definitions and applicability.*

(1) The following words and terms, when used in relation to applications for temporary authority and emergency temporary authority, have the following meanings:

Carrier—Includes motor common carriers of passengers and motor contract carriers of passengers, brokers and forwarders.

ETA—Emergency temporary authority—Limited duration operating authority issued under 66 Pa.C.S. §§ 1103(d) and 2509 to authorize the transportation of passengers to meet an emergency situation and when time or circumstances do not reasonably permit the filing and processing of an application for TA.

TA—Temporary authority—Limited duration operating authority issued under 66 Pa.C.S. §§ 1103(d) and 2509 to authorize the transportation of passengers to meet an emergency situation.

(2) ETA and TA are not available to motor common carriers of property and household goods in use.

(c) *Filing of applications.* An application shall be filed as follows:

(1) *How and where filed.* An original of each application for TA or ETA (Form C) is to be filed with the Secretary, Pennsylvania Public Utility Commission, Harrisburg, Pennsylvania 17105-3265. The envelope containing the application shall be clearly marked: “TA” APPLICATION or “ETA” APPLICATION.

(2) *Filing fees.* An application for TA, ETA and extensions of ETA shall be accompanied by a filing fee, as prescribed under the fee schedule in § 1.43 (relating to schedule of fees payable to the Commission).

(3) *Supporting statements.* An application shall be accompanied by supporting statements of the applicant and shippers or other witnesses which establish an immediate need for service. A statement shall contain a certification of its accuracy and shall be signed by the person submitting the statement.

(i) *Applicant’s statement.* The applicant’s statement, which shall be prepared by the applicant or an authorized representative of the applicant, shall contain the following information:

(A) A description of the equipment which will be used to render service, including a statement of whether it is specialized equipment.

(B) A description of the applicant’s terminal facilities and personnel.

(C) A statement of whether the filing of the application resulted from a warning, road check or investigation by the Commission.

(D) A telephone number at which the applicant or an authorized representative of the applicant may be contacted.

(E) A statement of the proposed rates, fares or charges and schedule provisions.

(F) A statement of whether there are under suspension rates, fares or charges published for its account or whether an application for special permission to file its rates, fares or charges on less than 30 days’ notice in connection with another ETA, TA or permanent authority application covering the same territory has been granted or denied.

(G) Proof of ability to comply with the Commission’s insurance requirements, or in the case of an authorized carrier, a statement indicating that it currently has evidence of insurance on file with the Commission.

(H) Names and addresses of labor unions which represent, or which within the past 12 months have represented, or which have filed a petition to represent the employes of the applicant with the National Labor Relations Board or the Pennsylvania Labor Relations Board. If the application seeks the temporary approval of a transfer of rights under a certificate of public convenience, this information shall be supplied for the transferor and the transferee.

(ii) *Statements of supporting shippers or witnesses.* The statement of a supporting shipper or witness, which shall be prepared by the shipper or witness, or an authorized representative of the shipper or witness, shall contain the following information:

(A) Points or areas to, from or between which the transportation will be provided.

(B) A statement of the shipper’s current and recent needs concerning volume of traffic, frequency of movement and manner of transportation.

(C) A statement indicating when the service shall be provided.

(D) A statement indicating how long the need for service will continue and whether the supporting shipper or witness will support the permanent authority application.

(E) An explanation of the consequences of not having the service made available.

(F) A description of the circumstances which created an immediate need for the requested service.

(G) A statement of whether efforts have been made to obtain the service from existing carriers, including the data and results of these efforts.

(H) Names and addresses of existing carriers who have failed or refused to provide the service and the reasons given for the failure or refusal.

(I) A statement of whether the supporting shipper or witness has supported a recent application for permanent, temporary or ETA covering all or part of the requested service, the carrier’s name,

address and docket numbers, if known, and whether the application was granted or denied and the date of the action, if known.

(J) Names and addresses of labor unions which represent, or which within the past 12 months have represented, or which have filed a petition to represent the employes of the supporting shipper with the National Labor Relations Board or the Pennsylvania Labor Relations Board.

(4) *Procedures for filing ETA application.* Procedures for filing ETA applications are as follows:

(i) An ETA application may normally be filed only when a corresponding application for permanent authority has been filed and emergency conditions exist which do not permit sufficient time to afford the notice required by paragraph (5)(i). If the application demonstrates the existence of emergency conditions, the Bureau of Transportation will make a reasonable effort to identify and communicate with those carriers who may hold the authority to provide the emergency service being sought by the applicant and those unions described in paragraph (3)(i)(H) and (ii)(K). An ETA application will be granted for an initial period not to exceed 60 days.

(ii) If the urgency of the situation warrants, the supporting statement of those having the immediate need for service may be furnished by telegram. The telegram shall contain substantially the factual information described in paragraph (3). The telegram shall be sent to the Director, Bureau of Transportation and Safety.

(iii) The filing of ETA applications by telegram or telephone shall be acceptable in exigent circumstances. Confirmation shall be made by filing written application—Form C—with the supporting statements, within 5 working days from the filing by telephone or telegram.

(iv) If an emergency continues beyond the initial 60-day period, the ETA may be extended pending disposition of the TA application. Extensions of ETA may be obtained in the following ways:

(A) *Filing the ETA application simultaneously with the corresponding applications for TA and permanent authority.* The simultaneous filing of ETA, TA and permanent authority applications automatically extends the grant of ETA pending disposition of the TA application. No filing fee for ETA extension is required under these circumstances.

(B) *Filing corresponding TA and permanent authority applications within 15 days of the date of filing the ETA application.* The filing of corresponding TA and permanent authority applications within 15 days of the filing of the ETA application automatically extends the grant of ETA pending disposition of the TA application, if the applicant states the following on the ETA application: "Applicant certifies that, within 15 days of the date of filing this application, corresponding TA and permanent authority applications will be filed, and hereby requests that an automatic extension be granted of the ETA." No filing fee for ETA extension is required under these circumstances.

(C) *If the corresponding TA and permanent authority applications are neither filed simultaneously with nor within 15 days of the date of filing the ETA application.* A request for an extension of ETA which does not comply with subparagraph (iv)(A) or (B) shall be accompanied by corresponding applications for TA and permanent authority and a filing fee, as prescribed under the fee schedule in § 1.43 in addition to the appropriate filing fees for TA and permanent authority applications, and shall be filed with the Bureau of Transportation, prior to the expiration date of the ETA.

(5) *Procedures for filing TA applications.* An application for TA shall be accompanied by a corresponding application for permanent authority. Unless otherwise specified in the TA application, it will be considered as proposing service pending disposition of the permanent authority application.

(i) *Notice to interested persons.*

(A) *Publication in Pennsylvania Bulletin.* Notice of the filing of a TA application and an application for permanent authority will be given by simultaneous publication in the *Pennsylvania Bulletin*.

(B) *Service on unions.* Service of temporary authority applications shall be made by certified mail upon the unions described in paragraph (3)(i)(H) and (ii)(J).

(ii) *Filing of protests.*

(A) A person who can and will provide all or part of the proposed service may file a protest to the TA application. Protests shall be consistent with § 3.381 (relating to applications for transportation of property and persons). The protest shall indicate whether it protests the application for TA or for permanent authority, or both.

(B) A union which represents the employes of a motor carrier or supporting shipper, which may be affected by the approval of an application for TA, may file a protest to the application. The protest shall be limited to the issue of whether a threatened or existing labor dispute precludes Commission consideration and approval of the TA application.

(C) Protests shall be filed with the Secretary of the Public Utility Commission.

(iii) *Revocation of ETA upon approval of TA applications.* Approval of a TA application is effective upon compliance with the Commission order, which results in the automatic revocation of corresponding ETA.]

§ 3.384. [Disposition of applications for ETA and TA] (Reserved).

[(a) *General.* Initial determination of ETA and TA applications will be made by the Bureau of Technical Utility Services with the approval of the Commission.

(b) *Standards for determination of need.*

(1) *General.* Grants of TA or ETA shall be made upon the establishment of an immediate need for the transportation of passengers. Requests involving service to cities, counties, townships or other defined areas warrant approval when supported by evidence that there is a need for service to or from a representative number of points in each city,

county, township or areas and that there is a reasonable certainty that the service will be used.

(2) *Immediate need.* A grant of TA or ETA will be made when it is established that there is or soon will be an immediate transportation need. A showing of immediate need may involve passenger service to a new or relocated plant, an origin or destination not presently served by carriers, a discontinuance of existing service, failure of existing carriers to provide service or comparable situations which require new carrier service before an application for permanent authority can be filed and processed. An immediate need will not normally be found to exist when there are other carriers capable of rendering the service unless it is determined that there is a substantial benefit to be derived from the initiation of a competitive service.

(3) *Failure to provide equipment.* TA or ETA may be granted when existing authorized carriers are unable or refuse to furnish equipment necessary to move passengers to meet an immediate transportation need.

(4) *General bases for disapproval.* Applications for TA or ETA may be denied for the following reasons:

(i) Failure to meet statutory standards and this title.

(ii) Unfitness of the applicant.

(c) *Determination of fitness issues in motor carrier applications.* The following standards shall be used in the initial or appellate determination of fitness issues in applications by motor carriers for TA or ETA:

(1) Unless there is a particularly urgent transportation need, an application will normally be denied when the applicant has been found unfit or in substantial noncompliance with Chapter 37 (relating to safety code for transportation of property and passengers) or 67 Pa. Code Part I (relating to Department of Transportation). An application may, however, be approved if the carrier has reestablished compliance or if the application contains sufficient evidence to establish that the carrier has taken significant steps to remedy its deficiencies and is now in substantial compliance.

(2) Alleged violations of statute or regulations or a pending fitness investigation when no formal proceeding has been instituted may not be used as grounds for denial unless the Commission has evidence that the carrier applicant has a history of willful or flagrant violation of the statute or regulations. If authority is denied for lack of fitness on this basis, the decision will state the basis for denial.

(3) The granting of ETA or TA will not give rise to a presumption regarding the applicant's fitness.

(4) A grant of authority may be later revoked by the Commission if it determines that the applicant is unfit under this subsection. The Commission may revoke a carrier's ETA or ETA extension. The denial of a TA application will have the effect of automatically revoking the corresponding ETA or ETA extension.

(5) Allegations of unfitness in these proceedings will be considered in light of the urgency of the shipper's needs.]

§ 3.385. [Rates, fares and charges for TA and ETA authorities] (Reserved).

[(a) *Rates requirements of motor carriers—publish on less than 30 days' notice.* Under § 23.42 (relating to establishment of new rates), rates, fares, charges and related provisions may be established by motor carriers upon not less than 1 day's notice to apply on shipments transported under TA.

(b) *Insurance—motor carriers.* A carrier may not render transportation services until it has complied with the provisions concerning the filing of evidence of insurance.

(c) *Publication of rates and charges.* A motor carrier who has been granted ETA or TA may not render transportation services until it has complied with the rate filing requirements as stated in the Commission order.]

CHAPTER 5. FORMAL PROCEEDINGS

Subchapter B. HEARINGS

SETTLEMENT AND STIPULATIONS

§ 5.235. [Restrictive amendments to applications for motor carrier of passenger authority] (Reserved).

[(a) Parties to motor carrier applications for passenger authority may stipulate as to restrictions or modifications to proposed motor carrier rights. Stipulations in the form of restrictive amendments or modifications must:

(1) Be in writing.

(2) Explain why the stipulation is in the public interest.

(3) Be signed by each party to the stipulation.

(4) Be submitted to the Secretary for insertion into the document folder.

(b) Restrictive amendments shall be binding on the parties but not on the Commission if it is determined they are not in the public interest. If a restrictive amendment is not accepted by the Commission, it may remand the matter for appropriate proceedings.]

Subpart B. CARRIERS OF PASSENGERS OR PROPERTY

CHAPTER 23. TARIFFS FOR COMMON CARRIERS GENERAL PROVISIONS

§ 23.1. Definitions and applicability.

(a) *Definitions.* The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Common carrier or carrier—A person or corporation holding out, offering or undertaking, directly or indirectly, service for compensation to the public for the transportation of passengers or household goods in use, or both, or any class of passengers or household goods in use, between points within this Commonwealth by, through, over, above or under land, water or air, including forwarders, but not motor common carriers of property, **group and party carriers of more than 15 passengers,**

contract carriers, brokers or any bona fide cooperative association transporting property exclusively for the members of the association on a nonprofit basis.

* * * * *

(b) *Applicability.* This chapter applies to motor carriers except common carriers of property and group and party carriers of more than 15 passengers.

NOTICE OF TARIFF CHANGES

§ 23.41. Notice requirements for filing changes in rates.

(a) [**In order to**] To establish uniformity in the rules, regulations [,] and practices of common carriers subject both to the jurisdiction of the Interstate Commerce Commission and the Commission, and so that common carriers subject to the exclusive jurisdiction of the Commission may not be unreasonably prejudiced or burdened, all common carriers, except as specified in subsection (c), are, unless otherwise directed, permitted to file changes in existing and duly established rates upon 30 days' notice to the Commission and the public. **This subsection is not applicable to group and party carriers of 11 to 15 passengers and limousine carriers, which carriers are permitted to change rates on 1 day's notice to the Commission.**

(b) Except by specific authority of the Commission, no change shall be made in any existing and duly established rate, except as specified in subsection (c), unless [**such**] the rate has been in operation and effect for at least 30 days. This limitation [**shall**] does not, however, apply to tariffs on schedules containing rates for excursions limited to certain designated periods under authority of § 23.43 (relating to excursion fares). **This subsection is not applicable to group and party carriers of 11 to 15 passengers and limousine carriers.**

(c) Railroads and their agents operating in Pennsylvania intrastate transportation are permitted to file decreased rates on 10 days' notice and increased rates on 20 days' notice.

NOTICE OF CHANGES IN FARES

§ 23.61. Posting of changes in passenger fares.

* * * * *

(c) Carriers, except railroads and aircraft, shall also post in every car or other means of conveyance employed by them for the transportation of passengers, over the line affected, a notice similar to that prescribed in subsection (a) for the period indicated, the notice to be of a size and type appropriate to the vehicle involved.

(d) **Subsections (a)—(c) are not applicable to group and party carriers of 11 to 15 passengers and limousine carriers.**

§ 23.62. Notification to the Commission of proposed rate changes.

In order that the Commission may be concurrently advised of the net effect of a proposed change in rates upon the patrons and the revenues of common carriers of passengers other than railroad and aircraft, as well as the prima facie reasonableness of the proposed rate changes, the data called for in §§ 23.63 and 23.64 (relating to data required in filing proposed rate changes; and data required in filing increases in operating revenues), as appropriate, shall accompany the filing of the proposed rates, and shall be submitted in triplicate, and under oath of a responsible officer. Tariffs or tariff

supplements not accompanied by the data, but required to be so accompanied, will be returned to the sender as not acceptable for filing. **This section is not applicable to group and party carriers of 11 to 15 passengers and limousine carriers.**

§ 23.63. Data required in filing proposed rate changes.

(a) If a common carrier of passengers, other than railroad and aircraft, files a tariff or tariff supplement which will increase or decrease fares to any of its patrons, it shall submit to the Commission, with the tariff or tariff supplement, statements showing all of the following:

- (1) The changes in rates proposed, stating the effective and proposed fares.
- (2) The specific reasons for each increase or decrease.
- (3) The estimated effect of each rate increase or decrease on the carrier's annual revenues.
- (4) The calculations by which the estimates in paragraph (3) were determined.

(b) **Subsection (a) is not applicable to group and party carriers of 11 to 15 passengers and limousine carriers.**

§ 23.64. [Data required in filing increases in operating revenues] (Reserved).

[**If a common carrier of passengers, other than railroad or aircraft, files a tariff or tariff supplement which will increase the operating revenues of the carrier for the latest 12-month period, it shall submit to the Commission with the tariff or tariff supplement, in addition to the statements required in § 23.63 (relating to data required in filing proposed rate changes), the following information in the detail required to be maintained in the records under the system of accounts applicable to the operation of the carrier:**

- (1) **A detailed balance sheet of the carrier at the end of a month not more than 45 days prior to such filing.**
- (2) **A summary, by primary accounts, of the book value of the property of the carrier devoted to passenger transportation at the date of the balance sheet required by paragraph (1).**
- (3) **A statement showing the amount of the depreciation reserve, at the date of the balance sheet required by paragraph (1), applicable to the property referred to in that paragraph.**
- (4) **A statement showing passenger motor vehicles owned at the date of the balance sheet required by paragraph (1), setting forth the make, date of purchase, the cost of each vehicle, the depreciation accrued on each vehicle and the basis for allocation of depreciation to interstate or intrastate operations, or both, if applicable.**

(5) **A statement of operating income derived from passenger transportation, setting forth the operating revenues and expenses by detailed accounts, by months, for the 12-month period which ended on the date of the balance sheet referred to in paragraph (1). Expenses claimed to be variable costs shall be designated as such.**

(6) **A statement of the salaries paid to and the duties performed by the owners and officers of the carrier.**

(7) A statement to the effect that in the event of any proceedings before the Commission with respect to the proposed rates it is agreed that the tariff and the financial data submitted therewith will be offered in evidence by the utility respondent as an exhibit.

(8) A map or sketch of the operation indicating zones, if any.

(9) An income and expense statement for Commonwealth operations for the 12 months preceding the tariff filing. Expenses claimed to be variable costs shall be designated as such. If expenses are allocated between interstate and intrastate operations, include a description of the method of allocation.

(10) Total passenger miles systemwide and total passenger miles intrastate in this Commonwealth for the 12 months preceding the tariff filing.

(11) Costs of capital improvements within this Commonwealth for the 3 years previous to the tariff filing with a detailed explanation of how the costs were allocated between interstate and intrastate operations, whether the costs were included in justifications for previous tariff filings and allocation of depreciation—if any—taken on the capital improvements.

(12) A statement of revenues derived from terminals and similar facilities—not actual passenger fares—in this Commonwealth for the 12-month period preceding the tariff filing with a detailed explanation of how the revenues are allocated between intrastate and interstate operations or why such an allocation is not performed.

(13) An explanation of the methodology used to determine the rates attributed to interstate and intrastate routes provided in a passenger fare comparison.

(14) A statement of rate reductions filed with the Interstate Commerce Commission concerning points in this Commonwealth for the 6-month period preceding the tariff filing.

(15) A statement of the last approved rate increase from the Interstate Commerce Commission, including the corresponding document filing and the order approving the increase.]

§ 23.68. Filing requirements for [small] passenger carriers.

[Small passenger carriers with gross annual intrastate revenue of less than \$500,000 do not need to file the substantiating data required under § 23.64 (relating to data required in filing increases in operating revenues) when requesting an increase in rates. Small passenger carriers shall submit a statement with the tariff or tariff supplement stating the following:]

(a) Passenger carriers shall submit a statement with the tariff or tariff supplement stating the following:

(1) The information required under § 23.63 (relating to data required in filing proposed rate changes).

(2) The total gross annual intrastate revenue for the most recent fiscal year.

(3) The dollar amount of increased annual revenue that the rate increase is expected to produce.

(4) The total projected operating revenue after the revenue increase.

(5) The total projected operating expenses.

(6) The projected operating ratio.

(b) Subsection (a) is not applicable to group and party carriers of 11 to 15 passengers and limousine carriers.

CHAPTER 29. MOTOR CARRIERS OF PASSENGERS

Subchapter B. COMMON CARRIERS PRELIMINARY PROVISIONS

§ 29.13. Scheme of classification.

The following standard classification of types of service furnished by common carriers of passengers is adopted, and the following is hereby recognized as a standard class of common carrier service. The rights and conditions pertaining to a standard class of service are specified in Subchapter D (relating to supplemental regulations). A certificated service which does not completely correspond to a standard class may be governed, where practicable, by the regulations for the standard class to which it most nearly corresponds:

* * * * *

(3) *Group and party service.* Common carrier service for passengers, rendered on an exclusive basis as charter service for groups or rendered on a nonexclusive basis for tour or sightseeing service and special excursion service. **There are 2 classes of group and party service, group and party carriers of 11 to 15 passengers, including the driver, and group and party carriers of more than 15 passengers, including the driver.**

* * * * *

Subchapter D. SUPPLEMENTAL REGULATIONS GROUP AND PARTY SERVICE

§ 29.323. Vehicle and equipment requirements.

A group and party service may be operated only in vehicles with seating capacities of ten passengers or greater, excluding the driver. **There are 2 classes of group and party service, group and party carriers of 11 to 15 passengers, including the driver, and group and party carriers of more than 15 passengers, including the driver.**

§ 29.324. Tariff requirements.

The rates charged and collected shall be contained in the tariff filed, posted and published under the statute and this title. **This section is not applicable to group and party carriers of more than 15 passengers, including the driver.**

[Pa.B. Doc. No. 16-322. Filed for public inspection February 26, 2016, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Human Services

The Executive Board approved a reorganization of the Department of Human Services effective February 5, 2016.

The organization chart at 46 Pa.B. 1028 (February 27, 2016) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 16-323. Filed for public inspection February 26, 2016, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Historical and Museum Commission

The Executive Board approved a reorganization of the Historical and Museum Commission effective February 5, 2016.

The organization chart at 46 Pa.B. 1030 (February 27, 2016) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 16-324. Filed for public inspection February 26, 2016, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

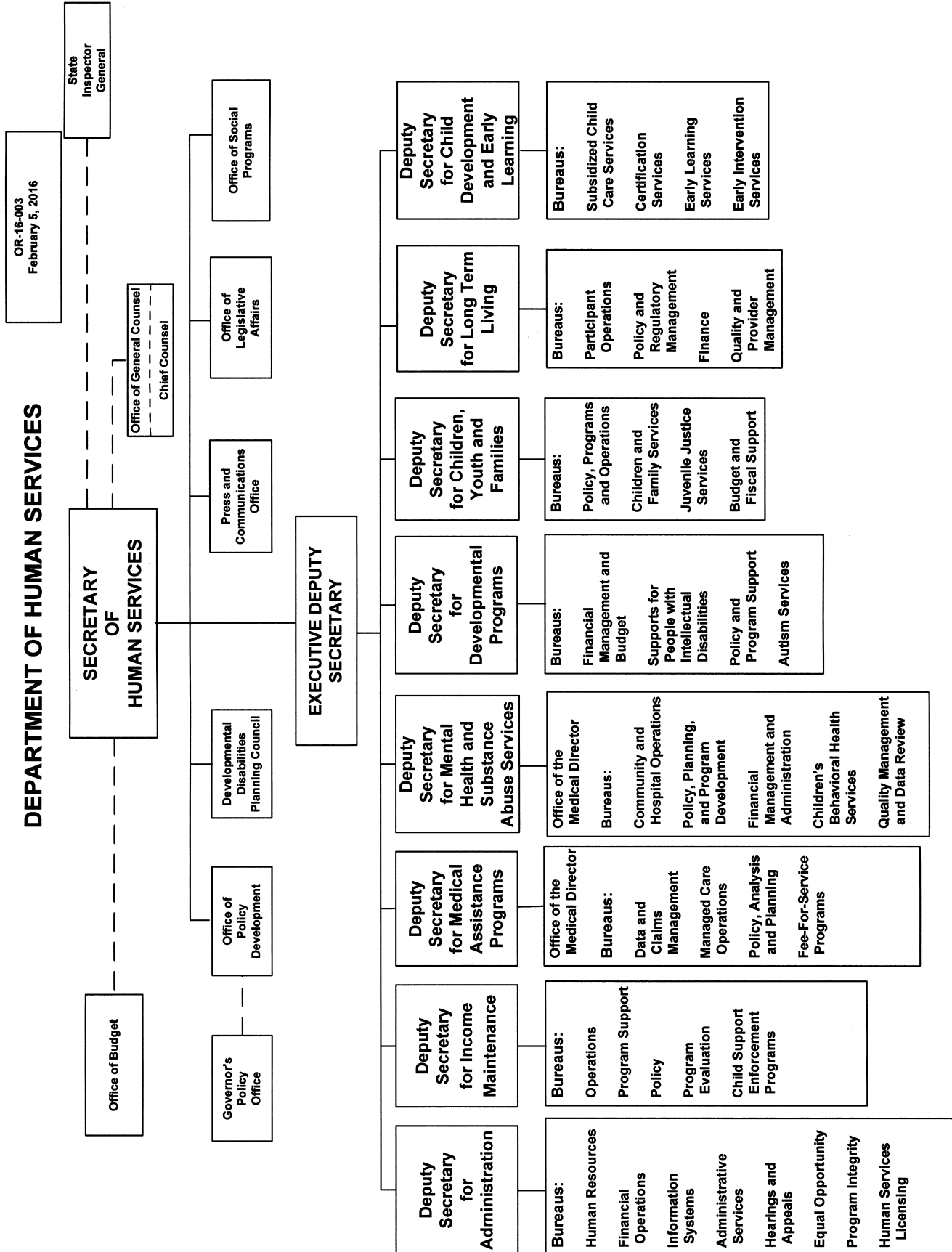
Reorganization of the Insurance Department

The Executive Board approved a reorganization of the Insurance Department effective February 5, 2016.

The organization chart at 46 Pa.B. 1031 (February 27, 2016) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

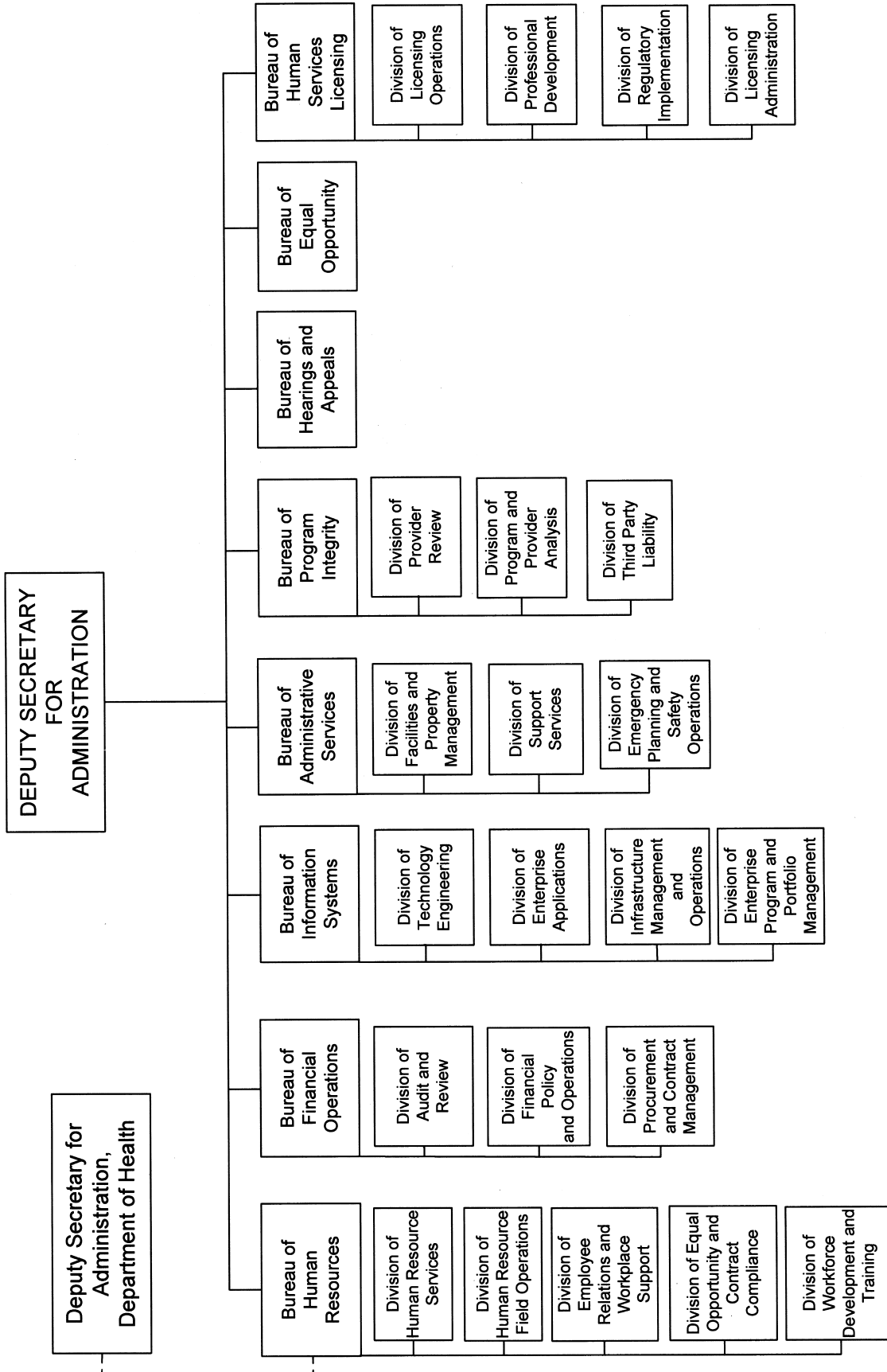
(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania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

[Pa.B. Doc. No. 16-325. Filed for public inspection February 26, 2016, 9:00 a.m.]

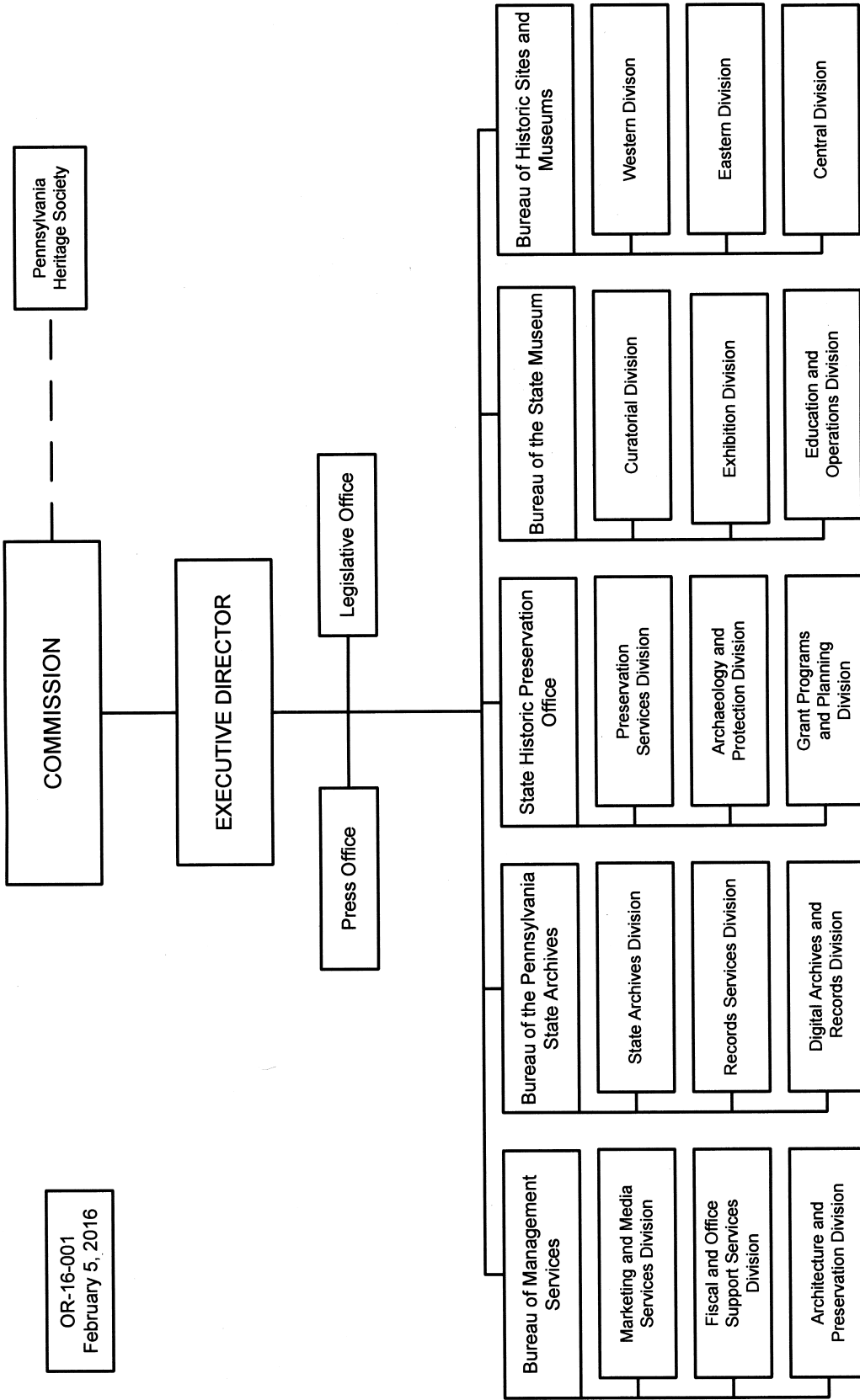


DEPARTMENT OF HUMAN SERVICES
DEPUTY SECRETARY FOR ADMINISTRATION

OR-16-003
February 5, 2016



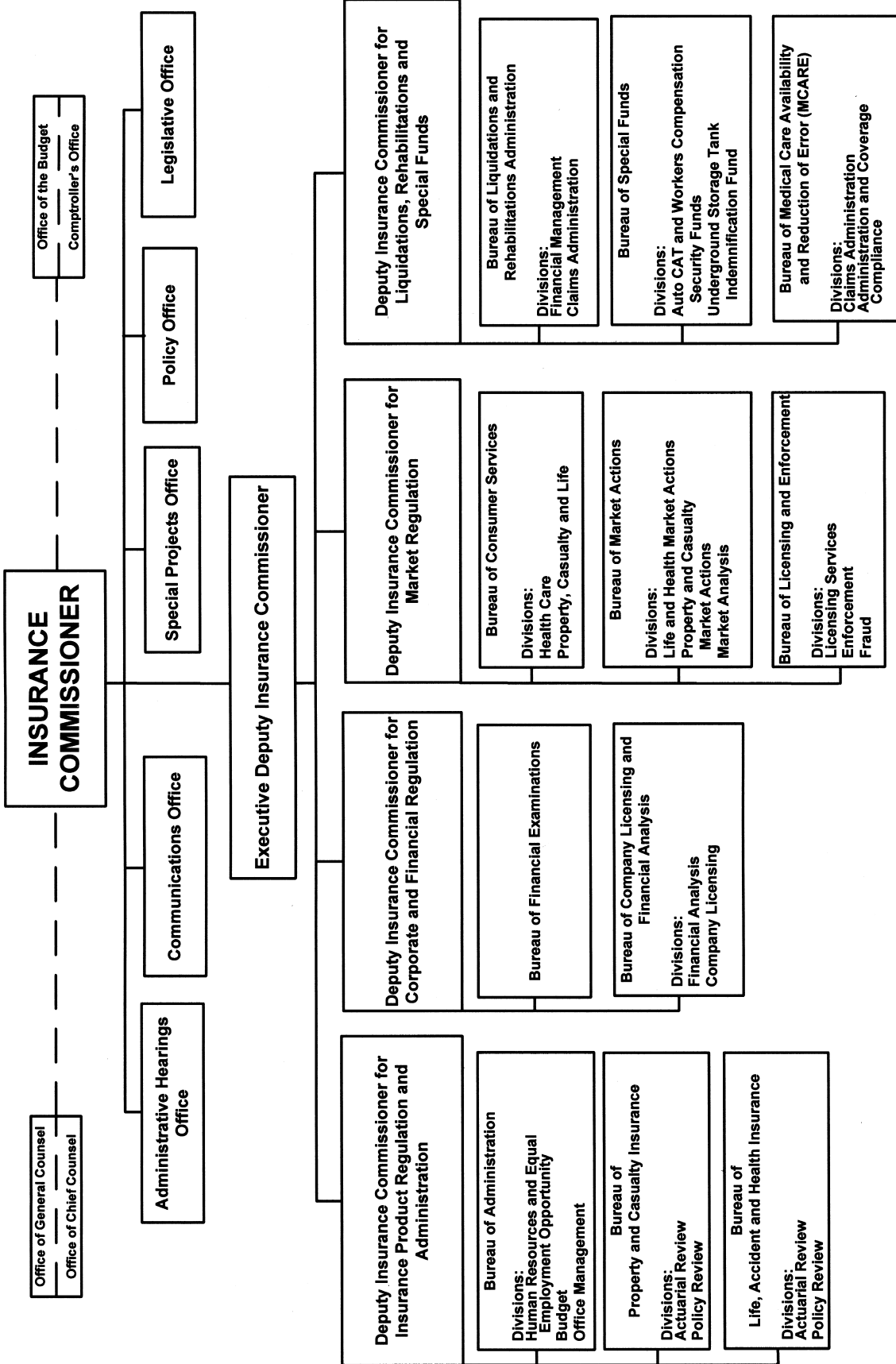
HISTORICAL AND MUSEUM COMMISSION



OR-16-001
February 5, 2016

OR-16-002
February 5, 2016

INSURANCE DEPARTMENT



NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending February 16, 2016.

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

BANKING INSTITUTIONS Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
2-13-2016	F.N.B. Corporation Pittsburgh Allegheny County	Effective
	Application for approval to acquire 100% of Metro Bancorp, Inc., Harrisburg, and thereby indirectly acquire 100% of Metro Bank, Lemoyne.	

Branch Applications De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-16-2016	VIST Bank Wyomissing Berks County	258 East High Street Pottstown Montgomery County	Filed

CREDIT UNIONS

No activity.

The Department's web site at www.dobs.pa.gov includes public notices for more recently filed applications.

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 16-326. Filed for public inspection February 26, 2016, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application by Youngstown State University to Operate a Location in this Commonwealth

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application for approval for Youngstown State University to open a location in Bessemer, PA. Youngstown State University has applied to offer courses through a dual enrollment program at the Mohawk Junior/Senior High School located in Bessemer, PA.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without a hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice

of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with the Division of Higher and Career Education, 333 Market Street, Harrisburg, PA 17126-0333 on or before the due date prescribed by this notice. Persons wishing to review the application should phone (717) 783-8228 or write to the previous address to schedule a time for a review.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodations to participate should contact the Division of Higher and Career Education at (717) 783-8228 to discuss accommodations.

PEDRO A. RIVERA,
Secretary

[Pa.B. Doc. No. 16-327. Filed for public inspection February 26, 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

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0052728 (Sewage)	Turkey Hill Mini Market STP 257 Centerville Road Lancaster, PA 17603-4059	Chester County Coatesville City	Unnamed Tributary to West Branch Brandywine Creek (3-H)	Yes

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0012238 (Industrial)	ABB GWCU Remediation Facility 125 E. County Line Road Warminster, PA 18974	Bucks County Warminster Township	Unnamed Tributary of Pennypack Creek (3-J)	Yes
<i>Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.</i>				
<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0062839 (Sewage)	Lake Adventure Community Association WWTF 5000 Lake Adventure Milford, PA 18337	Pike County Dingman Township	Unnamed Tributary of Birchy Creek (01D)	Yes
PA0061549 (Sewage)	Cherry Hill Mobile Home Court 6 Cherry Hill Road Honesdale, PA 18431	Wayne County Cherry Ridge Township	Middle Creek (1-B)	Yes
PA0031917 (Sewage)	Blue Mountain High School 688 Red Dale Road PO Box 188 Orwigsburg, PA 17961-2035	Schuylkill County North Manheim Township	Mahorney Creek (3-A)	Yes
PA0033863 (Sewage)	Camp-A-While WWTP 1921 East Main Street Hegins, PA 17938	Schuylkill County Hegins Township	Pine Creek (06C)	Yes
<i>Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.</i>				
<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0261581 (IW)	Red Lion Municipal Authority 11 East Broadway PO Box 190 Red Lion, PA 17356	York County Windsor Township	Cabin Creek/7-I	Y
<i>North Central Regional Office: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3636.</i>				
<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0209031 (Sewage)	Loganton Borough Authority Sewer System STP P. O. Box 203 Loganton, PA 17747-0203	Clinton County Loganton Borough	Fishing Creek (9-C)	No
<i>Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481</i>				
<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0104078 (Sewage)	Anderson MHP 134 N Maysville Road Greenville, PA 16125-8632	Mercer County West Salem Township	Unnamed Tributary to Big Run (20-A)	No

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

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

PA0031887, Sewage, SIC Code 6515, **Green Hill MHC LLC**, PO Box 677, Morgantown, PA 19543. Facility Name: Green Hill MHP. This existing facility is located in Marlborough Township, **Montgomery County**.

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

The receiving stream(s), Perkiomen Creek, is located in State Water Plan watershed 3-E 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 0.03 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	0.5	XXX	XXX	1.2
			Avg Mo			
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen	XXX	XXX	XXX	2.0	XXX	4
Total Phosphorus	0.13	XXX	XXX	0.5	XXX	1

In addition, the permit contains the following special conditions:

- No stormwater.
- Acquire all necessary property rights
- Solids handling
- Act 537
- Minimize TRC

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

The EPA Waiver is in effect.

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

PA0036269, Sewage, SIC Code 4952, **Stewartstown Borough Authority**, 6 North Main Street, Stewartstown, PA 17363-4132. Facility Name: Stewartstown Borough Authority WWTP. This existing facility is located in Stewartstown Borough, **York County**.

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

The receiving stream(s), Ebaughs Creek, is located in State Water Plan watershed 7-I and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.625 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
UV Transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Specific Conductance (µmhos/cm)						
May 1 - Oct 31	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅						
May 1 - Oct 31	78	115	XXX	15	22	30
Nov 1 - Apr 30	130	209	XXX	25	40	50
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
		Daily Max				
Total Suspended Solids	156	235	XXX	30	45	60
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
		Daily Max				

NOTICES

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
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						
May 1 - Oct 31	17	XXX	XXX	3.5	XXX	7.0
Nov 1 - Apr 30	44	XXX	XXX	8.5	XXX	17
Total Phosphorus	10.4	XXX	XXX	2.0	XXX	4.0
Total Zinc	XXX	XXX	XXX	XXX	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.

Parameters	Mass (lbs)			Concentration (mg/l)	
	Monthly	Annual	Minimum	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	11,415	XXX	XXX	XXX
Net Total Phosphorus	Report	1,522	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 717-705-4732.

The EPA Waiver is not in effect.

PA0086690, Industrial, SIC Code 3357, **Kalas Manufacturing, Inc.**, 167 Greenfield Road, Lancaster, PA 17601-5814. Facility Name: Plant No. 2. This existing facility is located in East Cocalico Township, **Lancaster County**.

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

The receiving stream(s), Stony Run, is located in State Water Plan watershed 7-J 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 0.043 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Daily Average	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Temperature (deg F) (°F)						
Jan 1 - 31	XXX	XXX	XXX	102	XXX	XXX
Feb 1 - 29	XXX	XXX	XXX	108	XXX	XXX
Mar 1 - Nov 15	XXX	XXX	XXX	110	XXX	XXX
Nov 16 - 30	XXX	XXX	XXX	100	XXX	XXX
Dec 1 - 31	XXX	XXX	XXX	88	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	9.3	XXX	26.0	XXX	62.5
				Daily Max		
Total Suspended Solids	XXX	6.8	XXX	19.0	XXX	XXX
				Daily Max		
Oil and Grease	XXX	10.4	15.0	29.0	XXX	30.0
			Avg Mo	Daily Max		

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Cadmium, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Cadmium, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX

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

The EPA Waiver is in effect.

PA0081370, Sewage, SIC Code 6512, **Timeless Towns of the Americas, Inc.**, 2634 Emmitsburg Road, Gettysburg, PA 17325. Facility Name: Timeless Towns STP. This existing facility is located in Cumberland Township, **Adams County**.

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

The receiving stream(s), Unnamed Tributary of Marsh Creek, is located in State Water Plan watershed 13-D 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 interim effluent limits for Outfall 001 are based on a design flow of 0.105 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.1	XXX	0.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	3.0	XXX	6.0
May 1 - Oct 31	XXX	XXX	XXX	1.0	XXX	2.0
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX

NOTICES

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs)	XXX	Total Mo Report	XXX	XXX	XXX	XXX
Total Phosphorus	Report	Total Annual Report	XXX	2.0	XXX	4.0
Total Phosphorus (Total Load, lbs)	XXX	Total Mo Report	XXX	XXX	XXX	XXX
		Total Annual				

The proposed final effluent limits for Outfall 001 are based on a design flow of 0.105 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
					Max	
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.013	XXX	0.040
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
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
				Geo Mean		
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	3.0	XXX	6.0
May 1 - Oct 31	XXX	XXX	XXX	1.0	XXX	2.0
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
		Total Mo				
Total Nitrogen (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
Total Phosphorus	Report	Report	XXX	2.0	XXX	4.0
		Total Mo				
Total Phosphorus (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				

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

The EPA Waiver is in effect.

PA0031810, Sewage, SIC Code 8211, **Eastern Lebanon County School District**, 180 Elco Drive, Myerstown, PA 17067-2697. Facility Name: Eastern Lebanon County High School. This existing facility is located in Jackson Township, **Lebanon County**.

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

The receiving stream(s), Unnamed Tributary to Tulpehocken Creek, is located in State Water Plan watershed 3-C and is classified for Trout Stocking, Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0359 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	Report	XXX	XXX	30.0	XXX	60

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	20.0	XXX	40
May 1 - Oct 31	XXX	XXX	XXX	10.0	XXX	20
Total Phosphorus	Report	XXX	XXX	1.0	XXX	2
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX

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

- None

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 due to a TMDL.

PA0012211, Industrial, SIC Code 3321, **Boyertown Foundry Co.**, PO Box 443, New Berlinville, PA 19545. Facility Name: Boyertown Foundry Co. This existing facility is located in Boyertown Borough, **Berks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of non-contact cooling water and stormwater associated with industrial activity.

The receiving stream(s), Unnamed Tributary to Swamp Creek, is located in State Water Plan watershed 3-E and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 101 are based on a design flow of 0.048 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)						
Internal Monitoring Point	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)						
Internal Monitoring Point	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC) *						
Internal Monitoring Point	XXX	XXX	XXX	0.4 *	XXX	1.3 *
Total Suspended Solids						
Internal Monitoring Point	Report	Report	XXX	30	60	70
Copper, Total						
Internal Monitoring Point	0.005	0.01	XXX	0.013	0.026	.033
Lead, Total						
Internal Monitoring Point	0.002	0.003	XXX	0.004	0.008	.01

* A one-year compliance schedule is proposed.

Monitoring is required for the stormwater Outfalls 001 and 002.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Cadmium, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Hexavalent	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

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

- Best Management Practices to reduce pollutants in stormwater
- Preparedness, Prevention, and Contingency Plan
- Annual Stormwater Outfalls Inspection and reporting

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

The EPA Waiver is in effect.

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

PA0021687, Sewage, SIC Code 4952, **Wellsboro Borough Municipal Authority Tioga County**, 28 Crafton Street, Wellsboro, PA 16901-1549. Facility Name: Wellsboro Municipal Authority. This existing facility is located in Wellsboro Borough, **Tioga 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), Marsh Creek, is located in State Water Plan watershed 9-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.0 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	330	500 Wkly Avg	XXX	20	30 Wkly Avg	40
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent	500	750 Wkly Avg	XXX	30	45 Wkly Avg	60
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent	XXX	XXX	XXX	2,000	XXX	10,000
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean	XXX	9.0
Nov 1 - May 31	XXX	XXX	XXX	4.5	XXX	3.0
Jun 1 - Oct 31	0.65	1.03	XXX	1.5	XXX	97
Copper, Total (µg/L)	XXX	XXX	XXX	39	62	97
Toxicity, Chronic-Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	XXX	1.56	XXX
Total Residual Chlorine (TRC) INTERIM (Effective to May 31, 2019)	XXX	XXX	XXX	0.17	XXX	0.56
Total Residual Chlorine (TRC) FINAL (June 1, 2019 to Expiration)	XXX	XXX	XXX	0.09	XXX	0.29

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Monthly</i>	<i>Annual</i>	<i>Monthly</i>	<i>Monthly Average</i>	<i>Maximum</i>	<i>Instant. Maximum</i>
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	Report	36,529 ⁽¹⁾	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	4,871	XXX	XXX	XXX	XXX

⁽¹⁾—Not including offset.

* 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:

- Nutrient Requirements
- Combined Sewer Overflows
- Pretreatment Program Implementation
- Water Effect Ratio

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is not in effect.

PA0027057, Sewage, SIC Code 4952, **Williamsport Sanitary Authority**, 253 W 4th Street, Williamsport, PA 17701-6113. Facility Name: Central Plant. This existing facility is located in City of Williamsport, **Lycoming 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), West Branch Susquehanna River, is located in State Water Plan watershed 10-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 8.4 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.30	XXX	1.01
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	1,750	2,800	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅)		Wkly Avg				
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	2,100	3,150	XXX	30	45	60
		Wkly Avg				
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
					Daily Max	
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen	Report	Report	XXX	Report	Report	XXX
		Wkly Avg				

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>	<i>Monthly</i>	<i>Monthly Average</i>	<i>Maximum</i>	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen ³	Report	153,423	XXX	XXX	XXX	XXX
Net Total Phosphorus ³	Report	20,456	XXX	XXX	XXX	XXX

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

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is not in effect.

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. 0215407 A-1, Sewage, **Pittsburgh Water and Sewer Authority**, 1200 Penn Avenue, Pittsburgh, PA 15222.

This existing facility is located in Pittsburgh City, **Allegheny County**.

Description of Proposed Action/Activity: The applicant proposes to construct 192 lineal feet of 84-inch diameter sewer line with inline storage capacity along Hayson Avenue. This sewer line is intended to relieve wet weather sewer backups to some houses and have 8-inch diameter channel for dry weather flow.

WQM Permit No. 0215420, Sewage, **Clairton City Municipal Authority Allegheny County**, 1 North State Street, Clairton, PA 15025-2172.

This proposed facility is located in Clairton City, **Allegheny County**.

Description of Proposed Action/Activity: construction of a new raw sewage pump station, headworks facility, aerobic digester and dewater equipment.

WQM Permit No. 0270205 A-3 T-3, Industrial, **NRG Power Midwest LP**, 121 Champion Way, Canonsburg, PA 15317.

This existing facility is located in Springdale Borough, **Allegheny County**.

Description of Proposed Action/Activity: Upgrades to existing industrial wastewater treatment facility.

WQM Permit No. 0270205 A-4 T-3, Industrial, **NRG Power Midwest LP**, 121 Champion Way, Canonsburg, PA 15317.

This existing facility is located in Springdale Borough, **Allegheny County**.

Description of Proposed Action/Activity: Upgrades to leachate collection and distribution system.

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

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011515019	Bombay Enterprises, LLC 1806 Zebley Road Wilmington, DE 19810-1502	Chester	Lower Oxford Township	Tributary to West Branch Big Elk Creek (POI #2) HQ-TSF-MF
PAI012316001	PECO, An Exelon Company 2301 Market Street, S7-2 Philadelphia, PA 19103	Delaware	Eddystone Borough	Delaware River WWF-MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024815016	Moravian College c/o Ms. Amber Donato 1200 Main Street Bethlehem, PA 18018	Northampton	City of Bethlehem	Monocacy Creek (HQ-CWF, MF)

Pike County Conservation District, 556 Route 402, Hawley, PA 18428

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025215003	PennDOT, District 4-0 55 Keystone Industrial Park Dunmore, PA 18512	Pike	Blooming Grove Township	Billings Creek (HQ-CWF, MF) Tributary 05415 to Billings Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033815002	Doug Horning 40 Sportsman Lane Newmanstown, PA 17073	Lebanon	Heidelberg Township	UNT to Hammer Creek (Designated Use of Water: CWF) EV Wetlands (Designated Use of Water: EV)

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701

Lycoming County Conservation District: 542 County Farm Road Suite 202, Montoursville, PA 17754, (570) 433-3003

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044115007	Colleen Kester PPL Electric Utilities Two North Ninth Street Allentown, PA 18101	Lycoming	S. Williamsport, Duboisstown, and Jersey Shore Boroughs, Armstrong, Woodward, Susquehanna, Piatt, and Porter Townships	Mosquito Ck, CWF-MF UNT W B Susquehanna River, CWF, MF Bender Run, CWF-MF W B Susquehanna River, CWF UNT W B Susquehanna River, WWF-MF Pine Run—WWF, MF Larry's Creek, EV Steward's Run, WWF-MF

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. (412) 442.4315

<i>Permit No.</i>	<i>Applicant & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI056316001	Brownlee Land Ventures P. O. Box 51 West Middletown, PA 15379	Washington County	Hopewell Township and Independence Township	UNT to Haynan Run (HQ-WWF)
PAI056515003	Joseph Knapp 748 New Texas Road Pittsburgh, PA 15239	Westmoreland County	Murrysville Municipality	UNT Haymakers Run (HQ-CWF)

Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Erie County Conservation District, 1927 Wager Road, Erie, PA 16509

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062513001(1)	Erie Metropolitan Transit Authority 127 East 14th Street Erie, PA 16503	Erie	City of Erie	Millcreek WWF; MF Presque Isle Bay WWF

Warren County Conservation District, 300 Hospital Drive, Suite D, Warren, PA 16365

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI066213001(1)	USDA-FS Allegheny National Forest 29 Forest Service Drive Bradford, PA 16701	Warren	Mead Township, Warren County and Hamilton Township McKean County	Jake's Run, Tuttle Run, Dew Drop Run, Dutchman Run, Elijah Run, Cornplanter Run, and Mud Lick Run ALL HQ/CWF

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:

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

Lincoln Bus Lines, 10 West Elm Avenue, Hanover, PA 17331, Hanover Borough, **York County**. Mountain Research, 825 25th Street, Altoona, PA 16601, on behalf of Janet and Richard Lightner, 21 Vista Larga Drive, Gettysburg, PA 17325, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with unleaded gasoline. The site will be remediated to the Residential Statewide Health Standard. Future use of the site is to be used as residential apartments. The Notice of Intent to Remediate was published in *The York Dispatch / York Sunday News and York Daily Record* on January 25, 2016.

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

BMCA Quakertown Inc., 60 Pacific Drive, Richland Township, **Bucks County**. Andrew R. Fetterman, Liberty Environmental, 50 North 5th Street, 5th Floor, Reading, PA 19601, Mindy D. Wagaman, Liberty Environmental, 50 North 5th Street 5th Floor, Reading, PA 19601 on behalf of Ray Merrell, **BMCA Quakertown Inc.**, One Campus Drive, Parsippany, NJ 07054 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with no. 2 fuel oil. The proposed future use of the property will be commercial/industrial. The Notice of Intent to Remediate was published in *The Morning Call* on January 25, 2016. PF784411.

Lima Precision Manufacturing Company, 1640 Loretta Avenue, Lower Southampton Township, **Bucks County**. Staci Cottone, J&J Environmental, P. O. Box 370, Blue Bell, PA 19422 on behalf of Kathrine and Anton Maurus c/o H. Kenneth Tull, Esq., 1900 Spruce Street, Philadelphia, PA 19103 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release no. 2 fuel oil. The proposed future use of the property will be commercial. The Notice of Intent to Remediate was published in *The Bucks County Courier Times* on January 22, 2016. PF7807479.

Specialty Glass Produce, 2885 Terwood Road, Upper Moreland Township, **Montgomery County**. Richard S. Werner, Environmental Consulting, Inc., 2002 Renaissance Blvd, Suite 110, King of Prussia, PA 19406 on behalf of Frank Arrison, Properties, Inc., 1150 Pebbel Hill Road, Doylestown, PA 18901 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of vocs. The intended future use of the subject property will remain industrial. The Notice of Intent to Remediate was published in *The Public Spirit / Willow Grove Guide* on January 3, 2016. PF807381.

Ridgeview, 163a Cathill Road, West Rockland Townships, **Bucks County**. Lawrence W. Bily, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, Christopher Canavan, Old Forge Acquisitions, LP, 404 Sumneytown Pike, North Wales, PA 19454 on behalf of Keith Thomas Uninvest Bank and Trust Company, 14 North Main Street, P. O. Box 64197, Souderton, PA 18964 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with arsenic. The site will be redeveloped for residential purpose. The Notice of Intent to Remediate was published in *The New Herald* on December 20, 2015. PF807853.

USS KIPC 158-Acre Parcel, One Ben Fairless Drive, Falls Township, **Bucks County**. Colleen Costello, GHD

Services, Inc., 410 Eagleview Blvd, Suite 110, Exton, PA 19341 on behalf of Michael H. Leon, United States Steel Corporation, 1350 Penn Avenue, Suite 200, Pittsburgh, PA 15222 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of vocs, svocs, metals and pcbs. The current and anticipated future use of the site is commercial/industrial. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* on January 7, 2016. PF807837.

MUNICIPAL WASTE GENERAL PERMIT

Application(s) Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.

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

General Permit Application Number WMGM055. EPP Renewable Energy, LLC, 1650 N. Cedar Crest Boulevard, Suite 509, Allentown, PA 18104.

The Department of Environmental Protection, Bureau of Waste Management received applications from the companies listed below for the renewal of General Permit No. WMGR034 that authorizes processing and beneficial use of landfill gas (LFG) generated by the landfill disposal of municipal waste or residual waste co-disposal. General Permit No. WMGM034 expired on December 7, 2015, before the Department issued a final decision on the renewal application. Therefore, the renewal applications are being processed as applications for a new general permit, General Permit Application No. WMGM055. The following permit numbers for the applications have been changed as listed:

WMGM034 to WMGM055SC001 received on June 2, 2015 from EPP Renewable Energy located in **Lancaster County**, Manor Township.

WMGM034002A to WMGM055SC001A was originally received on June 1, 2015 from EPP Renewable Energy, located in **Lebanon County**, North Annville Township.

WMGM034002B to WMGM055SC002B was originally received on June 1, 2015 from EPP Renewable Energy, located in **Cumberland County**, Hopewell Township.

WMGM034002C to WMGM055NW002C was originally received on June 1, 2015 from EPP Renewable Energy, located in **Bradford County**, Burlington Township.

WMGM034002D to WMGM055NE002D was originally received on June 1, 2015 from EPP Renewable Energy, located in **Northampton County**, Glendon Borough.

WMGM034002E to WMGM055NC002E was originally received on June 1, 2015 from EPP Renewable Energy, located in **Lycoming County**, Brady Township.

WMGM034002F to WMGM055SC002F was originally received on June 1, 2015 from EPP Renewable Energy, located in **Franklin County**, Greene Township.

WMGM034D001 to WMGM055SC002 was originally received on November 30, 2016 from Pioneer Crossing Energy LLC located in **Berks County**, Exeter Township.

The Department has deemed the above applications to be administratively complete on February 4, 2016.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on General Permit Number WMGM055" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

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

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

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25

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

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

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

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

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

39-00006D: American Craft Brewery (7880 Penn Drive, Breinigsville, PA 18031) for the installation of an additional ISEP filter and blending system to process, treat and filter additional Clear Malt Beverage (CMB) at their facility located in Upper Macungie Twp., **Lehigh County**.

40-00013A: Downs Racing LP (1 Mohegan Sun Blvd., Uncastle, CT 06382) for the installation of three boilers, two diesel emergency generators, one fire pump and one natural gas generator at their facility located in Plains Twp., **Luzerne County**.

58-00018A: Tennessee Gas Pipeline Company LLC (PO Box 2511, Houston, TX 77252-2511) for the construction of new natural gas compressor station at their facility to be located in New Milford Boro, **Susquehanna County**.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

25-025W: General Electric Company—Erie (2901 East Lake Road, Bldg 9-201, Erie, PA 16531) for the modification of plan approval 25-025T for removal of Test Cell in Area 10K (Source 365) and removal of 40 CFR 63 Subpart P requirements in Lawrence Park Township, **Erie County**. This is a Title V facility.

37-337B: Hickory Run Energy, LLC (NE intersection of McClelland & Edinburg Road, New Castle, PA 16102) for the 2nd 18-month construction extension for plan approval 37-337A in North Beaver Township, **Lawrence County**. This is a Title V facility.

37-349A: Garner Energy, LLC (6051 Wallace Road Extension, Suite 100, Wexford, PA 15090) application received for the installation and operation of a non-Title

V electric generating facility in Pulaski Township, **Lawrence County**. Sources will include 3 electric generating engines each rated 7.2 megawatts. The facility will be capable of producing a total of 22 megawatts. Emissions from the engines will be controlled through combustion technology and selective catalytic reduction.

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.

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

Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6328

25-025V: General Electric Company—Erie (2901 East Lake Road, Bldg 9-201, Erie, PA 16531) for construction of an Electro-Coat Operations and construction of a new paint booth in Building 7 in Lawrence Park Township, **Erie County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the facility operating permit at a later date.

Plan approval No 25-025V is for the proposed renovation of the painting operations in Building 7 of the facility. This project will replace paint booths (Sources 164 and 804) used to paint weldments for locomotives and other parts with a new Electro-Coat Dip Paint Operation (Source 981) and a new Wet Paint Booth (Source 982). This Plan Approval will contain emission restriction, testing, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology (BAT) for the source including, but are not limited to, the following:

- Electro-Coat Dip Painting Operation (Source 981) & Wet Paint Booth (Source 982).

- Subject to 25 Pa. Code § 123.13.

- Subject to 25 Pa. Code § 129.52.

- A facility, regardless of the facility's annual emission rate, which contains surface coating processes shall maintain records sufficient to demonstrate compliance with their emission limitation. At a minimum, a facility shall maintain records of:

- The following parameters for each coating, thinner and other component as supplied:

- The coating, thinner or component name and identification number.

- The volume used.

- The mix ratio.

- The density or specific gravity.

- The weight percent of total volatiles, water, solids and exempt solvents.

- The volume percent of solids for Table I surface coating process categories 1—10.

- The VOC content of each coating, thinner and other component as supplied.

- The VOC content of each as applied coating.

- The facility shall implement a system that takes data from the material tracking system that reports materials delivered to each coating work station during the month and divides the amount of material delivered by the number of days the coating station was in operation to produce a "daily use" material quantity for each day.

- The facility shall calculate VOC emissions monthly, using a system that tracks and records when each container of coating is dispatched to a work station from the warehouse. Each month, the facility shall total the amount of each coating used at each work station and determine the amount of VOC emitted from each work station.

- The use of above will show compliance with the requirements in 25 Pa. Code § 129.52(c) and may be used in lieu of it.

- Records maintained to demonstrate compliance with 25 Pa. Code § 129.52 shall be maintained for 5 years and shall be submitted to the Department on a schedule reasonably prescribed by the Department. [This condition replaces 25 Pa. Code § 129.52(g).]

- The permittee shall maintain a record of certification of the VOC content of each coating used. A certification will be required when there is a new supplier, a reformulation of an existing coating, or the addition of a new coating not previously certified. The certification must demonstrate that the VOC content was determined in accordance with 40 CFR 60, Appendix A—Reference Method 24.

- Subject to 40 CFR 63 Subpart M (National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products).

- Wet Paint Booth (Source 982).

- The permittee shall maintain a record of all scheduled preventative maintenance inspections of the control device. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problem or defects, and any routine maintenance performed.

- The permittee shall maintain a record of the following parameter from the operational inspections:

- Pressure drop across the control device.

- The permittee shall perform a weekly operational inspection of the control device.

- The permittee shall maintain a manometer or similar device to measure the pressure drop across the control device.

- The permittee shall operate the control device at all times that the source is in operation.

- The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications, in accordance with good air pollution control practices, or in accordance with good engineering practices.

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [25-025V] 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 Regional Air Quality Program Manager, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in §§ 127.421—127.431 for State only operating permits or §§ 127.521—127.524 for Title V operating permits.

37-023G: NRG Power Midwest LP—New Castle Plant (2189 State Route 168 South, West Pittsburgh, PA 16160) for the proposed facility Plantwide Applicability Limit (PAL) in Taylor Township, **Lawrence County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the facility operating permit at a later date.

Plan approval No 37-023G is for the proposed PALs for the facility. This Plan Approval will contain emission restriction, testing, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology (BAT) for the source including, but are not limited to, the following:

- Site Level Requirements.

- Pursuant to the requirements of 40 CFR 52.21(aa) and 25 Pa. Code § 127.218, the following PSD/NNSR PAL is established for the following pollutants:

- PM (TSP)—350.31 tpy based on a 12-month rolling total.

- PM₁₀—626.85 tpy based on a 12-month rolling total.

- PM_{2.5}—540.73 tpy based on a 12-month rolling total.

- SO_x—16,314.66 tpy based on a 12-month rolling total.

- NO_x—2,958.51 based on a 12-month rolling total.
- CO—1,389.43 tpy based on a 12-month rolling total.

- VOC—58.9 tpy based on a 12-month rolling total.
- Pb—0.3 tpy based on a 12-month rolling total.
- H₂SO₄—85.62 tpy based on a 12-month rolling total.

- CO₂e—1,560,675.9 tpy based on a 12-month rolling total.

- The emissions shall include fugitive emissions, to the extent quantifiable, from all emissions units that emit or have the potential to emit the PAL pollutant at the major facility as required by 25 Pa. Code § 127.218(c)(4) and 40 CFR 52.21(aa)(4)(i)(d).

- For each month during the PAL effective period after the first 12 months of establishing a PAL, the owner or operator of the major facility shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous 12 consecutive months, expressed as a 12-month rolling total, is less than the PAL. For each month during the first 11 months from the PAL effective date, the owner or operator of the major facility shall show that the sum of the preceding monthly emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL as required by 25 Pa. Code § 127.218(c)(1) and 40 CFR 52.21(aa)(4)(i)(a).

- The owner or operator of a major facility shall monitor all emissions units in accordance with 25 Pa. Code § 127.218(m) and 40 CFR 52.21(aa)(12).

- The owner or operator shall retain a copy of the records necessary to determine compliance with the PAL, including a determination of the 12-month rolling total emissions for each emissions unit, for 5 years as required by 25 Pa. Code § 127.218(n)(1) and 40 CFR 52.21(aa)(13)(i).

- The owner or operator shall retain a copy of the following records for the duration of the PAL effective period and 5 years after the PAL permit expires as required by 25 Pa. Code § 127.218(n)(2) and 40 CFR 52.21(aa)(13)(ii):

- A copy of the PAL permit application and applications for revisions to the PAL permit.

- Each annual certification of compliance required under Title V of the Clean Air Act (42 U.S.C.A. §§ 7661—7661f) and regulations adopted under the act and the data relied on in certifying the compliance.

- The owner or operator of a major facility shall retain the records required under 25 Pa. Code § 127.218(n) and 40 CFR 52.21(aa)(13) and they shall be retrievable onsite. Such records may be retained in an electronic format.

- The owner or operator of a major facility shall submit the reports required under 25 Pa. Code § 127.218(o) and 40 CFR 52.21(aa)(14) by the required deadlines.

- Emission calculations for compliance purposes shall include emissions from startups, shutdowns and malfunctions as required by 25 Pa. Code § 127.218(g)(4) and 40 CFR 52.21(aa)(7)(iv).

- The owner or operator of a major facility shall use the calculation procedures contained in Attachment 4.C from the PAL application (or a Department approved equivalent) to convert the monitoring system data to

monthly emissions and annual emissions based on a 12-month rolling total for each month as required by 25 Pa. Code § 127.218(n)(1) and 40 CFR 52.21(aa)(13)(i).

- The PSD and NNSR PAL for emissions are established for the following sources at the facility:

- Source 030—Auxiliary Boiler.
- Source 033—Boiler #3.
- Source 034—Boiler #4.
- Source 035—Boiler #5.
- Source 036—Electromotive Diesel A.
- Source 101—Coal Stockpile.
- Source 102—Bottom Flyash Disposal.
- Source 103—Plant Roadways.
- Source 104—Flyash Storage Silos.
- Source 106—2 Emergency Diesel Generators.
- Source 107—Parts Washer.

- The PAL effective period is 10 years from plan approval issuance.

- In accordance with the plantwide applicability limit (PAL) provisions incorporated by reference at 25 Pa. Code § 127.83 and those of 25 Pa. Code § 127.218(k), if the owner or operator of the facility submits a timely application to renew the PAL, the PAL permit will not expire at the end of the PAL effective period. The PAL permit shall remain in effect until the Department issues a revised PAL permit.

- If not required by condition (c)(2), the Department shall renew the PAL unchanged, if the emissions, calculated in accordance with 25 Pa. Code § 127.218(f) and 40 CFR 52.21(aa)(10)(iii) are below 80% of the PAL level solely due to reduced utilization.

- The Department may reduce the PAL in accordance with 25 Pa. Code § 127.218(i)(1)(ii), 25 Pa. Code § 127.218(i)(2), 25 Pa. Code § 127.218(k)(4)(iii), or 40 CFR 52.21(aa)(10)(iv)(c)(1) as necessary.

- Upon expiration of the PAL permit, the owner or operator of a major facility is subject to the requirements of 25 Pa. Code § 127.218(j) and 40 CFR 52.21(aa)(9).

- Emissions from a new source that requires a plan approval shall be the minimum attainable through the use of BAT. A physical change or change in method of operation at an existing emissions unit will not be subjected to BAT requirements of this chapter unless the emissions unit is modified so that the fixed capital cost of new components exceeds 50% of the fixed capital cost that would be required to construct a comparable entirely new emissions unit as required by 25 Pa. Code § 127.218(g)(10).

- Subject to 25 Pa. Code § 127.218 and 40 CFR 52.21(aa).

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this

permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [37-023G] 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 Regional Air Quality Program Manager, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in §§ 127.421 to 127.431 for State only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

43-377A: Austin Rubber Company, LLC (1100 Nueces Street, Austin, TX 78701) the Department intends to issue a plan approval to Austin Rubber Company, LLC (Austin Rubber), for the construction and operation of a rubber devulcanization facility in Sugar Grove Township, **Mercer County**. This will be a natural minor facility not subject to Title V. Sources will include crumb rubber sorting/sizing equipment, natural gas combustion equipment (two oil heaters with a total output of approximately 30 MMBtu/hr), VOC containing storage tanks, and a rubber devulcanization process which will emit VOC and HAP. This application has been reviewed to evaluate its incorporation of Best Available Technology. Emissions from the facility will be controlled through combustion technology, exhaust stream condensation, and a cold scrubber. Tank emissions will be vented to the facility's condenser. It is estimated that the emissions from the facility will be: VOC 15.9 tpy, CO 10.8 tpy, NO_x 2.27 tpy, and PM 1.92 tpy. The facility will be limited to an emission of 20 tons of VOC per year. Emissions from the two oil heaters will be tested using a portable analyzer. Emissions of NO_x from the oil heaters will be restricted to 15 ppm and emissions of CO will be restricted to 50 ppm (each corrected to 3% O₂).

Public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44.

The Plan Approval will contain testing, recordkeeping, emission restriction, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

In accordance with 25 Pa. Code § 127.44(e)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(e)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [43-377A: Austin Rubber Company, LLC] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Christina Nagy, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6411.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region.

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

23-00023: United Parcel Service (1 Hog Island Road, Philadelphia, PA 19153) for the renewal of a Title V Operating Permit for the operation of a Distribution and Transportation Facility which contains the following air emission sources; 40 space heaters, 4 emergency generators, Gasoline & Diesel Storage Dispensing, and Jet Fuel Dispensing. The facility is located in Tinicum Township, **Delaware County**. The facility is required to have a Title V Operating Permit under 40 CFR part 60, § 62.14480. This renewal of the Title V Operating Permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The Title V Operating Permit 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

48-00091: Lower Mt. Bethel Energy, LLC (Two North Ninth Street, Allentown, PA 18101-1197), The Department intends to issue a renewal of the Title V Operating Permit for a power transmission facility in Lower Mt. Bethel Township, **Northampton County**. The facility's main sources include: two (2) natural gas, combined cycle combustion turbines and two (2) heat recovery steam generators. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. Actual emissions as reported by

the facility for year 2014 include: CO—18.3 tpy, Lead—0.00 tpy, NO_x—153.8 tpy, PM₁₀—31.85 tpy, PM_{2.5}—5.62 tpy, SO_x—9.10 tpy, and VOC—8.30 tpy. The proposed Title V Operating Permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

18-00006: Dominion Transmission Inc. (925 White Oaks Blvd., Bridgeport, WV 26330) to issue a renewal Title V Operating Permit for their Leidy Transmission Station located in Leidy Township, **Clinton County**. The facility is currently operating under Title V Operating Permit 18-00006. The facility's main sources include multiple natural-gas-fired heaters/boilers ranging from 0.04 MMBtu/hr to 40 MMBtu/hr, eight 2,000 brake-horsepower natural-gas-fired compressor engines, three 1,000 brake-horsepower natural-gas-fired compressor engines, two 3,400 brake-horsepower natural-gas-fired compressor engines, one 2,650 brake-horsepower natural-gas-fired engine, one 40 brake-horsepower natural-gas-fired engine, one 40 brake-horsepower gasoline-fired engine, two 182 brake-horsepower diesel-fired engines and various storage tanks.

The facility has potential annual emissions of 1,364.71 tons of carbon monoxide, 1,824.21 tons of nitrogen oxides, 1.29 ton of sulfur oxides, 12.24 tons of particulate matter including particulate matter less than 10 microns in size, 12.24 tons of particulate matter less than 2.5 microns in size, 1,240.82 tons of volatile organic compounds, 48.73 tons of hazardous air pollutants, and 211,202 tons of greenhouse gases. 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 40 CFR Part 63 Subpart ZZZZ, 40 CFR Part 63 Subpart DDDDD, and 25 Pa. Code Chapters 121—145.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

Contact: Tom Joseph, Permitting Chief—Telephone: 412-442-5226

03-00180: Dominion Transmission, Inc. (500 Dominion Blvd., Glen Allen, VA, 23060). In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a renewal Title V Operating Permit (TV-03-00180) to Dominion Transmission, Inc. for the operation of their South Bend Compressor Station located in South Bend Township, **Armstrong County**.

The main sources of emissions at the facility include six 2,000 bhp stationary reciprocating internal combustion compressor engines, one 813 bhp stationary reciprocating internal combustion engine driving an emergency electric

generator, a 8.0 mmbtu/hr salt bath heater, a 5.5 mmbtu/hr boiler, a 10,000 gallon produced fluids storage tank, a parts washer, and fugitive VOC emissions from facility valves, pumps, flanges, etc. All of the combustion emission sources are natural gas-fired.

The South Bend Compressor Station is a major facility subject to the operating permit requirements of Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F (relating to operating permit requirements) and G (relating to Title V operating permit requirements). Actual emissions from the facility for 2014 were reported as follows: 10.13 tons per year of carbon monoxide (CO), 12.74 tons per year of nitrogen oxides (NO_x), 0.84 ton per year of particulate matter less than 10-microns (PM₁₀), 0.83 ton per year of particulate matter less than 2.5-microns (PM_{2.5}), 0.02 ton per year of sulfur oxides (SO_x), 4.05 tons per year of volatile organic compounds (VOC), 1.23 ton per year of Hazardous Air Pollutants (HAP), 2.32 tons per year of ammonia, 1.03 ton per year of methane, and 2,955 tons per year of greenhouse gases (GHGs).

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

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

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

All requests for a public hearing, and all protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). A protest must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (Title V Operating Permit 03-00180); and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

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

Written comments, protests, and requests for a public hearing should be directed to Nicholas J. Waryanka, Air Quality Engineer, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive,

Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Nicholas J. Waryanka at (412) 442-4172.

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

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

10-00037: Sonneborn, Inc., Petrolia Plant (100 Sonneborn Lane, Petrolia, PA 16050) the Title V Operating Permit for this petroleum products processing facility is being proposed for re-issued. The facility is located in the Borough of Petrolia, **Butler County**.

This facility is classified as a major source due to the potential to produce NO_x, VOC, and CO emissions.

The average emissions from this facility, based on actual emissions from the years of 2012, 2013, and 2014, are as follows. (All values are in tons/year.) PM₁₀ = 11.80, SO_x = 6.25, NO_x = 99.64, CO = 40.98, VOC = 33.23, and Total HAPs = 4.49.

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

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

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

09-00159: Colorcon Inc. No Tox Production Div., (171 New Britain Blvd., Chalfont, PA 18914) for the renewal of a Natural Minor Operating Permit in New Britain Township, **Bucks County**. The facility produces non-toxic paste, solvent and water based printing inks. Sources of air emissions at this facility are the No-Tox Production Area which is comprised of 21 mills and mixers and an emergency generator (102 BHP). The facility uses a dust collector to capture particulate matter from the No-Tox Production area. The primary pollutant from this facility is VOCs with a potential to emit 14.1 TPY. The emergency generator is subject to 40 CFR Part 63 Subpart ZZZZ. The permit contains monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

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

58-00016: Sawmill Valley Hardwoods, Inc. (7025 State Route 92, South Gibson, PA 18842-9750) for the operation of a wood-fired boiler at a sawmill operation in Lenox Township, **Susquehanna County**. The wood-fired boiler is the only source at the facility. The particulate emissions are controlled by a multi-cyclone collector. This is a new State-Only Operating Permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702

67-03069: H & H Castings, Inc. (4300 Lincoln Highway, York, PA 17406) to issue a State Only Operating Permit for an aluminum foundry facility in Hellam Township, **York County**. The 2014 emissions were 44 tons of PM, 0.9 ton of CO, 1.08 ton of NO_x, 0.01 ton of SO_x, 18 tons of VOC, and 0.1 ton of HAP. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from the facility is subject to Subpart ZZZZZZ—National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

55-00008: Apex Homes of PA, LLC (7172 Route 522, Middleburg, PA 17842-9488) to issue a renewal State Only (Synthetic Minor) operating permit for their facility located in Middlecreek Township, **Snyder County**. The facility is currently operating under State Only Operating Permit 55-00008. The significant emissions sources at the Apex Homes facility are the Modular Home Assembly Operation, Paint Shop, and Woodworking Operations. The facility has potential emissions of 6.4 tons per year of carbon monoxide, 8.2 tons per year of nitrogen oxides, 4.0 tons per year of sulfur oxides, 28.4 tons per year of particulate matter, 35.3 tons per year of volatile organic compounds, 3.7 tons per year of total Hazardous Air Pollutants, and 5,347 tons per year of carbon dioxide equivalents (greenhouse gases). The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

Contact: and Tom Joseph, Permitting Chief—Telephone: 412-442-5226

32-00148: MDS Energy (409 Butler Rd., Suite A, Kittanning, PA, 16201), for renewal of an Air Quality Natural Minor State Only Operating Permit to authorize the operation of the Cookport Compressor Station located in Green Township, **Indiana County**. Equipment at this facility includes one compressor engine, one dehydrator/heater system, and several small storage tanks. Emissions from the facility for 2014 were reported as follows: 6.39 tons per year of NO_x, 6.33 tons per year of CO, 0.05 ton per year of particulate matter less than 10 microns, 0.58 ton per year of VOC, 2.81 tons per year of methane, and 1,460.77 tons per year of carbon dioxide. No emission or equipment changes are being proposed by this action. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The proposed SOOP renewal includes conditions relating to applicable emis-

sions restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements.

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

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

10-00355: Glacial Sand & Gravel Company/Rodgers Site (P. O. Box 1022, Kittanning, PA 16201) for a Natural Minor Permit issuance to operate a sand and gravel processing facility located at the intersection of T860 and T383 (Swope and W. Liberty), Harrisville, PA in Worth Township, **Butler County**.

The equipment at this facility continues to be subject to the New Source Performance Standards of 40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

Emissions from this facility continue to be well below the major source thresholds. Potential emissions, if the facility were operated 10 hours per day for 300 days per year, are as follows. Particulate Matter (PM) = 25.16 tons/year and PM_{10} = 8.21 tons/yr.

16-00131: Allegheny Wood Products International, Inc., Marble Hardwood Mill (Highway 208, Marble, PA 16334) the Department intends to re-issue a Synthetic Minor Permit to operate a hardwood kiln drying operation located in Washington Township, **Clarion County**. The primary operations at this facility are the 25 million Btu wood fired boiler and (8) lumber drying kilns.

This facility has potential Carbon Monoxide (CO) emissions, from the steam boiler, of more than 100 tons per year, but is taking a limit of 99.9 tons per year in order to stay below the major source category.

The Wood-Fired Boiler (Source ID: 031) continues to be subject to the requirements of 40 CFR 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.

The potential emissions from this facility are as follows. (All values are in tons/year.) PM = 45.66, PM_{10} = 41.28, $PM_{2.5}$ = 35.81, SO_x = 2.74, NO_x = 53.66, CO = 99.90, and VOC = 4.16.

62-00035: IA Construction Corporation (PO Box 568, Franklin, PA 16323) the Department intends to issue a renewal State Only Operating Permit for the Warren Hot Mix Asphalt Plant located in Conewango Township, **Warren County**. The facility is a Synthetic Minor. The primary sources at the facility include a Batch Hot Mix Asphalt Plant with maximum throughput rate of 240 tons asphalt per hour and a Portable Crushing Plant with a maximum throughput of 150 tons of crushed material per hour. The portable crushing plant is powered by a Nonroad diesel-fueled engine. The asphalt plant is restricted to a production limit of 495,000 tons of hot asphalt paving materials per year. Reported emissions for 2014 were: 22.08 tons CO; 3.12 tons NO_x ; 7.81 tons PM_{10} ; 0.00 ton $PM_{2.5}$; 0.25 ton SO_x ; 0.45 ton VOC; 0.59 ton HAPs; 2,360.22 tons CO_2 ; 0.04 ton methane; and 0.04 ton nitrous oxide. 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.

62-00183: PAPCO Incorporated (213 West 3rd Avenue, PO Box 964, Warren, PA 16365) for renewal of the Natural Minor Permit to operate a gas processing plant located in Mead Township, **Warren County**. The current

emission sources included in the permit are: 1) Hot Oil Heater, 2) Reboiler, 3) AJAX Compressor Engine—346 HP, 4) AJAX Compressor Engine—384 HP, 5) Equipment Leak Check, 6) Storage Tanks and, 7) Dehydrator. The compressor engines are subject to 40 CFR Part 63, Subpart ZZZZ. All applicable conditions of Subpart ZZZZ were included previously in the source level of the permit. The Equipment Leak Check source is subject to 40 CFR Part 60, Subpart KKK and VV. The applicable conditions of Subpart KKK and VV were included in the permit previously. The facility is a natural minor because the emissions from the facility are less than Title V threshold limits. The potential emissions from the facility as stated in permit renewal application are as follows: Oxides of Nitrogen (NO_x): 15.56 Tons per year (TPY), Carbon Monoxide (CO) 9.05 TPY, Volatile Organic Compound (VOC) 33.09 TPY, Particulate Matter (PM) 1.32 TPY, Oxides of Sulfur (SO_x) 0.03 TPY and, (Hazardous Air Pollutants (HAPs): 7.03 TPY.

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

32733709 and NPDES No. PA0214159. Robindale Energy Services, Inc., (224 Grange Hall Road, PO Box 228, Armagh, PA 15920). To revise the permit for the Dilltown Facility in Brush Valley Township, **Indiana County** and related NPDES permit to expand the coal refuse site and add 3 new NPDES points from the expansion area. Coal Refuse Disposal Support Acres Proposed 96.8, Coal Refuse Disposal Acres Proposed 108.6. Application also includes a request for a Section 401 Water Quality Certification. Receiving Stream: Unnamed Tributaries of Blacklick Creek, classified for the following use: CWF. Receiving Stream: Blacklick Creek, classified for the following use: TSF. Receiving Stream: Conemaugh River, classified for the following use: WWF. The application was considered administratively complete on December 10, 2015. Application received October 6, 2015.

30130701 and NPDES No. PA0236268. Consol Pennsylvania Coal Company LLC, (1000 CONSOL Energy Drive, Canonsburg, PA 15317). To operate the Bailey Central Mine Complex Coal Refuse Disposal Areas No. 7 and No. 8 in Richhill and Morris Townships, **Greene County** and related NPDES permit to include installation of a sediment pond and new NPDES Outfall for future Coal Refuse Disposal No. 8 at the Bailey Central Mine Complex. Coal Refuse Disposal Support Acres Proposed 109.5, Coal Refuse Disposal Acres Proposed 109.5. Application also includes a request for a Section 401 Water Quality Certification. Receiving Stream: Boothe Run (Tributary 32755 to Enlow Fork), classified for the following use: WWF. The application was considered administratively complete on July 22, 2015. Application received June 18, 2015.

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

26960101 and NPDES Permit No. PA0201600. Daniel J. Patterson (49 Elizabeth Drive, Smithfield, PA 15478). Renewal application 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, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: February 4, 2016.

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

Permit No. 54783702C7 and NPDES Permit No. PA0593010. Reading Anthracite Company, (PO Box 1200, Pottsville, PA 17901), correction of an existing anthracite coal refuse reprocessing, refuse disposal and coal preparation plant operation in Cass, Norwegian and New Castle Townships, **Schuylkill County** to increase the permitted acreage from 512.0 acres to 681.0 acres, receiving stream: West Branch Schuylkill River, classified for the following use: cold water fishes. Application received: January 15, 2016.

Permit No. 40663028R6. Pagnotti Enterprises, Inc., (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Hazle Township, **Luzerne County** affecting 474.0 acres, receiving stream: Black Creek, classified for the following uses: cold water and migratory fishes. Application received: February 2, 2016.

Permit No. 40663028C16. Pagnotti Enterprises, Inc., (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), correction to update the post-mining land use to unmanaged natural habitat of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Hazle Township, **Luzerne County** affecting 474.0 acres, receiving stream: Black Creek, classified for the following uses: cold water and migratory fishes. Application received: February 2, 2016.

Permit No. 54851325R6. B & B Anthracite Coal Co., (225 Main Street, Joliette, PA 17981), renewal of an existing anthracite underground mine operation in Tremont Township, **Schuylkill County** affecting 8.0 acres, receiving stream: Shamokin Creek, classified for the following use: cold water fishes. Application received: February 4, 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.

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

03142001 and NPDES Permit No. PA0278211. Britt Energies, Inc. (P. O. Box 515, Indiana, PA 15701). Application for commencement, operation and restoration of large noncoal surface and underground mine, located in South Bend Township, **Armstrong County**, affecting 84.3 surface acres and 161.5 underground acres. Receiving stream: Crooked Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: January 20, 2016.

03020402 and NPDES Permit No. PA0250406. Allegheny Mineral Corp. (P. O. Box 1022, Kittanning, PA 16201). NPDES renewal application for continued mining to an existing large noncoal surface mine, located in West Franklin Township, **Armstrong County**, affecting 160.8 acres. Receiving streams: unnamed tributary to Buffalo Creek and Buffalo Creek, classified for the following use: HQ-TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: February 1, 2016.

26950401 and NPDES Permit No. PA0201294. Amerikohl Aggregates, Inc. (202 Sunset Drive, Butler, PA 16001). NPDES renewal application for continued mining to an existing large noncoal surface mine, located in Springfield Township, **Fayette County**, affecting 640 acres. Receiving streams: unnamed tributaries to Clay Run and Buck Run, classified for the following use: HQ-CWF. The potable water supply with intake within 10 miles downstream from the point of discharge: Municipal Authority of Westmoreland County. Renewal application received: February 1, 2016.

65900403 and NPDES Permit No. PA0591866. Hanson Aggregates BMC, Inc. (2200 Springfield Pike, Connelville, PA 15425). NPDES renewal application for continued mining to an existing large noncoal surface mine, located in Unity and Cook Townships, **Westmoreland County**, affecting 139.8 acres. Receiving streams: Campbelle Run, and unnamed tributaries to Ninemile Run and Campbelle Run, classified for the following use: TSF. The potable water supply with intake within 10 miles downstream from the point of discharge: Municipal Authority of Westmoreland County. Renewal application received: February 1, 2016.

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

Permit No. 40140801. Brenda L. Rizzo, (121 Mt. Laurel Trail, Sugarloaf, PA 18249), Stage I & II bond release of a quarry operation in Black Creek Township, **Luzerne County** affecting 3.0 acres on property owned by George Larock and Donald & Dorothy Larock. Application received: January 26, 2016.

Permit No. 6276SM4C9 and NPDES Permit No. PA0613142. New Enterprise Stone & Lime Co., Inc. d/b/a Martin Limestone, Inc., (PO Box 550, Blue Ball, PA 17506), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Honey Brook and Caernarvon Townships, **Chester and Lancaster Counties** affecting 273.0 acres, receiving stream: West Branch of Brandywine Creek, classified for the following uses: HQ—trout stock fishes and migratory fishes. Application received: February 1, 2016.

Permit No. 64160301 and NPDES Permit No. PA0225622. Wayco, Inc., (198 O’Connell Road, Waymart, PA 18472), commencement, operation and restoration of quarry operation and NPDES Permit for discharge of treated mine drainage in Palmyra Township, **Wayne County** affecting 37.5 acres, receiving stream: unnamed tributary to Wallenpaupack Creek, classified for the following uses: HQ—warm water fishes and migratory fishes. Application received: February 4, 2016.

Permit No. 66970801. Lewis E. Wikoski, (121 Lew Lane, Falls, PA 18615), Stage I & II bond release of a quarry operation in Falls Township, **Wyoming County** affecting 1.0 acre on property owned by Frances & Lewis E. Wikoski. Application received: February 11, 2016.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

Effluent Limits for Coal Mining Activities

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Effluent Limits for Noncoal Mining Activities

The limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91–96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal NPDES Draft Permits

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

NPDES No. PA0013511 (Mining Permit No. 30831303), Cumberland Coal Resources, LP, (158 Portal Road, PO Box 1020, Waynesburg, PA 15370). A revision to the NPDES and mining activity permit for the Cumberland Mine in Whiteley Township, **Greene County** for the addition of 108.75 surface acres for construction of the No. 8 Bleeder Shaft and Outfall 039. Surface Acres Affected 108.75. Receiving stream: UNT to Roberts Run (41635), classified for the following use: WWF. Dunkard Creek TMDL. The application was considered administratively complete on January 27, 2016. Application received November 16, 2015.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The facility location of the non-discharge alternatives are listed below:

Outfall 039 discharges to: UNT to Roberts Run (41635)

The proposed effluent limits for Outfall 039 (Lat: 39° 46' 17.13" Long: 80° 13' 00.91") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	-	-
Iron (mg/l)		1.8	2.4	4.6
Manganese (mg/l)		1.2	1.6	3.1
Aluminum (mg/l)		0.9	1.2	2.3
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (mOsm/kg)		-	-	REPORT

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

NPDES No. PA0263028 (Mining Permit No. 11100103), E.P. Bender Coal Co., Inc., P. O. Box 598 Carrolltown, PA 15722, renewal of an NPDES permit for discharge of water resulting from surface coal mining activities in Reade Township, **Cambria County**, affecting 86.0 acres. Receiving stream: Clear Creek, classified for the following use: Cold Water Fishes. This receiving stream is included in the Clearfield Creek TMDL. Application received: January 19, 2016.

The outfalls listed below discharge to Clear Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
002 (Treatment Facility 2)	N
003 (Sediment Pond 1)	N
004 (Sediment Pond 2)	N

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 002 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

<i>Outfalls: 003 & 004 (Dry Weather)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

<i>Outfalls: 003 & 004 (≤10-yr/24-hr Precip. Event)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	
Maximum			
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: 003 & 004 (>10-yr/24-hr Precip. Event)

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times
Alkalinity must exceed acidity at all times

NPDES No. PA0262871 (Mining Permit No. 56090111), PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, renewal of an NPDES permit for bituminous surface mine in Quemahoning and Somerset Townships, **Somerset County**, affecting 149.1 acres. Receiving streams: unnamed tributary to/and Wells Creek, classified for the following uses: cold water fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: February 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 outfall(s) listed below discharge to unnamed tributary to/and Wells Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N
003	N
004	N
005	N
006	N
007	N
008	N
009	N
010	N
011	N
012	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: 001 through 012</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	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
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. PA0249998 (Mining Permit No. 3366BSM2), PBS Coals, Inc., 1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541, renewal of an NPDES permit for the continued treatment of a post-mining discharge in Stonycreek Township, **Somerset County**, affecting 109.4 acres. Receiving stream: unnamed tributary to Stonycreek River, classified for the following use: cold water fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: February 3, 2016.

The outfalls listed below discharge to unnamed tributary to Stonycreek River:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (Treatment Facility)	N
002 (Treatment Facility)	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: 001 & 002 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	1.9	3.8	4.7
Aluminum (mg/l)	1.7	3.4	4.2
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.5 standard units at all times			
Alkalinity must exceed acidity at all times			

NPDES No. PA0269476 (Mining permit no. 56150101), Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, for a new NPDES permit for surface mining activities in Jenner Township, **Somerset County**, affecting 101.5 acres. Receiving stream(s): unnamed tributaries to/and Quemahoning Creek, classified for the following use: cold water fishes. This receiving stream is included in the Kiski-Conemaugh River TMDL. Application received: July 29, 2015.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The treatment outfalls listed below discharge to an unnamed tributary to Quemahoning Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	Y
002	Y
003	Y

The proposed effluent limits for the above listed outfalls 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>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The outfall listed below requires a non-discharge alternative.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
004	Y (non-discharge alternative)

The stormwater outfalls listed below discharge to an unnamed tributary to Quemahoning Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
005	Y
006	Y

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 005 and 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)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

NPDES No. PA0108758 (Permit No. 43850105), Grove City Materials, LP (161 Plain Grove Road, Slippery Rock, PA 16057) Renewal of an existing NPDES permit for a bituminous surface mine in Pine & Mercer Townships, **Mercer & Butler Counties**, affecting 103.0 acres. Receiving streams: Unnamed tributaries to Swamp Run, classified for the following uses: CWF. TMDL: None. Application received: December 23, 2015.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to unnamed tributary to Swamp Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TF1	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		2	4	5
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90

¹The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributaries to Swamp Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SP1	N
SP2	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity ¹				
Total Settleable Solids (ml/l)				0.5

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

NPDES No. PA0238104 (Mining permit no. 17980117), Junior Coal Contracting, Inc., 2330 Six Mile Road, Philipsburg, PA 16866. Modified NPDES permit for coal surface mine in Decatur Township, **Clearfield County**, affecting 75.6 acres. Receiving stream(s): Little Laurel Run to Laurel Run to Moshannon Creek, classified for the following use(s): Cold Water Fisheries and Migratory Fisheries. The receiving stream is in the Laurel Run Watershed TMDL. Application received: July 9, 2015.

The treated mine drainage outfall(s) listed below discharges to Little Laurel Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
046	Y

The proposed effluent limits for the above listed outfall(s) are based on waste load allocations (WLAs) developed in the TMDL report and BAT and are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3	6	7
Manganese (mg/l)	11.2	22.5	28.1
Aluminum (mg/l)	NA	NA	11.2
Total Suspended Solids (mg/l)	35	70	90
Osmotic Pressure (milliosmoles/kg)	NA	NA	50
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. PA0269071 (Mining Permit No. 17150101), EnerCorp, Inc., 1310 Allport Cutoff, Morrisdale, PA 16858. New NPDES permit for surface coal mine in Cooper Township, **Clearfield County**, affecting 6.8 acres. Receiving stream(s): Crawford Run to Moshannon Creek, classified for the following use(s): CWF, MF and TSF. Moshannon Creek TMDL. Application received: October 1, 2015.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to Crawford Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001 (SP-1)	Yes

The outfall(s) listed below require a non-discharge alternative:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
002 (TB-1)	Yes

There is no proposed surface discharge from the above listed facilities to the receiving stream due to the implementation of Best Management Practices.

Noncoal NPDES Draft Permits

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

NPDES No. PA0596639 (Mining permit no. 4775SM10), Hanson Aggregates Pennsylvania, 7660 Imperial Way, Allentown, PA 18195. Renewal of an NPDES permit for the Oak Hall Quarry non-coal mine in College Township, **Centre County**, affecting 315.2 acres. Receiving stream(s): Spring Creek to Bald Eagle Creek to West Branch Susquehanna River, classified for the following use(s): High Quality—Cold Water Fisheries. Application received: April 17, 2015.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for non-coal mining activities.

The outfall(s) listed below discharge to Spring Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N
003	N
004	N
005	N
006	N

The proposed effluent limits for Outfall No. 001 are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	6.0			9.0
Total Suspended Solids (mg/l)		35	70	90

The proposed effluent limits for Outfall No.s 002, 003, 004, 005, and 006 are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	6.0			9.0
Total Suspended Solids (mg/l)		35	70	90
Total Settleable Solids (ml/l) ¹		NA	NA	0.5

¹Wet Weather Discharge Limit.

NPDES No. PA0207098 (Mining permit no. 14920302), Hanson Aggregates Pennsylvania, 7660 Imperial Way, Allentown, PA 18195. Renewal of an NPDES permit for the Jacksonville Quarry non-coal mine in Marion Township, **Centre County**, affecting 159 acres. Receiving stream(s): Lick Run to Bald Eagle Creek to West Branch Susquehanna River, classified for the following use(s): High Quality—Cold Water Fisheries. Application received: April 24, 2015.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for non-coal mining activities.

The outfall(s) listed below discharge to Lick Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N
003	N
004	N
005	N
006	N
007	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	6.0			9.0
Total Suspended Solids (mg/l)		35	70	90
Total Settleable Solids (ml/l)		NA	NA	0.5 ¹

¹Wet Weather Discharge.

NPDES No. PA0594695 (Mining permit no. 6774SM1), National Limestone Quarry, Inc., P. O. Box, Middleburg, PA 17847. Renewal of an NPDES permit for the Mt. Pleasant Mills Quarry non-coal mine in Perry Township, **Snyder County**, affecting 53 acres. Receiving stream(s): North Branch Mahantango Creek, classified for the following use(s): Trout Stocking Fisheries. The receiving stream is a TMDL stream as described in the report titled Proposed Phosphorus and Sediment Total Maximum Daily Load North Branch Mahantango Watershed due to agriculture. Application received: May 8, 2015.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for non-coal mining activities.

The outfall(s) listed below discharge to Lick Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	6.0			9.0
Total Suspended Solids (mg/l)		35	70	90

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.

E09-996. Quakertown Borough, 35 North Third Street, Quakertown, PA 18951, Quakertown Borough, Bucks County, ACOE Philadelphia District.

To place a fill in a section of the 100-year floodplain of Beaver Creek at the existing skate Park for the proposed Park renovation.

The park is located near the intersection of Old Bethlehem Pike and south Fifth Street Quakertown, PA Lat. 40.4305, Long.-75.345).

E15-867. The Cutler Group, Inc., 5 Apollo Road, Suite 1, Plymouth Meeting, PA 19462, In East Pikeland Township, Chester County, ACOE Philadelphia District.

To construct and maintain two outfall structures within the 100 year floodway of Unnamed Tributary to Sandy Run (HQ, TSF).

The site is located near the intersection of Snyder Ave, and Township line Road (Phoenixville, PA Lat: 40.1493; Long: -75.5412).

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E45-598. Stroud Township, 1211 North 5th Street, Stroudsburg, PA 18360, in Stroud Township, Monroe County, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a grass lined outfall channel and riprap apron in the floodway of Wigwam Run (HQ-CWF, MF). The project is located approximately 0.1 mile north of the Wigwam Park Road and SR 611 intersection. (Saylorsburg, PA Quadrangle, Latitude: 40°59'57"; Longitude: -75°15'32").

E39-541. Whitehall Township, 3219 MacArthur Road, Whitehall, PA 18052, in Whitehall Township, Lehigh County, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 0.85 mile long, 14-foot wide paved pedestrian trail within the floodplain of Jordan Creek (TSF, MF) also to construct and maintain a 14-foot wide pedestrian bridge across Jordan Creek (TSF, MF) having a 180-foot span and a 13-foot approximate underclearance. The project is located approximately 1,100 feet downstream of the Mickley Road Bridge (Allentown East and Catasauqua, PA Quadrangle, Latitude: 40°37'31"; Longitude: -75°29'21.8").

E58-317. Hop Bottom Energy, LLC, 6051 Wallace Road Extension, Suite 100, Wexford, PA 15090, in Lenox Township, Susquehanna County, U. S. Army Corps of Engineers, Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the Hop Bottom Energy Facility Project.

1. One 6-inch HDPE gas line and temporary road crossing using a timber mat bridge impacting 45 linear

feet (173 square feet) of a UNT to Tower Branch (CWF, MF) and 6,286 square feet of its floodway (Lenoxville, PA Quadrangle 41°41'40"N, 75°43'26"W);

2. One 6-inch HDPE gas line and temporary road crossing using a timber mat bridge impacting 2,582 square feet of an exceptional value palustrine emergent (PEM) wetland, (Lenoxville, PA Quadrangle 41°41'40"N, 75°46'26"W);

3. One 6-inch HDPE gas line and temporary road crossing impacting 55 square feet of floodway to an unnamed tributary to Tower Branch (CWF, MF) (Lenoxville, PA Quadrangle 41°41'37"N, 75°43'19"W);

4. A temporary road crossing 3,904 square feet of floodway to an unnamed tributary to Millard Creek (CWF, MF) (Lenoxville, PA Quadrangle 41°41'11"N, 75°43'19"W);

5. A temporary road crossing using a timber mat bridge impacting 729 square feet of an exceptional value palustrine scrub-shrub (PSS) wetland, (Lenoxville, PA Quadrangle 41°41'10"N, 75°43'17"W);

6. One 6-inch HDPE gas line and temporary road crossing using a timber mat bridge impacting 2,979 square feet of an exceptional value PSS wetland, (Lenoxville, PA Quadrangle 41°41'08"N, 75°43'15"W);

7. One 6-inch HDPE gas line and temporary road crossing using a timber mat bridge impacting 882 square feet of an exceptional value palustrine forested (PFO) wetland, (Lenoxville, PA Quadrangle 41°41'07"N, 75°43'12"W);

8. One 6-inch HDPE gas line and temporary road crossing using a timber mat bridge impacting 2,263 square feet of an exceptional value PFO wetland, (Lenoxville, PA Quadrangle 41°41'06"N, 75°43'11"W);

9. One 6-inch HDPE gas line and temporary road crossing using a timber mat bridge impacting 1,029 square feet of an exceptional value PFO wetland, (Lenoxville, PA Quadrangle 41°41'06"N, 75°43'11"W);

10. One 6-inch HDPE gas line and temporary road crossing impacting 450 square feet of floodway to an unnamed tributary to Millard Creek (CWF, MF) (Lenoxville, PA Quadrangle 41°41'07"N, 75°43'15"W);

11. One 6-inch HDPE gas line and temporary road crossing using a timber mat bridge impacting 79 linear feet (338 square feet) of an unnamed tributary to Millard Creek (CWF, MF) and 4,239 square feet of its floodway (Lenoxville, PA Quadrangle 41°41'06"N, 75°43'11"W);

12. One 6-inch HDPE gas line and temporary road crossing impacting 688 square feet of floodway to an unnamed tributary to Millard Creek (CWF, MF) (Lenoxville, PA Quadrangle 41°41'05"N, 75°43'11"W);

13. One 6-inch HDPE gas line and temporary road crossing using a timber mat bridge impacting 1,772 square feet of an exceptional value PFO wetland, (Lenoxville, PA Quadrangle 41°41'01"N, 75°43'07"W);

14. One 6-inch HDPE gas line and temporary road crossing using a timber mat bridge impacting 5,715 square feet of an exceptional value PFO wetland, (Lenoxville, PA Quadrangle 41°41'01"N, 75°43'08"W);

15. One 6-inch HDPE gas line and temporary road crossing using a timber mat bridge impacting 1,962 square feet of an exceptional value PEM wetland, (Lenoxville, PA Quadrangle 41°41'01"N, 75°43'07"W);

16. One 6-inch HDPE gas line and temporary road crossing using a timber mat bridge impacting 1,246

square feet of an exceptional value PEM wetland, (Lenoxville, PA Quadrangle 41°41'01"N, 75°43'08"W);

17. One 6-inch HDPE gas line and temporary road crossing using a timber mat bridge impacting 75 linear feet (181 square feet) of an unnamed tributary to Millard Creek (CWF, MF) and 61 square feet of its floodway (Lenoxville, PA Quadrangle 41°41'01"N, 75°43'07"W);

18. One 6-inch HDPE gas line and temporary road crossing using a timber mat bridge impacting 14 linear feet (33 square feet) of an unnamed tributary to Millard Creek (CWF, MF) and 993 square feet of its floodway (Lenoxville, PA Quadrangle 41°41'00"N, 75°43'08"W);

19. One 6-inch HDPE gas line and temporary road crossing using a timber mat bridge impacting 1,940 square feet of floodway to an unnamed tributary to Millard Creek (CWF, MF) (Lenoxville, PA Quadrangle 41°40'50"N, 75°43'10"W);

20. One 6-inch HDPE gas line and temporary road crossing using a timber mat bridge impacting 2,314 square feet of an exceptional value PEM wetland (Lenoxville, PA Quadrangle 41°40'47"N, 75°43'07"W);

21. A permanent road crossing using a bridge impacting 293 square feet of an exceptional value PEM wetland (Lenoxville, PA Quadrangle 41°40'13"N, 75°43'30"W);

22. A permanent road crossing using a bridge impacting 54 linear feet (427 square feet) of a UNT to Millard Creek (CWF, MF) and 7,568 square feet of its floodway (Lenoxville, PA Quadrangle 41°40'13"N, 75°43'29"W);

23. A permanent road crossing impacting 452 square feet of floodway to Millard Creek (CWF, MF) (Lenoxville, PA Quadrangle 41°40'13"N, 75°43'31"W).

A total of 15,369 square feet (0.35 acre) of permanent wetland conversion impacts, 8,104 square feet (0.19 acre) of temporary wetland impacts, 54 linear feet of permanent stream impacts, 213 linear feet of temporary stream impacts, and 26,636 square feet of floodway impacts will result from the project.

The project begins approximately 0.3 mile north of the intersection of Jeffers Pond road and Bennett road (Lenoxville, PA Quadrangle: Lat: 41° 41' 40"; Long: -75° 43' 26") and ends approximately 0.4 mile west of the intersection of Wickwire Hill road and Glenwood road (Lenoxville, PA Quadrangle: Lat: 41° 39' 54"; Long: -75° 43' 59").

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.

E28-381: Antrim Township Sewer Authority, 10655 Antrim Church Road, Greencastle, PA 17225 in Antrim Township, Franklin County, U. S. Army Corps of Engineers Baltimore District.

To construct and maintain 1) an 18.0-inch PVC sewer line crossing in and across an unnamed tributary to Conococheague Creek (WWF, MF), permanently impacting 10 linear feet of channel, 2) an 18.0-inch PVC sewer line crossing in the floodway of an unnamed tributary to Conococheague Creek (WWF, MF), impacting 0.05 acre of floodway, and 3) a 36-inch wide by 20 foot long temporary crossing of an unnamed tributary to Conococheague Creek (WWF, MF) for construction access, all for the purpose of upgrading an existing sewer line network to reduce overflows. The project is located in Antrim Township, Franklin County (USGS map: Greencastle, PA;

Latitude: 39° 45' 35.69"; Longitude: -77° 45' 31.80"). There are no wetland impacts associated with this project.

District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E5829-105: Brooklyn Township, Williams Field Services Company, LLC; Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275; Brooklyn Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 24 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 3,020 square feet (0.07 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 48' 10", Longitude: -75° 47' 30"),

2) a 24 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 43,604 square feet (1.01 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 48' 00", Longitude: -75° 47' 06"),

3) a 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 102 lineal feet of an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 48' 01", Longitude: -75° 46' 59"),

4) a 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 95 lineal feet of an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 48' 01", Longitude: -75° 46' 57"),

5) a 24 inch diameter steel natural gas gathering pipeline and temporary timber mat crossing permanently impacting 5,388 square feet (0.12 acre) of a palustrine forested wetlands (PFO) (Montrose East, PA Quadrangle; Latitude: 41° 48' 01", Longitude: -75° 46' 57"),

6) a 24 inch diameter steel natural gas gathering pipeline and temporary timber mat crossing permanently impacting 531 square feet (0.01 acre) of a palustrine scrub-shrub wetlands (PSS) (Montrose East, PA Quadrangle; Latitude: 41° 48' 01", Longitude: -75° 46' 59"),

7) a 24 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 1,003 square feet (0.02 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 48' 01", Longitude: -75° 46' 56"),

8) a 24 inch diameter steel natural gas gathering pipeline and temporary timber mat crossing permanently impacting 1,828 square feet (0.04 acre) of a palustrine scrub-shrub wetlands (PSS) (Montrose East, PA Quadrangle; Latitude: 41° 48' 01", Longitude: -75° 46' 54"),

9) a 24 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 751 square feet (0.02 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 48' 01", Longitude: -75° 46' 54"),

10) timber mat crossing temporarily impacting 2,393 square feet (0.06 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 48' 00", Longitude: -75° 46' 53"),

11) a 24 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 2,885 square feet (0.07 acre) of a palustrine emergent

wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 48' 00", Longitude: -75° 46' 50"),

12) a 24 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 5,520 square feet (0.13 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 47' 43", Longitude: -75° 46' 48"),

13) timber mat crossing temporarily impacting 30 lineal feet (0.06 acre) of an existing 15 inch culvert (Montrose East, PA Quadrangle; Latitude: 41° 47' 42", Longitude: -75° 46' 48"),

14) temporary timber mat crossing impacting 2,675 square feet of floodway to an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 47' 42", Longitude: -75° 46' 47"),

15) timber mat crossing temporarily impacting 584 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 47' 41", Longitude: -75° 46' 47"),

16) a 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 85 lineal feet of an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 47' 38", Longitude: -75° 46' 48"),

17) a 24 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 3,374 square feet (0.08 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 47' 38", Longitude: -75° 46' 48"),

18) a 24 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 1,717 square feet (0.04 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 47' 35", Longitude: -75° 46' 48"),

19) a 24 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 269 square feet (<0.01 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 47' 11", Longitude: -75° 46' 43"),

20) a 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 89 lineal feet of an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 47' 11", Longitude: -75° 46' 43"),

21) a 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 82 lineal feet of an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 47' 10", Longitude: -75° 46' 43"),

22) a 24 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 1,417 square feet (0.03 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 46' 57", Longitude: -75° 46' 29"),

23) a 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 77 lineal feet of an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 46' 56", Longitude: -75° 46' 28"),

24) a 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 98 lineal feet of an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 46' 49", Longitude: -75° 46' 38"),

25) a temporary timber mat bridge crossing impacting 27 lineal feet of an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 46' 49", Longitude: -75° 46' 36"),

26) a right-of-way encroachment crossing impacting 11,310 square feet of floodway to an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 46' 49", Longitude: -75° 46' 34"),

27) a right-of-way encroachment crossing impacting 312 square feet of floodway to an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 46' 49", Longitude: -75° 46' 34"),

28) a 24 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 1,083 square feet (0.03 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 45' 53", Longitude: -75° 47' 02"),

29) a 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 30 lineal feet of an unnamed tributary to Dry Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 45' 53", Longitude: -75° 47' 02").

The project consists of constructing approximately 3.78 miles of 24" steel natural gas gathering line located in Brooklyn Township, Susquehanna County. The project will result in 714 lineal feet of temporary stream impacts, 80,068 square feet (1.84 acre) of temporary floodway impacts, 72,660 square feet (1.67 acre) of temporary wetland impacts, and 5,786 square feet (0.13 acre) of permanent wetland impacts all for the purpose of providing safe reliable conveyance of Marcellus Shale natural gas to market.

E5829-107: 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 12 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 49 lineal feet of an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 48' 34", Longitude: -75° 50' 40"),

2) a 12 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 2,763 square feet (0.06 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 48' 21", Longitude: -75° 50' 57"),

3) a 12 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 3,949 square feet (0.09 acre) and permanently impacting 1,740 square feet (0.04 acre) of a palustrine scrub-shrub wetlands (PSS) (Montrose East, PA Quadrangle; Latitude: 41° 48' 26", Longitude: -75° 51' 18"),

4) a 12 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 51 lineal feet of an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 48' 26", Longitude: -75° 51' 19"),

5) a 12 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 2,098 square feet (0.05 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 48' 29", Longitude: -75° 51' 21"),

6) a 12 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 50 lineal feet of an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 48' 34", Longitude: -75° 51' 30"),

7) a 12 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 466 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 48' 36", Longitude: -75° 51' 30").

The project consists of constructing approximately 1.66 mile of 12" steel natural gas gathering line located in Bridgewater Township, Susquehanna County. The project will result in 150 lineal feet of temporary stream impacts, 9,276 square feet (0.21 acre) of temporary wetland impacts, and 1,740 square feet (0.04 acre) of permanent wetland impacts all for the purpose of providing safe reliable conveyance of Marcellus Shale natural gas to market.

Northwest Region: Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335; 814-332-6860

E10-08-008, XTO Energy Inc., 190 Thorn Hill Road Warrendale PA 15086. Mourer Temporary Waterline in Donegal Township, **Butler County**, Army Corps of Engineers Pittsburgh District (Chicora, PA Quadrangles 40.935197°N; -79.725000W).

The applicant proposes to construct and maintain approximately 9,486 linear feet of one (16) inch plastic waterline located in Donegal Township, Butler County. The pipeline connects existing Well Pads.

The water obstructions and encroachments are described below:

To construct and maintain:

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
1	One (1) 16" plastic waterline with associated right-of-way and temporary road crossing to impact 116 square feet of Palustrine Emergent Wetland (PEM).	40°56'00.79"N -79°43'55.49"W
2	One (1) 16" plastic waterline with associated right-of-way and temporary road crossing to cross Buffalo Creek (HQ-TSF) having 142 linear feet of temporary stream and floodway impacts.	40°56'00.98"N -79°43'54.86"W
3	One (1) 16" plastic waterline with associated right-of-way and temporary road crossing to cross UNT to Buffalo Creek (HQ-WT) and associated Palustrine Emergent Wetland (EV-PEM) having 137 linear feet of temporary stream and floodway impacts, 30 linear feet of permanent impacts, 0.025 acre of temporary wetland impact, and 0.0007 acre of permanent wetland impact.	40°56'02.03"N -79°43'39.04"W

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
4	One (1) 16" plastic waterline with associated right-of-way and temporary road crossing to cross the floodway of UNT to Buffalo Creek (HQ-TSF) having 253 linear feet of temporary floodway impacts.	40°54'30.99"N -79°47'18.98"W
5	One (1) 16" plastic waterline with associated right-of-way and temporary road crossing to cross UNT to Buffalo Creek (HQ-TSF) having 136 linear feet of temporary stream and floodway impacts.	40°56'15.62"N -79°43'17.55"W
6	One (1) 16" plastic waterline with associated right-of-way and temporary road crossing to cross UNT to Buffalo Creek (HQ-TSF) having 130 linear feet of temporary stream and floodway impacts.	40°56'30.72"N -79°43'13.18"W
7	One (1) 16" plastic waterline with associated right-of-way and temporary road crossing to impact 269 square feet of Palustrine Emergent Wetland (PEM).	40°56'32.31"N -79°43'11.49"W

In Butler County, the project will result in a total of 138 linear feet of temporary stream impacts, 30 linear feet of permanent stream impact, 0.034 acre of temporary wetland impacts, and 0.0007 acre of permanent wetland impact.

ENVIRONMENTAL ASSESSMENTS

Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

EA25-053. U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, NY 14207-3199, Erie County, ACOE Pittsburgh District.

The U. S. Army Corp of Engineers is seeking Water Quality Certification under Section 401 of the Federal Clean Water Act to dredge and discharge material from the Federal navigation channels of the Erie Harbor in order to maintain sufficient depth for the passage of deep-draft commercial vessels. The proposal involves removing approximately 300,000 cubic yards of material from Erie Harbor Federal navigation channels and placing the material at the existing, authorized one-mile square open-lake discharge area in Lake Erie within Pennsylvania waters. The project is anticipated to occur between June 15 and September 15, 2016.

The proposed dredging is located within in the Erie Harbor including the Entrance Channel, Harbor Basin, Approach Area, and two Harbor Areas. The proposed discharge location is three and one-third miles from the Erie Harbor Pierhead light at an azimuth of 0009°00' within open waters of Lake Erie, (USGS Quadrangle Erie North-PA).

WATER QUALITY CERTIFICATIONS REQUESTS

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701

Certification Request initiated by **UGI Sunbury, LLC**, One Meridian Boulevard, Suite 2C01, Wyomissing, PA 19610. Sunbury Pipeline Project, in Franklin and Moreland Townships, **Lycoming County**, Anthony, Derry, Limestone and Liberty Townships, **Montour County**, East Chillisquaque and Point Townships, **Northumberland County**, Union Township, **Union County**, and Monroe Township and Shamokin Dam Borough, **Snyder County**, ACOE Baltimore District.

WQ04-001. The proposed project starts at 1.5 miles north on Harriman Road from the intersection with Beaver Run Road (Sonestown, PA Quadrangle N: 41°, 15', 47.72"; W: 76°, 35', 13.37") and ends at Hummels Station, Old Trail Road, Shamokin Dam, PA 17876 (Sunbury, PA Quadrangle N: 40°, 50', 22.05"; W: 76°, 49', 36.52").

On July 1, 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. CP15-525-000). The FERC Environmental Assessment for the Project, which was issued on December 28, 2015, may be viewed on FERC's website at www.ferc.gov (search eLibrary; Docket Search; CP15-525-000).

On January 8, 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, as proposed, includes approximately 34.4 mile long, 20 inch pipeline for the purpose of transporting natural gas from its origin in Lycoming County to its terminal point at Hummels Station in Snyder County. The Project, as proposed, will require approximately 559.6 acres of earth disturbance. The following impacts per county are anticipated. In Lycoming County: The proposed project impacts include 126 linear feet of Unnamed Tributary to Beaver Run—Cold Water Fishery, Little Muncy Creek—Cold Water Fishery, Unnamed Tributary to Little Muncy Creek—Cold Water Fishery, Unnamed Tributary to the Middle Branch of Chillisquaque Creek—Warm Water Fishery, German Run—Cold Water Fishery, Unnamed Tributary to German Run—Cold Water Fishery, Laurel Run—Cold Water Fishery, Unnamed Tributary to Laurel Run—Cold Water Fishery, 3.7 acres of floodway, 1.48 acre of temporary wetland impacts with 1.4 acre being in Exceptional Value Wetlands due to Wild Trout Waters, and 0.15 acre of Exceptional Value permanent impacts. In Montour County: The proposed project impacts include 153 linear feet of the West Branch of Chillisquaque Creek—Warm Water Fishery, Unnamed Tributary to the West Branch of Chillisquaque Creek—Warm Water Fishery, Unnamed Tributary to the Middle Branch of Chillisquaque Creek—Warm Water Fishery, County Line Branch—Warm Water Fishery, Limestone Run—Warm Water Fishery, Unnamed Tributary to Chillisquaque Creek—Warm Water Fishery, 8.9 acres of floodway, 0.59 acre of temporary wetland impacts with 0.02 acre being in Exceptional Value Wetlands, and 0.1

acre of permanent impacts. In Northumberland County: The proposed project impacts include 258.5 linear feet of the Chillisquaque Creek—Warm Water Fishery, Unnamed Tributary to Chillisquaque Creek—Warm Water Fishery, Unnamed Tributary to the West Branch of the Susquehanna River—Warm Water Fishery, 20.9 acres of floodway, 0.58 acre of temporary wetland impacts with 0.07 acre being in Exceptional Value Wetlands, and 0.32 acre of permanent impacts. In Union County: The proposed project impacts include 1,440 linear feet of the West Branch of the Susquehanna River—Warm Water Fishery, 7 acres of floodway, 0.22 acre of temporary wetland impacts with 0.0 acre being in Exceptional Value Wetlands, and 0.0 acre of permanent impacts. In Snyder County: The proposed project impacts include 69 linear feet of impacts to unnamed tributaries to the Susquehanna River—Warm Water Fishery, 1.75 acre of floodway, 0.02 acre of temporary wetland impacts with 0.0 acre being in Exceptional Value Wetlands, and 0.02 acre of permanent 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: Department of Environmental Protection, Northcentral Regional Office, Mr. David W. Garg, P.E., Environmental Program Manager, Waterways and Wetlands, 201 West Third Street, Suite 101, Williamsport, PA 17701.

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.

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 Mr. David W. Garg, P.E., Environmental Program Manager, Waterways and Wetlands 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.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0063045 (Industrial Waste)	Polarized Meats Route 438 Dalton, PA 18414	Lackawanna County Scott Township	South Branch Tunkhannock Creek (04F)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0028088— SEW	Brown Township Municipal Authority 22 Brown Township Drive Reedsville, PA 17084	Mifflin County/ Brown Township	Kishacoquillas Creek/12-A	Y
PA0039748— SEW	US ACOE 7 Points Recreation Association—Lake Raystown 6145 Seven Points Road Hesston, PA 16647	Huntingdon County/ Penn Township	Raystown Branch Juniata River/11-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0228761 (Sewage)	Bakercrest Home for the Elderly 76 Baker Crest Lane Millerton, PA 16936	Tioga County Rutland Township	Bear Creek (4-A)	Yes
PA0041131 (Sewage)	Columbia Montour Area Vocational Technical School 5050 Sweppenheiser Drive Bloomsburg, PA 17815-8920	Columbia County South Centre Township	Unnamed Tributary to Susquehanna River (5-D)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0034819 (Industrial)	Ametek Corporation Specialty Metal Prod. Div. 1085 Route 519 Eighty Four, PA 15330-0427	Washington County North Strabane Township	Little Chartiers Creek and Unnamed Tributary to Little Chartiers Creek (20-F)	No

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0263681 (Sewage)	Cecilia & Ralph Laroche SFTF 15 Yohe Road Bradford, PA 16701	McKean County Corydon Township	Unnamed Tributary to the Willow Creek (16-B)	Yes
PA0263672 (Sewage)	Avonia Tavern STP 7321 West Lake Road Fairview, PA 16415-1401	Erie County Fairview Township	Unnamed Tributary to the Trout Run (15-A)	Yes
PA0238929 (Sewage)	Douglas E & Michele Gnora Roesch SRSTP 925 Saint James Street Pittsburgh, PA 15232-2114	Erie County North East Township	Unnamed Stream (15-A)	Yes
PA0209741 (Sewage)	Route 322 MHP 191 28th Division Highway Carlton, PA 16311	Mercer County French Creek Township	Powdermill Run (16-D)	Y

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

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

NPDES Permit No. PAG123708, CAFO, **Tyler Snider**, Snider Swine CAFO, 22357 Mountain Foot Road, Neelyton, PA 17239.

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

Description of Size and Scope of Proposed Operation/Activity: Permit approval for the operation of a 1,208.06 AEU's in Watershed 12-C.

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

NPDES Permit No. PA0264075, Sewage, SIC Code 4952, 8800, **Harry Snyder**, 6686 Pleasant Drive, Warren, PA 16365.

This proposed facility is located in Pleasant Township, **Warren County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

NPDES Permit No. PA0028487, Sewage, Amendment No.1, SIC Code 4900, 4952, **Hermitage Municipal Authority Mercer County**, 800 North Hermitage Road, Hermitage, PA 16148.

This existing facility is located in Hermitage City, **Mercer County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit Amendment for an existing discharge of treated Sewage.

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

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

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

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

Description of Proposed Action/Activity: Permit approval for the construction of sewage facilities consisting of installation of a rail-mounted sewage grinder on the influent sewer at Marlborough pump station.

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

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

Description of Proposed Action/Activity: Permit approval for the construction/operation of manure storage facilities consisting of: The existing swine operation will add one new building. A new 501' x 81.5' Finisher Barn will be built with a 5' deep concrete underbarn manure storage that will store about 1,203,000 gallons at the 0.5' freeboard. The building will have a leak detection system with an observation well, shut off valves within the wells on the outlets.

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

WQM Permit No. 6215407, Sewage, **Harry Snyder**, 6686 Pleasant Drive, Warren, PA 16365.

This proposed facility is located in Pleasant Township, **Warren County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011515027	Exeter, 8 Lee, L.P., c/o Exeter Property Group 140 West Germantown Pike Plymouth Meeting, PA 19462	Chester	East Whiteland Township	Valley Creek EV-MF
PAI011515016	John Walsh 268 McCoury Road Nottingham, PA 19362	Chester	Oxford Borough	Unknown Tributary to Little Elk Creek
PAI011508042-R	The Hankin Group 707 Eagleview Boulevard P. O. Box 562 Exton, PA 19341	Chester	Uwchlan and Upper Uwchlan Townships	Pickering Creek HQ-TSF Shamona Creek HQ-TSF-MF
PAI011515009	20 Moores Road Association, LP 55 Country Club Drive Downingtown, PA 19335	Chester	East Whiteland Township	Unknown Tributary to Valley Creek EV Valley Creek EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESP025215001	Hemlock Farms Community Association c/o Ms. Anne Marie Zenie, Vice President 1007 Hemlock Farms Road Lords Valley, PA 18428-9066	Pike	Blooming Grove Township, Dingman Township, Porter Township	UNT to York Creek (HQ-CWF, MF), EV Wetlands UNT to McConnell Creek (HQ-CWF, MF), EV Wetlands UNT to Rock Hill Creek (HQ-CWF, MF), EV Wetlands UNT to Shohola Creek (HQ-CWF, MF), EV Wetlands UNT to Bushkill Creek (HQ-CWF, MF), EV Wetlands

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024815012	Anthony Builders, Inc. c/o Mr. Frank Alexander 434 Clearfield Street Freemansburg, PA 18017	Northampton	Plainfield Township	Little Bushkill Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033614009(2) Issued	Mr. David Smith Old Dominion Electric Cooperative 4201 Old Dominion Boulevard Glenn Allen, VA 23060	Lancaster	Fulton Township	Three (3) Unnamed Tributaries to Conowingo Creek (HQ-CWF, MF), Conowingo Creek (CWF, MF), an Unnamed Tributary to Susquehanna River (HQ-CWF, MF) and Susquehanna River (WWF, MF)
PAI030715002 Issued	Ms. Sarah Gilstrap Burns & McDonnell Engineering Company, Inc 9400 Ward Parkway Kansas City, MO 64114	Blair	Woodbury Township	Unnamed Tributary to Clover Creek (HQ-CWF, MF)
PAI030714002 Issued	Mr. Laverne Nolt 2705 Henrietta Road Martinsburg, PA 16662	Blair	North Woodbury Township	Unnamed Tributary to Yellow Creek (HQ-CWF, MF)

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI051115003	Pennsylvania Department of Transportation, District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	Cambria County	East Carroll Township	Laurel Lick Run (HQ-CWF) and West Branch Susquehanna (WWF)

Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Butler County Conservation District, 122 McCune Drive, Butler, PA 16001-6501

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI061015003	Rukas Development LLC c/o Mr. Ronald Rukas, Manager 106 Woodbury Drive Sarver, PA 16055	Butler	Buffalo Township	Little Buffalo Creek HQ-TSF

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site

PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

General Permit Type—PAG-02

Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Upper Providence Township Montgomery County	PAG02004615084	Audubon Land Development 2620 Egypt Road Norristown, PA 19403	Perkiomen Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Montgomery Township Montgomery County	PAG02004615083	DJJZ Enterprises LP 3440 Paper Mill Road Huntingdon Valley, PA 19006	Little Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warwick Township Bucks County	PAG02000915079	Guardian Academy and Indoor Range, Inc. 180 Toll Road Southampton, PA 18966	Little Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Solebury Township Bucks County	PAG02000915087	JC Realty 7065 Ely Road New Hope, PA 18938	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Duryea Borough and Exeter Township Luzerne County and Old Forge Borough and Ransom Township Lackawanna County	PAG02003515019	PPL Electric Utilities Corporation 2 North Ninth Street Allentown, PA 18101	Susquehanna River (WWF, MF) UNT to Susquehanna River (Falling Springs Reservoir) (CWF, MF) UNT to Red Spring Run (CWF, MF) UNT to Red Spring Run (CWF, MF) UNT to Saint John's Creek (CWF, MF) UNT to Saint John's Creek (CWF, MF) UNT to Saint John's Creek (CWF, MF) St. John's Creek (CWF, MF) UNT to Susquehanna River (CWF, MF) UNT to Susquehanna River (CWF, MF)	Lackawanna County Conservation District 570-392-3086

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Plains Township and Wilkes-Barre Township Luzerne County	PAG02004015031	Michael Dziak 101 South Main Street Ashley, PA 18706	Coal Brook (CWF, MF)	Luzerne Conservation District 570-674-7991
Allen Township and Northampton Borough Northampton County	PAG02004815024	OHI-HM Holdings LP 1150 South Cedar Crest Boulevard Allentown, PA 18103	UNT of Hokendauqua Creek (CWF, MF) Hokendauqua Creek (CWF, MF) Lehigh River (TSF, MF)	Northampton County Conservation District 610-746-1971

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

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Monroe Township Cumberland County	PAG02002115040 Issued	Lamar Ruppert 270 Stoner Road Mechanicsburg, PA 17055	UNT to Yellow Breeches (CWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
East Pennsboro Township and Hampden Township Cumberland County	PAG02002115040 Issued	PPL Electric Utilities Corporation 2 North Ninth Street GENN4 Allentown, PA 18101	Sears Run (WWF) Holtz Run (WWF) UNT to Conodoguinet Creek (WWF) Conodoguinet Creek (WWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
South Hanover Township Dauphin County	PAG02002215045 Issued	Milton Hershey School 1201 Homestead Lane Hershey, PA 17033	Swatara Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Franklin Township Adams County	PAG02000115036 Issued	Jason Horowitz, Biglerville (Cashtown) DPP, LLC 9010 Overlook Boulevard Brentwood, TN 37027	Upper Marsh Creek (CWF)	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325-3404 717.334.0636
East Lampeter Township Lancaster County	PAG02003615016(1) Issued	Rick Stammel 2249 Lincoln Highway East Lancaster, PA 17602	Mill Creek (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601-3149 717.299.5361 ext. 5
Manor Township Lancaster County	PAG02003616007 Issued	Murry Development 1899 Lititz Pike Lancaster, PA 17601	Conestoga River (WWF)	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601-3149 717.299.5361 ext. 5
East Petersburg Borough Lancaster County	PAG02003615124 Issued	Fulton Financial Realty Company 1 Penn Square Lancaster, PA 17601	UNT to Little Conestoga Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601-3149 717.299.5361 ext. 5

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Colerain Township Lancaster County	PAG02003615134 Issued	Leslie Hershey 327 Maple Shade Road Christiana, PA 17509	UNT to Coopers Run (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601-3149 717.299.5361 ext. 5
East Donegal Township Lancaster County	PAG0200361601 Issued	Mark Heckman 1051 Koser Road Mount Joy, PA 17552	Little Chickies Creek (TSF)	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601-3149 717.299.5361 ext. 5
Penn Township York County	PAG02006715072 Issued	D&R Bean, LLC Warren Debman PO Box 41 Spring Grove, PA 17362	Gitt Run, trib to Oil Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Newberry Township York County	PAG02006715091 Issued	Arc Property Investments, LLC Jason Sams 1517 Fabricon Boulevard Jeffersonville, IN 47130	Fishing Creek (TSF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
West Manchester Township York County	PAG02006715024 Issued	York Pennsylvania Hospital Company, LLC Sally J. Dixon, CEO 325 South Belmont Street York, PA 17403	Willis Run (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430

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>
Ross Township Allegheny County	PAG02000215096	The Barn Landscape Supply Company 3004 Babcock Boulevard Pittsburgh, PA 15237	Girtys Run Basin (WWF)	Allegheny County Conservation District 33 Terminal Way, Suite 325B Pittsburgh, PA 15219 (412) 242-7645
North Fayette Township Allegheny County	PAG020002130221	Township of North Fayette 400 North Branch Road, Oakdale, PA 15071	North Branch Robinson Run (WWF)	Allegheny County Conservation District 33 Terminal Way, Suite 325B Pittsburgh, PA 15219 (412) 242-7645
South Fayette Township Allegheny County	PAG02000215116	The Tower Company, 5000 Valleystone Road, Cary, NC 27519	Chartiers Creek (WWF)	Allegheny County Conservation District 33 Terminal Way, Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Mount Lebanon Township Allegheny County	PAG02000215139	Mount Lebanon School District 7 Horsman Drive Pittsburgh, PA 15228	Painters Run (WWF)	Allegheny County Conservation District 33 Terminal Way, Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Pine Township Allegheny County	PAG02000215081	Ampleton Group 720 Brookshire Drive Pittsburgh, PA 15237	Pine Creek (CWF); Brush Creek (CWF)	Allegheny County Conservation District 33 Terminal Way, Suite 325B Pittsburgh, PA 15219 (412) 242-7645

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<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>
South Fayette Township Allegheny County	PAG02000215119	South Fayette Township School District 3680 Old Oakdale Road McDonald, PA 15057	Lewis Run Basin (TSF)	Allegheny County Conservation District 33 Terminal Way, Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Jefferson Hills Borough Allegheny County	PAG020002150991	West Jefferson High School District 835 Clinton Road Clairton, PA 15025	Beam Run (TSF)	Allegheny County Conservation District 33 Terminal Way, Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Findley Township Allegheny County	PAG0200013038(10)	Allegheny County Airport Authority, Landside Terminal, Fourth Floor Mezzanine Level Pittsburgh, PA 15231	McClarens Run Basin (TSF)	Allegheny County Conservation District 33 Terminal Way, Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Verona Borough Allegheny County	PAG02000215067	Giant Eagle, Inc. 261 Kappa Drive Pittsburgh, PA 15238	Allegheny River Basin (WWF)	Allegheny County Conservation District 33 Terminal Way, Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Sewickley Heights Borough Allegheny County	PAG02000215128	Columbia Gas of PA 2021 West State Street New Castle, PA 16101	UNTs to Ohio River (WWF)	Allegheny County Conservation District 33 Terminal Way, Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Penn Hills Borough Allegheny County	PAG02000214142	DSR Management, LLC 5816 Forbes Avenue Pittsburgh, PA 15217	Thompson Run to Turtle Creek (WWF)	Allegheny County Conservation District 33 Terminal Way, Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Marshall Township Allegheny County	PAG02000212013-1	Bentley of Pittsburgh 2020 West Liberty Avenue Pittsburgh, PA 15226	Brush Creek Basin (WWF)	Allegheny County Conservation District 33 Terminal Way, Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Franklin Park Borough Allegheny County	PAG02000215004	Pitell Contracting 3413 Babcock Boulevard Pittsburgh, PA 15238	UNT to Loweries Run (TSF)	Allegheny County Conservation District 33 Terminal Way, Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Collier Township Allegheny County	PAG02000215123	The Bible Chapel 300 Gallery Drive McMurray, PA 15317	Robinson Run (WWF)	Allegheny County Conservation District 33 Terminal Way, Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Neville Township Allegheny County	PAG02000215104	P. J. Dick, Inc. 222 North Shore Drive Pittsburgh, PA 15212	Ohio River (WWF-N)	Allegheny County Conservation District 33 Terminal Way, Suite 325B Pittsburgh, PA 15219 (412) 242-7645

<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>
South Bend Township Armstrong County	PAG02000315005	South Bend Well Services, LLC One Gateway Center 16th Floor 420 Fort Duquesne Boulevard Pittsburgh, PA 15222	Crooked Creek (WWF); Craig Run (WWF); UNT to Sugar Run (WWF); Sugar Run (WWF)	Armstrong Conservation District, Armsdale Administration Building, Suite B-2 124 Armsdale Road Kittanning, PA 16201 (724) 548-3425
White Township Indiana County	PAG02003215015	T. D. Corporation 1480 Indian Springs Road Indiana, PA 15701	UNT to McCarthy Run (CWF)	Indiana County Conservation District 625 Kolter Drive, Suite 8 Indiana, PA 15701-3571 (724) 471-4751
Pine Township Indiana County	PAG02003215011	Strongstown DPP, LLC 9010 Overlook Boulevard Brentwood, TN 37027	Carney Run (CWF)	Indiana County Conservation District 625 Kolter Drive, Suite 8 Indiana, PA 15701-3571 (724) 471-4751
Center Township Indiana County	PAG02003216001	Fabin Brothers Farms, LLC 231 Bethel Church Road Indiana, PA 15701	Cherry Run (CWF)	Indiana County Conservation District 625 Kolter Drive, Suite 8 Indiana, PA 15701-3571 (724) 471-4751
Cranberry Township Butler County	PAG02001015035	Cranberry Township 2525 Rochester Road, Suite 40 Cranberry Township, PA 16066	Brush Creek WWF	Butler County Conservation District 724-284-5270
Jackson Township Butler County	PAG02001014013(1)	PMF Rentals 124 Plunkett Drive Zelienople, PA 16063	UNT Likens Run WWF	Butler County Conservation District 724-284-5270
Madison Township Clarion County	PAG02001615009(1)	PTV Rimersburg LLC 1563 Woodward Drive Ext Greensburg, PA 15601	UNT Redbank Creek CWF	Clarion County Conservation District 814-297-7813
Summit Township Erie County	PAG02002514017(1)	Dorset Hospitality LLC 7820 Perry Highway Erie, PA 16509	UNT Walnut Creek CWF; MF	Erie County Conservation District 814-825-6403
Ellwood City Borough Lawrence County	PAG02003715004	JC Bar Development LLC 415 Fallowfield Road, Suite 301 Camp Hill, PA 17011	Connoquenessing Creek WWF	Lawrence County Conservation District 724-652-4512
Neshannock Township Lawrence County	PAG02003715008	Fulena Realty LLC 881 Glenn Road New Castle, PA 16105	UNT Shenango River WWF	Lawrence County Conservation District 724-652-4512
Cranberry Township Venango County	PAG02006115004	Cocca Development Ltd 100 Debartolo Place, Suite 400 Boardman, OH 44512	UNT East Sandy Creek CWF	Venango County Conservation District 814-676-2832
Banks Township, Carbon County. Hazle Township, Luzerne County	PAG02-1113-15-003	PA DEP Bureau of Abandoned Mine Reclamation 2 Public Square Fifth Floor Wilkes-Barre, PA 18701-0790	Lehigh River (CWF)	PA DEP Bureau of Abandoned Mine Reclamation 2 Public Square Fifth Floor Wilkes-Barre, PA 18701-0790 (570) 826-2371

General Permit Type—PAG-03

<i>Facility Location & Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Tredyffrin Township Chester County	PAR110012A-1	Johnson Matthey, Inc. 456 Devon Park Drive Wayne, PA 19087	Unnamed Tributary to Trout Creek—3-F	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Upper Salford Township Montgomery County	PAR700018	John R. Young & Co. Inc. 751 Lumber Street P. O. Box 247 Green Lane, PA 18054	Drainage swale to Perkiomen Creek 3-E	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Wilson Borough Northampton County	PAR802263	Recycle Oil Co. (formerly NAGSCO) 1600 South 25th Street Easton, PA 18042	Lehigh River—2-C	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511
Harmony Township Susquehanna County	PAR212230	Edward Greene & Sons, Inc. 3204 Bear Swamp Road Susquehanna, PA 18847	South Branch Canawacta Creek— 4-E CWF/MF	DEP North East Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511
Woodward Township Clearfield County (Industrial Stormwater)	PAR604845	Natalie's Auto Salvage 1920 Henderson Street Houtzdale, PA 16651	Unnamed Tributary to Goss Run—8-D	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.0530
North Buffalo Township Armstrong County	PAR216104	Asbury Graphite Mills Inc. 280 Linde Road Kittanning, PA 16201-7519	Allegheny River— 17-E WWF	DEP South West Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

General Permit Type—PAG-8

<i>Facility Location & County / Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Lebanon County/ Union Township	PAG083607	PA Department of Military and Veterans Affairs Fort Indiantown Gap Annville, PA 17003	Fort Indiantown Gap—Training Site WWTP Annville, PA 17003	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Rush Township, Centre County	PAG084819	Moshannon Valley Joint Sewer Authority 829 North Ninth Avenue Philipsburg, PA 16866	Moshannon Valley Joint Sewer Authority Treatment Plant Rush Township, Centre County	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.0530

General Permit Type—PAG-10

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Franklin Township Chester County	PAG100042	Eastern Shore Natural Gas Co. 1110 Forrest Avenue Ste 201 Dover, DE 19904-2788	Unnamed Tributary to West Branch White Clay Creek— 3-I	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Upper Salford Township Montgomery County	PAG100043	John R. Young & Co. Inc. 751 Lumber Street P. O. Box 247 Green Lane, PA 18054	Unnamed Tributary to Perkioment Creek 3-E	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Auburn Township Susquehanna County	PAG102337	Williams Field Service Co. LLC Park Place Corporate Center 2 2000 Commerce Drive Pittsburgh, PA 15725-1026	West Creek and Riley Creek—4-G	DEP North East Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511

General Permit Type—PAG-12

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Huntingdon County/ Dublin Township	PAG123708	Tyler J. Snider Swine CAFO 22357 Mountain Foot Road Neelyton, PA 17239	UNT Shade Creek/TSF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Dauphin County/ Lykens Township	PAG123816	Steve Welker Emway Farms CAFO 745 Luxemburg Road Lykens, PA 17048	Deep Creek/WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County/ Clay Township	PAG123583	Pigtail Acres, LLC 1030 Girl Scout Road Stevens, PA 17578	UNT Indian Run/TSF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County/ Manor Township	PAG123817	Franklin View Farms CAFO 1700 Prospect Road Washington Boro, PA 17582	Stamans Run/WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

STATE CONSERVATION COMMISSION**NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**NUTRIENT MANAGEMENT PLAN
PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Stone Chimney Hollow 3449 Delta Road Airville, PA 17302	York	214	671.46	Swine/ Poultry	NA	Approved

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 3515504, Public Water Supply.

Applicant	Americold Logistics, LLC 91 First Avenue Covington Township, PA 18424
Municipality	Covington Township
County	Lackawanna
Type of Facility	PWS

Consulting Engineer	David Paul Lambert, P.E. Skelly and Loy, Inc. 449 Eisenhower Boulevard, Suite 300 Harrisburg, PA 17111
Permit to Construct Issued	February 9, 2016
Permit No. 3480038, Operations Permit Public Water Supply.	
Applicant	Pennsylvania American Water Company 800 West Hershey Park Dr. Hershey, PA 17033
[Borough or Township]	Upper Mt. Bethel Township
County	Northampton
Type of Facility	PWS
Consulting Engineer	Craig Darosh, PE Pennsylvania American Water Company 4 Wellington Blvd., Suite 2 Wyomissing, PA 19610
Permit to Operate Issued	2/02/16
Permit No. 2520033, Operations Permit Public Water Supply.	
Applicant	Hemlock Farms Community Association 1007 Hemlock Farms Lords Valley, PA 18428
[Borough or Township]	Blooming Grove Township
County	Pike County
Type of Facility	PWS
Consulting Engineer	Douglas Berg, PE Hemlock Farms Community Association 1007 Hemlock Farms Lords Valley, PA 18428
Permit to Operate Issued	1/29/2016
Permit No. 2406258, Operations Permit Public Water Supply.	
Applicant	Silver Springs Ranch, LLC 5148 Nuangola Rd. Mountain Top, PA 18707
[Borough or Township]	Monroe Township

County **Luzerne**
 Type of Facility Finished Bulk Water Hauling
 Consulting Engineer Thomas Pullar, PE
 EarthRes Group, Inc.
 P. O. Box 468
 Pipersville, PA 18947
 Permit to Operate 2/08/2016
 Issued

Permit No. 3480023, Operations Permit Public Water Supply.

Applicant **Miller Manor Home Owners' Association**
 P. O. Box 288
 Northampton, PA 18067
 [Borough or Township] East Allen Township
 County **Northampton**
 Type of Facility PWS
 Consulting Engineer N/A
 Permit to Operate 2/4/2016
 Issued

Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 6715513 MA, Minor Amendment, Public Water Supply.

Applicant **Goldsboro Borough Water Company**
 Municipality Goldsboro Borough
 County **York**
 Responsible Official Lee Fishel
 PO Box 14
 Etters, PA 17319
 Type of Facility The installation of a new 4,000-gallon hydropneumatic tank and 100 feet of 12-inch chlorine contact piping the relocation of the treatment system to the Pole Building and a revise Demonstration of 4-Log Treatment of Viruses.
 Consulting Engineer David Paul. Lambert, P.E.
 Skelly & Loy, Inc.
 449 Eisenhower Boulevard
 Harrisburg, PA 17111
 Permit to Construct 2/10/2016
 Issued

Permit No. 3615514, Public Water Supply.

Applicant **Safe Harbor Partners**
 Municipality Conestoga Township
 County **Lancaster**
 Responsible Official William Stull, Managing Member
 1903 Lititz Pike
 Lancaster, PA 17601
 Type of Facility New Community water system including sodium hypochlorite disinfection, 4-Log treatment of viruses and finished water storage.

Consulting Engineer Andrew C. Hood, P.E.
 Keystone Engineering Group, Inc.
 590 East Lancaster Avenue
 Frazer, PA 19355

Permit to Construct 2/9/2016
 Issued

Permit No. 2115515 MA, Minor Amendment, Public Water Supply.

Applicant **Pennsylvania American Water**
 Municipality Silver Spring Township
 County **Cumberland**
 Responsible Official David R. Kauffman
 800 West Hershey Park Drive
 Hershey, PA 17033
 Type of Facility Construction of a passive intake screen to improve the PWS intake system on the Conodoguinet Creek in Silver Spring Township, Cumberland County.
 Consulting Engineer Scott M. Thomas, P.E.
 Pennsylvania American Water
 852 Wesley Drive
 Mechanicsburg, PA 17055
 Permit to Construct 2/9/2016
 Issued

Operation Permit No. 3060048 issued to: **Eugene H. Wolfgang Enterprises, Inc. (PWS ID No. 3060048)**, Longswamp Township, **Berks County** on 2/9/2016 for facilities at Country View Mobile Home Park submitted under Application No. 3060048.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Port Royal Borough	PO Box 390, Port Royal, PA 17082	Juniata

Plan Description: Approval of a revision to the official plan of Port Royal Borough, Juniata County. The project is known as the Third/Fourth Street pump station. The plan provides for a new gravity sewer and pump station to convey sewage from the properties on Third and Fourth Streets in Port Royal Borough to the Port Royal Borough Municipal Authority wastewater treatment plant. The approved project will require a Water Quality Management (Part II) permit for the construction and operation of the proposed sewage facilities. The permit application must be submitted in the name of the municipality or authority, as appropriate. The new pump station will be located approximately 1,200 feet south of the existing wastewater treatment plant. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-34911-011-3 and the APS Id is 887815.

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

Plan Location: Rush Township, Centre County

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Moshannon Valley Joint Sewer Authority	829 North 9th Street Philipsburg, PA 16866-2627	Centre and Clearfield

Plan Description: The approved plan is located at the existing Moshannon Valley Joint Sewer Authority sewage treatment plant in Rush Township, Centre County and consists of the construction of a new screening facility, the associated relocation of sewer interceptors adjacent to the plant, and upgrades to worn out equipment within the plant. The submission is consistent with the planning requirements in Chapter 71 of DEP's regulations. The selected alternative has a projected cost of \$2.16 million. The primary funding source identified is PENNVEST, with a back-up funding source of USDA. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from the proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the authority.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Clinton Township	2106 State Route 54 Montgomery, PA 17752	Lycoming

Plan Description: The approved plan calls for the West Branch Regional Authority to permit, construct, own, and operate three separate phases of public sewage extensions in and around the Route 15 and Route 54 corridor of Clinton Township. The sewage generated by this proposal will be conveyed to and treated by the West Branch Regional Authority Wastewater Treatment Plant. The first phase extension has an estimated total project cost of \$2,929,000; the second phase extension has an estimated total project cost of \$2,164,000; and the third phase extension has an estimated total project cost of \$814,000. The West Branch Regional Authority is seeking grants, utilizing its own capital reserves, and pursuing the monies from PENNVEST to complete the all three public sewage extensions. At this time, the West Branch Regional Authority has obtained a grant from Lycoming County to help facilitate construction of the first phase extension. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from the proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the West Branch Regional Authority.

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:

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

J. Trans Incorporated, Interstate 80 at MM217 E, Liberty Township, **Montour County**. Northridge Group, Inc., P. O. Box 231, Northumberland, PA 17857, on behalf of J Trans Incorporated, 2025 E 37th Street, Marion, IN 46953, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Shipleys Fuels Woodglen Farm Road Release, 22 Woodglen Farm Road, Old Lycoming Township, **Lycoming County**. Northridge Group, Inc., P. O. Box 231, Northumberland, PA 17857 on behalf of American Lumber Company, 212 Colvin Road, Williamsport, PA 17701 submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Werner Enterprises, Inc., I80 at MM181 West, Lamar Township, **Clinton County**. Northridge Group, Inc., P. O. Box 231, Northumberland, PA 17857 on behalf of Werner Enterprises, Inc., 14507 Frontier Road, Omaha, NE 68138 submitted a Final Report concerning remediation of site soils contaminated with Diesel Fuel and Motor Oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

BJ Burnley Estate, 8866 Route 522, Middleburg, PA 17842, Franklin Township, **Snyder County**. Black Rock Environmental, LLC, P. O. Box 288, Nazareth, PA 18064,

on behalf of BJ Burnley Est Al., 855 Springdale Dr., Suite 100, Exton, PA 19341 submitted a Final Report concerning remediation of site soils contaminated with unleaded and leaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Winner International, 520 Shenango Avenue, City of Sharon, **Mercer County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, on behalf of East Coast Chair & Barstool, 966 Perry Highway, Mercer, PA 16137, submitted a Final Report concerning the remediation of site soils contaminated with Lead. 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

XTO Energy—Ritenour #8446H Well Site, 388 Hypocrite Creek Road, Fairfield Township, **Westmoreland County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066 on behalf of XTO Energy, Inc., 395 Airport Road, Indiana, PA 15701 has submitted a Remedial Investigation/Final Report concerning site soils contaminated with aluminum, barium, boron, iron, lithium, manganese, strontium, vanadium, zinc, selenium and chloride from a release of brine from a production tank at the well site. The report is intended to document remediation of the site to meet a combination of Statewide Health and Site-Specific standards. Notice of the RI/FR was published in the *Tribune-Democrat* January 7, 2016.

R.E. Uptegraff Manufacturing Company Site, 120 Uptegraff Drive (formerly 105 Bridge St.), Scottdale Borough, **Westmoreland County**. Woodard & Curran, 300 Penn Center Boulevard, Suite 800, Pittsburgh, PA 15235 on behalf of Endersbe Enterprises, Inc., 839 Main Street, Latrobe, PA 15650 has submitted a Final Report concerning the remediation of site soils and groundwater contaminated with volatile and semi-volatile organic compounds (VOC's and SVOC's), polychlorinated biphenyls (PCB's) and metals. 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 *Latrobe Bulletin* on January 21, 2016.

Three Rivers Marine & Rail Terminal (former MonValley Transportation Center, Inc. Property), 1060 Ohio River Avenue, Glassport & Lincoln Boroughs, **Allegheny County**. Penn E & R, Inc., 111 Ryan Court, Pittsburgh, PA 15205 on behalf of Three Rivers Marine & Rail Terminals, LP, 17 Arentzen Boulevard, Suite 206, Charleroi, PA 15022 has submitted a Remedial Investigation/Risk Assessment/Final Report concerning the remediation of site groundwater contaminated with metals, polycyclic aromatic hydrocarbons, and volatile organic compounds. The report is intended to document remediation of the site to meet a combination of Statewide Health and Site-Specific standards. Notice of the Final Report was published in the *Tribune-Review* on January 8, 2016.

Former Top's Diner Property, 410 Central Avenue, Johnstown City, **Cambria County**. P. Joseph Lehman, Inc., Olde Farm Office Centre, P.O. Box 419, Hollidaysburg, PA 16648 on behalf of Sheetz, Inc., 5700 6th Avenue, Altoona, PA 16601 has submitted a Final Report

concerning the remediation of 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, and benzene in soil and 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, benzene, toluene, ethylbenzene, naphthalene, and dissolved lead in groundwater. 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 December 19, 2015.

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

LIMA Precision Manufacturing Company, 1640 Loretta Avenue, Lower Southampton Township, **Bucks County**. Stacie Cottone, J&J Environmental, P.O. Box 370, Blue Bell, PA 19422 on behalf of Kathrine and Anton Maurus c/o H. Kenneth Tull, Esq. Thistie, More, Rosser & Tull, 1900 Spruce Street, Philadelphia, PA 19103 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF807479.

Wayne Corner LLC, 536 West Lancaster Avenue, Radnor Township, **Delaware County**. Vincent Sanfilippo, Wayne Corner LLC, 110 Brittany Way, Blue Bell, PA 19422 has submitted a Final Report concerning remediation of site soil contaminated with 1,2-Dibromoethane. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF805720.

Home Run Inc., Lot 62 Fox Hollow Drive & Detar Road, Douglas Township, **Montgomery County**. Bill Gothier, Taylor GeoServices, Inc., 38 Bishop Hollow Road, Newtown Square, PA 19073, Brad Bradley, Home Run Inc., 1299 Labelle Drive, Xenia, OH 45385 on behalf of Ed Gold, Beazer Homes Corporation, 8965 Guildford Road, Suite 290, Columbia, MD 21046 has submitted a 90 day Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF807855.

Holefelder Residence, 402 Pomeroy Street, Ridley Park Borough, **Delaware County**. Michael Kern, P.G., Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of George and Janice Holefelder, 401 Pomeroy Street, Ridley Park, PA 19078 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health. PF804651.

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 charac-

terize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

BJ Burnley Estate, 8866 Route 522, Middleburg, PA 17842, Franklin Township, **Snyder County**. Black Rock Environmental, LLC, P. O. Box 288, Nazareth, PA 18064, on behalf BJ Burnley Et Al., 855 Springdale Dr, Suite 100, Exton, PA 19341, submitted a Final Report concerning the remediation of site soils contaminated with unleaded and leaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on February 1, 2016.

Steen Residence, 1760 Moores School Road, Kelly Township, **Union County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Ronda Steen, 1760 Moores School Road, Lewisburg, PA 17837, submitted a Final Report concerning the remediation of site soil and groundwater contaminated with heating oil. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on December 3, 2015.

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

Dreisbach Residence, 75 Tumble Creek Road, Williams Township, **Northampton County**. Moonstone Environmental, LLC, 1150 Glenlivet Drive, Suite C-31, Allentown, PA 18106, on behalf of Frances Dreisbach, 75 Tumble Creek Road, Easton, PA 18042, submitted a Final Report concerning the remediation of site soils and groundwater contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Methyl tert-Butyl Ether, Naphthalene, 1,2,4-Trimethylbenzene, and 1,3,5-Trimethylbenzene. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on February 9, 2016.

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

Crescent Brass Manufacturing Facility, 701 Park Avenue, City of Reading, **Berks County**. Liberty Environmental, Inc., 50 North 5th Street, 5th Floor, Reading, PA 19601, on behalf of Crescent Brass Manufacturing Corporation, PO Box 187, Mount Joy, PA 17552, submitted a Final Report concerning remediation of site soils contaminated with arsenic, lead, manganese, and iron. The Final Report demonstrated attainment of the Non-residential Statewide Health Standard, and was approved by the Department on February 11, 2016.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Jones Lease, Approximately 2,870 feet west of the intersection of State Route 2002 and Bear Run Road, Richland Township, **Venango County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, on behalf of Roilwell, Inc., 1607 Riverside Drive, Oil City, PA 16301, submitted a Final Report concerning the remediation of site soil contaminated with Chloride and Strontium. The Report was disapproved by the Department on February 3, 2016.

Correction: FedEx, 2600 Hirtzel Road, North East Township, **Erie County**. GZA GeoEnvironmental, Inc., 501 Office Center Drive, Suite 220, Fort Washington, PA 19034, on behalf of YRC Freight, 10990 Roe Avenue, Overland Park, KS 66211, submitted a Final Report concerning the remediation of site soil contaminated with cis-1,2-dichloroethene, 1,1-dichloroethene, vinyl chloride, trichloroethylene and site groundwater contaminated with trichloroethylene. The Report was disapproved by the Department on February 3, 2016.

Gray Well Pad (Rex Energy), 5176 Brown Road, Center Township, **Butler County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of R. E. Gas Development, 366 Walker Drive, State College, PA 16801, submitted a Final Report concerning the remediation of site soils contaminated with Arsenic, Barium, Cadmium, Chromium, Lead, Selenium, Silver, Mercury, Dichlorodifluoromethane, Chloromethane, Vinyl Chloride, Bromomethane, Chloroethane, Trichlorofluoromethane, Acrolein, 1,1-Dichloroethene, Acetone, Methylene Chloride, Acrylonitrile, Methyl-Tert-Butyl Ether, trans-1,2-Dichloroethane, 1,1-Dichloroethane, 2-Butanone, 2,2-Dichloropropane, cis-1,2-Dichloroethane, Chloroform, Bromochloromethane, 1,1,1-Trichloroethane, 1,1-Dichloropropene, Carbon Tetrachloride, Benzene, 1,2-Dichloroethane, Trichloroethene, 1,2-Dichloropropane, 1,4-Dioxane, Dibromomethane, Bromodichloromethane, 2-Chloroethyl Vinyl Ether, cis-1,3-Dichloropropene, 4-Methyl-2-Pentanone, Ethylbenzene, Toluene, trans-1,3-Dichloropropene, 1,2,3-Trichloro-

propane, 1,1,2-Trichloroethane, 1,3-Dichloropropane, Tetrachloroethene, 2-Hexanone, Dibromochloromethane, 1,2-Dibromoethane, Chlorobenzene, 1,1,1,2-Tetrachloroethane, m&p-Xylene, o-Xylene, Styrene, Isopropylbenzene, Bromoform, 1,1,2,2-Tetrachloroethane, n-Propyl Benzene, 1,3,5-Trimethylbenzene, Bromobenzene, 2-Chlorotoluene, 4-chlorotoluene, Tert-Butylbenzene, 1,2,4-Trimethylbenzene, sec-Butylbenzene, 1,3-Dichlorobenzene, Butylbenzene, 1,4-Dichlorobenzene, 1,2-Dichlorobenzene, 1,2-Dibromo-3-Chloropropane, 1,2,4-Trichlorobenzene, Hexachlorobutadiene, Naphthalene, 1,2,3-Trichlorobenzene, and Total Xylenes. The Report was disapproved by the Department on February 3, 2016.

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

Bensalem Shopping Center, 1945 Street Road, Bensalem Township, **Bucks County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Michael Pearlstein, Bensalem, Associates LP, 3901 Manayunk Avenue, Suite 103, Philadelphia, PA 19128 has submitted a Final Report concerning the remediation of site soil contaminated with other organics. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 3, 2016. PF807104.

4015 Magee Avenue Site, 4015 Magee Avenue, City of Philadelphia, **Philadelphia County**. Douglass Schott, PG, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 10382, Kurt Spiess, EMG Remediation Services, P. O. Box 129, Edgemont, PA 19028, Stephen Huxta, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Catherine Panas, Mission First Housing Group, 2042-48 Arch Street, 2nd Floor, Philadelphia, PA 19103 has submitted a Final Report concerning the remediation of site soil contaminated with pce. The Final report demonstrated attainment of the Background Standard and was approved by the Department on February 2, 2016. PF778063.

27th & Girard Property, 2620 Girard Avenue, City of Philadelphia, **Philadelphia County**. Bill Schmidt, PE, Associates Inc., 3001 Market Street, Philadelphia, PA 19104, Paul Martino, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Dan Bleznak, 27th and Girard, LLP, 1105 Industrial Highway, Southampton, PA 18966 has submitted a Remedial Investigation and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with metal and chlorinated compounds. The Remedial Investigation and Cleanup Plan were approved by the Department February 3, 2016. PF619558.

901 West Girard Avenue, 901 West Girard Avenue, City of Philadelphia, Philadelphia **Philadelphia County**. Angelo Waters, PE, Urban Engineers, Inc., 530 Walnut Street, Philadelphia, PA 19106 on behalf of Richard L. Soloff, 9th Street Marketplace Associates, LLC, One Presidential Boulevard, Suite 202 Bala, Cynwyd, PA 19004 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with naphthalene, benzo and betx. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 3, 2016. PF689175.

Master II Charter School, 6501 New State Road, City of Philadelphia, **Philadelphia County**. Joanne Van Rensselaer, ENVIROSEARCH, P. O. Box 940, Springhouse, PA 19477, Ken DAurizio, 6501 NSR, LLC, 765 Birch Avenue, Bensalem, PA 19020 on behalf of John Parson or Charles Calvernese, 65N01 NSR, LLC, 765 Birch Avenue, Bensalem, PA 19020, John F. Swoyer, III, Master Charter School, 1800 East Byberry Road, Philadelphia, PA 19116 has submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with lead and nickel. The Remedial Investigation and Cleanup Plan were approved by the Department on February 8, 2016. PF805549.

Millers Trailer Park, 500 Cedar and 600 Man Avenue, Bristol Township, **Bucks County**. Richard S. Werner, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Robert White, Redevelopment Authority of Bucks County, One North Wilson Avenue, Suite 1, Bristol, PA 19007 has submitted a Final Report concerning the remediation of site soil contaminated with chlorinated solvents. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 2, 2016. PF738648.

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

Ecology Services, Inc., 9135 Guilford Road, Columbia, MD 21046. License No. PA-AH 0789. Effective Feb 10, 2016.

Freehold Cartage, Inc., PO Box 5010, Freehold, NJ 07728. License No. PA-AH 0067. Effective Feb 10, 2016.

Renewal Applications Received

Ecology Services, Inc., 9135 Guilford Road, Columbia, MD 21046. License No. PA-AH 0789. Effective Feb 10, 2016.

REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act and the act of June 28, 1988 (P. L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170

Regulated Medical and Chemotherapeutic Waste Transporter Reissued

Triumvirate Environmental, Inc., 200 Inner Belt Road, Somerville, MA 02143. License No. PA-HC 0245. Effective Feb 08, 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.

Northwest Regional Office: 230 Chestnut Street, Meadville, PA 16335

General Permit No. WMGR028M022A. Joseph McCormick, P. O. Box 176, Erie, PA 16510; Site: 1507 Wesley Avenue, Erie, PA. The Determination of Applicability under WMGR028 authorizes the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants for use as i) an aggregate in roadway construction, (ii) a soil additive, (iii) a soil conditioner, or (iv) a component or ingredient in the manufacturing of construction products. The Determination of Applicability was approved and coverage under the general permit was issued by the Northwest Regional Office on February 10, 2016.

REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

Registration issuance Under the Solid Waste Management Act; the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701

General Permit Registration No. WMGR123NC030. Chief Oil & Gas, LLC, 6051 Wallace Road Extension, Suite 300, Wexford, PA 15090. Registration to operate under General Permit No. WMGR123 for an oil and gas liquid waste beneficial use facility located at the Huff Tank Pad in Elkland Township, **Sullivan County** in Forksville, PA. The registration was issued by North Central Office on February 10, 2016.

Persons interested in obtaining more information about the general permit application may contact Lisa D. Houser, PE, Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

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

GP11-46-0078: Allied Recycling Company (1725 Limekiln Pike, Suite 3A) On February 11, 2015 for installation of a non-road engine in Doylestown Township, Bucks County.

GP3-46-0131 Allied Recycling Company (1725 Limekiln Pike, Suite 3A) On February 11, 2015 for a portable crusher in Doylestown Township, Bucks County.

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

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531

GP9-39-011: DVS Enterprises, LLC (5285 West Coplay Road, Whitehall, PA 18052) on February 4, 2016, for the operation of I C engines at the facility located in Whitehall Township, Lehigh County.

GP3-39-011: DVS Enterprises, LLC (5285 West Coplay Road, Whitehall, PA 18052) on February 4, 2016, for the operation of a portable stone crushing plant at the facility located in Whitehall Township, Lehigh County.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702

GP3-28-05035F: Highway Materials, Inc./St. Thomas Development, Inc. (1750 Walton Road, Blue Bell, PA 19422-0465) on February 12, 2016, for portable nonmetallic mineral processing equipment located in St. Thomas Township, Franklin County.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648

GP3-08-395: Bishop Brothers Construction Company, Inc. (P. O. Box 289, Ulster, PA 18850) on February 4, 2016, for the authorization to construct and operate one (1) Extec C-12 portable crusher, one (1) Powerscreen Chiefton 1,200 vibratory screen, one (1) Sandvic QE340 vibratory screen, and two (2) radial stackers pursuant to the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at the company's Byers Quarry located in Sheshequin Township, Bradford County.

GP9-08-395: Bishop Brothers Construction Company, Inc. (P. O. Box 289, Ulster, PA 18850) on February 4, 2016, for the authorization to construct and operate a 366 brake-horsepower (bhp) Deutz model BF6M1015C diesel engine to power an Extec C-12 crusher pursuant to the General Plan Approval and/or General Operating Permit for Diesel or No. 2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) at the company's Byers Quarry facility located in Sheshequin Township, Bradford County. Sources on site also include four engines rated less than 100 bhp authorized under plan approval exemption pursuant to 25 Pa. Code § 127.14(a)(8) Exemption Category 4 for "Internal combustion engines rated at less than 100 brake horsepower", as found in the Exemption Listing Document 275-2101-003 published August 10, 2013, in the *Pennsylvania Bulletin*.

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

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

GP1-25-1032B: Cott Beverages, Inc. (63 Wall Street, North East, PA 16428) on February 2, 2016, for the authority to construct and/or operate a natural gas fired boiler, Cleaver Brooks, Model: 200-500 equipped with a

burner rated 20.9 MMBtus/hr (BAQ-GPA/GP-1) located at their facility in North East Township, **Erie County**.

GP5-37-348B: Hilcorp Energy Company, Mahoning-Siegel Central Facility (Lease Road, Frizzleburg, PA 16143) on February 10, 2016, for the authority to construct and/or operate three (3) natural gas fired compressor engines (Caterpillar G3516B), 17.5 mmscf/d glycol dehydrator/reboiler, pipeline pigging operations, and associated storage tank(s) (BAQ-GPA/GP-5) located in Mahoning Township, **Lawrence County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

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

46-0013D: Clemens Food Group (2700 Clemens Rd., Hatfield, PA 19440-0902) On February 11, 2016 for the installation of a new cooker/press to replace two existing cookers/presses at their meat processing facility in Hatfield Township, **Montgomery County**.

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

Contact: Edward Orris, P.E., Environmental Engineer Manager—Telephone: 412-442-4161

65-00990E: Tenaska Pennsylvania Partners, LLC (14302 FNB Parkway, Omaha, NE 68154) on February 12, 2016, to reduce allowable startup and shutdown emissions and facility-wide potential to emit at the proposed Westmoreland Generating Station in South Huntingdon Township, **Westmoreland 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

09-0102E: Clean Earth of Southeast PA (7 Steel Rd E, Morrisville, PA 19067-3613) On February 12, 2016 for the installation of two indoor diesel powered screens and the modification of an existing screen in Falls Township, **Bucks County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702

28-05002J: Letterkenny Army Depot—US Department of Defense (One Overcash Avenue, Chambersburg, PA 17201) on February 10, 2016, to construct a new AP Rocket Motor Destruction (ARMD) Facility within the Letterkenny Munitions Center ammunition storage area, at the Letterkenny Army Depot in Greene/Letterkenny Townships, **Franklin County**. Air emissions from the ARMD will be controlled by a wet scrubber system,

followed by an ADIOX packed bed scrubber tower absorption system. The plan approval was extended.

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

Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6328

43-270I: CCL Container Corporation (1 Llodio Drive, Hermitage, PA 16148) on February 10, 2016, effective February 28, 2016, for the plan approval extension for the installation of four (4) can manufacturing lines, three (3) inside liner baghouses and a regenerative thermal oxidizer (RTO). The facility manufactures aluminum cans used for packaging various consumer products. This facility is located in the City of Hermitage, **Mercer 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 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702

38-0504I: Bemis Packaging, Inc. (5 Keystone Drive, Lebanon Valley Business Park, Lebanon, PA 17042-9791) on February 3, 2016, for the flexible packaging manufacturing facility located in South Lebanon Township, **Lebanon County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

53-00006: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) on February 9, 2016, for renewal of the Title V operating permit for their Ellisburg facility located in Genesee Township, **Potter County**. The facility's sources include eleven (11) natural gas-fired heaters, eight (8) natural gas-fired gas transmission engines, six (6) natural gas-fired line heaters, two (2) natural gas-fired boilers, one (1) diesel-fired emergency generator, one (1) natural gas-fired air compressor, one (1) parts washer and several fugitive volatile organic compound (VOC) emission sources. The Title V operating permit renewal includes emission limits and work practice standards along with monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable Federal and State air quality regulations.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702

38-03002: Plains LPG Service LP (PO Box 486, Schaefferstown, PA 17088-0486) on February 9, 2016, for the liquid propane storage and distribution facility lo-

cated in Heidelberg Township, **Lebanon County**. The State-only permit has been renewed.

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

Contact: Tom Joseph, Permitting Chief—Telephone: 412-442-5226

03-00139: Brady's Bend Corporation/Kaylor Plant (209 Cove Run Road, East Brady, PA 16028) on February 8, 2016, the Department issued a State Only Operating Permit for the limestone mining and quarrying for retail and wholesale located in Brady's Bend Township, **Armstrong County**.

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

Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940

10-00119: Allegheny Mineral Corporation/Slippery Rock Plant (P. O. Box 1022, Kittanning, PA 16201) on February 12, 2016, the Department re-issued a Natural Minor Permit to operate a limestone processing facility located in Slippery Rock Township, **Butler County**.

With the processing equipment being powered by utility supplied electricity, there are no regulated air emissions from this facility other than fugitive particulate matter. The potential PM₁₀ emissions from this facility are estimated to be no more than 20 tons per year.

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

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

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

15-00051: Allan Myers, L.P. d/b/a Allan Myers Materials (4042 State Rd., Devault, PA 19340) On February 11, 2016 for operation of asphalt paving mixture and blocks in Charlestown Twp., **Chester County**.

15-00118: Allan Myers, L.P. d/b/a Allan Myers Materials (4042 State Rd., Devault, PA 19340) On February 11, 2016 for crushed and broken granite in Charlestown Twp., **Chester County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702

36-05146: EPP Renewable Energy LLC (1605 N. Cedar Crest Blvd., Suite 509, Allentown, PA 18104) on February 8, 2016, for the landfill gas-to-energy facility associated with the Frey Farm/Creswell Landfill, located in Manor Township, **Lancaster County**. The Title V permit was administratively amended in order to reflect a change of ownership.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Virendra Trivedi, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702

67-05005: Brunner Island, LLC (835 Hamilton Street, Suite 150, Allentown, PA 18101). Pursuant to 25 Pa. Code § 127.449(i), this *Pennsylvania Bulletin* Notice is for a de minimis emissions increase of 0.59 TPY PM₁₀ resulting from the construction of a Refined Coal System at the Brunner Island Steam Electric Station located in East Manchester Township, **York County**. This is the first de minimis emissions increase at the facility during the term of the current operating permit.

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

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

30753712 and NPDES No. PA0215724. Emerald Coal Resources, LP, (158 Portal Road, PO Box 1020, Waynesburg, PA 15370). To renew the permit for the Emerald Mine No. 1—Coal Refuse Disposal Facility No. 1 in Franklin Township, **Greene County** and related NPDES Permit. No additional discharges. The application was considered administratively complete on July 8, 2015. Application received June 12, 2015. Permit issued February 5, 2016.

32061302 and NPDES No. PA0235768. Western Allegheny Energy, LLC, (301 Market Street, Kittanning, PA 16201-1504). To renew the permit for the Knob Creek Mine in Young and Conemaugh Townships, **Indiana County** and related NPDES Permit. No additional discharges. The application was considered administratively complete on May 14, 2013. Application received April 2, 2013. Permit issued February 11, 2016.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

Permit 56100105, NPDES No. PA0263079 and General Permit GP-12-56100105, Wilson Creek Energy, LLC, 1576 Stoystown Road, Friedens, PA 15541, revision of an existing bituminous coal mining site to obtain coverage for coal processing under air quality general permit GP-12 in Black Township, **Somerset County**, affecting 140.3 acres. Receiving streams: Wilson Creek and Coxes Creek classified for the following use: warm water fishes. There are no potable water supply intakes

within 10 miles downstream. Application received December 4, 2015. Permit issued February 8, 2016.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

16000101. Glenn O. Hawbaker, Inc. (1952 Waddle Road, State College, PA 16803) Renewal of an existing bituminous surface mine in Licking & Richland Townships, **Clarion County**, affecting 83.6 acres. Receiving streams: Unnamed tributary to the Clarion River. This renewal is issued for reclamation only. Application received: December 10, 2015. Permit Issued: February 3, 2016.

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

1708107 and NPDES PA0256811. Junior Coal Contracting, Inc. (2330 Six Mile Road, Philipsburg, PA 16866). Permit renewal for continued operation and restoration of a bituminous surface and auger mine located in Decatur and Woodward Townships, **Clearfield County** affecting 298.7 acres. Receiving stream(s): Unnamed Tributaries to Moshannon Creek and Moshannon Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: March 17, 2015. Permit issued: January 4, 2016.

17900104 and NPDES PA0116939. RES Coal LLC (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Permit renewal for reclamation only of a bituminous surface and auger mine located in Brady and Bell Townships, **Clearfield County** affecting 537.6 acres. Receiving stream(s): Buck Run and Beech Run classified for the following use(s): HQ-CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: June 24, 2015. Permit issued: February 5, 2016.

Noncoal Permits Issued

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

24050301. North Star Aggregates, Inc. (P. O. Box 51, Penfield, PA 15849) Renewal of existing NPDES Permit No. PA0257974 in Horton Township, **Elk County**. Receiving streams: Johnson Run and Oyster Run. Application received: September 14, 2015. Permit Issued: February 3, 2016.

33152802. Michael Defelice (106 Pershell Drive, Punxsutawney, PA 15767) Commencement, operation and restoration of a small industrial minerals mine in Young Township, **Jefferson County**, affecting 5.5 acres. Receiving streams: Two unnamed tributaries to Canoe Creek. Application received: June 15, 2015. Permit Issued: February 3, 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

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

Permit No. 06164101. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Woods Edge in Amity Township, **Berks County** with an expiration date of February 27, 2016. Permit issued: February 11, 2016.

Permit No. 15164101. Maine Drilling & Blasting, Inc., (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Towns at Malvern in East Whiteland Township, **Chester County** with an expiration date of February 1, 2017. Permit issued: February 11, 2016.

Permit No. 40154115. Maine Drilling & Blasting, Inc., (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Center Point in Jenkins and Pittston Townships, **Luzerne County** with an expiration date of February 28, 2017. Permit issued: February 11, 2016.

Permit No. 40164103. Maine Drilling & Blasting, Inc., (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Center Point in Jenkins and Pittston Townships, **Luzerne County** with an expiration date of February 28, 2017. Permit issued: February 11, 2016.

46164101. Rock Work, Inc., (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Meadow Glen in Skippack Township, **Montgomery County** with an expiration date of March 31, 2017. Permit issued: February 11, 2016.

Permit No. 66164102. John H. Brainard, (3978 SR 2073, Kingsley, PA 18826), construction blasting for a house foundation in Clinton Township, **Wyoming County** with an expiration date of July 31, 2016. Permit issued: February 11, 2016.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also

available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Waterway and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.

E46-1129. Lower Frederick Township, 53 Spring Mount Road, Zieglerville, PA 19494, Lower Frederick Township, **Montgomery County**, ACOE Philadelphia District.

To remove the existing structures and to install two sanitary sewer lines in the 100-year floodplain of Perkiomen Creek (WWF, MF) associated with Lower Frederick Township wastewater treatment improvement project.

The site is located at 125 Spring Mount Road (Perkiomenville, PA USGS map; Lat: 40.2719; Long: -75.459).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E15-861. Southdown Homes, 55 Country Club Drive, Suite 204, Downingtown, PA 19335, East and West Brandywine Townships, **Chester County**, ACOE Philadelphia District.

To construct and maintain four stream crossings and five minor road crossings (all remaining items from old expired Permit E15-711) over an unnamed tributary to Culbertson Run and unnamed tributaries (H-TSF-MF) associated with the proposed Hide-A-Farms residential development.

The site is located just northwest of the intersection of Special School and Little Washington Roads (Wagontown, PA, quadrangle Latitude: 40.055889, Longitude: -75.768889).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511

E64-303. Bethany Borough, 2 Old Wayne Street, Bethany, PA 18431. Bethany Borough, **Wayne County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a dry hydrant in Bethany Lake (HQ-CWF, MF) for the purpose of fire protection. The project is located approximately 300 feet southwest of the intersection of Bethany Lake Court and London Drive (Honesdale, PA Quadrangle Latitude: 41°37'4.5"; Longitude: -75°17'39.7"). Subbasin: 1B.

E35-460. Scranton Sewer Authority, 312 Adams Avenue, Scranton, PA 18503. City of Scranton, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To modify and maintain the Von Storch Outfall #11 combined sewer outfall (CSO) facility with work consisting of construction of a 120,000 gallon underground CSO pipe storage system within the floodway/floodplain of the Lackawanna River (CWF, MF). The underground CSO pipe storage system will include approximately 320 feet of 24-inch HDPE pipe, 400 feet of 18-inch HDPE pipe, 222 feet of 15-inch HDPE pipe, 65 feet of 12-inch HDPE pipe, a flushing chamber, electrical platform, regulator structures and stormwater manholes. The project is associated with the Scranton Sewer Authority's Long Term Control Plan to address combined sewer outflows. The project is located on and along Glen Street approximately 0.1 mile from its intersection of Von Storch Avenue (Scranton, PA Quadrangle, Latitude: 41° 25' 39"; Longitude: -75° 39' 27") in the City of Scranton, Lackawanna County. Subbasin: 5A.

E64-304. Deborah and Michael Krawczyk, 9602 Shannon Lane, Manassas, VA 20110. Lake Township, **Wayne County**, Army Corps of Engineers Philadelphia District.

To remove an existing boathouse and to construct and maintain a 16-ft wide, 36-ft long, cantilevered boathouse in Lake Ariel (HQ-CWF, MF). The project is located along western shoreline of Lake Ariel, approximately 0.2 mile southeast of SR 191 and West Shore Drive (Lake Ariel, PA Quadrangle Latitude: 41°26'47.3"; Longitude: -75°22'49.4"). Subbasin: 1C.

Northwest Region: Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335; 814-332-6860

E10-08-007, Interstate Gas Marketing Inc., 2018 South 6th Street, Indiana, PA 15701. Wells Pipeline in Oakland and Center Townships, **Butler County**, Army Corps of Engineers Pittsburgh District (East Butler, PA Quadrangles 40°56'40"N; -79°52'38"W).

The applicant constructed approximately 3,030 linear feet of two (2) inch steel natural gas gathering pipeline located in Oakland and Center Townships, Butler County. The pipeline connects existing Well Pads.

The project resulted in a total of 20 linear feet of temporary stream impacts and 0.0027 acre of temporary wetland impacts.

The water obstructions and encroachments are described below:

To construct and maintain:

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
1	One (1) 2" natural gas pipeline bored under Pine Run (WWF-WT) & associated PFO wetland (EV). There are 20 linear feet of temporary stream impact and 0.0027 acre of temporary wetland impact.	40°56'35.00"N -79°52'19.00"W

WATER QUALITY CERTIFICATIONS

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

Brookfield Renewable Energy Group, Brookfield Power Piney & Deep Creek LLC, 2000 River Road, Clarion, PA 16214. Piney Station, **Clarion County**. ACOE Pittsburgh District.

Piney Hydroelectric Project (FERC Project No. 309-PA)—The Piney Hydroelectric Project is operated by the Brookfield Power Piney & Deep Creek LLC under the provisions of a 401 Water Quality Certification issued by the Department on September 3, 2002, for the protection of statewide water uses. Brookfield Power Piney & Deep Creek LLC is granted approval to modify operation of the reservoir level to complete the rehabilitation of Piney Dam. Brookfield Power Piney & Deep Creek LLC will return the reservoir to the normal operating levels through March 2016; operate the reservoir at a maximum surface water elevation of 1,087.5 ± 0.5 feet mean sea level during the months of April through mid-December between 2016 through 2018; and operate the reservoir at the normal operating levels between mid-December through March, from 2016 through 2018.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335

ESCGP-2 #ESG15-019-0054—Griffiths Well Pad
Applicant XTO Energy Inc.
Contact Melissa Breitenbach

Address 190 Thorn Hill Road
City Warrendale State PA Zip Code 15086
County Butler Township Donegal
Receiving Stream(s) and Classification(s) Tributary 42737 to Buffalo Creek (HQ-TSF), Tributary 42734 to Buffalo Creek (HQ-TSF), and Buffalo Creek Watershed

ESCGP-2 #ESX15-019-0042—Taurus Well Pad
Applicant EM Energy Pennsylvania, LLC
Contact Mr. Hugh Caperton
Address 1800 Main Street, Suite 220
City Canonsburg State PA Zip Code 15317
County Butler Township(s) Concord
Receiving Stream(s) and Classification(s) Trib 49198 of Bear Creek & South Branch Slippery Rock Creek/Upper Ohio & Allegheny

ESCGP-2 #ESG13-019-0031A—Ursa Major Well Pad
Major Modification
Applicant EM Energy Pennsylvania, LLC
Contact Mr. Hugh Caperton
Address 1800 Main Street, Suite 220
City Canonsburg State PA Zip Code 15317
County Butler Township(s) Concord and Oakland
Receiving Stream(s) and Classification(s) Tributaries 35321 & 35322 to Connoquenessing Creek WWF

ESCGP-2 #ESX14-019-0013A—Brennan Well Pad—Major Modification
Applicant R.E. Gas Development LLC
Contact Michael Endler
Address 60 Cranberry Woods Dr. Suite 250
City Cranberry Township State PA Zip Code 16066
County Butler Township(s) Connoquenessing
Receiving Stream(s) and Classification(s) UNT to Crab Run, Crab Run, Slippery Rock Creek Watershed, CWF

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-2 # ESG29-023-15-0011
Applicant Name Seneca Resources Corp
Contact Person Douglas Kepler
Address 51 Zents Blvd
City, State, Zip Brookville, PA 15825
County Cameron
Township(s) Shippen
Receiving Stream(s) and Classification(s) Cherry Run (EV), Indian Camp Run (EV), UNTs to Elk Fork (EV), UNTs to Indian Camp Run (EV)
Secondary—Driftwood Branch Sinnemahoning Ck (EV), Driftwood Branch Sinnemahoning Ck (EV), Elk Fork (EV), Indian Camp Run (EV)

ESCGP-2 # ESG29-081-15-0035
Applicant Name Seneca Resources Corp
Contact Person Michael Clinger
Address 51 Zents Blvd
City, State, Zip Brookville, PA 15825
County Lycoming
Township(s) Gamble
Receiving Stream(s) and Classification(s) Mill Creek (EV)
Secondary—Loyalsock Ck (EV)

ESCGP-2 # ESX29-115-15-0055
 Applicant Name Williams Field Services Co LLC
 Contact Person Lauren Miladinovich
 Address Park Place Corporate Ctr 2, 2000 Commerce Dr.
 City, State, Zip Pittsburgh, PA 15275
 County Susquehanna
 Township(s) Lathrop
 Receiving Stream(s) and Classification(s) UNT to Hortons
 Ck (CWF-MF)

ESCGP-2 # ESX29-117-16-0004
 Applicant Name Cardinal Midstream II, LLC
 Contact Person Tommy Baskins
 Address 8150 N Central Expressway, Suite 1725
 City, State, Zip Dallas, TX 75206
 County Tioga
 Township(s) Westfield
 Receiving Stream(s) and Classification(s) Crance Brook
 (CWF), Mill Ck (CWF), Broughton Hollow (WWF),
 Jemison Ck (WWF)

SPECIAL NOTICES

Categorical Exclusion

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

Biglerville Borough Authority, 33 Musselman Avenue, Biglerville, PA 17307.

The Pennsylvania Infrastructure Investment Authority which administers the Commonwealth's State Revolving Fund is intended to be the funding source for this project. The project is undertaken by the Borough to replace existing chlorine contact tanks with open trench ultraviolet disinfection and improvement to the headworks. The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

[Pa.B. Doc. No. 16-328. Filed for public inspection February 26, 2016, 9:00 a.m.]

Nutrient Credit Trading Program; Actions

The Department of Environmental Protection (Department) has approved the following request for certification of a pollutant reduction activity to generate nitrogen (N) and phosphorus (P) credits under 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed). The proposed pollutant reduction activity is the gasification of poultry litter. This certification request approval authorizes the generation of nitrogen or phosphorus credits, or both, for use by facilities with National Pollutant Discharge Elimination System permits in the compliance year in which the credits are generated. The approval is valid until September 30, 2016, provided the pollution reduction activity is implemented, maintained and verified in accordance with the plans contained in the approved certification requests.

<i>Generator</i>	<i>Site Contact Name</i>	<i>Pollutant Reduction Activity</i>	<i>N Credits</i>	<i>P Credits</i>	<i>Public Comment Notice Date</i>	<i>Date Certification</i>	<i>Certification Expiration</i>
Energy Works	Thompson	Poultry Litter Gasification	1,051,570	58,853	9/26/15	12/30/15	9/30/16

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

For further information about this certification request or the Nutrient Credit Trading Program, contact Jay Braund, Bureau of Clean Water, Department of Environmental Protection, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-5636, jbraund@pa.gov or visit the Department's web site at http://www.depweb.state.pa.us/Nutrient_Trading.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 16-329. Filed for public inspection February 26, 2016, 9:00 a.m.]

Nutrient Credit Trading Program; Actions

The Department of Environmental Protection (Department) has approved the following requests for certification of pollutant reduction activities to generate nitrogen (N) and phosphorus (P) credits under 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed). Proposed pollutant reduction activities include the installation of the following agriculture best management practices: continuous no-till planting methods (CNT); conservation tillage planting methods; and the planting of cover crops. These certification request approvals authorize the generation of nitrogen or phosphorus credits, or both, for use by facilities with National Pollutant Discharge Elimination System permits in the compliance year in which the credits are generated. These approvals are valid until September 30, 2017, provided the pollution reduction activities are implemented, maintained and verified in accordance with the plans contained in the approved certification requests.

<i>Generator</i>	<i>Site Contact Name</i>	<i>Pollutant Reduction Activity</i>	<i>N Credits</i>	<i>P Credits</i>	<i>Public Comment Notice Date</i>	<i>Date Certification</i>	<i>Certification Expiration</i>
Lycoming County	Lambert	CNT, Conservation Tillage, Cover Crops	5,853		8/1/15	9/15/15	9/30/17
Lycoming County	Bischcroft	CNT, Conservation Tillage, Cover Crops	12,363		8/1/15	9/15/15	9/30/17
Lycoming County	GNH	CNT, Conservation Tillage	333		8/1/15	9/15/15	9/30/17
Lycoming County	Rogers	CNT, Conservation Tillage, Cover Crops	85		8/1/15	9/15/15	9/30/17
Lycoming County	McCoy	CNT, Cover Crops	17		8/1/15	9/15/15	9/30/17
Lycoming County	Schrack	CNT, Conservation Tillage, Cover Crops	11,000		8/1/15	9/15/15	9/30/17

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

For further information about this certification request or the Nutrient Credit Trading Program, contact Jay Braund, Bureau of Clean Water, Department of Environmental Protection, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-5636, jbraund@pa.gov or visit the Department's web site at http://www.depweb.state.pa.us/Nutrient_Trading.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 16-330. Filed for public inspection February 26, 2016, 9:00 a.m.]

Storage Tank Advisory Committee Meeting Cancellation

The March 8, 2016, meeting of the Storage Tank Advisory Committee (Committee) is cancelled. The next meeting is scheduled for June 7, 2016, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning the next scheduled meeting of the Committee can be directed to Charles M. Swokel, (717) 772-5806 or cswokel@pa.gov. The agenda and meeting materials for the June 7, 2016, meeting will be available on the Department of Environmental Protection's (De-

partment) web site at <http://www.dep.pa.gov> (select "Public Participation," then "Advisory Committees").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-5551 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 16-331. Filed for public inspection February 26, 2016, 9:00 a.m.]

DEPARTMENT OF HEALTH

Decisions on Requests for Exception to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b) for exceptions to regulations contained in 28 Pa. Code Part IV, Subparts B—G.

Section 51.33(d) of 28 Pa. Code provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from October 2015, through December 2015. Publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception request and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals, abortion facilities and ambulatory surgical facilities shall be addressed to Garrison E. Gladfelder, Jr., Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980. Inquiries regarding long-term care facilities shall be addressed to Susan Williamson, Director, Division of Nursing Care Facilities, Room 528, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816.

Hospitals

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Gettysburg Hospital	§ 51.6(b)	Identification of personnel	11/07/15	granted
UPMC St. Margaret Hospital	§ 107.2	Medical staff membership	12/12/15	deferred
Easton Hospital	§ 107.61	Written orders	01/02/16	granted
Ephrata Community Hospital	§ 107.61	Medical staff, written orders	11/07/15	granted
Gettysburg Hospital	§ 107.61	Medical staff, written orders	11/14/15	granted
York Hospital	§ 107.61	Medical staff, written orders	11/07/15	granted
Advanced Surgical Hospital	§ 107.62(a)	Oral orders	11/14/15	granted
Advanced Surgical Hospital	§ 107.62(b)	Medical staff by-laws	11/14/15	granted
Geisinger Community Medical Center	§ 113.5(a)	Pharmacy and therapeutics committees	12/19/15	granted
Geisinger Medical Center	§ 113.5(a)	Pharmacy and therapeutics committees	10/10/15	granted
Geisinger Wyoming Valley Medical Center	§ 113.5(a)	Pharmacy and therapeutics committees	12/19/15	granted
Lower Bucks Hospital	§ 123.25(2)	Control of anesthetic explosion hazards	12/12/15	granted
Geisinger Medical Center	§ 123.5	Administration of anesthesia	11/14/15	denied
Sharon Regional Health System	§ 127.1	Principle—radiology services	11/14/15	granted
Pottstown Memorial Medical Center	§ 127.31(b)	Policies and procedures	12/12/15	granted
Geisinger Wyoming Valley Medical Center	§ 129.2(a)	Radiation safety committees	12/19/15	granted
Geisinger Community Medical Center	§ 129.23(a)	Radiation safety committees	12/19/15	granted
Geisinger Medical Center	§ 129.23(a)	Radiation safety committees	10/10/15	granted
Ephrata Community Hospital	§ 138.15	High-risk cardiac catheterizations	11/07/15	deferred
Heritage Valley Sewickley	§ 143.4	Medical appraisal of a podiatric patients	12/12/15	granted
Heritage Valley Sewickley	§ 143.5	Medical supervision of podiatric patients	12/12/15	granted
Abington Memorial Hospital	§ 153.1	2.6-2.2.2.2(1) Space requirements—area	10/17/15	granted
Abington Memorial Hospital	§ 153.1	2.6-2.2.2.5 Hand-washing stations	10/17/15	granted
Albert Einstein Medical Center	§ 153.1	2.1-2.2.5.3 Renovations	11/14/15	granted
Albert Einstein Medical Center	§ 153.1	2.1-8.2.1.1(2) Vibration isolators	11/14/15	granted
Albert Einstein Medical Center	§ 153.1	2.2-3.3.4.4(7) Phase II recovery rooms or area/patient toilet rooms	11/14/15	granted

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Aria Health	§ 153.1	2.2-2.6.2.2(1) Space requirements	11/14/15	granted
Aria Health	§ 153.1	2.2-2.6.2.6(1) Toilet rooms or human waste disposal rooms	11/14/15	granted
Aria Health	§ 153.1	2.2-3.4.5.4 Patient toilet rooms	10/17/15	granted
Aria Health—Bucks County Campus	§ 153.1	Table 2.1-4 Station outlets for oxygen, vacuum (suction) and medical air systems in hospitals (2.2-3.13.3)	12/19/15	not nec.
Aria Health—Franklin Campus	§ 153.1	Table 2.1-4 station outlets for oxygen, vacuum (suction) and medical air systems in hospitals (2.2-3.13.3)	12/19/15	not nec.
Aria Health—Torresdale	§ 153.1	2.1-3.2.2.1(1) Space requirements—area	12/12/15	granted
Delaware County Memorial Hospital	§ 153.1	3.6-3.8.1 Waiting rooms	12/12/15	granted
Geisinger Lewistown Hospital	§ 153.1	2.1-7.2.2.1 Corridor widths	11/14/15	not nec.
Geisinger Lewistown Hospital	§ 153.1	2.2-3.4.4.2(2) MRI scanner room space requirements	11/14/15	granted
Geisinger Medical Center	§ 153.1	2.1-2.6.4.2 Multipurpose rooms	12/12/15	not nec.
Geisinger Medical Center	§ 153.1	2.1-2.6.7.1 Nourishment area	12/12/15	granted
Geisinger Medical Center	§ 153.1	2.1-2.7.1 Staff lounge facilities	12/12/15	not nec.
Geisinger Medical Center	§ 153.1	2.1-7.2.2.5 Windows in patient rooms	12/12/15	granted
Geisinger Medical Center	§ 153.1	2.2-2.6.8.1 Support areas for families and visitors	12/12/15	not nec.
Geisinger Medical Center	§ 153.1	3.13-6.2.2 Reception areas	12/12/15	denied
Holy Spirit Hospital	§ 153.1	2.1-8.5 Facility requirements	12/12/15	granted
Holy Spirit Hospital	§ 153.1	2.1-8.5.3.2 Size of technology distribution rooms (TDRs)	12/12/15	granted
J C Blair Memorial Hospital	§ 153.1	2.2-3.1.4.3 Secure holding rooms	12/12/15	deferred
Monongahela Valley Hospital	§ 153.1	2.2-3.4.5.4 Patient toilet rooms	12/12/15	granted
Muncy Valley Hospital	§ 153.1	2.1-8.5.3.2 Size of technology distribution rooms (TDRs)	10/10/15	granted
Penn Presbyterian Medical Center	§ 153.1	2.1-8.5.3.2 Size of technology distribution rooms (TDRs)	12/19/15	granted
Penn Presbyterian Medical Center	§ 153.1	2.1-8.5.3.3(2) Location and access requirements	12/19/15	granted
St. Luke's Hospital Anderson Campus	§ 153.1	2.2-3.12.2.8(1) Nurse stations	11/07/15	denied
Uniontown Hospital	§ 153.1	2.1-2.2.5.3 Renovations	11/21/15	granted
Uniontown Hospital	§ 153.1	2.1-8.5.3.2 Size of technology distribution rooms (TDRs)	10/17/15	granted
Uniontown Hospital	§ 153.1	2.2-2.6.8.1 Family and visitor lounge	10/17/15	granted
Waynesboro Hospital	§ 153.1	2.1-8.5.1.2 Size of telecommunications service entrance rooms (TSERs)	11/14/15	withdrawn
Waynesboro Hospital	§ 153.1	2.2-2.2.2.1(1) Capacity	11/14/15	withdrawn
Waynesboro Hospital	§ 153.1	2.2-2.2.2.2(1) Area	11/14/15	withdrawn
Waynesboro Hospital	§ 153.1	2.2-2.2.2.2(3) Where renovation. . .	11/14/15	withdrawn
Waynesboro Hospital	§ 153.1	2.2-2.2.2.5 Hand-washing stations	11/14/15	withdrawn
Waynesboro Hospital	§ 153.1	2.2-2.2.2.8 Patient storage	11/14/15	withdrawn
Waynesboro Hospital	§ 153.1	2.2-2.2.3 Patient/family centered care	11/14/15	withdrawn
Waynesboro Hospital	§ 153.1	2.2-2.2.6.4 Multipurpose rooms	11/14/15	withdrawn
Waynesboro Hospital	§ 153.1	2.2-2.6.2.2(1) Space requirements	11/14/15	withdrawn

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Waynesboro Hospital	§ 153.1	2.2-2.6.2.2(2) Clearances	11/14/15	withdrawn
Waynesboro Hospital	§ 153.1	2.2-2.6.2.2(4) Space requirements	11/14/15	withdrawn
Waynesboro Hospital	§ 153.1	2.2-2.6.2.6 Toilet rooms	11/14/15	withdrawn
Waynesboro Hospital	§ 153.1	2.2-2.6.7.2 Staff toilets	11/14/15	withdrawn
Waynesboro Hospital	§ 153.1	2.2-2.6.8.1 Family and visitor lounges	11/14/15	withdrawn
Waynesboro Hospital	§ 153.1	Table 6.4 Minimum filter efficiencies re: inpatient care	11/14/15	withdrawn
Waynesboro Hospital	§ 153.1	Table 7.1 Design parameters re: patient rooms	11/14/15	withdrawn
West Penn Hospital	§ 153.1	2.1-8.5.3.2 Size of technology distribution rooms (TDRs)	12/12/15	granted
Penn Highlands DuBois Endoscopy Center	§ 553.1	Governing body—principle	11/07/15	granted
Penn Highlands DuBois Endoscopy Center	§ 553.31(b)	Management and administration of operations—administrative responsibilities	11/07/15	granted
Penn Highlands DuBois Endoscopy Center	§ 555.1	Medical staff—principle	11/07/15	granted
Penn Highlands DuBois Endoscopy Center	§ 557.1	Quality assurance and improvement—policy	11/07/15	granted
Penn Highlands DuBois Endoscopy Center	§ 563.1	Medical records—principle	11/07/15	granted
Penn Highlands DuBois Endoscopy Center	§ 563.2	Medical records—organization and staffing	11/07/15	granted
Penn Highlands DuBois Endoscopy Center	§ 567.2	Environmental services infection control—committee responsibilities	11/07/15	granted
Penn Highlands DuBois Endoscopy Center	§ 569.1	Fire and safety services—principle	11/07/15	granted
Lower Bucks Hospital	§ 569.35(7)	General safety precautions	no pub	withdrawn
Ambulatory Surgical Facilities				
Monroeville ASC, LLC	§ 551.21	Criteria for ambulatory surgery	11/14/15	resubmit
Peters Township Surgery Center, LLC	§ 551.21	Criteria for ambulatory surgery (total knee and total hip replacement— 27437, 27446, 27442, 27130, 27443, 27438)	08/29/15	resubmit
Peters Township Surgery Center, LLC	§ 551.21	Criteria for ambulatory surgery (total shoulder arthroplasty—23472, 23743, 23474, 23470)	09/05/15	denied
UOC Surgical Services, Ltd.	§ 551.21	Criteria for ambulatory surgery	12/12/15	deferred
Wexford Surgery Center	§ 551.21	Criteria for ambulatory surgery	11/14/15	resubmit
Grandview Surgery & Laser Center	§ 551.21(a)(2)	Criteria for ambulatory surgery	06/13/15	denied
Geisinger Gray's Woods Outpatient Surgery & Endoscopy Center	§ 551.21(d)	Criteria for ambulatory surgery	10/17/15	denied
Pine Grove Ambulatory Surgical Center	§ 551.21(d)	Criteria for ambulatory surgery	10/10/15	granted
Children's Surgery Center of Malvern	§ 551.22(3)(ii)	Criteria for performance of ambulatory surgery on pediatric patients (Dr. Kaynaz Myrum, DMD)	12/19/15	granted
Children's Surgery Center of Malvern	§ 551.22(3)(ii)	Criteria for performance of ambulatory surgery on pediatric patients (Dr. Sara Toema, DDS)	12/19/15	denied
Radiance Surgery Center	§ 551.31	Licensure	11/15/14	denied
Radiance Surgery Center	§ 551.33	Survey	11/15/14	denied
Radiance Surgery Center	§ 551.34	Licensure process	11/15/14	denied

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
St. Luke's West End Endoscopy	§ 553.2	Ownership	10/10/15	granted
St. Luke's West End Endoscopy	§ 553.3(2), (4)—(9) and (11)—(16)	Governing body—responsibilities	10/10/15	granted
Allegheny Health Network Surgery Center—Bethel Park, LLC	§ 553.31	Administrative responsibilities	11/14/15	not nec.
Allegheny Health Network Surgery Center—Bethel Park, LLC	§ 553.31	Administrative responsibilities	10/10/15	denied
Laurel Laser & Surgery Center—Altoona	§ 553.31	Administrative responsibilities	12/12/15	denied
Monroeville ASC, LLC	§ 553.31	Administrative responsibilities	10/10/15	denied
Monroeville ASC, LLC	§ 553.31	Administrative responsibilities	11/14/15	not nec.
Peters Township Surgery Center, LLC	§ 553.31	Administrative responsibilities	10/10/15	denied
Peters Township Surgery Center, LLC	§ 553.31	Administrative responsibilities	11/14/15	not nec.
St. Luke's West End Endoscopy	§ 553.31	Administrative responsibilities	10/10/15	granted
Wexford Surgery Center	§ 553.31	Administrative responsibilities	10/10/15	denied
Wexford Surgery Center	§ 553.31	Administrative responsibilities	11/14/15	not nec.
St. Luke's West End Endoscopy	§ 553.4(b), (e), (f) and (h)	Other functions	10/10/15	granted
St. Luke's West End Endoscopy	§ 555.2	Medical staff membership	10/10/15	granted
St. Luke's West End Endoscopy	§ 555.3	Requirements for membership and privileges	10/10/15	granted
St. Luke's West End Endoscopy	§ 555.31(a)	Anesthesia services (propofol)	11/07/15	granted
St. Luke's West End Endoscopy	§ 555.4	Clinical activities and duties of physician assistants and certified registered nurse practitioners	10/10/15	granted
St. Luke's West End Endoscopy	§ 557.2	Quality assurance and improvement—plan	10/10/15	granted
St. Luke's West End Endoscopy	§ 557.3	Quality assurance and improvement program	10/10/15	granted
St. Luke's West End Endoscopy	§ 563.10	Medical records—ownership	10/10/15	granted
St. Luke's West End Endoscopy	§ 563.2	Medical records—organization and staffing	10/10/15	granted
St. Luke's West End Endoscopy	§ 567.2(2)	Committee responsibilities	10/10/15	granted
West Shore Surgery Center, Ltd	§ 569.35(7)	General safety precautions (flammable agents in ASF)	11/07/15	granted
Nursing Care Facilities				
Juniper Village at Brookline—Rehabilitation and Skilled Care	§ 51.6(b)	Identification of personnel	12/05/15	denied
Sarah Reed Senior Living	§ 201.22(d) and (e)	Prevention, control, and surveillance of tuberculosis	10/10/15	granted
John J. Kane—Glen Hazel	§ 201.22(e) and (j)	Prevention, control, and surveillance of tuberculosis	12/12/15	granted
Vincentian De Marillac	§ 201.22(e), (j) and (k)	Prevention, control, and surveillance of tuberculosis	10/03/15	granted
Vincentian Home	§ 201.22(e), (j) and (k)	Prevention, control, and surveillance of tuberculosis	10/03/15	granted
Shenango Presbyterian SeniorCare	§ 201.22(h)	Prevention, control, and surveillance of tuberculosis	10/03/15	granted

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Berks Heim Nursing & Rehabilitation	§ 201.22(h) and (j)	Prevention, control, and surveillance of tuberculosis	11/21/15	granted
Thornwald Home	§ 201.3	Definitions	10/31/15	granted
Providence Care Center	§ 205.19(b)	Windows and windowsills	12/19/15	granted
Fox Subacute at South Philadelphia	§ 205.25(a)	Kitchens	12/12/15	granted
Kirkland Village	§ 205.28(b)	Nurses stations	10/10/15	granted
Latrobe Health and Rehabilitation Center	§ 205.36(b) and (h)	Bathing facilities	10/24/15	granted
Fox Subacute at South Philadelphia	§ 205.36(h)	Bathing facilities	12/12/15	granted
Parkhouse Nursing and Rehabilitation Center	§ 205.36(h)	Bathing facilities	11/14/15	granted
Fox Subacute at South Philadelphia	§ 205.38(a) and (b)	Toilet facilities	12/12/15	granted
Fox Subacute at South Philadelphia	§ 205.6(a)	Function of building	12/12/15	granted
Pembroke Health and Rehabilitation Center	§ 205.67(j) and (k)	Electric requirements for existing and new construction	11/14/15	granted
St. Anne's Retirement Community	§ 205.67(k)	Electric requirements for existing and new construction	12/12/15	granted
Kinkora Pythian Home	§ 211.9(g)	Pharmacy services	10/03/15	granted
Masonic Village at Lafayette Hill	§ 211.9(g)	Pharmacy services	11/14/15	granted
Presbyterian Homes of the Presbytery of Huntingdon	§ 211.9(g)	Pharmacy services	10/07/15	granted
Saint Joseph Villa	§ 211.9(g)	Pharmacy services	10/10/15	granted
St. Monica Center for Rehabilitation & Healthcare	§ 211.9(g)	Pharmacy services	11/14/15	granted
Westgate Hills Rehabilitation and Nursing Center	§ 211.9(g)	Pharmacy services	11/14/15	granted

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Division of Acute and Ambulatory Care or the Division of Nursing Care Facilities at the previously referenced addresses or telephone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-332. Filed for public inspection February 26, 2016, 9:00 a.m.]

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Public Meetings

The Statewide HIV Planning Group, established by the Department of Health (Department) under sections 301(a) and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247b), will hold a public meeting on Wednesday, March 16, 2016, and Thursday, March 17, 2016, from 9 a.m. to 4 p.m. at the Park Inn Harrisburg West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

Jurisdictional HIV prevention planning is a required activity of the Department's Centers for Disease Control and Prevention grant for Comprehensive HIV Prevention Programs for Health Departments. Additionally, the Ryan White HIV/AIDS Treatment Extension Act of 2009 (Pub. L. No. 111-87), previously known as the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 U.S.C.A. §§ 300ff-21—300ff-38), requires that the Department engage in a public advisory planning process in developing a comprehensive plan. The purpose of these meetings is to conduct an integrated prevention and care HIV planning process by which the Department works in

partnership with the community and stakeholders to enhance access to HIV prevention, care and treatment services.

For additional information or for persons with a disability who wish to attend the meeting who require an auxiliary aid, service or other accommodation to do so should contact Robin Rothermel, Bureau Director, Department of Health, Division of HIV Disease, Bureau of Communicable Diseases, 625 Forster Street, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department reserves the right to cancel this meeting without prior notice.

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-333. Filed for public inspection February 26, 2016, 9:00 a.m.]

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

ManorCare Health Services—Carlisle
940 Walnut Bottom Road
Carlisle, PA 17013
FAC ID # 392802

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-334. Filed for public inspection February 26, 2016, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Availability of Renewal of the Office of Long-Term Living's Home and Community-Based Waiver for Persons with Other Related Conditions, OBRA Waiver

The Department of Human Services (Department) is making available for public review and comment the Office of Long-Term Living's proposed OBRA waiver renewal and the Centers for Medicare and Medicaid Services (CMS) final rule transition plan. The Department proposes the following substantive changes to the OBRA waiver effective July 1, 2016:

- A new entity to perform clinical eligibility determinations and redeterminations.

- Four new employment-related service definitions are replacing two existing employment service definitions.
- The transition of individuals from the OBRA waiver into a managed care delivery system.
- The implementation of a home modifications broker.
- Revised language to reflect the current practice under the new child abuse clearance laws.

Background

To continue receiving Federal matching funds for Home and Community-Based Services (HCBS) waiver services, CMS requires that existing HCBS waivers be renewed every 5 years. See 42 CFR 430.25(h)(2)(i) (relating to waivers of State plan requirements). The OBRA waiver was last renewed by CMS effective July 1, 2011; the proposed waiver renewal is to be submitted to CMS no later than March 31, 2016.

The proposed OBRA waiver renewal and a summary of all revisions are available for review at <http://www.dhs.pa.gov/learnaboutdhs/dhsorganization/officeoflongtermliving/oltlwaiverinfo/index.htm#VrIomq32bSc> or by contacting the Department's Office of Long-Term Living at (717) 783-8412.

Fiscal Impact

The renewal of the OBRA waiver is anticipated to be budget neutral; therefore, there is no anticipated fiscal impact.

Public Comment

Interested persons are invited to submit written comments regarding the proposed waiver renewal to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: April Leonhard, P. O. Box 8025, Harrisburg, PA 17105-8025. Comments may also be submitted to the Department at RA-waiverstandard@pa.gov. Comments received within 30 days will be reviewed and considered for revisions to the proposed waiver renewal and the CMS final rule transition plan.

In addition, the Department will hold two webinars to receive comments on the proposed OBRA waiver renewal. Dates and times of the webinars, including dial-in information, is available at <http://www.dhs.pa.gov/learnaboutdhs/dhsorganization/officeoflongtermliving/oltlwaiverinfo/index.htm#VrIomq32bSc> or by contacting the Department's Office of Long-Term Living at (717) 783-8412.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-995. No fiscal impact; (8) recommendations adoption.

[Pa.B. Doc. No. 16-335. Filed for public inspection February 26, 2016, 9:00 a.m.]

Medical Assistance Program Fee Schedule Updates

In accordance with 55 Pa. Code § 1150.61(a) (relating to guidelines for fee schedule changes), the Department of Human Services (Department) announces changes to the Medical Assistance (MA) Program Fee Schedule, effective for dates of service on and after March 1, 2016.

The Department is end-dating and adding procedure codes as a result of updates made by the Centers for Medicare and Medicaid Services (CMS) to the Healthcare Common Procedure Coding System.

Procedure Codes Being End-Dated or Added

The Department is end-dating procedure code G0154, defined as “Direct skilled nursing services of a registered nurse (RN) or a licensed practical nurse (LPN) in the home health or hospice setting” from the MA Program Fee Schedule effective with dates of service on and after March 1, 2016.

CMS designated replacement codes to differentiate the services of an RN from that of an LPN. The Department is adding procedure codes G0299 and G0300 to the MA Program Fee Schedule, effective with dates of service on and after March 1, 2016, as follows:

<i>Procedure Code</i>	<i>Procedure Code Description</i>	<i>Provider Type</i>	<i>Specialty</i>	<i>Place of Service</i>	<i>Pricing Modifier</i>	<i>Info Modifier</i>	<i>MA Fee</i>	<i>MA Units of Service</i>	<i>Limits</i>	<i>PA Required</i>
G0299	Direct skilled nursing services of a registered nurse (RN) in the home health or hospice setting.	05	050	12	U8		\$88	Per Visit	Unlimited visits first 28 days	Yes
G0299	Direct skilled nursing services of a registered nurse (RN) in the home health or hospice setting.	05	050	12	U8	UD	\$88	Per Visit	Limited to 15 days per month after first 28 days	Yes
G0299	Direct skilled nursing services of a registered nurse (RN) in the home health or hospice setting.	01	183	22	U9	HD	\$74	45 minute visit	One 45 minute visit per day	No
G0299	Direct skilled nursing services of a registered nurse (RN) in the home health or hospice setting.	05	050	12	U9	HD	\$74	45 minute visit	One 45 minute visit per day	No
G0299	Direct skilled nursing services of a registered nurse (RN) in the home health or hospice setting.	08	080	12, 50	U9	HD	\$74	45 minute visit	One 45 minute visit per day	No
G0299	Direct skilled nursing services of a registered nurse (RN) in the home health or hospice setting.	08	081	12, 72	U9	HD	\$74	45 minute visit	One 45 minute visit per day	No

<i>Procedure Code</i>	<i>Procedure Code Description</i>	<i>Provider Type</i>	<i>Specialty</i>	<i>Place of Service</i>	<i>Pricing Modifier</i>	<i>Info Modifier</i>	<i>MA Fee</i>	<i>MA Units of Service</i>	<i>Limits</i>	<i>PA Required</i>
G0299	Direct skilled nursing services of a registered nurse (RN) in the home health or hospice setting.	08	082	49	U9	HD	\$74	45 minute visit	One 45 minute visit per day	No
G0299	Direct skilled nursing services of a registered nurse (RN) in the home health or hospice setting.	08	083	22, 49	U9	HD	\$74	45 minute visit	One 45 minute visit per day	No
G0299	Direct skilled nursing services of a registered nurse (RN) in the home health or hospice setting.	31	All	12	U9	HD	\$74	45 minute visit	One 45 minute visit per day	No
G0299	Direct skilled nursing services of a registered nurse (RN) in the home health or hospice setting.	33	335	12	U9	HD	\$74	45 minute visit	One 45 minute visit per day	No
G0299	Direct skilled nursing services of a registered nurse (RN) in the home health or hospice setting.	47	470	25	U9	HD	\$74	45 minute visit	One 45 minute visit per day	No
G0300	Direct skilled nursing of a licensed practical nurse (LPN) in the home health or hospice setting.	05	050	12	U8		\$88	Per Visit	Unlimited visits first 28 days	Yes
G0300	Direct skilled nursing of a licensed practical nurse (LPN) in the home health or hospice setting.	05	050	12	U8	UD	\$88	Per Visit	Limited to 15 days per month after first 28 days	Yes

Fiscal Impact

This change will have no fiscal impact on the Fee-for-Service appropriation.

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 of the notice.

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-992. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 16-336. Filed for public inspection February 26, 2016, 9:00 a.m.]

Payments for Nursing Facility Services Provided by County Nursing Facilities

This notice announces that the Department of Human Services (Department) intends to modify payments to county nursing facilities by increasing Medical Assistance Day One Incentive (MDOI) payments and by eliminating the existing certified public expenditure (CPE) process.

Background

Beginning with Fiscal Year (FY) 2005-2006 the Department implemented a CPE process for county nursing facilities. If the facility's reported allowable costs exceed its Medical Assistance (MA) payments, the Department claims a Federal match on the excess allowable costs. The Department is proposing to amend the Commonwealth's State Plan to adopt a prospective payment methodology for county nursing facilities that does not rely on CPEs, but continues to ensure that county nursing facilities receive appropriate payments under the MA program.

Proposed Revisions to County Nursing Facility Payments

Federal regulations specify that Medicaid payments for nursing facility services may not exceed a reasonable estimate of what Medicare would pay for those services. This is known as the Medicare upper payment limit (UPL). Federal regulations require calculation of a separate UPL for three classes of nursing facilities—state owned and operated facilities, non-state government owned and operated facilities and private facilities. The calculated difference between what Medicaid pays and the estimate of what Medicare would pay is called the UPL room.

In this Commonwealth, county nursing facilities are the only nursing facilities in the non-State government owned and operated nursing facility class. Historically, they have served as critical safety net providers for the MA population in this Commonwealth. When compared to other nursing facilities, county nursing facilities have significantly higher overall MA occupancy rates and MA day-one admission rates, and frequently admit individuals with behavioral or other issues who otherwise experience difficulty gaining access to services.

The cost of operating a county nursing facility often imposes a significant financial strain on the county's budget. Even with the funding received through the CPE process, Medicaid payments made to county nursing facilities do not always cover the entire cost of operations. This situation has led many county administrators to seek to sell their facilities to eliminate this financial burden. Since 2005, the number of county nursing facilities has steadily decreased from 39 to 23 facilities. Given this trend, the Department is concerned that the continued privatization of county nursing facilities will reduce the number of safety net providers and may jeopardize the ability of MA beneficiaries to access necessary nursing facility services on day one.

The Department has determined that there is sufficient UPL room in the non-State government owned and operated nursing facility class to allow for additional payments to be made to county nursing facilities. The Department intends to increase the current MDOI payments to county nursing facilities to a level that will bring reimbursement for these services up to the Medicare UPL. In addition to this payment adjustment, the Department intends to eliminate the current CPE process. The combination of these changes will result in additional funding for county nursing facility services thus reducing the counties' incentive to privatize and

helping to preserve the safety net for the MA population, while at the same time reducing the burdens and uncertainties associated with the CPE process.

Fiscal Impact

The increase in estimated aggregate expenditures during FY 2015-2016 is \$63.375 million in State funds.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Frank Butcher, P. O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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-991. (1) General Fund; (2) Implementing Year 2015-16 is \$63,375,000; (3) 1st Succeeding Year 2016-17 through 5th Succeeding Year 2020-21 are \$63,375,000; (4) 2014-15 Program—\$810,545,000; 2013-14 Program—\$820,409,000; 2012-13 Program—\$770,903,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-337. Filed for public inspection February 26, 2016, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Robert Whittenberger v. DEP and Fieldstone Farms of Sladek Road, a PA Grantor Trust, Permittee; EHB Doc. No. 2016-021-L

Robert Whittenberger has appealed the issuance by the Department of Environmental Protection of an NPDES PAG-2 General Permit to Fieldstone Farms of Sladek Road, a PA Grantor Trust for stormwater discharges associated with construction facilities in Plumstead Township, Bucks County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code

§ 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 16-338. Filed for public inspection February 26, 2016, 9:00 a.m.]

fully effective and enforceable when posted. These temporary modifications will remain in effect until the pond is completely drained.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 16-339. Filed for public inspection February 26, 2016, 9:00 a.m.]

FISH AND BOAT COMMISSION

Temporary Changes to Fishing Regulations; Pecks Pond, Pike County

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to modify temporarily fishing regulations at Pecks Pond, Pike County, in anticipation of a total drawdown of the pond. The Executive Director is lifting all seasons, sizes and creel limits for all species, effective February 11, 2016. The Executive Director has found that this action is necessary and appropriate for the management of fish and to conserve and preserve fishing opportunities.

The Executive Director will cause these temporary modifications to fishing regulations to be posted in the vicinity of the pond, and the modified regulations will be

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meetings: Wednesday, March 2, 2016—Executive Committee conference call at 11 a.m. and Thursday, March 3, 2016—Council meeting at 10 a.m.

The meetings will be accessible at 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodation due to a disability who wish to attend should contact Reneé Greenawalt, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,
Executive Director

[Pa.B. Doc. No. 16-340. Filed for public inspection February 26, 2016, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
125-195	Pennsylvania Gaming Control Board Three Card Prime; Table Game Rules of Play 45 Pa.B. 6992 (December 12, 2015)	1/11/16	2/10/16

Pennsylvania Gaming Control Board Regulation #125-195 (IRRC #3124)

Three Card Prime; Table Game Rules of Play

February 10, 2016

We submit for your consideration the following comments on the proposed rulemaking published in the December 12, 2015 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

1. Section 679a.2. Three Card Prime table physical characteristics.—Clarity.

This section details the table physical characteristics for the new game called Three Card Prime. Subsection (b)(2) requires that the layout for a Three Card Prime table contain, at a minimum, three separate betting areas designated for the placement of Ante and Play Wagers for each player. Since each player makes one Ante Wager and one Play Wager, should there be two betting areas instead of three? The Board should revise the regulation to specify two betting areas or explain why three betting areas are necessary.

2. Section 679a.12. Payout odds; Envy Bonus; rate of progression.—Clarity.

Subsection (c) refers to “Bad Beat Bonus.” The Board should define “Bad Beat Bonus” and include it in the final rulemaking. We also recommend the Board revise the title of the section to reference “Bad Beat Bonus” instead of “Envy bonus.”

JOHN F. MIZNER, Esq.,
Chairperson

[Pa.B. Doc. No. 16-341. Filed for public inspection February 26, 2016, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed on the Commission’s web site at www.irrc.state.pa.us.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
14-539	Department of Human Services Intellectual Disability Terminology Update	2/11/16	3/31/16

JOHN F. MIZNER, Esq.,
Chairperson

[Pa.B. Doc. No. 16-342. Filed for public inspection February 26, 2016, 9:00 a.m.]

INSURANCE DEPARTMENT
Alleged Violation of Insurance Laws; Nicholas Joseph Barber; Doc. No. SC16-02-013

Notice is hereby given of the Order to Show Cause issued on February 12, 2016, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: sections 611-A(14) and (20) and 678-A(b) of The Insurance Department Act of 1921 (40 P. S. §§ 310.11(14) and (20) and 310.78(b)).

Respondent shall file a written answer to the Order to Show Cause within 20 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 and 701—704 (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 should contact Donna Fleischauer, Agency ADA Coordinator at (717) 705-4194.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-343. Filed for public inspection February 26, 2016, 9:00 a.m.]

Alleged Violation of Insurance Laws; Ary Gasparyan; Doc. No. SC16-02-011

Notice is hereby given of the Order to Show Cause issued on February 11, 2016, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: section 611-A(1), (13) and (20) of The Insurance Department Act of 1921 (40 P. S. § 310.11(1), (13) and (20)).

Respondent shall file a written answer to the Order to Show Cause within 20 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 and 701—704 (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 should contact Donna Fleischauer, Agency ADA Coordinator at (717) 705-4194.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-344. Filed for public inspection February 26, 2016, 9:00 a.m.]

Alleged Violation of Insurance Laws; Robert W. Kohut; Doc. No. SC16-02-010

Notice is hereby given of the Order to Show Cause issued on February 11, 2016, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: section 6(5) of the Motor Vehicle Physical Damage Appraiser Act (63 P. S. § 856(5)) and 31 Pa. Code § 62.2(b)(4) (relating to experience and fitness requirements for licensing).

Respondent shall file a written answer to the Order to Show Cause within 20 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 and 701—704 (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 should contact Donna Fleischauer, Agency ADA Coordinator at (717) 705-4194.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-345. Filed for public inspection February 26, 2016, 9:00 a.m.]

Alleged Violation of Insurance Laws; William Michael Spadel, Jr.; Doc. No. SC16-02-012

Notice is hereby given of the Order to Show Cause issued on February 12, 2016, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: sections 611-A(13), (14) and (20) and 678-A(b)(1) of The Insurance Department Act of 1921 (40 P. S. §§ 310.11(13), (14) and (20) and 310.78(b)(1)).

Respondent shall file a written answer to the Order to Show Cause within 20 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 and 701—704 (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 should contact Donna Fleischauer, Agency ADA Coordinator at (717) 705-4194.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-346. Filed for public inspection February 26, 2016, 9:00 a.m.]

Autism Spectrum Disorders Coverage—Maximum Benefit Adjustment; Notice 2016-02

Section 635.2 of The Insurance Company Law of 1921 (40 P. S. § 764h), added by section 3 of the act of July 9, 2008 (P. L. 885, No. 62), requires:

After December 30, 2011, the Insurance Commissioner shall, on or before April 1 of each calendar year, publish in the *Pennsylvania Bulletin* an adjustment to the maximum benefit equal to the change in the United States Department of Labor Consumer Price Index for All Urban Consumers (CPI-U) in the preceding year, and the published adjusted maximum benefit shall be applicable to the following calendar years to health insurance policies issued or renewed in those calendar years.

The CPI-U change for the year preceding December 30, 2015, was an increase of 0.7%. Accordingly, the maximum benefit, previously adjusted to \$38,582 per year, is hereby adjusted to \$38,852 for policies issued or renewed in calendar year 2017.

Questions regarding this notice may be directed to the Bureau of Life, Accident and Health, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, ra-rateform@pa.gov.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-347. Filed for public inspection February 26, 2016, 9:00 a.m.]

Provident Life and Accident Insurance Company (UNUM-130428043); Rate Increase Filing for Several Individual LTC Forms

Provident Life and Accident Insurance Company is requesting approval to increase the premium an aggregate 56% on 330 policyholders from several different policy forms: RLTC03, RLTCP03, LTC03, LTCP03 and LTCT03.

Unless formal administrative action is taken prior to May 12, 2016, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. To view these filing notices, hover the cursor over "Consumers" in the blue bar at the top of the webpage then select "Product Notices" from the drop down menu.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actu-

ary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-348. Filed for public inspection February 26, 2016, 9:00 a.m.]

Workers' Compensation Security Fund Assessment; Notice 2016-03

The Insurance Department (Department) has determined that no contributions will be required for the Workers' Compensation Security Fund (Fund).

Section 9(1) of the Workers' Compensation Security Fund Act (act) (77 P.S. § 1059(1)) states "[i]f, due to the payment of liabilities or claims, the balance of the fund is reduced below \$500,000,000, the department shall require contributions to maintain the actuarial soundness of the fund and to restore, in a timely manner, the balance of the fund to a level at or above \$500,000,000." As of the evaluation of December 31, 2015, the balance of the fund exceeded \$500,000,000.

Therefore, insurers writing workers' compensation insurance in this Commonwealth will not be required to submit any contributions for the Fund in 2016.

The act may be viewed at www.ncigf.org (select "Resources," then "Publications," see the "Guaranty Fund Laws" heading) and 31 Pa. Code Chapter 165 (relating to Workers' Compensation Security Fund) may be viewed at www.pacode.com. Additional information regarding the Fund is located on the Department's web site at www.insurance.pa.gov.

No acknowledgement of this notice is required.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-349. Filed for public inspection February 26, 2016, 9:00 a.m.]

MILK MARKETING BOARD

Public Hearing Regarding Proposed Amendments

The Milk Marketing Board (Board) will conduct a public hearing on March 23, 2016, beginning at 10:15 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

The purpose of the hearing is to receive testimony and comments regarding proposed amendments to 7 Pa. Code Chapter 149 (relating to uniform system of accounts).

Interested persons who wish to offer testimony or comments shall provide notification to the Board of their wish to participate either electronically at deberly@pa.gov or by filing at the Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

A draft of the proposed amendments may be obtained on the Board's web site at <http://www.mmb.pa.gov/Public%20Hearings> or by contacting the Board office.

TIM MOYER,
Secretary

[Pa.B. Doc. No. 16-350. Filed for public inspection February 26, 2016, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.303), announces a meeting of the Authority's Board to be held at the Conference Center, Central Penn College, 600 Valley Road, Summerdale, PA 17093 at 10 a.m. on Tuesday, March 8, 2016.

Individuals with questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,
Executive Director

[Pa.B. Doc. No. 16-351. Filed for public inspection February 26, 2016, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Abandonment of Certificate of Public Convenience

A-2016-2529425. David and Diane Miller's Water Company. Application of David and Diane Miller's Water Company for approval of the abandonment of its certificate of public convenience as a water utility provider in this Commonwealth.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before March 14, 2016. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicants: David and Diane Miller's Water Company

Through and By: David and Diane Miller, 1410 Kittanning Pike, P. O. Box 33, Karns City, PA 16041

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-352. Filed for public inspection February 26, 2016, 9:00 a.m.]

Acquire Regulated Telecommunications Assets

A-2016-2529444. TeleCommunication Systems, Inc. (TCS) and Comtech Telecommunications Corp. Joint application of TeleCommunication Systems, Inc. (TCS) and Comtech Telecommunications Corp. (Comtech) for approval to acquire regulated telecommunications assets in this Commonwealth whereby Comtech will acquire control over all assets including all regulated telecommunications assets of TCS's wholly-owned subsidiary NextGen Communications, Inc. d/b/a Maryland NextGen Communications.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before March 14, 2016. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicants: TeleCommunication Systems, Inc.; Comtech Telecommunications Corp.; NextGen Communications, Inc. d/b/a Maryland NextGen Communications

Through and By Counsel: Thomas H. Rowland, Esquire, Kevin D. Rhoda, Esquire, Rowland & Moore, LLP, 200 West Superior Street, Suite 400, Chicago, IL 60654

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-353. Filed for public inspection February 26, 2016, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by March 14, 2016. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2016-2528532. Dominicana Taxi Express, LLC (1313 Moss Street, Reading, Berks County, PA 19604) for the right to begin to transport as a common carrier, by motor vehicle, persons in limousine service, from points in Berks County, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2016-2528737. Avanti Car Service, LLC (218 Walnut Street, Newtown Square, PA 19073) for the right to

begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in Bucks, Chester, Delaware and Montgomery Counties, and from said counties, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-354. Filed for public inspection February 26, 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 March 14, 2016, and must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Metropolitan Emergency Services, LLC; Docket No. C-2015-2495036

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), by its prosecuting attorneys, and files this Complaint against Metropolitan Emergency Services, LLC (Respondent), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Kourtney L. Myers
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.705.4366
komyers@pa.gov

Michael L. Swindler
Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

4. Respondent is Metropolitan Emergency Services, LLC and maintains its principal place of business at 217 Jacks Run Road, Suite 3, Pittsburgh, PA 15237, Attention: Thomas S. Runion.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about July 10, 2013, at A-2012-2339762, for paratransit authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about September 11, 2014, the Commission mailed Respondent an assessment invoice for the July 1, 2014 to June 30, 2015 Fiscal Year (2014-2015 Fiscal Year). Respondent's assessment was \$38.

13. The assessment invoice was not returned to the Commission as being undeliverable.

14. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days.

15. The Commission received no objections from Respondent to the assessment amount set forth in the 2014-2015 Fiscal Year assessment invoice.

16. Respondent failed to pay the amount of its 2014-2015 Fiscal Year assessment invoice.

17. The total outstanding assessment balance for Respondent is \$38.

Violation

18. That Respondent failed to satisfy its 2014-2015 Fiscal Year assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If

proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). I&E's proposed civil penalty for this violation is \$50.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay a total of \$88, which consists of its outstanding assessment balance of \$38 and a civil penalty of \$50 for the above-described violations; and

(b) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,
Stephanie M. Wimer
Prosecutor

Pennsylvania Public Utility Commission
Bureau of Investigation & Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Date: July 28, 2015

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, 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 the Bureau will be able to prove the 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: July 28, 2015

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to

file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Your check or money order should be payable to the "Commonwealth of Pennsylvania" and mailed to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

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.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Robert and Shannon Leonard, t/a R & S Transport & Trucking; Docket No. C-2015-2516024

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 Robert and Shannon Leonard, t/a R & S Transport & Trucking, (respondent) is under suspension effective November 05, 2015 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at P. O. Box 98, Force, PA 15841.

3. That respondent was issued a Certificate of Public Convenience by this Commission on February 13, 2003, at A-00119391.

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-00119391 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
 David W. Loucks, Chief
 Motor Carrier Enforcement
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 12/9/2015

David W. Loucks, Chief
 Motor Carrier Enforcement
 Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If

your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
 Services
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. R C Services, Inc.; Docket No. C-2016-2521285

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 R C Services, Inc., (respondent) is under suspension effective November 13, 2015 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 80 Benders Road, Muncy Valley, PA 17758.
3. That respondent was issued a Certificate of Public Convenience by this Commission on June 28, 2012, at A-2012-2304775.
4. That respondent has failed to maintain evidence of Cargo and Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-2012-2304775 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: 1/5/2016

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of

Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Keep It Moving, LLC; Docket No. C-2016-2522412

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 December 28, 2015 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at P. O. 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: 1/12/2016

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Saas Cab Company; Docket No. C-2013-2382404

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. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Saas Cab Company, Respondent, maintains its principal place of business at 922 Thornton Road, Horsham, PA 19044.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on July 23, 2004 at Application Docket No. A-00120769.

3. That by Secretarial Letter issued on March 24, 2011 at C-2010-2213364, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

4. That by Secretarial Letter issued on July 8, 2011 at C-2010-2132485, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

5. That by Secretarial Letter issued on June 8, 2012 at C-2011-2270524, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

6. That Respondent failed to pay fines totaling seven hundred fifty dollars (\$750.00) and violated 66 Pa.C.S. § 501(c) for failing to observe, obey and comply with a Secretarial Letter issued on March 24, 2011 at C-2010-2213364, July 8, 2011 at C-2010-2132485, and June 8, 2012 at C-2011-2270524.

A Certificate holder has an obligation to comply with the Commission's rules and regulations. A Certificate of Public Convenience is neither a contract nor a property; it is a privilege. Where that privilege is violated, the Commission may, for due cause, exercise its power to revoke a carrier's privilege to operate. *Paradise v. Pennsylvania Public Utility Commission*, 132 A.2d 754, 184 Pa. Superior Court 8 (1957).

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission issue an Order which revokes the Certificate of Public Convenience held by Respondent at A-00120769.

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 of Motor Carrier 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 to be able to prove the 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: 9/10/2013

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to

file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, First Deputy Chief
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Satkartar Enterprises, Inc.; Docket No. C-2013-2382616

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. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Satkartar Enterprises, Inc., Respondent, maintains its principal place of business at 141 Hampden Road, Upper Darby, PA 19082.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on February 18, 2003 at Application Docket No. A-00119537.

3. That by Secretarial Letter issued on March 29, 2011 at C-2010-2206946, Respondent was directed to pay a

civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

4. That by Secretarial Letter issued on July 11, 2011, at C-2010-2135183, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

5. That by Secretarial Letter issued on July 16, 2012 at C-2011-2255910, Respondent was directed to pay a civil penalty of one thousand dollars (\$1,000.00). To date, Respondent has not submitted any payments to this Commission.

6. That Respondent failed to pay fines totaling one thousand five hundred dollars (\$1,500.00) and violated 66 Pa.C.S. § 501(c) for failing to observe, obey and comply with Secretarial Letters issued on March 29, 2010 at C-2010-2206946, July 11, 2011, at C-2010-2135183, and July 16, 2012 at C-2011-2255910.

A Certificate holder has an obligation to comply with the Commission's rules and regulations. A Certificate of Public Convenience is neither a contract nor a property; it is a privilege. Where that privilege is violated, the Commission may, for due cause, exercise its power to revoke a carrier's privilege to operate. *Paradise v. Pennsylvania Public Utility Commission*, 132 A.2d 754, 184 Pa. Superior Court 8 (1957).

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission issue an Order which revokes the Certificate of Public Convenience held by Respondent at A-00119537.

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 of Motor Carrier 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 to be able to prove the 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: 9/10/2013

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, First Deputy Chief
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-355. Filed for public inspection February 26, 2016, 9:00 a.m.]

Transfer of Control

A-2016-2529446. Communications Sales and Leasing, Inc., (Transferee) and PEG Bandwidth Holdings, LLC (Transferor) and PEG Bandwidth PA, LLC (Licensee). Joint application of Communications Sales and Leasing, Inc., (Transferee) and PEG Bandwidth Holdings, LLC (Transferor) and PEG Bandwidth PA, LLC (Licensee) for approval of the transfer of control of PEG Bandwidth PA, LLC to Communications Sales and Leasing, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before March 14, 2016. Filings must be made

with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicants: Communications Sales and Leasing, Inc.; PEG Bandwidth Holdings, LLC; PEG Bandwidth PA, LLC

Through and By Counsel: Brooke E. McGlinn, Esquire, Morgan, Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103-2921

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-356. Filed for public inspection February 26, 2016, 9:00 a.m.]

Water Service

A-2015-2476574. Pennsylvania-American Water Company. Amended application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in additional portions of Plymouth Township, Montgomery

County, and issuance of a certificate of public convenience *nunc pro tunc*, limited to 24 service locations and certain hydrants that either abut or are near Pennsylvania American Water Company's existing certificated service area and are contained within certain metes and bounds.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before March 14, 2016. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: Pennsylvania American Water Company

Through and By Counsel: Susan Simms Marsh, Esquire, Melanie J. El Atieh, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033; and David P. Zambito, Esquire, D. Troy Sellars, Esquire, Cozen O'Connor, 17 North Second Street, Suite 1410, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-357. Filed for public inspection February 26, 2016, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have 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 hearings will be held before a hearing officer at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

April 27, 2016	Cordelia Luke (Return to Service)	1 p.m.
May 11, 2016	Robin F. Williams (Purchase of Service/ Student Employment)	1 p.m.
May 25, 2016	Carlos J. Rodriguez, Jr. (T-F Membership)	1 p.m.
June 8, 2016	Anne L. St. Clair (T-F Membership)	1 p.m.
July 13, 2016	Doris M. Campbell (D) (HOP)	1 p.m.

Persons with a disability who wish to attend a 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 hearings 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. 16-358. Filed for public inspection February 26, 2016, 9:00 a.m.]

STATE BOARD OF MEDICINE

**Bureau of Professional and Occupational Affairs v.
Sean Patrick Rhoads, PA-C; Doc. No. 1905-49-11;
File No. 11-49-10243**

On December 17, 2015, the State Board of Medicine (Board) suspended for no less than 3 years, retroactive to October 26, 2011, the license of Sean Patrick Rhoads, PA-C, Pennsylvania license no. MA052146, of Martinsburg, WV, based on his violation of a previous Board order.

Individuals may obtain a copy of the final order by writing to Teresa Lazo, Board Counsel, State Board of Medicine, P. O. Box 69523, Harrisburg, PA 17106-9523.

This final order represents the final 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.

MARILYN J. HEINE, MD, FACEP, FACP,
Chairperson

[Pa.B. Doc. No. 16-359. Filed for public inspection February 26, 2016, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, so individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/ Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended, or Existing</i>	<i>Action Taken</i>
Churchview Downs, LLC James Smith 1777 Ben Salem Road Andreas, PA 18211	Carbon County/ East Penn Township	219	Horse	Existing	Rescind
Dwayne Z. Nolt 8911 Creek Road Newport, PA 17074	Perry County/ Juniata Township	249.33	Broiler	Existing	Rescind
Marlin Martin 2700 East King Street Lebanon, PA 17042	Lebanon County/ South Lebanon Township	185.6	Broilers/ Cattle	New	Approved
Gorrell Dairy, LLC Glenn Gorrell 392 Wood Road Milan, PA 18831	Bradford County/ Smithfield Township	0	Cattle	Existing	Rescind
Herman and Susan Zeager 159 Yoder Road Bainbridge, PA 17502	Lancaster County/ Conoy Township	314.6	Swine	New	Approved
Menno Kauffman 2523 East Valley Road Loganton, PA 17747	Clinton County/ Greene Township	91.14	Veal	New	Approved

<i>Ag Operation Name, Address</i>	<i>County/ Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended, or Existing</i>	<i>Action Taken</i>
Tim Martin 337 East Lexington Road Lititz, PA 17534	Lancaster County/ Warwick Township	185.77	Turkey/ Cattle	New	Approved

RUSSELL C. REDDING,
Chairperson

[Pa.B. Doc. No. 16-360. Filed for public inspection February 26, 2016, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) approved by rule the following list of projects from January 1, 2016, through January 31, 2016.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(e) and (f) (relating to standards for consumptive uses of water) for the time period previously specified:

Approvals By Rule Issued Under 18 CFR 806.22(e):

1. Bell & Evans Realty, LLC, Esther's Project, ABR-201601001, Bethel Township, Lebanon County, PA; Consumptive Use of Up to 0.180 mgd; Approval Date: January 5, 2016.

2. Schreiber Foods, Inc., Shippensburg Plant, ABR-201601002, Borough of Shippensburg, Cumberland County, PA; Consumptive Use of Up to 0.499 mgd; Approval Date: January 13, 2016.

Approvals By Rule Issued Under 18 CFR 806.22(f):

1. Penn Virginia Oil & Gas Corporation, Pad ID: Cady #1, ABR-20091026.R1, Brookfield Township, Tioga County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 4, 2016.

2. Seneca Resources Corporation, Pad ID: DCNR 100 Pad D, ABR-201102002.R1, McIntyre Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 4, 2016.

3. Seneca Resources Corporation, Pad ID: DCNR 100 Pad C, ABR-201102007.R1, Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 4, 2016.

4. SWEPI, LP, Pad ID: Dietz 490, ABR-201010030.R1, Richmond Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 4, 2016.

5. SWEPI, LP, Pad ID: Westbrook 487, ABR-201010040.R1, Richmond Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 4, 2016.

6. SWEPI, LP, Pad ID: Zimmer 586, ABR-201010042.R1, Covington Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 4, 2016.

7. SWEPI, LP, Pad ID: Signor 566, ABR-201010054.R1, Charleston Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 4, 2016.

8. SWEPI, LP, Pad ID: Smithgall 293, ABR-201010055.R1, Charleston Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 4, 2016.

9. SWEPI, LP, Pad ID: Guillaume 715, ABR-201011002.R1, Liberty Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 4, 2016.

10. SWEPI, LP, Pad ID: Nestor 551, ABR-201011040.R1, Delmar Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 4, 2016.

11. SWEPI, LP, Pad ID: Torpy & Van Order Inc. 574, ABR-201011043.R1, Covington Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 4, 2016.

12. SWEPI, LP, Pad ID: Signor 583, ABR-201011059.R1, Covington Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 4, 2016.

13. SWEPI, LP, Pad ID: Shaw Trust 500, ABR-201011070.R1, Sullivan Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 4, 2016.

14. SWEPI, LP, Pad ID: Sevem 474, ABR-201011071.R1, Charleston Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 4, 2016.

15. SWEPI, LP, Pad ID: Propheta 288, ABR-201011078.R1, Charleston Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 4, 2016.

16. SWEPI, LP, Pad ID: Brewer 258, ABR-201012013.R1, Jackson Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 4, 2016.

17. SWEPI, LP, Pad ID: Crittenden 593, ABR-201012016.R1, Richmond Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 4, 2016.

18. SWEPI, LP, Pad ID: Swingle 591, ABR-201012018.R1, Richmond Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 4, 2016.
19. SWEPI, LP, Pad ID: I G Coveney Revocable LVG Trust 282, ABR-201012032.R1, Richmond Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 4, 2016.
20. Anadarko E&P Onshore LLC, Pad ID: Eugene P. Nelson Pad A, ABR-201103036.R1, Cascade Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 12, 2016.
21. EOG Resources, Incorporated, Pad ID: SGL 90C Pad, ABR-201011024.R1, Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: January 12, 2016.
22. SWN Production Company, LLC, Pad ID: Broughton, ABR-201012001.R1, Morris Township, Tioga County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 12, 2016.
23. SWEPI, LP, Pad ID: Neal 815, ABR-201011058.R1, Chatham Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 12, 2016.
24. SWEPI, LP, Pad ID: Groff 720, ABR-201012017.R1, Canton Township, Bradford County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 12, 2016.
25. SWEPI, LP, Pad ID: Vanvliet 614, ABR-201012044.R1, Delmar Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 12, 2016.
26. SWEPI, LP, Pad ID: Wilson 283, ABR-201012048.R1, Charleston Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 12, 2016.
27. SWEPI, LP, Pad ID: Buckwalter 429, ABR-201012049.R1, Delmar Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 12, 2016.
28. SWEPI, LP, Pad ID: Hitesman 580, ABR-201012052.R1, Covington Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 12, 2016.
29. Chesapeake Appalachia, LLC, Pad ID: Ramblinrose, ABR-201105003.R1, Tuscarora Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 21, 2016.
30. Chesapeake Appalachia, LLC, Pad ID: LRJ, ABR-201105011.R1, Rush Township, Susquehanna County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 21, 2016.
31. Chesapeake Appalachia, LLC, Pad ID: Packard, ABR-201105022.R1, Sheshequin Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 21, 2016.
32. Chesapeake Appalachia, LLC, Pad ID: Lomison Inc., ABR-201105023.R1, Burlington Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 21, 2016.
33. Chesapeake Appalachia, LLC, Pad ID: Karp, ABR-201105027.R1, Lemon Township, Wyoming County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 21, 2016.
34. Chief Oil & Gas, LLC, Pad ID: Taylor Drilling Pad #1, ABR-201104024.R1, Lenox Township, Susquehanna County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 21, 2016.
35. Chief Oil & Gas, LLC, Pad ID: Polovitch West Drilling Pad #1, ABR-201104025.R1, Nicholson Township, Wyoming County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 21, 2016.
36. Seneca Resources Corporation, Pad ID: Covington Pad M, ABR-201102031.R1, Covington Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 21, 2016.
37. Talisman Energy USA Inc., Pad ID: 05 202 Slovak M, ABR-201012031.R1, Windham Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 21, 2016.
38. Tenaska Resources, LLC, Pad ID: Brookfield #1 Pad, ABR-201601003, Brookfield Township, Tioga County, PA; Consumptive Use of Up to 1.0000 mgd; Approval Date: January 22, 2016.
39. Anadarko E&P Onshore LLC, Pad ID: Cynthia M. Knispel Pad A, ABR-201103038.R1, Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 22, 2016.
40. Chesapeake Appalachia, LLC, Pad ID: Hulslander, ABR-201104021.R1, Smithfield Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 21, 2016.
41. Chesapeake Appalachia, LLC, Pad ID: Kingsley, ABR-201104029.R1, Smithfield Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 22, 2016.
42. Chesapeake Appalachia, LLC, Pad ID: Moody, ABR-201104027.R1, Springfield Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 22, 2016.
43. Chesapeake Appalachia, LLC, Pad ID: Sensinger, ABR-201104002.R1, Franklin Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: January 22, 2016.
44. Chief Oil & Gas, LLC, Pad ID: Jerauld Drilling Pad #1, ABR-201105005.R1, Lenox Township, Susquehanna County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: January 22, 2016.
45. SWEPI, LP, Pad ID: Neal 375, ABR-201012053.R1, Union Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 22, 2016.
46. SWEPI, LP, Pad ID: Yourgalite 1119, ABR-201012056.R1, Farmington Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 22, 2016.
47. SWEPI, LP, Pad ID: Marshall Brothers Inc. 731, ABR-201012057.R1, Jackson Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 22, 2016.

48. Talisman Energy USA Inc., Pad ID: 03 052 Watkins, ABR-201011048.R1, Columbia Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 22, 2016.

49. Talisman Energy USA Inc., Pad ID: 02 015 DCNR 587, ABR-201012012.R1, Ward Township, Tioga County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 22, 2016.

50. Cabot Oil & Gas Corporation, Pad ID: LopatofskyJ P1, ABR-201105015.R1, Springville Township, Susquehanna County, PA; Consumptive Use of Up to 3.5750 mgd; Approval Date: January 29, 2016.

51. SWN Production Company, LLC, Pad ID: TI-32 STAFFORD PAD, ABR-201601004, Morris Township, Tioga County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: January 29, 2016.

52. SWN Production Company, LLC, Pad ID: RU-74 TRETTER PAD, ABR-201601005, Great Bend Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: January 29, 2016.

53. SWN Production Company, LLC, Pad ID: TI—Kohler Pad, ABR-201601006, Liberty Township, Tioga County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: January 29, 2016.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: February 10, 2016.

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 16-361. Filed for public inspection February 26, 2016, 9:00 a.m.]

NOTICES

GOVERNOR'S OFFICE

Regulatory Agenda

Executive Order 1996-1 requires all agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. Subsequent agendas will be published on the first Saturdays in February and July.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed (as well as any considered subsequent to publication of this Agenda) is published.

The public is invited and encouraged to provide feedback regarding the Regulatory Agenda, including but not limited to feedback regarding its usefulness, the nature and extent of readers' usage of the Agenda, the frequency with which users consult or refer to the Agenda and any other general suggestions which the public may have regarding the Agenda. Comments may be sent, preferably by e-mail, to Marc Farrell, Regulatory Specialist, Governor's Office of Policy and Planning, marcfarrel@pa.gov or alternatively by regular mail to Marc Farrell, Regulatory Specialist, Governor's Office of Policy and Planning, 602 Main Capitol Building, Harrisburg, PA 17120.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Office of Administration (OA)			
No regulations being developed or considered at this time.			
Department of Aging			
Older Adult Daily Living Centers 6 Pa. Code Chapter 11	Summer 2016, as Proposed	<p>The purpose of 6 Pa. Code Chapter 11 is to protect the health, safety, and well-being of persons with functional impairments for the licensure and operation of Older Adult Daily Living Centers (OADLC). These regulations—the statutory authority for which is found in Act 118 of 1990 and in 62 P. S., Chapter 2 § 1511—were adopted on July 2, 1993 and effective October 12, 1993.</p> <p>The Pennsylvania Department of Aging is responsible for the enforcement of these regulations. OADLC services provide a structured program of services to clients who require the service along with valuable respite to caregivers.</p> <p>The proposed rulemaking would update the existing regulatory language to address changes in other statutes, regulations, codes, ordinances, and other professional standards and practices, along with addressing the increasing frailty of clients served in OADLC.</p>	Kevin Longenecker (717) 265-7568

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>Pennsylvania Community Adult Respite Services Program Act 166 of 2014</p>	<p>Spring 2016, as Proposed</p>	<p>Act 166 of 2014 (P. L. 2615, Oct. 22, 2014, No. 166) created a new program called the Pennsylvania Community Adult Respite Services Program (CARP), authorizing the Department of Aging to license and inspect community adult respite services programs that serve participants with minor functional impairments.</p> <p>The Department has one year from the Act's effective date to promulgate guidance (such as regulations or statements of policy) governing these programs, which intended to provide community adult respite to eligible persons for part of a 24 hour day, filling a niche between senior centers and older adult daily living centers.</p>	<p>Kevin Longenecker (717) 265-7568</p>
<p>Family Caregiver Support Program 6 Pa. Code Chapter 20</p>	<p>Spring/Summer 2016, as Proposed</p>	<p>Section 4(b)(1)(2) of the Pennsylvania Caregiver Support Act of December 19, 1990 (P. L. 1234, No. 204) authorizes the Department of Aging to develop operating procedures and guidelines to provide benefits set forth in the act to contracted area agencies on aging, and to develop eligibility criteria for primary caregivers to receive assistance pursuant to the act. Providing support enables caregivers to continue to provide care in the home and the care receiver to remain at home, rather than out of home placement.</p> <p>On December 22, 2011, the Act was amended to further provide for intent, for definitions, for caregiver support program, for reimbursements, and for entitlement not created. The proposed changes to Chapter 20—which became effective in July 1992 and was last revised in 2007—will: (a) align the regulations with the 2011 Act amendments; (b) provide guidelines to area agencies on aging in administering the program to eligible caregivers; (c) address the lack of statewide uniformity for the Program; and (d) address the current and future needs of the caregiver.</p>	<p>Steve Horner (717) 772-1221</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Department of Agriculture</i>			
Domestic Animal 7 Pa. Code Chapters 2, 3, 16, 18 and 20a	December 2016, as Proposed	The long-term project is intended to update the Department's Regulatory authority to make it more consistent with the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301—2389).	Craig E. Shultz, DVM, Director (717) 772-2852
Weights and Measures Regulations 70 Pa. Code Chapters 1—101	July 2016, as Proposed	This long-term project is intended to update the Department's regulations authorized by the Consolidated Weights and Measures Act.	Walt Remmert (717) 787-6772
Commercial Feed Rules and Regulations 7 Pa. Code Chapter 71	March 2016, as Proposed	This regulation will replace 7 Pa. Code Chapter 71 and implement provisions of 3 Pa.C.S.A. §§ 5101—5115 (Commercial Feed Act).	Erin Bubb (717) 772-5215
Pet Food Rules and Regulations 7 Pa. Code Chapter 72	March 2016, as Proposed	This regulation will replace 7 Pa. Code Chapter 72 and implement provisions of 3 Pa.C.S.A. §§ 5101—5115 (Commercial Feed Act).	Erin Bubb (717) 772-5215
Agriculture Conservation Easement Purchase Program Regulations 7 Pa. Code Chapter 138e	April 2016, as Proposed	This regulation will address statutory changes made by Act 61 of 2005 and Act 46 of 2006, and will otherwise update the current regulations.	Douglas Wolfgang (717) 783-3167
Pennsylvania Preferred Program Regulations 7 Pa. Code Chapter 107	April 2016, as Proposed	This regulation will establish standards required under the Pennsylvania Preferred Act (3 Pa.C.S.A §§ 4601—4611).	Lela Reichart (717) 783-8462
Tuberculosis and Brucellosis Testing Requirements for Animals 7 Pa. Code Chapters 3, 5 and 7	April 2016, as Proposed	This regulation will rescind outdated and unnecessary tuberculosis and brucellosis testing requirements relating to animals.	Craig E. Shultz, DVM, Director (717) 772-2852
Pennsylvania Vegetable Marketing Program 7 Pa. Code Chapter 104	March 2016, as Proposed	This regulation will update and simplify the process by which the Pennsylvania Vegetable Marketing Program collects “producer charges” to fund its marketing and research efforts from participating Pennsylvania vegetable producers.	William Troxell (717) 694-3596
<i>Department of Banking and Securities (DOBS)</i>			
Merger-related amendatory regulations under the Pennsylvania Securities Act of 1972	Winter 2016, as Proposed	Required pursuant to 70 P. S. § 1-609.	Leo Pandeladis (717) 787-1471

Regulation Being Considered	Proposed Date of Promulgation	Need and Legal Basis for Action	Agency Contact
Department of Community and Economic Development (DCED)			
Minority Business Development Authority 12 Pa. Code Chapter 81 (#4-98)	Spring of 2016, as Proposed	<p>Proposed changes to the Minority Business Development Authority regulations seek to eliminate those sections of the existing regulations which impede the Pennsylvania Minority Business Development Authority's ability to be flexible and responsive to its target market by easing loan program requirements, such as requiring loan recipients to commit to "full-time" management of the company, and allowing more flexibility in setting loan amount caps, interest rates, job creation criteria, etc.</p> <p>The regulations were originally submitted on November 5, 2014 as Final-Omitted Regulations. The Final-Omitted Regulations were withdrawn and will be submitted as Proposed Regulations.</p>	Timothy M. Anstine (717) 720-7312
Industrial Housing and Components 12 Pa. Code Chapter 145 (#4-95)	Spring 2016, as Final	<p>Proposed changes to the Industrial Housing and Components regulations have gone through the proposed regulatory process and final regulations are set to be submitted in the Spring of 2016. The changes seek to bring the regulations into compliance with a recent amendment to the Industrialized Housing Act, which extended the current standards and procedures to include commercial buildings, and to further strengthen and clarify the Department's role in monitoring the production and installation of industrialized housing in the Commonwealth.</p> <p>As recommended by IRRC in its comments to the proposed rulemaking, an Advanced Notice of Final Rulemaking (ANFR) and Draft Final-Form Rulemaking were published in the <i>Pennsylvania Bulletin</i> on June 27, 2015 to solicit comments on changes DCED recommends be made to the proposed rulemaking to make clear that the regulation applies to industrialized housing, buildings or housing or building components produced after the effective date of the regulation. Comments received are under review.</p>	Mark A. Conte (717) 720-7416

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Local Earned Income Tax (Act 32-2008 Regulations) 12 Pa. Code Chapter 151 (#4-97)	Winter 2016, as Proposed	The proposed regulation interprets and makes specific the provisions of the Local Tax Enabling Act, as provided in Chapter 5 of the act (53 P. S. § 6924.501 et seq.). The proposed regulation establishes procedures to supplement the implementation of the act which will facilitate consolidated collection of local income taxes in this Commonwealth.	Lori Irwin (717) 720-7311
<i>Department of Conservation and Natural Resources (DCNR)</i>			
Conservation of Pennsylvania Native Wild Plants 17 Pa. Code Chapter 45	April 2016, as Proposed	Purpose of rulemaking is to update the department's listing of Pennsylvania's classified plant species. Legal basis: Section 7 of the Wild Resource Conservation Act (32 P. S. § 5307); and Sections 305 and 313 of the Conservation and Natural Resources Act (71 P. S. § 1340.305 and § 1340.313).	Ellen Shultzabarger (717) 214-3818 Stephen Ekema-Agbaw, Esq. (717) 772-4171
<i>Department of Corrections (DOC)</i>			
Reception and Discharge of Inmates 37 Pa. Code § 91.3	Spring 2016, as Proposed	The county reception regulations are being revised to be consistent with statutory law mandating that certain documentation be presented by the counties before inmate reception can occur.	Elizabeth Pettis (717) 728-7763
Inmate Correspondence 37 Pa. Code § 93.2	Spring 2016, as Proposed	The inmate correspondence regulations are being revised for clarification and to more accurately comport with current standards.	Elizabeth Pettis (717) 728-7763
Purchase for Inmates by Family and Friends 37 Pa. Code § 93.4	Spring 2016, as Proposed	Purchase for inmates by family and friends regulations are being revised for clarification and more accurately comport with current standards.	Elizabeth Pettis (717) 728-7763
Motivational Boot Camps 37 Pa. Code §§ 93.301—93.308	Spring 2016, as Proposed	The Motivational Boot Camp regulations are being revised to conform the statutory references and to reduce costs by eliminating unnecessary mandates.	Elizabeth Pettis (717) 728-7763
Inmate Correspondence 37 Pa. Code § 93.2	Summer 2016, as Proposed	Revise and/or repeal regulations regarding inmate correspondence to align with more robust internal policies that have been developed, and where necessary reconcile any such policies and regulations that may conflict with one another.	Elizabeth Pettis (717) 728-7763

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Inmate Discipline 37 Pa. Code § 93.10	Summer 2016, as Proposed	Revise and/or repeal regulations regarding inmate discipline to align with more robust internal policies that have been developed, and where necessary reconcile any such policies and regulations that may conflict with one another.	Elizabeth Pettis (717) 728-7763
County Correctional Institutions 37 Pa. Code §§ 95.220—95.248	Fall 2016, as Proposed	The Department will undertake a review of existing regulations related to county correctional institutions, with the goal of updating them and eliminating outdated and obsolete provisions. This proposed rulemaking would generally amend, update and clarify these regulations.	Elizabeth Pettis (717) 728-7763
<i>Department of Drug and Alcohol Programs (DDAP)</i>			
Standards for Licensure of Treatment Facilities 28 Pa. Code Chapter 709	Winter 2016, as Proposed	The regulation will be revised to enlarge the amount of time between inspections for the free standing drug and alcohol facilities that, for the last two years, have not had any citations in four critical areas (conduct or omissions that jeopardized the safety of any persons, compromised the quality of treatment provided, violated a client's confidentiality rights or resulted in treatment being provided without informed consent) and have reasonably and timely taken any remedial measure requested by the Department. Act 50 of 2010 authorizes DDAP to modify existing drug and alcohol regulations.	Tawny Mummah (717) 736-7448
<i>Department of Education (PDE)</i>			
State Board of Private Licensed Schools 22 Pa. Code Chapter 73 (#6-334)	Winter 2016, as Proposed (resubmitting to address changes requested by IRRC)	These regulations define the requirements for obtaining licensure or registration and for operating as a Private Licensed School. The regulations also define the investigatory and hearing process for enforcement of statutory and regulatory requirements. The Board plans to update the regulations which were promulgated in 1988 to reflect inflation and to address certain issues that have arisen during that time. The regulations are promulgated under the authority of the Private Licensed Schools Act (24 P. S. Section 6501, et. seq.).	Patricia Landis (717) 783-8228

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Regulations of the State Board of Private Academic Schools 22 Pa. Code Chapters 51, 53, 55, 57, 59, 61 and 63	Summer 2016, as Proposed	These regulations define the requirements for obtaining licensure as a Private Academic School. The Board is currently in the process of updating the regulations, which were promulgated in 1988. The regulations are promulgated under the authority of the Private Academic Schools Act (24 P. S. section 6701 et. seq.).	Robert Staver (717) 783-6583
State Board of Education 22 Pa. Code Chapter 18 (#6-329)	Spring 2016, as Final	These regulations address criteria the Secretary of Education may consider in determining whether to designate a school district in financial recovery status and in determining whether a district is in moderate or severe recovery status. The regulations are promulgated under the authority of the Public School Code of 1949, as amended, PL 30, No. 14, March 16, 1949, P. S. Section 1-101 et. seq. (24 P. S. § 621-A(A)(2)(I)).	Karen Molchanow (717) 787-3787
State Board of Education 22 Pa. Code Chapters 12, 14, 16 and 49 (#6-333)	Winter 2016, as Final-Omitted	This regulation includes minor technical amendments to five existing sections in four chapters. It is necessary to rectify inconsistencies between these five sections and recent changes by the Board to Chapter 4. The regulation is promulgated under the authority of the Public School Code of 1949 (24 P. S. §§ 1-121, 26-2603-B, 26-2604-B).	Karen Molchanow (717) 787-3787
Standards for Approved Private Schools 22 Pa. Code Chapter 171, Subchapters A and C	Spring 2016, as Proposed	These standards define the elements of Approved Private Schools and the Chartered Schools (schools for the deaf and blind). This subchapter contains general provisions, which the Department seeks to update to conform to intervening changes in applicable law. The standards are promulgated under the authority of sections 1376(c.9) and 1376.1(f5) of the Public School Code of 1949 (24 P. S. 13-1376(c.8) and 1376.1(f5)).	Ernie Helling (717) 787-5500

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Regulations of the State Library and Advisory Council on Library Development 22 Pa. Code Chapters 131, 133, 135, 127, 141, 142 and 143	Fall 2016, as Proposed	The Department will be promulgating regulations under the authority of the Library Code of 2012, Act 210 of 2012, P. L. 2411. The Department plans to update the regulations (promulgated in 1962) in 2016. These regulations will address the use of the State Library, the Advisory Council on Library Development, general provisions and plans for the use of State Aid, certification of library personnel, grants for public library facilities and State document depositories.	Glenn Miller (717) 783-2466
State Board of Education 22 Pa. Code Chapter 11	Winter 2016, as Proposed	These regulations concurrently address proposed regulatory changes of the Department of Health related to school immunization requirements. The proposed revisions would scale back the current period for provisional admission to school from eight months to five school days and ensure that provisions addressing the admission of non-immunized students are consistent with the immunization requirements set forth by the Department of Health. The regulation is promulgated under the authority of the Public School Code of 1949 (24 P. S. §§ 26-2603-B, 26-2604-B).	Karen Molchanow (717) 787-3787
State Board of Education 22 Pa. Code Chapter 405	Spring 2016, as proposed	Amending the regulation to provide the Secretary of Education with waiver authority. These regulations are authorized under 24 P. S. § 15-1513-D(1) of the Public School Code.	Ernie Helling (717) 787-5500
<i>Environmental Hearing Board (EHB)</i>			
Practice and Procedure 25 Pa. Code Chapter 1021	Spring/Summer 2016, as Final	The Environmental Hearing Board proposed revisions to its rules which were published in the December 9, 2015 issue of the <i>Pennsylvania Bulletin</i> . The Environmental Hearing Board has proposed the following revisions to its rules of practice and procedure: (1) amend sec. 1021.21 to correct an omission in the prior rule and recognize that an appeal can be instituted by the filing of a notice of appeal or a complaint depending on the statute at issue; (2) add a comment to sec. 2010.21 to notify out of state	John Dixon, Assistant Counsel (717) 329-7859 Maryanne Wesdock, Senior Counsel (412) 565-5245

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		attorneys that they are not subject to the IOLTA fee when they appear pro hac vice in a Board proceeding; (3) clarify rules in sec. 1021.32 pertaining to electronic filing registration to conform to the registration form that is provided on the Board's electronic filing site; (4) clarify language in sec. 1021.33 pertaining to service by the Board; (5) amend sec. 1021.34 to explain that the Board will only serve copies of orders by mail to parties who have been excused from electronic filing; (6) clarify language in sec. 1021.39 to clarify when the date and time of filing will appear by the electronic filing provider; (7) amend 1021.51 to explain what appellant must attach with its notice of appeal; (8) correct a typographical error in sec. 1021.52(b); (9) amend the title of sec 1021.103 to include notices to attend and notices to produce; (10) amend comment to sec 1021.141 to clarify that the Board makes the determination of a dismissal with or without prejudice on a case-by-case basis; (11) add sec 1021.153 to explain the procedure for filing an application for interlocutory appeal; and (12) amend sec. 1021.21 to correspond to appellate rules on filing petitions for review with the Commonwealth Court.	
<i>Department of Environmental Protection (DEP)</i>			
Areas Unsuitable for Surface Mining 25 Pa. Code Chapter 86	Quarter 1, 2016 EQB Consideration As Proposed	This rulemaking includes amendments to Chapter 86 to designate coal seams within Big Run watershed, Graham Township, Clearfield County, as unsuitable for surface mining operations. The regulation results from a petition submitted to the EQB by the Graham Township Supervisors, which requested that the Big Run drainage be designated as unsuitable for surface mining operations. (Surface Mining Conservation and Reclamation Act)	Geoff Lincoln (717) 783-9582 glincoln@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Remining Requirements (Subchapters F and G Revisions) 25 Pa. Code Chapters 87, 88, and 90	Quarter 2, 2016 EQB Consideration As Final	This rulemaking includes amendments to remining requirements in order to reflect changes enacted in EPA regulations. The rulemaking incorporates into the Pennsylvania regulations two statistical methods provided in the Federal regulations, eliminating the need to implement methods via individual permits, and providing flexibility regarding the choice of statistical method based on site-specific factors. The rulemaking further provides for remining at sites in which it is infeasible to establish pollution baselines. (Surface Mining Conservation and Reclamation Act)	Bill Allen (717) 783-9580 wallen@pa.gov
Noncoal Program Fee Amendments 25 Pa. Code Chapter 77	Quarter 2, 2016 EQB Consideration As Proposed	This rulemaking will increase fees in order to provide the funding for the Noncoal Mining Program, which implements the Noncoal Surface Mining and Conservation and Reclamation Act (NSMCRA). The rulemaking will provide more revenue in order to implement the NSMCRA, which requires operators to apply for and maintain active permits and licenses to mine noncoal minerals in Pennsylvania. In administering the noncoal mining program, DEP reviews and issues permits and conducts inspections to assure compliance with the permits and performance standards. The increased fee schedule includes increases in both the annual fee and permit fees to reflect the higher wage costs and actual benefit rate. The fees are in alignment with the statutory authorization of DEP to collect a reasonable filing fee. (Noncoal Surface Mining Conservation and Reclamation Act, Clean Streams Law)	Bill Allen (717) 783-9580 wallen@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Coal Mining Fee Amendments 25 Pa. Code Chapter 86	Quarter 2, 2016 EQB Consideration As Proposed	This rulemaking will increase coal mining fees. Existing fees cover a small part of the costs of implementing the coal mining program. The coal mining program is paid, in part, by a grant from the Federal Office of Surface Mining. The proposed rulemaking is intended to cover a larger portion of the remaining costs. Proposed fee amounts will be updated to account for current costs for benefits, overhead, and support. Fees are also being recommended for additional applications previously omitted from the existing fee schedule in addition to a proposed annual administration fees to cover the cost of administering permits. (Surface Mining Conservation and Reclamation Act)	Bill Allen (717) 783-9580 wallen@pa.gov
Handling and Use of Explosives 25 Pa. Code Chapters 210 and 211	Quarter 3, 2016 EQB Consideration As Final	This rulemaking will revise current explosives regulations to address blasting activities relating to seismic exploration. The rulemaking will also update explosives use requirements, enforcement authority and eliminate outdated requirements. (Explosives Acts of 1937 and 1957; Surface Mining Conservation and Reclamation Act; and Noncoal Surface Mining Conservation and Reclamation Act)	Rick Lamkie (814) 472-1885 rlamkie@pa.gov
Federal Office of Surface Mining (OSM) Program Consistency Updates 25 Pa. Code Chapters 86, 89, and 90	Quarter 4, 2016 EQB Consideration As Proposed	This rulemaking will include amendments to Chapter 86 in order to comply with Federal regulatory requirements, revisions to Chapter 89 effluent limits for passive treatment systems to comply with Federal regulations, and updates to Chapter 90 coal refuse site selection regulations to comply with the revised Coal Refuse Disposal Control Act. (Surface Mining Conservation and Reclamation Act)	Bill Allen (717) 783-9580 wallen@pa.gov
Water Supply Replacement 25 Pa. Code Chapters 87 and 88	Quarter 4, 2016 EQB Consideration As Proposed	This proposed rulemaking includes revisions to Chapters 87 and 88, which will clarify what is necessary to meet the coal mine operator's obligation to permanently pay the operation and maintenance costs for replacement water supplies. (Surface Mining Conservation and Reclamation Act)	Bill Allen (717) 783-9580 wallen@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Noncoal Program 25 Pa. Code Chapter 77	Quarter 4, 2016 EQB Consideration As Proposed	This rulemaking includes revisions to Chapter 77 (Noncoal Mining) that govern the licensing of mine operators and permitting of mines for minerals other than coal. Specific areas for revision include clarification of permit application requirements including hydrologic data requirements. (Noncoal Surface Mining Conservation and Reclamation Act)	Bill Allen (717) 783-9580 wallen@pa.gov
Underground Coal Mine Safety Performance-Based Cable Safety Requirements 25 Pa. Code Chapter 208	Quarter 2, 2016 BCMS Consideration As Proposed	This rulemaking includes revisions to Chapter 208 in order to enhance the safety of electrical cables in underground mines through the use of metallic shielding or nonmetallic shielding and more sensitive ground fault protection. The regulation will also enhance the safety of underground direct-current machine cables by utilizing ground wire monitors on direct-current equipment. (Bituminous Coal Mine Safety Act)	Colvin "Craig" Carson (724) 404-3154 cocarson@pa.gov
Underground Coal Mine Safety Proximity Detection Systems 25 Pa. Code Chapter 208	Quarter 4, 2016 BCMS Consideration As Final	BCMS proposes adding regulatory provisions to Chapter 208 relating to proximity detection systems. Currently in Pennsylvania, safety requirements involving the use of proximity detection systems on continuous mining machines at underground bituminous coal mines are implemented pursuant to recently published Federal Mine Safety and Health Administration regulations. As such, there is no State basis for enforcing these Federal regulations. This rulemaking addresses this gap in the State regulatory scheme and makes those Federal regulations independently enforceable by the Commonwealth. These requirements ensure that continuous mining machines at underground bituminous coal mines are safely operated and maintained in order to reduce the risk of accidents and injuries. (Bituminous Coal Mine Safety Act)	Colvin "Craig" Carson (724) 404-3154 cocarson@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Environmental Protection Performance Standards at Oil and Gas Well Sites 25 Pa. Code Chapters 78 and 78a, Subchapter C	Quarter 1, 2016 EQB Consideration As Final	This rulemaking includes amendments to the Oil and Gas regulations including separate chapters to differentiate the requirements for conventional (Chapter 78) and unconventional (Chapter 78a) operators and to update the environmental protection performance standards related to oil and gas activities. (2012 Oil and Gas Act, Clean Streams Law, Solid Waste Management Act, Dam Safety Encroachment Act, Land Recycling and Environmental Remediation Standards Act, Radiation Protection Act, Unconventional Well Report Act, Act 126 of 2014)	Kurt Klapkowski (717) 772-2199 kklapkowski@pa.gov
Well Drilling, Operation, and Plugging 25 Pa. Code Chapter 78, Subchapter D	Quarter 4, 2016 EQB Consideration As Proposed	This rulemaking includes revisions to Chapter 78 (Oil and Gas Wells) Subchapter D, regulating the drilling, casing, cementing, completion, operation, production, plugging and other subsurface activities associated with Oil and Gas exploration and development, including revisions to well plugging procedures, venting, alternative methods, and to address the plugging of unconventional wellbore laterals and coal bed methane wells. (Oil and Gas Act, Clean Streams Law)	Kurt Klapkowski (717) 772-2199 kklapkowski@pa.gov
Revised Total Coliform Rule 25 Pa. Code Chapter 109	Quarter 3, 2016 EQB Consideration As Final	This rulemaking will amend Chapter 109 to incorporate necessary Federal requirements needed to obtain primary enforcement authority (primacy) for the Revised Total Coliform Rule (RTCR). (Pennsylvania Safe Drinking Water Act)	Jeff Allgyer (717) 772-4015 jallgyer@pa.gov
Disinfectant Residual Requirements Rule 25 Pa. Code Chapter 109	Quarter 4, 2016 EQB Consideration As Final	This rulemaking will amend Chapter 109 to revise the minimum disinfectant residual level maintained in public water distribution systems and the related monitoring and reporting requirements. This rulemaking will also clarify other existing provisions to obtain primacy for the Federal Long Term 2 Enhanced Surface Water Treatment Rule, Short-term Revisions to the Lead and Copper Rule, and the Stage 2 Disinfection Byproducts Rule. (Pennsylvania Safe Drinking Water Act)	Lisa Daniels/ Dawn Hissner (717) 772-4018 ldaniels@pa.gov; dhissner@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Safe Drinking Water General Update and Fee Amendments 25 Pa. Code Chapter 109	Quarter 4, 2016 EQB Consideration As Proposed	This rulemaking will amend Chapter 109 to strengthen turbidity standards for surface water filtration plants, update and clarify permitting requirements for new sources, and clarify source water protection requirements and other sections of Chapter 109. This rulemaking will also establish new annual fees and increase permit fees to supplement state costs for administering the Safe Drinking Water Program. (Pennsylvania Safe Drinking Water Act)	Lisa Daniels/ Phil Consonery (717) 787-9633 ldaniels@pa.gov pconsonery@pa.gov
Nutrient Credit Trading and Offsetting Program 25 Pa. Code § 96.8 and Chapter 98	Quarter 2, 2016 EQB Consideration As Proposed	This rulemaking will rescind Chapter 96.8 related to the implementation of a nutrient credit trading program and create a new, separate Chapter 98 for this program. The rulemaking is also intended to implement program enhancements designed to address United States Environmental Protection Agency (EPA) concerns, streamline the current process for the certification, registration and verification of credits and allow for the implementation of a Statewide trading program. (Clean Streams Law)	Veronica Kasi (717) 772-4053 vbkasi@pa.gov
Water Quality Standards—Class A Stream Redesignations 25 Pa. Code Chapter 93	Quarter 3, 2016 EQB Consideration As Final	The proposed changes in this rulemaking are the result of stream evaluations conducted by DEP in response to a submittal of data from the Pennsylvania Fish and Boat Commission (PFBC) under 25 Pa. Code § 93.4c (relating to implementation of antidegradation requirements). Section 93.4c(a)(1) pertains to the process for changing a designated use of a stream. In this proposal, redesignations rely on § 93.4b(a)(2)(ii) to qualify streams for High Quality designations based upon their classifications as Class A wild	Rodney Kime (717) 787-9637 rkime@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		trout streams. Department staff conducted an independent review of the trout biomass data in the PFBC's fisheries management reports for streams throughout the Commonwealth. This review was conducted to ensure that the High Quality criteria were met. Based on these data and appropriate regulatory criteria, DEP developed this package of stream redesignations including High Quality stream redesignations in the Delaware, Susquehanna and Ohio River basins. (Section 303(c)(1) of the Federal Clean Water Act)	
Triennial Review of Water Quality Standards and Updates to Toxics Management Strategy—Statement of Policy 25 Pa. Code Chapters 93 and 16	Quarter 2, 2016 EQB Consideration As Proposed	This rulemaking will include revisions to the Commonwealth's water quality criteria and standards in Chapter 93 and updates to Chapter 16 Statement of Policy to reflect the latest scientific information and Federal guidelines for criteria development, as required by the triennial review requirements in the Federal Clean Water Act. (40 CFR Section 131.20)	Tom Barron (717) 787-9637 tbarron@pa.gov
Administration of Sewage Facilities Planning and Permitting Programs and Standards for Onlot Sewage Treatment Facilities 25 Pa. Code Chapters 71, 72, and 73	Quarter 4, 2016 EQB Consideration As Proposed	This proposed rulemaking will create 25 Pa. Code Chapters 71a, 72a and 73a, replacing the current Chapters 71, 72 and 73. The proposed amendments would provide necessary updates and clarity to the regulations to address environmental and public health and safety issues. (Pennsylvania Sewage Facilities Act, Clean Streams Law)	Ron Furlan (717) 787-8184 rfurlan@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Environmental Laboratory Accreditation Fee Amendments 25 Pa. Code Chapter 252	Quarter 2, 2016 EQB Consideration As Proposed	This rulemaking proposes to establish appropriate standards for laboratories performing DEP compliance testing of environmental samples. The rulemaking outlines the minimum requirements to which laboratories must adhere when producing environmental data. The anticipated changes to the Chapter 252 regulation will include changes to the qualifications for laboratory supervisors, clarifications to recordkeeping requirements, and changes to the application fees and out-of-state travel expense reimbursement rate. The Environmental Laboratory Accreditation Act requires that the accreditation fees cover the cost of the operation of the laboratory accreditation program. (Environmental Laboratory Accreditation Act)	Aaren Alger (717) 346-8212 aaalger@pa.gov
Administration of Land Recycling Program 25 Pa. Code Chapter 250	Quarter 1, 2016 EQB Consideration As Final	The rulemaking amends 25 Pa. Code Chapter 250 to update the Medium-Specific Concentrations (MSCs) established under the Statewide health standard based on the most recent published scientific information. MSCs are concentrations of contaminants in soil and groundwater that are protective of human health and the environment under various exposure scenarios. The regulations identify the formulas DEP must use to calculate MSCs and the sources of the toxicological information. (Land Recycling and Environmental Remediation Standards Act)	Troy Conrad (717) 783-9480 tconrad@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Administration of the Storage Tank and Spill Prevention Program 25 Pa. Code Chapter 245	Quarter 4, 2016 EQB Consideration As Proposed	This rulemaking proposes to amend current regulations at 25 Pa. Code Chapter 245, Administration of the Storage Tank and Spill Prevention Program. The purpose for the rulemaking is to strengthen the underground storage tank (UST) requirements by increasing the emphasis on properly operating and maintaining equipment. Currently, UST owners and operators are required to have spill prevention, overfill prevention, and release detection equipment in place, but are not required to periodically verify the functionality of some of that equipment. The proposed changes are expected to result in significant improvements in the routine operation, maintenance and monitoring of underground storage tanks which will help to further reduce the number of releases from underground storage tanks and in turn protect public health and the environment. (Storage Tank and Spill Prevention Act)	Charles Swokel (717) 772-5806 cswokel@pa.gov
Radiation Protection Program Fees 25 Pa. Code Chapters 218 and 240	Quarter 1, 2016 EQB Consideration As Proposed	This proposed rulemaking will amend Chapters 218 and 240 relating to fees. DEP must review the adequacy of established fees every three years. The current fee review indicates the need for a fee increase in two program areas. The Radioactive Materials and Decommissioning Program and the Radon Program fee revenue for these program areas is insufficient to cover program costs. (Radiation Protection Act and Radon Certification Act)	Joseph Melnic (717) 783-9730 jmelnic@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Radiological Health 25 Pa. Code Chapters 215—240	Quarter 2, 2016 EQB Consideration As Proposed	This proposed rulemaking will amend Chapters 215—240 to update Computed Tomography and Fluoroscopic regulations; to address new X-ray technology that is not addressed in current regulations; and to include comprehensive updates to the radon regulations to incorporate procedures and protocols that are not addressed in the current regulations. Additional items of clarification are 45-day reporting and application requirements, specifying the number of mitigation firm employees, and numerous changes and additions to the definitions section. (Radiation Protection Act and Radon Certification Act)	Joseph Melnic (717) 783-9730 jmelnic@pa.gov
Additional RACT Requirements for Major Sources of NOx and VOCs 25 Pa. Code Chapter 129	Quarter 1, 2016 IRRC Consideration	This rulemaking amends Chapter 129 to establish additional reasonably available control technology (RACT) requirements for major stationary sources of nitrogen oxides and volatile organic compound (VOC) emissions to fulfill 8-hour ozone RACT requirements for all major sources not covered by Federal Control Techniques Guidelines (CTG) recommendations. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the State Implementation Plan. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Control of VOC Emissions from Miscellaneous Metal and Plastic Parts Coatings 25 Pa. Code Chapter 129	Quarter 2, 2016 EQB Consideration As Final	This rulemaking amends the existing surface coating regulations under Chapter 129 to further reduce the emissions of volatile organic compounds from miscellaneous metal and plastic parts coatings to meet the Clean Air Act “reasonably available control measures,” including RACT requirements for ozone nonattainment areas. The emission limits and work practice standards are consistent with the recommendations of the EPA included in the corresponding CTG for this source category. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the State Implementation Plan. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Control of VOC Emissions from Automobile and Light-Duty Truck Assembly Coatings 25 Pa. Code Chapter 129	Quarter 2, 2016 EQB Consideration As Final	This rulemaking amends the existing surface coating regulations under Chapter 129 to further reduce the emissions of volatile organic compounds from automobile and light-duty truck assembly coatings to meet the Clean Air Act "reasonably available control measures," including RACT requirements for ozone nonattainment areas. The emission limits and work practice standards are consistent with the recommendations of the EPA included in the corresponding CTG for this source category. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the State Implementation Plan. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Control of VOC Emissions from Industrial Cleaning Solvents 25 Pa. Code Chapter 129	Quarter 2, 2016 EQB Consideration As Proposed	The proposed rulemaking will amend the existing surface coating regulations under Chapter 129 to reduce the emissions of volatile organic compounds from industrial cleaning solvents not regulated elsewhere in 25 Pa. Code Article III to meet the Clean Air Act "reasonably available control measures," including RACT requirements for ozone nonattainment areas. The emission limits and work practice standards would be consistent with the recommendations of the EPA included in the corresponding CTG for industrial cleaning solvents. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the State Implementation Plan. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>Air Quality Fee Schedule Amendments 25 Pa. Code Chapters 127 and 139</p>	<p>Quarter 2, 2016 EQB Consideration As Proposed</p>	<p>The proposed rulemaking will revise existing requirements and fee schedules codified in 25 Pa. Code Chapter 127, Subchapter I (relating to plan approval and operating permit fees) to ensure that fees collected are sufficient to cover the costs of administering the air program as required under Section 6.3(a) of the Air Pollution Control (35 P. S. § 4006.3(a)). In addition to increasing the plan approval and operating permit application fees, the proposed rulemaking would add fees applicable to plan approval modifications and requests for determination of plan approval and operating permit requirements. The proposed rulemaking would also add separate fees for risk assessments and a revised fee structure for Title V facilities. The proposed rulemaking would also establish fee requirements in a new Subchapter D (relating to testing, auditing and monitoring fees) in Chapter 139 (relating to sampling and testing) to address Department-performed source testing, test report reviews and auditing and monitoring activities related to continuous emissions monitoring systems (CEMS). Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the State Implementation Plan or the Title V Program Approval, as appropriate. (Air Pollution Control Act)</p>	<p>Susan Hoyle (717) 772-2329 shoyle@pa.gov</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>Low RVP Gasoline Repeal 25 Pa. Code Chapters 121, 126 and 139</p>	<p>Quarter 2, 2016 EQB Consideration As Proposed</p>	<p>The proposed rulemaking will rescind certain provisions codified in 25 Pa. Code Chapters 121, 126 and 139 (relating to general provisions; motor vehicle and fuels programs; and sampling and testing). The proposed rulemaking would repeal §§ 126.301—126.303 and 139.14(b)(8) (relating to gasoline volatility requirements; and emissions of VOCs). Sections 126.301—126.303 impose requirements for summer low Reid Vapor Pressure (RVP) gasoline in the Pittsburgh-Beaver Valley Area (Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland Counties) from May 1 to September 15 as an emission reduction measure to address attainment and maintenance of the 1-hour ozone National Ambient Air Quality Standard (NAAQS). Section 139.14(b)(8) specifies the sampling and testing methods for analysis of low RVP gasoline. Amendments to § 121.1 (relating to definitions) would also be proposed, as appropriate, to support the rescission of §§ 126.301—126.303 and 139.14(b)(8). The proposed rulemaking is in response to Act 50 of 2014 (P. L. 674, May 14, 2014), which directs the EQB to promulgate regulations to repeal the requirements for low RVP gasoline upon demonstration of continued compliance with the NAAQS through the use of commensurate emission reductions from other air pollution control measures. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the State Implementation Plan. (Air Pollution Control Act)</p>	<p>Susan Hoyle (717) 772-2329 shoyle@pa.gov</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Control of VOCs from Gasoline Dispensing Facilities (Stage II) 25 Pa. Code § 129.82	Quarter 3, 2016 EQB Consideration As Proposed	The proposed rulemaking will amend 25 Pa. Code § 129.82 (relating to control of VOCs from gasoline dispensing facilities (Stage II)) to remove the requirements for installing new and operating existing Stage II vapor recovery systems. The proposed rulemaking would establish procedures for the decommissioning of existing Stage II systems and would require Stage II systems that are not decommissioned to still comply with existing regulatory maintenance requirements. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the State Implementation Plan. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Amendments to Mobile Equipment Repair and Refinishing 25 Pa. Code Chapters 121 and 129	Quarter 4, 2016 EQB Consideration As Proposed	This proposed rulemaking will amend the existing surface coating regulations in 25 Pa. Code § 129.75 to coordinate emission limits and work practice requirements of the Clean Air Act “reasonably available control technology” requirements for automobiles and light-duty trucks and the Ozone Transport Commission model rule requirements for motor vehicle and mobile equipment non-assembly line coating operations. Clarifying amendments would be proposed for the adhesives, sealants, primers and solvents regulations in 25 Pa. Code §§ 129.77 and 130.701—130.708. Amendments to 25 Pa. Code § 121.1 would also be proposed to support the amendments to Chapter 129. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the State Implementation Plan. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov
<i>Department of General Services (DGS)</i>			
Committee on Construction Contract Documents 4 Pa. Code Chapter 62 (#8-21)	2016, as Final-Omitted	The Procurement Code repealed the legislation creating this committee, which no longer exists.	Liz O'Reilly (717) 787-7095 Ed Olivieri (717) 783-3280
Selections Committee 4 Pa. Code Chapter 64 (#8-22)	2016, as Final-Omitted	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Liz O'Reilly (717) 787-7095 Ed Olivieri (717) 783-3280

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Emergency Construction Repairs 4 Pa. Code Chapter 67 (#8-23)	2016, as Final-Omitted	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Liz O'Reilly (717) 787-7095 Ed Olivieri (717) 783-3280
Contract Compliance— Prequalification of Vendors and Nonconstruction Contractors 4 Pa. Code Chapter 68, Subchapter A (#8-24)	2016, as Final-Omitted	These regulations should be rescinded since the subject matter of these rules is now covered by the directives management system.	Liz O'Reilly (717) 787-7095 Ed Olivieri (717) 783-3280
Methods of Awarding Contracts 4 Pa. Code Chapter 69 (#8-25)	2016, as Final-Omitted	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Ken Hess Pamela Cross (717) 214-7739
Surplus State Property 4 Pa. Code Chapters 41, 43, 45 and 47 (#8-26)	2016, as Final-Omitted	These regulations should be rescinded since they are outdated and have been superseded by new Commonwealth procedures as well as the Commonwealth Procurement Code.	Ken Hess Pamela Cross (717) 214-7739
State Metrology Laboratory fee schedule, 70 Pa. Code Chapter 110 (#8-27)	2016, as Proposed	These regulations will increase the fees charged by the State Metrology Laboratory, provide for an automatic yearly increase, and update the description fields to accurately reflect the Metrology Lab's measurement parameters and ranges.	Ken Hess Mary Fox (717) 787-6789
Commonwealth Buildings 4 Pa. Code Chapters 85, 86 and 87 (#8-28)	2016, as Proposed	These regulations (Chapters 85 and 87) and statement of policy (Chapter 86) will be amended to update the procedures for the public to request use of the public areas of the Capitol Complex and the Forum auditorium.	Matthew Bembenick (717) 787-5996 Andrew Clark (717) 787-5599 Mary Ann Jordano (717) 705-5389
<i>Department of Health (DOH)</i>			
Communicable and Non-Communicable Diseases 28 Pa. Code Chapter 27	February 2016, as Proposed	These existing regulations are being revised to improve the Department's ability to prevent and control the spread of communicable and non-communicable diseases. The Department's authority to promulgate these regulations is found in the Disease Prevention Control Law of 1955, 35 P. S. §§ 21.1 et seq. (the Act). Section 16(a) of the (Act 35 P. S.	Samantha Jallah (717) 783-2500

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		<p>§ 521.16 (a)) gives the Board authority to issue rules and regulations on a variety of matters related to communicable and non-communicable diseases. Section 16(b) of the Act (35 P. S. § 521.16 (b)) gives the Secretary of Health the authority to review existing regulations and make recommendations to the Board for changes that the Secretary considers to be desirable. There is also a legislative authority for specific provisions of the regulations. Administrative Code of 1929 (71 P. S. §§ 51 et seq.) (Code) Section 20102(g) of the Code (71 P. S. § 532(g)) provides general authority for the Department to promulgate regulations.</p>	
<p>Photo Identification Tag Regulations 28 Pa. Code Chapter 54</p>	<p>March 2016, as Proposed</p>	<p>The Health Care Facilities Act (35 P. S. § 448.101 et seq.) was amended by the passage of Act 2010-110 on November 23, 2010. This new section of the Act (35 P. S. § 448.809.2) requires persons working in health care facilities and physician practices to wear photo identification badges that also contain other information including the person's name, title and name of the health care facility.</p>	<p>Karin Simpson (717) 783-2500</p>
<p>School Immunization Requirements 28 Pa. Code §§ 23.83, 23.85 and 23.86</p>	<p>June 2016, as Proposed</p>	<p>The amendments to existing regulations will revise immunization requirements for school entry and attendance, revise the school reporting requirements to require electronic reporting at a later date in the school year, and eliminate the provisional period for school attendance. Pursuant to the Disease Prevention and Control Law of 1955 35 P. S. § 521.1 et seq.; the Administrative Code of 1921 (71 P. S. § 541(c.1)) and the Public School Code of 1949 (24 P. S. § 13-1303a).</p>	<p>Yvette M. Kostelac (717) 783-2500</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Home Health Care Agencies 28 Pa. Code Chapter 601	July 2016, as Proposed	Recently, Federal rules addressing covered Medicare and Medicaid services have been amended to allow other health care professionals (in addition to physicians) to order home health services. The Department anticipates amending the home health licensure regulations to permit other health care professionals to order home health services and approve the plan of care. The Department also foresees working with the Department of Human Services on this proposed regulatory change to ensure that access to care and payment for services remains consistent.	Puja Khare (717) 783-2500
Hospice Regulations	July 2016, as Proposed	Currently, there are no hospice-specific licensure regulations in the Commonwealth. The Health Care Facilities Act (HCFA) permits the Department, pending promulgation of regulations, to use the standards set forth in Federal regulations (42 CFR Part 418) for hospices certified as providers of the Medicare program under Title XVIII of the Social Security Act as licensure standards. The Department anticipates promulgating licensure regulations for hospice facilities in Pennsylvania that mirror the Federal conditions of participation and address additional quality assurance requirements and fees for licensure, as permitted by the HCFA.	Puja Khare (717) 783-2500
Indoor Tanning Regulations	May 2016, as Proposed	The newly enacted Pennsylvania Indoor Tanning Act provides for regulations to be promulgated by the Department as required for implementation of the Act. The Department is proposing regulations to further clarify the requirements for the operation of tanning facilities and to provide for safety of the consumers of tanning products.	Keith Fickel (717) 783-2500

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Department of Human Services (DHS)</i>			
Administration of County Children and Youth Social Service Programs 55 Pa. Code Chapter 3130	June 2016, as Proposed	This regulation will incorporate the amendments to the Juvenile Act and the Federal regulations for Title IV-B and Title IV-E funding for child welfare services for children in their own homes and for children receiving placement services.	Jen DeBell (717) 772-4141
Planning and Financial Reimbursement Requirements for County Children and Youth Social Service Programs 55 Pa. Code Chapter 3140	June 2016, as Proposed	This regulation provides the requirements for reimbursement for services to county children and youth agencies. The regulations are in need of revision to ensure consistency with Federal requirements and policy to ensure the validity of State and Federal claims.	Jen DeBell (717) 772-4141
Child Protective Services 55 Pa. Code Chapter 3490	February 2017, as Proposed	This regulation will incorporate the amendments to the Child Protective Services Law related to child protective services and general protective services, including statutory changes to mandatory reporting, training, clearances and the Statewide database.	Jen DeBell (717) 772-4141
Outpatient Psychiatric Services and Psychiatric Outpatient Clinics 55 Pa. Code Chapters 1153 and 5200	March 2016, as Proposed	These amendments will update the current regulations to align outpatient psychiatric services with current industry standards.	Jen DeBell (717) 772-4141
Psychiatric Rehabilitation Services for Youth and Young Adults 55 Pa. Code Chapter 5231	Fall 2016, as Proposed	This regulation will govern psychiatric rehabilitation services for individuals ages 14 to 26 with serious mental health conditions to support the transition to adulthood and implement an initiative to improve coordination between the child and adult mental health care systems.	Jen DeBell (717) 772-4141
Behavioral Health Rehabilitation Services for Children 55 Pa. Code Chapter 5270	Summer 2016, as Proposed	This regulation will govern the provision of the array of in-home and community-based behavioral health rehabilitation services for children, including services for children with autism spectrum disorder.	Jen DeBell (717) 772-4141
Mental Health Targeted Case Management 55 Pa. Code Chapters 5220 and 5221	Fall 2016, as Proposed	This regulation will rescind Chapter 5221 and replace it with a new Chapter 5220 which will govern the provision of mental health case management services, including resource coordination, intensive case management and blended case management.	Jen DeBell (717) 772-4141

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Subsidized Child Care Eligibility 55 Pa. Code Chapter 3041	October 2016, as Proposed	Chapter 3041 will be updated to add new requirements imposed by the 2014 Federal Reauthorization of the Child Care Development Block Grant. This regulation will include amendments to requirements regarding redetermination, continuation of subsidy during job loss, reporting and verification, financial eligibility, and prioritized groups.	Jen DeBell (717) 772-4141
Child Day Care Centers, Group Child Care Day Care Homes, Family Child Day Care Homes 55 Pa. Code Chapters 3270, 3280, 3290	October 2016, as Proposed	This regulation will add new requirements imposed by the 2014 Federal Reauthorization of the Child Care Development Block Grant. This regulation will include amendments regarding employment, background checks and training requirements. In addition, additional proposed amendments include water safety training and equipment requirements.	Jen DeBell (717) 772-4141
Early Intervention Services 55 Pa. Code Chapter 4226	May 2016, as Final-Omitted	This regulation will amend Section 4226.5 (relating to definitions) to reflect the requirements of Act 2014-143 (Act 143). Act 143 added an additional tracking category for infants and toddlers experiencing homelessness.	Jen DeBell (717) 772-4141
Home and Community-Based Supports and Licensing 55 Pa. Code Chapters 51, 6100, 6200, 2380, 2390, 6400 and 6500	April 2016 as Proposed May 2017, as Final	This regulation will rescind Chapter 51 and replace it with a new Chapter 6100, which will govern the program, operational and fiscal components of the Office of Developmental Programs' home and community-based waiver programs, State plan programs, block grant and base-funded programs and various licensing regulations.	Jen DeBell (717) 772-4141
Terminology for Intellectual Disabilities 55 Pa. Code Chapters 13, 14, 20, 2380, 2390, 2600, 2800, 3800, 4200, 4210, 4215, 4220, 4230, 4300, 4305, 4310, 6201, 6210, 6211, 6250, 6350, 6400, 6500 and 6600	February 2016, as Final-Omitted	This regulation will update terminology in 24 chapters of Title 55 to change the term "mentally retarded" to "intellectual disability."	Jen DeBell (717) 772-4141

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Adult Protective Services 55 Pa. Code Chapter 15	June 2016, as Proposed	This regulation will govern the investigation of allegations of abuse, neglect, exploitation or abandonment of adults between the ages of 18 and 59 years, and the provision of protective services as indicated by the results of those investigations. The authority for the regulation and resulting services are under Act 70 of 2010, the Adult Protective Services Act.	Jen DeBell (717) 772-4141
Medical Assistance Disqualifications 55 Pa. Code Chapter 255	December 2016, as Proposed	This regulation will add disqualification penalties for individuals who were prosecuted for Medical Assistance fraud. These amendments will mirror Federal law at 42 U.S.C. § 1320a-7b to provide for a 1-year disqualification based on a court conviction for a crime against the Medical Assistance program.	Jen DeBell (717) 772-4141
<i>Insurance Department (PID)</i>			
Annual Financial Reporting Requirements 31 Pa. Code Chapter 147	Winter 2016 as Proposed	Amendments to Chapter 147 to add an internal audit function requirement for large insurers.	Bridget E. Burke Regulatory Coordinator (717) 787-2567
Requirements for Qualified Reinsurers 31 Pa. Code Chapter 161	Winter 2016, as Final	Technical amendments to delete a provision that is no longer applicable.	Bridget E. Burke Regulatory Coordinator (717) 787-2567
Tables Approved for Use in Determining Minimum Nonforfeiture Standards and Minimum Standards for Valuation 31 Pa. Code Chapter 84	Winter 2016, as Proposed	Amendments to adopt new mortality tables for use in determining minimum reserves insurers must maintain for annuities.	Bridget E. Burke Regulatory Coordinator (717) 787-2567
Reasons for Cancellations and Refusal to Renew; Notice and Appeal Procedures 31 Pa. Code Chapter 59	Fall 2016, as Proposed	Amendments to address recently amended statutory requirements, the closure of the Insurance Department's regional offices and to clarify appeal requirements for cancellation and non-renewal notices.	Bridget E. Burke Regulatory Coordinator (717) 787-2567
<i>Department of Labor and Industry (L&I)</i>			
Boiler and Unfired Pressure Vessel Regulations 34 Pa. Code Part I, Chapter 3a <i>Bureau of Occupational and Industrial Safety</i>	Summer 2016, as Proposed	Update regulations based on Act 104 of 2013 and adopt certification standards for third party inspection agencies.	Peter Von Getzie (717) 787-4186
Flammable and Combustible Liquids 34 Pa. Code Part I, Chapters 14 and 14a <i>Bureau of Occupational and Industrial Safety</i>	Spring 2016, as Proposed	Update regulations based on Act 144 of 2012 and adopt requirements for storage and dispensing of compressed natural gas as vehicular fuel.	Peter Von Getzie (717) 787-4186

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Uniform Construction Code 34 Pa. Code Part XIV, Chapters 401, 403 and 405 <i>Bureau of Occupational and Industrial Safety</i>	Submitted to IRRC and Standing Committees on 12/18/15, as Final-Omitted	Adopt updated accessibility provisions in accordance with Act 1 of 2011. Adopt updated provisions for the operation of ski lifts in accordance with Act 230 of 2004.	Peter Von Getzie (717) 787-4186
Unemployment Compensation 34 Pa. Code Chapter 101 <i>Board of Review</i>	Submit proposed rulemaking in Summer 2016	Amend telephone regulation regarding distance requirement to conform with Act 6 of 2011.	Gerard Mackarevich (717) 783-1232
Apprenticeship and Training Council 34 Pa. Code Part IV, Chapters 83 and 84 <i>Bureau of Labor Law Compliance</i>	Submit proposed rulemaking in Spring 2017	Amend regulations to reflect Federal requirements. Will need legislative change to statute first.	Peter Von Getzie (717) 787-4186
Registration of Sign Language Interpreters and Translitterators 34 Pa. Code Chapter 501 <i>Office of Deaf and Hard of Hearing</i>	Submit proposed rulemaking in Fall 2016	Amend regulations to be consistent with amendments in Sign Language Interpreter and Translitterator State Registration Act, 63 P. S. §§ 1725.1—1725.11, that were enacted in November 2010.	Sharon Behun (717) 783-4912
Employment of Minors 34 Pa. Code Part I, Chapter 11 <i>Bureau of Labor Law Compliance</i>	Summer 2016, as Proposed	Revise/update current regulations in light of the new Child Labor Act, Act 151 of 2012.	Peter Von Getzie (717) 787-4186
Prohibition of Excessive Overtime in Health Care Act Regulations 34 Pa. Code Part XII, Chapter 225 <i>Bureau of Labor Law Compliance</i>	Spring 2017, as Proposed	Revise/update current regulations for Act 102 of 2008.	Peter Von Getzie (717) 787-4186
<i>Department of Military and Veterans Affairs (DMVA)</i>			
Veterans' Homes Regulations 43 Pa. Code Chapter 7	July 2016, as Proposed	The Department wishes to promulgate a comprehensive update to its regulations on State Veterans' Homes. The statutory authority for these regulations is section 902(10) of the Military and Veterans Code (51 Pa.C.S § 903(10)). These regulations are out-of-date. They were last updated in 1986. The purpose of the changes to these regulations is to bring them in line with best practices in the long-term care arena.	Michael Barrett (717) 861-8503

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Veterans' Affairs Regulations 43 Pa. Code Chapter 5	July 2016, as Final-Omitted	43 Pa. Code Ch. 5 contains regulations on a number of Commonwealth veterans' benefit programs. These include the Disabled Veteran Real Estate Tax Exemption, the Blind Veterans' Pension, the Paralyzed Veterans; Pension, Veterans' Emergency Assistance and the Educational Gratuity Program. All of these regulations need to be updated to take into account changes in the law as well as changes in organizational structures.	Michael Barrett (717) 861-8503
<i>Municipal Police Officers' Education and Training Commission (MPOETC)</i>			
Administration of the Municipal Police Officers' Education and Training Program 37 Pa. Code Chapter 203 (#17-81)	Spring 2016, as Proposed	Title 53 Pa.C.S. § 2164(14) conveys powers and duties to the Municipal Police Officers' Education and Training Commission to make such rules and regulations and to perform such other duties as may be reasonably necessary or appropriate to implement the education and training program for police officers. Omnibus revisions to Chapter 203, which pertains to the certification and training of the Commonwealth's municipal police officers, are necessary to modernize these regulations, as they have not undergone a major revision since 1996. The amendments that will be proposed are the product of an extensive review project that included key stakeholders of the regulated community.	Lieutenant Robert J. Krol (717) 783-5566
<i>Pennsylvania Board of Probation And Parole (PBPP)</i>			
No regulations being developed or considered at this time.			
<i>Pennsylvania Commission on Crime and Delinquency (PCCD)</i>			
Sheriffs' and Deputy Sheriffs' Education and Training Program 37 Pa. Code Chapter 421	Late 2016/2017, as Proposed	The Deputy Sheriffs' Education and Training Board (Board), an advisory board within the Commission on Crime and Delinquency, plans to amend the regulations at 37 Pa. Code Chapter 421 (relating to Deputy Sheriffs' Education and Training Board) due to statutory changes in Act 114 of 2014 (Act of Jul. 9, 2014, P. L. 1006, No. 114).	Linda Rosenberg (717) 265-8448 Heidi Barry (717) 265-8518

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Pennsylvania Emergency Management Agency (PEMA)</i>			
911 Emergency Communications Services	Summer 2016, as Proposed	Once amended, Chapter 53 of Title 35 (Health and Safety) will necessitate the promulgation and adoption of rules and regulations necessary to enforce the newly-revised chapter, relating to the administration and operation of 911 systems in the Commonwealth.	Robert F. Mateff, Sr. (717) 651-2288 John Comey (717) 651-2715
Act 187 of 2014	Summer 2016, as Proposed	Act 187 of 2014 established the Public Disaster Assistance Grant Program within the Pennsylvania Emergency Management Agency provide grants to political subdivisions and municipal authorities for assistance with repair of disaster-related damage in a disaster emergency area when the damages to public facilities are beyond the financial capabilities of the political subdivision or authority. The Pennsylvania Emergency Management Agency is directed to Promulgate any regulations necessary to implement and administer the program which include: (i) Development of additional procedures or requirements for the submission of grant applications; (ii) Development of procedures to verify adjusted loss; (iii) Development of criteria for the determination of the amount of assistance to be given to a political subdivision or municipal authority; and (iv) Development of a methodology to prioritize projects based on the potential impact to the health and safety of the citizens of the affected community.	Stephen Bekanich (717) 651-2146 Westburn Majors (717) 651-2728
<i>Pennsylvania Higher Education Assistance Agency (PHEAA)</i>			
No regulations being developed or considered at this time.			
<i>Pennsylvania Housing Finance Agency (PHFA)</i>			
No regulations being developed or considered at this time.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Pennsylvania Infrastructure Investment Authority (PENNVEST)</i>			
Pennsylvania Infrastructure Investment Authority Assistance 25 Pa. Code §§ 963.1—963.20, including inter alia: 963.12(a)(7) 963.13(c) 963.15(a) 963(15)(c) 963(16) 963.18(c)	Summer 2016, as Proposed	Revisions under consideration include, inter alia: Amendments to 25 Pa. Code §§ 963.1—963.20 to be consistent with statutory revisions imposed by P. L. 51, No. 16, enacted June 19, 2013 and guidance revisions implemented by the Department of Environmental Protection and to incorporate any provisions necessary to accommodate for the deletion of 25 Pa. Code § 965 in its entirety, including, but not limited to the following: (1) Delete 25 Pa. Code § 963.12(a)(7) thereby allowing PENNVEST to provide financial assistance (loan and grant) for costs associated with the extraction for profit of minerals or other resources from wastewater or sludge whether the project is sponsored by a public or private actor. (2) Amend 25 Pa. Code § 963.13(c) by revising the section to provide for an amortization of advance funding loans with a term of 59 months of interest only and repayment on principal and interest on the 60th month. (3) Amend 25 Pa. Code § 963.15(a) by revising the first sentence to provide for a change in the normal loan term to allow 3 years of interest only prior to principal amortization. (4) Amend 25 Pa. Code § 963.15(c)(5) to provide that maximum interest rates on loans shall be determined based upon the unemployment rate for the applicable county in the most recent calendar year for which data has been finalized as of the application cutoff date. (5) Amend 25 Pa. Code § 963.15(c)(6) by revising the sentence to define “bond interest rate” to mean the rate of interest paid by the Commonwealth in its issuance of general obligation bonds immediately preceding the date of the approval of the loan. (6) Amend 25 Pa. Code § 963.16 to provide the parameters of a loan or bond guarantee program to be provided by PENNVEST.	Shawn W. Weis (717) 783-6776

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		Delete 25 Pa. Code § 963.18(c)(2)(iii) to eliminate the requirement for prior written approval of change orders that exceed \$25,000 or 2 percent of the amount of the project's construction cost, or an aggregate of all change orders that exceed 10 percent of the project's construction cost.	
<i>Pennsylvania Municipal Retirement System (PMRS)</i>			
No regulations being developed or considered at this time.			
<i>Pennsylvania State Police (PSP)</i>			
Training and Minimum Standards Under the Wiretapping and Electronic Surveillance Control Act 37 Pa. Code Chapter 51	Spring 2016, as Proposed	Title 18 Pa.C.S. § 5724 requires the Commissioner of the Pennsylvania State Police and the Attorney General to establish a training course for certification related to conducting wiretapping and electronic surveillance. Revisions to Chapter 51 as it relates to officer certification/re-certification and authorization to engage in the conduct of communications interception will be proposed to adjust the training to current technology and operational needs.	Lieutenant Robert J. Krol (717) 783-5566
Administration of Megan's Law—Neighbor Notification 37 Pa. Code Chapter 55	Spring 2016, as Final-Omitted	Title 42 Pa.C.S. § 9799.1, in part, required the Pennsylvania State Police write regulations regarding neighbor notification of the current residence of sexually violent predators. This section expired December 20, 2012, and on that date the requirements of Title 42 Pa.C.S. § 9799.32 became effective. These new requirements, in part, place a duty on the Pennsylvania State Police to write guidelines regarding neighbor notification under § 9799.27(b)(1). Since there is no longer statutory authority for Chapter 55, it will be removed and reserved in its entirety. The contents will be updated and published as guidelines in a Statement of Policy.	Lieutenant Robert J. Krol (717) 783-5566
<i>Pennsylvania State System of Higher Education (PASSHE)</i>			
No regulations being developed or considered at this time.			
<i>Public School Employees' Retirement System (PSERS)</i>			
No regulations being developed or considered at this time.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Department of Revenue (DOR)</i>			
Amendments to Local Option Small Games of Chance (SGOC) 61 Pa. Code Chapter 901a	June 2016, as Proposed	The Department is proposing to replace Chapter 901 with a new Chapter 901a as a result of the amendments to the SGOC law. The proposed rulemaking will reorganize and clarify the SGOC regulations as well as incorporate necessary changes to implement Acts 2 and 184 of 2012 and Acts 90 and 92 of 2013.	Douglas Berguson (717) 346-4633
General Provisions Application of Payments 61 Pa. Code Chapter 5a	July 2016, as Proposed	The Department is promulgating this regulation to clarify the provisions of the Taxpayers' Bill of Rights and provide a procedure for the application of a payment received from a taxpayer to tax liability owed the Department.	Douglas Berguson (717) 346-4633
Amendments to Chapter 93—Inheritance Tax 61 Pa. Code § 93.101	July 2016, as Final	The Department is promulgating this amendment to remove an obsolete regulation § 93.101 Medical expenses and insurance, superseded by statute (72 P. S. § 9129(k)).	Douglas Berguson (717) 346-4633
<i>Department of State (DOS)</i>			
<i>State Board of Accountancy</i>			
General Revisions (Act 73 and Act 15 Amendment) 49 Pa. Code Chapter 11 (16A-5513)	Summer 2016, as Final	This final rulemaking implements the amendments to the CPA Law made by the act of July 9, 2008 (P. L. 954, No. 73) (Act 73), and the act of June 19, 2013 (P. L. 46, No. 15) (Act 15). Act 73 provided for practice in this Commonwealth under substantial equivalence by persons licensed in other states and provided new education and experience standards for licensure. Act 15 eliminated the requirement that applicants for licensure demonstrate 400 hours of experience in attest activity as a condition of licensure.	Sara Fox (717) 783-1404
Schedule of Civil Penalties— 49 Pa. Code Chapter 43b (16A-5514)	Summer 2016, as Final	This final rulemaking amends the schedule of civil penalties for certain violations of the CPA Law (63 P. S. §§ 9.1—9.16b) and the regulations of the State Board of Accountancy (Board) to comport with amendments made by the Board to its substantive regulations relating to continuing education violations.	Sara Fox (717) 783-1404

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>State Athletic Commission</i>			
Prohibited Drug Testing 58 Pa. Code Part I, Subpart A, Chapter 15 (16-58)	Spring 2016, as Proposed	The proposed rulemaking would revise existing regulations on drug testing for boxers, mixed martial arts participants and kick boxers, as authorized under the Boxing Act.	Martha Brown (717) 787-6802
<i>State Architects Licensure Board</i>			
Electronic Seals and Signing 49 Pa. Code Chapter 9 (16A-4110)	Spring 2016, as Proposed	In addition to updating their current regulations on seals, the three boards that regulate design professionals in this Commonwealth (including the State Architects Licensure Board, the State Registration Board for Engineers, Land Surveyors and Geologists, and the State Board of Landscape Architects) are proposing new regulations setting forth standard requirements for electronic seals and electronic signing of design documents. The goal of these proposals is to provide all design professionals with regulations that are as consistent as possible with respect to both traditional seals and electronic seals to benefit both the design professionals and their clients.	Amanda Li (717) 783-3397
<i>State Board of Auctioneer Examiners</i>			
Schedule of Civil Penalties 49 Pa. Code § 43b.12a (16A-648)	Summer 2016, as Proposed	Under section 6(a) of the Auctioneer Licensure and Trading Assistant Registration Act (63 P. S. § 734.6(a)), the Board is required by law to support its operations from the revenue it generates from fees, fines and civil penalties. The final rulemaking increases biennial renewal fees for apprentice auctioneers from \$100 to \$130; and the biennial renewal fees for auctioneers, auction houses and auction companies will increase from \$200 to \$260 to meet projected expenditures as required by law.	Terrie Kocher (717) 783-3397

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>State Board of Barber Examiners</i>			
Schedule of Civil Penalties 49 Pa. Code § 43b.4 (16A-4210)	Summer 2016, as Final-Omitted	This rulemaking would simply change the authority under which many of the current civil penalties are being issued from the statutory provision in the Barber License Law to the applicable provision in the regulations of the State Board of Barber Examiners. In making this change, the legal authority supporting the schedule of civil penalties will be clearer.	Kelly Diller (717) 783-7130
General Revisions 49 Pa. Code Chapter 3 (16A-429)	Spring 2016, as Proposed	The proposed rulemaking would update the regulations for barber managers, temporary student licenses, barber shops and schools of barbering to update obsolete provisions of the Board's regulations. Some of the regulations contain outdated terminology. Also, the Board would update the regulations to make them consistent with the Barber License Law and current practices of the Board and its licensees.	Kelly Diller (717) 783-7130
<i>State Board of Chiropractic</i>			
Chiropractic Specialties 49 Pa. Code Ch. 5 (16A-4312)	Spring 2016, as Proposed	The Chiropractic Practice Act prohibits licensees from holding themselves out as specialists unless they possess a post-graduate certification in that specialty. The proposed rulemaking would prohibit a chiropractor from advertising that the chiropractor holds certification or otherwise is a specialist in a chiropractic specialty unless the chiropractor holds certification or diplomate status from a specialty board recognized by the American Board of Chiropractic Specialties. These specialty boards all require passing a certification examination after either a full-time residency of at least 3 years or a part-time program of more than 300 hours of education and clinical practice. This proposal protects consumers of chiropractic services who can be misled by advertising of "certifications" that do not truly reflect advanced knowledge, training or skill.	Michelle Roberts (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Child Abuse Reporting Requirements 49 Pa. Code §§ 5.91—5.96 (16A-4322)	Summer 2016, as Proposed.	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Chiropractic obtain required training in child abuse recognition and reporting.	Michelle Roberts (717) 783-7155
Distance Education 49 Pa. Code § 5.79 (16A-4323)	Spring 2016, as Final	Section 507(a) of the Chiropractic Practice Act (act) (63 P. S. § 625.507(a)) requires each licensed chiropractor to complete at least 24 hours of continuing chiropractic education within the immediately preceding 2-year period as a condition of biennial license renewal. This final rulemaking would expressly permit continuing education to be completed through courses offered by distance education, subject to Board approval, but limit it to 50% of the required hours.	Michelle Roberts (717) 783-7155
Radiological Procedures Examination 49 Pa. Code §§ 5.6 and 5.63 (16A-4324)	Summer 2016, as Final	Section 522(a)(ii) of the act (63 P. S. § 625.522(a)(ii)) prohibits auxiliary personnel from performing radiologic procedures on the premises of a chiropractor unless the person has passed an examination approved by the Board and administered by a third-party testing service. The proposed rulemaking would delete the fee for the radiological procedures examination and reference to the application forms and would require auxiliary personnel to submit applications and pay the fee directly to the testing service rather than applying to the Board. This change is needed to comport to actual practice.	Michelle Roberts (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Bureau of Commissions, Elections and Legislation</i>			
Lobbying Disclosure Thresholds 51 Pa. Code §§ 51.1 and 57.2 <i>(number not yet assigned)</i>	Summer 2016, as Final-Omitted	Section 13A08(j) of the Lobbying Disclosure Act (act) (65 Pa.C.S. § 13A08(j)) requires the Department to review the threshold for exemption from registration and reporting every two years and increase those thresholds to “rates deemed reasonable for assuring appropriate disclosure” of lobbying expenditures. The Department has already published a notice of its intent to raise the thresholds from \$2,500 to \$3,000, effective January 1, 2017. This rulemaking would amend the regulations to reflect the updated threshold amounts.	Ian Everhart (717) 346-0462
Notaries Public 4 Pa. Code Part VIII, Subpart C <i>(number not yet assigned)</i>	Spring 2016, as Proposed	The proposed rulemaking would implement the act of October 9, 2013 (P. L. 609, No. 73), which adopted the Revised Uniform Law on Notarial Acts (RULONA).	Martha Brown (717) 787-6802
Electronic Recording Commission—Real Property Electronic Recording Standards 4 Pa. Code, Part VIII, Subchapter G <i>(16-57)</i>	Spring 2016, as Temporary Regulations	These temporary regulations would implement the act of July 5, 2012 (Uniform Real Property Electronic Recording Act) (P. L. 935, No. 100). The temporary regulations put forth initial standards relating to electronic recording of real property documents developed by the Electronic Recording Commission.	Martha Brown (717) 787-6802
<i>Bureau of Corporations and Charitable Organizations</i>			
Names (including Symbols and Characters) 19 Pa. Code Chapter 17 <i>(number not yet assigned)</i>	Spring 2016, as Proposed	Section 133(a)(vi) of the Association Transactions Act authorizes the Department to specify the symbols or characters which do not make a name distinguishable on the records of the Department or may be used in the name of an entity. This rulemaking will revise the chapter on Names and add provisions on symbols and characters.	Martha Brown (717) 787-6802
UCC Revised Article 9 <i>(16-35)</i>	Summer 2016, as Proposed	This proposed rulemaking would adopt, with some revisions, the Model rules promulgated by the International Association of Corporate Administrators, which call for the delivery of filings by electronic means and acceptance of credit card payments.	Martha Brown (717) 787-6802

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Cosmetology			
Schedule of Civil Penalties 49 Pa. Code § 43b.5 (16A-4517)	Summer 2016, as Proposed	This proposed rulemaking would amend the schedule of civil penalties for the State Board of Cosmetology promulgated by the Commissioner of Professional and Occupational Affairs under the authority of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48). The State Board of Cosmetology (Board) has participated in the Act 48 citation program from its inception in 1996 and has not increased the amounts in the schedule of civil penalties since they were originally promulgated. The Board believes that it is necessary to increase the civil penalties in order to improve their deterrent effect.	Kelly Diller (717) 783-7130
Massage Therapists in Cosmetology or Esthetician Salons 49 Pa. Code Chapter 7 (16A-4518)	Spring 2016, as Proposed	The act of September 24, 2014 (P. L. 2476, No. 136) (Act 136) allows massage therapists to practice within the licensed square footage of a cosmetology or esthetician salon and requires the State Board of Cosmetology and the State Board of Massage Therapy to jointly promulgate regulations to implement these changes. This rulemaking effectuates these provisions of Act 136.	Kelly Diller (717) 783-7130
Examination 49 Pa. Code Chapter 7 (16A-4519)	Spring 2016, as Proposed	Historically, the licensure examinations for licensees of the State Board of Cosmetology required the passing of a written (theory) portion and a practical portion in which the candidate demonstrated the necessary skills. Act 136 eliminated the practical portion of the examination, leaving the Board with only a written examination that covers both theory and practical application questions. This rulemaking implements that portion of Act 136.	Kelly Diller (717) 783-7130
State Board of Crane Operators			
Schedule of Civil Penalties 49 Pa. Code Chapter 43b (16A-7103)	Spring 2016, as Proposed	The proposed regulation would create a schedule of civil penalties for violations of the Crane Operator Licensure Act and regulations of the State Board of Crane Operators.	Amanda Li (717) 783-1404

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Dentistry			
Anesthesia Update 49 Pa. Code, Subchapter E, §§ 33.331—33.342 (16A-4621)	Summer 2016, as Proposed	This proposed rulemaking would update the standards for the administration of general anesthesia, deep sedation, moderate sedation, minimal sedation and nitrous oxide/oxygen analgesia in dental offices to conform to and adopt the current standards used by the dental profession.	Lisa Burns (717) 783-7162
Child Abuse Reporting Requirements 49 Pa. Code § 33.250 (16A-4626)	Spring 2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Dentistry obtain required training in child abuse recognition and reporting.	Lisa Burns (717) 783-7162
General Revisions 49 Pa. Code Chapter 33 (16A-4628)	Spring 2016, as Proposed	The State Board of Dentistry has undertaken a review of existing regulations with the goal of updating the regulations and eliminating outdated and obsolete provisions. This proposed rulemaking would generally amend, update and clarify the regulations relating to fictitious names, biennial renewal, inactive status, reactivation, licensure by criteria approval, acceptable proof of professional liability insurance, use of titles, advertising, unprofessional conduct, multi-disciplinary professional corporations, exclusion of auxiliary personnel from performing radiological procedures and continuing dental education.	Lisa Burns (717) 783-7162

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Schedule of Civil Penalties 49 Pa. Code § 43b.14a (16A-4630)	Spring 2016, as Proposed	The State Board of Dentistry has participated in the Act 48 citation program since 2001 and has not increased the amounts in the schedule of civil penalties for lapsed license/certificate violations since they were originally promulgated. The Board believes that it is necessary to increase the civil penalties to improve their deterrent effect. In addition, the proposal would add a schedule of civil penalties for continuing education violations.	Lisa Burns (717) 783-7162
Temporary Volunteer Dental Licenses 49 Pa. Code § 33.118 (16A-4631)	Spring 2016, as Proposed	This proposed regulation would implement the act of February 4, 2014 (P. L. 19, No. 7) (Act 7) to set forth the procedures to apply for a temporary volunteer dental license. The purpose of Act 7 of 2014 was to allow out-of-state dentists to volunteer their services in this Commonwealth and to participate in volunteer events/activities sponsored by the American Dental Association (ADA) and other National associations that may take place within the Commonwealth. This rulemaking effectuates Act 7.	Lisa Burns (717) 783-7162
Restricted Faculty Licenses 49 Pa. Code Chapter 33 (16A-4632)	Spring 2016, as Proposed	The act of July 2, 2014 (P. L. 828, No. 89) (Act 89) amended the Dental Law to provide for restricted faculty licenses. A restricted faculty license is granted to an individual for the limited purpose of teaching in a dental school or advanced dental education program as a faculty member at an accredited dental school in this Commonwealth. This rulemaking effectuates Act 89.	Lisa Burns (717) 783-7162

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>State Registration Board for Professional Engineers, Land Surveyors and Geologists</i>			
Electronic Seals and Signatures 49 Pa. Code Chapter 37 (16A-4712)	Spring 2016, as Proposed	In addition to updating their current regulations on seals, the three boards that regulate design professionals in this Commonwealth (including the State Architects Licensure Board, the State Registration Board for Engineers, Land Surveyors and Geologists, and the State Board of Landscape Architects) are proposing new regulations setting forth standard requirements for electronic seals and electronic signing of design documents. The goal of these proposals is to provide all design professionals with regulations that are as consistent as possible with respect to both traditional seals and electronic seals to benefit both the design professionals and their clients.	Robin Shearer (717) 783-7049
Renewal Fees 49 Pa. Code § 37.17 (16A-4713)	Summer 2016, as Final	Under section 9(a) of the Professional Engineer, Land Surveyor and Geologist Registration Law (63 P. S. § 156(a)) (act), the Board is required by law to support its operations from the revenue it generates from fees, fines and civil penalties. In addition, the act provides that the Board shall increase fees if the revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures over a 2-year period. The current fee structure is inadequate to support the operations of the Board. This proposed rulemaking seeks to increase the biennial renewal fee for licensees from \$50 to \$100 so that revenues are sufficient to cover projected expenditures as required by the act.	Robin Shearer (717) 783-7049
<i>State Board of Funeral Directors</i>			
Continuing Education Enforcement 49 Pa. Code Chapter 13 (16A-4819)	Summer 2016, as Proposed	Under the Funeral Directors Law, all licensees are required to renew licenses biennially and complete at least 6 hours of approved continuing education courses as a condition of renewal. This proposed rulemaking would update and clarify the Board's regulations relating to renewal of licenses and enforcement of continuing education.	Heidy Weirich (717) 783-3397

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Schedule of Civil Penalties—Funeral Directors 49 Pa. Code § 43b.6 (16A-4820)	Summer 2016, as Proposed	A companion to 16A-4819, this proposed regulation would amend § 43b.6 to establish a schedule of civil penalties for continuing education enforcement, including civil penalties for failing to complete the required amount of continuing education, providing a false or inaccurate certification relating to completion of continuing education and failing to respond to an audit request.	Heidy Weirich (717) 783-3397
Child Abuse Reporting Requirements 49 Pa. Code §§ 13.301—13.307 (16A-4824)	Summer 2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Funeral Directors obtain required training in child abuse recognition and reporting.	Heidy Weirich (717) 783-3397
Names 49 Pa. Code Chapter 13 (16A-4827)	Spring 2016, as Proposed	In a recent Federal lawsuit, the Third Circuit Court of Appeals held that certain provisions in the Funeral Director Law that prohibited the use of trade names are an unconstitutional violation of free commercial speech under the First Amendment to the U. S. Constitution. This rulemaking proposes to set standards for the use of names by a funeral entity and eliminate restrictions previously established under those provisions of the Funeral Director Law that have been determined to be unconstitutional.	Heidy Weirich (717) 783-3397

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Landscape Architects			
General Revisions 49 Pa. Code Chapter 15 (16A-6111)	Summer 2016, as Proposed	The State Board of Landscape Architects has undertaken a comprehensive review of its current regulations in an effort to update obsolete and incomplete provisions, to revise them to conform with current practices and to be consistent with the Landscape Architects Registration Law. This proposed rulemaking implements updates to current practices of the Board with respect to qualifications and experience, examinations and continuing education.	Terrie Kocher (717) 772-8528
Electronic Seals and Signatures 49 Pa. Code Chapter 15 (16A-6112)	Spring 2016, as Proposed	In addition to updating their current regulations on seals, the three boards that regulate design professionals in this Commonwealth (including the State Architects Licensure Board, the State Registration Board for Engineers, Land Surveyors and Geologists, and the State Board of Landscape Architects) are proposing new regulations setting forth standard requirements for electronic seals and electronic signing of design documents. The goal of these proposals is to provide all design professionals with regulations that are as consistent as possible with respect to both traditional seals and electronic seals to benefit both the design professionals and their clients.	Terrie Kocher (717) 772-8528
Schedule of Civil Penalties—Landscape Architects 49 Pa. Code Chapter 43b (16A-6120)	Summer 2016, as Proposed	This proposed rulemaking would adopt a schedule of civil penalties for unlicensed practice and other violations of the Landscape Architects Registration Law. Statutory Authority: Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48), 63 P. S. § 2205(a).	Terrie Kocher (717) 772-8528

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Massage Therapy			
Child Abuse Reporting Requirements 49 Pa. Code Chapter 20 (16A-722)	Summer 2016, as Proposed	This proposed regulation would establish regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL). Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. One of those amendments makes it clear that all licensees of health-related boards are mandatory reporters, which would include licensed massage therapists. This rulemaking implements the mandatory reporting requirements as recently amended, including the requirement that all applicants and licensees of the State Board of Massage Therapists obtain required training in child abuse recognition and reporting.	Jane Forbes (717) 783-7155
Schedule of Civil Penalties—Massage Therapists 49 Pa. Code § 43b.23a (16A-723)	Spring 2016, as Final	The rulemaking updates the schedule of civil penalties promulgated as a statement of policy in 2010. The rulemaking seeks to increase the deterrent effect by increasing the civil penalties for certain violations and adds additional offenses to the schedule.	Jane Forbes (717) 783-7155
Fees 49 Pa. Code § 20.3 (16A-724)	Spring 2016, as Proposed	Under section 11 of the Massage Therapy Act (63 P. S. § 627.11) the State Board of Massage Therapy is required to support its operations by the revenue it generates from fees, fines and civil penalties. In addition, it provides that the Board shall increase fees if revenue is not sufficient to meet projected expenditures. Under the current fee structure, the Board cannot produce enough revenue to meet projected expenditures. This proposal would increase biennial renewal fees for massage therapists, application fees, and fees for temporary practice permits.	Jane Forbes (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Medicine			
Use of Medical Lasers 49 Pa. Code Chapter 18, Subchapter G (16A-4939)	Summer 2016, as Proposed	This proposed rulemaking is intended to clarify the requirements for the use and delegation of the use of medical lasers. Based on the information available, the Board concluded that the use of prescription or medical lasers and other high energy source medical devices for the treatment of skin conditions by unlicensed individuals without adequate medical supervision presents an unreasonable risk of serious harm and potential permanent scarring or disfigurement. The Board proposes this rulemaking, which will bring the Board's regulations in line with the majority of other states that have already promulgated regulations related to these devices.	Suzanne Zerbe (717) 783-1400
Child Abuse Reporting Requirements 49 Pa. Code §§ 16.101—16.107 (16A-4941)	Summer 2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Medicine obtain required training in child abuse recognition and reporting.	Suzanne Zerbe (717) 783-1400
Schedule of Civil Penalties 49 Pa. Code Chapter 43b, § 43b.20 (16A-4942)	Summer 2016, as Proposed	This proposed rulemaking provides for a schedule of civil penalties for licensees of the State Board of Medicine who fail to make reports required under section 903(1) and (4) of the Medical Care Availability and Reduction of Error Act (40 P. S. § 1303.903(1) and (4)), fail to timely complete mandatory continuing education, practice on an expired license, or have minor disciplinary action imposed by the proper licensing authority of another state. These additions are intended to take advantage of the efficiencies of the Act 48 citation process.	Suzanne Zerbe (717) 783-1400

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Prosthetists, Orthotists, Pedorthists and Orthotic Fitters 49 Pa. Code Chapters 16 and 18 (16A-4943)	Spring 2016, as Final	The act of July 5, 2012 (P. L. 873, No. 90) (Act 90) and the act of July 2, 2014 (P. L. 941, No. 104) (Act 104) amended the Medical Practice Act of 1985, to require the State Board of Medicine to issue licenses to prosthetists, orthotists, pedorthists and orthotic fitters, to regulate the practice of these professions and to discipline licensees. This final-form rulemaking would implement Act 90 and Act 104.	Suzanne Zerbe (717) 783-1400
Acupuncture 49 Pa. Code §§ 18.13—18.15 (16A-4944)	Summer 2016, as Proposed	This proposed rulemaking implements the act of September 24, 2014 (P. L. 2472, No. 134) which amended the Acupuncture Licensure Act (63 P. S. §§ 1801—1806.1) to require acupuncturists and practitioners of Oriental medicine to carry professional liability insurance and to permit these licensees to provide services without a diagnosis from a physician, podiatrist or dentist for asymptomatic patients.	Suzanne Zerbe (717) 783-1400
Physician Assistant Supervisory Agreement (16A-4946)	Summer 2016, as Proposed	The rulemaking is needed to bring the Board's existing regulations relating to physician assistant supervisory agreements (written agreements) into conformity with changes made by the act of November 27, 2013 (P. L. 1143, No. 100) with regard to physician review and countersignature of patient charts for patients seen by physician assistants.	Suzanne Zerbe (717) 783-1400
<i>Navigation Commission for the Delaware River and its Navigable Tributaries</i>			
No regulations pending at this time. Barbara Dupler (717) 787-6458			
<i>State Board of Nursing</i>			
General Revisions 49 Pa. Code Chapter 21 (16A-5125)	Spring 2016, as Final	This rulemaking would revise the State Board of Nursing's regulations relating to the timeframes within which candidates for licensure as registered nurses, practical nurses and dietitian-nutritionists must first take and ultimately pass the appropriate licensing examination and updates and makes uniform application and examination provisions across the licensure categories.	Cindy Miller (717) 783-7142

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Nursing Education Programs 49 Pa. Code Chapter 21 (16A-5129)	Summer 2016, as Proposed	This proposed rulemaking updates and synthesizes the Board's nursing education program approval requirements for pre- and post-licensure education programs for practical nurses, professional nurses and certified registered nurse practitioners into one subchapter.	Cindy Miller (717) 783-7142
Child Abuse Reporting Requirements 49 Pa. Code §§ 21.501—21.507 (16A-5140)	Summer 2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Nursing obtain required training in child abuse recognition and reporting.	Cindy Miller (717) 783-7142
<i>State Board of Examiners of Nursing Home Administrators</i>			
Schedule of Civil Penalties 49 Pa. Code Chapter 43b, § 43b.17 (16A-6213)	Spring 2016, as Proposed	This proposed rulemaking would amend the schedule of civil penalties for the State Board of Examiners of Nursing Home Administrators to implement Act 48 civil penalties for continuing education violations.	Chris Stuckey (717) 783-7155
Notice Requirements 49 Pa. Code §§ 39.92 and 39.93 (16A-6217)	Spring 2016, as Final	This rulemaking clarifies notice requirements relating to convictions of crimes and return of suspended or revoked licenses.	Chris Stuckey (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Child Abuse Reporting Requirements 49 Pa. Code Chapter 39 (16A-6218)	Summer 2016, as Proposed	This proposed regulation would establish regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL). Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. One of those amendments makes it clear that all licensees of health-related boards are mandatory reporters, which would include licensed nursing home administrators. This rulemaking implements the mandatory reporting requirements as recently amended, including the requirement that all applicants and licensees of the State Board of Examiners of Nursing Home Administrators obtain required training in child abuse recognition and reporting.	Chris Stuckey (717) 783-7155
<i>State Board of Occupational Therapy Education and Licensure</i>			
Child Abuse Reporting Requirements 49 Pa. Code Chapter 42 (16A-679)	Summer 2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Occupational Therapy Education and Licensure obtain required training in child abuse recognition and reporting.	Jane Forbes (717) 783-1389

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Code of Ethics 49 Pa. Code § 42.24 (16A-6710)	Spring 2016, as Proposed	Beginning in 2011, the Board undertook a review of the language existing in § 42.24 and has compared it to various editions of the AOTA Occupational Therapy Code of Ethics. As a result of its review, the Board determined that it should update § 42.24 by adopting the 2015 AOTA Code of Ethics, which the Board finds to be the minimum standard of ethical conduct for occupational therapists and occupational therapy assistants in this Commonwealth. The AOTA Code of Ethics not only reflects the Board's own view of ethical practice, but will also keep the Commonwealth's ethical standards consistent with the National standards.	Jane Forbes (717) 783-1389
General Revisions 49 Pa. Code Chapter 42 (16A-6711)	Spring 2016, as Proposed	The act of July 5, 2012 (P. L. 1132, No. 138) (Act 138) amended the Occupational Therapy Practice Act to, among other things, require the maintenance of professional liability insurance by occupational therapists, provide for the imposition of civil penalties in accordance with the act of July 2, 1993 (P. L. 345, No. 48), permit the Board to participate in the Bureau's "impaired professionals program," and authorize the Board to establish additional requirements for licensure renewal designed to assure continued competency for occupational therapy assistants. This rulemaking implements the professional liability insurance and continued competency provisions of Act 138.	Jane Forbes (717) 783-1389

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Optometry			
General Revisions 49 Pa. Code Chapter 23 (16A-5213)	Spring 2016, as Proposed	Section 3(b)(14) of the Optometric Practice and Licensure Act (act) gives the Board the authority to promulgate all rules and regulations necessary to carry out the purposes of the act. Section 5(b) of the act provides the minimal requirements for continuing education of 30 hours in a biennial period for licensed optometrists. The Board is proposing amendments to its existing regulations to ensure that clear guidance is given to licensees in prescribing contact lenses, reporting continuing education and the standards for accepting commercial support from the providers of continuing education.	Chris Stuckey (717) 783-7155
Child Abuse Reporting Requirements 49 Pa. Code §§ 23.111—23.116 (16A-5215)	Summer 2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Optometry obtain required training in child abuse recognition and reporting.	Chris Stuckey (717) 783-7155
State Board of Osteopathic Medicine			
Child Abuse Reporting Requirements 49 Pa. Code §§ 25.401—25.416 (16A-5326)	Summer 2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Osteopathic Medicine obtain required training in child abuse recognition and reporting.	Aaron Hollinger (717) 783-4858

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Genetic Counselors 49 Pa. Code Chapter 25 (16A-5328)	Spring 2016, as Final	This final-form rulemaking would implement the act of December 22, 2011 (P. L. 581, No. 126) relating to the licensure of genetic counselors.	Aaron Hollinger (717) 783-4858
Prescribing 49 Pa. Code § 25.218 (16A-5330)	Spring 2016, as Proposed	The State Board of Osteopathic Medicine proposes this rulemaking to set forth the minimum acceptable standards of practice that an osteopathic physician or physician assistant licensed by the Board must follow when prescribing, administering or dispensing controlled substances or one specific additional drug which shares serious potential for addiction and abuse (butalbital). Butalbital is a barbiturate that is known to have addictive and abuse potential and is prone to overuse by the consumer.	Aaron Hollinger (717) 783-4858
Acupuncture 49 Pa. Code §§ 25.231 and 25.301—25.314 (16A-5331)	Summer 2016, as Proposed	This proposed rulemaking implements the act of September 24, 2014 (P. L. 2472, No. 134) which amended the Acupuncture Licensure Act (63 P. S. §§ 1801—1806.1) to require acupuncturists and practitioners of Oriental medicine to carry professional liability insurance and to permit these licensees to provide services without a diagnosis from a physician, podiatrist or dentist for asymptomatic patients. It also makes general updates to the regulations to be consistent with the regulations of the State Board of Medicine relating to acupuncture.	Aaron Hollinger (717) 783-4858
Physician Assistant Supervisory Agreements 49 Pa. Code Chapter 25, Subchapter C (16A-5332)	Summer 2016, as Proposed	The rulemaking is needed to bring the Board's existing regulations relating to physician assistant supervisory agreements (written agreements) into conformity with changes made by the act of November 27, 2013 (P. L. 1145, No. 101) with regard to physician review and countersignature of patient charts for patients seen by physician assistants.	Aaron Hollinger (717) 783-4858

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Pharmacy			
Compounding Practices 49 Pa. Code Chapter 27 (16A-5419)	Spring 2016, as Proposed	Through careful review and with input from stakeholders, the State Board of Pharmacy proposes to update its regulations to incorporate developments and improvements in the profession's safe, sterile practices and procedures for the compounding of pharmaceutical products for patients.	Melanie Zimmerman (717) 783-7156
Child Abuse Reporting Requirements 49 Pa. Code Chapter 27 (16A-5430)	Summer 2016, as Proposed	This proposed regulation would establish regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL). Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. One of those amendments makes it clear that all licensees of health-related boards are mandatory reporters, which would include licensees of the State Board of Pharmacy. This rulemaking implements the mandatory reporting requirements as recently amended, including the requirement that all applicants and licensees of the Board obtain required training in child abuse recognition and reporting.	Melanie Zimmerman (717) 783-7156
Administration of Injectable Medications, Biologicals and Immunizations 49 Pa. Code §§ 27.401—27.407 (16A-5431)	Summer 2016, as Proposed	In June of 2015, the Pharmacy Act was amended to reduce the age of patients that a pharmacist could administer influenza vaccines from 18 to 9 and to allow pharmacy interns to administer injectable medications, biologicals and immunizations. This rulemaking implements the 2015 amendments to the act.	Melanie Zimmerman (717) 783-7156
State Board of Physical Therapy			
Continuing Education Enforcement 49 Pa. Code §§ 40.67(f) and 40.192(f) (16A-6515)	Spring 2016, as Final	In conjunction with the civil penalty schedule that follows, this rulemaking would amend the continuing education regulations with regard to enforcement. To obtain greater compliance with the underlying continuing education requirements, this rulemaking amends the Board's regulations to address curing the deficiency when a licensee is found to be in violation of the continuing education regulations.	Michelle Roberts (717) 783-7134

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Schedule of Civil Penalties 49 Pa. Code Chapter 43b (16A-6516)	Spring 2016, as Final	This rulemaking would establish a schedule of civil penalties for the State Board of Physical Therapy to implement Act 48 civil penalties for practicing on a lapsed license and for continuing education violations. As is being done for other licensing boards with continuing education requirements, the Commissioner is proposing a civil penalty schedule for violation of the continuing education requirements for licensees of the Board, because the Commissioner and Board believe the Act 48 citation process will be a much more efficient method of handling these violations, while still ensuring licensees due process.	Michelle Roberts (717) 783-7134
Post-Act 38 Corrections 49 Pa. Code Ch. 40 (16A-6517)	Spring 2016, as Proposed	The act of July 4, 2008 (P. L. 293, No. 38) (Act 38) substantially amended the act, including qualifications for licensure as a physical therapist, continuing education for all physical therapists and physical therapist assistants, professional liability insurance for all physical therapists, physician referral, and supervision of physical therapist assistants by physical therapists on a basis that may be less than direct on-premises supervision. Due to the extensive nature and breadth of these amendments, on December 22, 2012, at 42 Pa.B. 7652, the Board amended its regulations to implement Act 38. After final promulgation, the Board discovered various typographical errors to correct, necessary clarity edits and other items that were not, but could have been, addressed in the prior rulemaking. This rulemaking proposes to address those items.	Michelle Roberts (717) 783-7134

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Child Abuse Reporting Requirements 49 Pa. Code §§ 40.201—40.207 (16A-6518)	Summer 2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Physical Therapy obtain required training in child abuse recognition and reporting.	Michelle Roberts (717) 783-7134
State Board of Podiatry			
General Revisions 49 Pa. Code Chapter 29 (16A-448)	Summer 2016, as Proposed	This proposed regulation would be a general update addressing unprofessional conduct and code of ethics; return to practice after a period of absence; CE reporting, auditing and enforcement; licensure by reciprocity. It also removes outdated regulations and makes the regulations gender-neutral. The regulation is needed to keep the profession current and assure that the regulations reflect current practices.	Aaron Hollinger (717) 783-4858
Certificate of Authority to Perform Acupuncture 49 Pa. Code Chapter 29 (16A-449)	Spring 2016, as Proposed	This proposed rulemaking would establish the fees and regulate the practice of acupuncture by podiatrists under the Acupuncture Registration Act. Through this rulemaking the State Board of Podiatry strives to ensure that podiatrists who perform acupuncture will have the proper training.	Aaron Hollinger (717) 783-4858

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Child Abuse Reporting Requirements 49 Pa. Code §§ 29.91—29.97 (16A-4412)	Summer 2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Podiatry obtain required training in child abuse recognition and reporting.	Aaron Hollinger (717) 783-4858
Schedule of Civil Penalties—Podiatrists 49 Pa. Code Chapter 43b (16A-4413)	Summer 2016, as Final	This proposed rulemaking would adopt a schedule of civil penalties for continuing education and lapsed license violations. This is the first time that the State Board of Podiatry will participate in the Act 48 citation program. The Commissioner and the Board believe that it is necessary to implement the civil penalties contained in this proposed rulemaking in order to streamline the disciplinary process.	Aaron Hollinger (717) 783-4858
<i>State Board of Psychology</i>			
Continuing Education 49 Pa. Code § 41.59 (16A-6317)	Spring 2016, as Proposed	The Board, in its effort to continually review the efficacy of its regulations, has again reviewed the continuing education regulations and has determined that amendments are needed to update, revise and clarify the continuing education requirements. This proposed rulemaking would amend the requirements relating to home study, instruction and carry over.	Chris Stuckey (717) 783-7155
Code of Ethics 49 Pa. Code § 41.61 (16A-6324)	Summer 2016, as Proposed	This proposed rulemaking would update the Board's Code of Conduct to adopt the American Psychological Association's (APA) Ethical Principles of Psychologists and Code of Conduct and various enumerated APA practice guidelines.	Chris Stuckey (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Qualifications 49 Pa. Code § 41.31 (16A-6320)	Spring 2016, as Proposed	In 2010, the Board published amendments to the regulations relating to education, examination and experience requirements for licensure. Since then, the Board has determined that additional amendments are needed to provide greater clarity.	Chris Stuckey (717) 783-7155
Child Abuse Reporting Requirements 49 Pa. Code Chapter 41 (16A-6322)	Summer 2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Psychology obtain required training in child abuse recognition and reporting.	Chris Stuckey (717) 783-7155
Volunteer Licenses 49 Pa. Code Chapter 41 (16A-6325)	Summer 2016, as Proposed	This proposed rulemaking would implement the 2014 amendments to the Volunteer Health Services Act, which extended the coverage of the law to include mental health services.	Chris Stuckey (717) 783-7155
<i>State Board of Certified Real Estate Appraisers</i>			
Schedule of Civil Penalties—Real Estate Appraisers 49 Pa. Code § 43b.15a (16A-7016)	Summer 2016, as Proposed	The proposed rulemaking will codify and amend the Board's current schedule of civil penalties. Since the publication of the schedule in 2004, there have been several amendments to the Real Estate Appraiser Certification Act (REACA) which have altered several provisions that were included in the current schedule of civil penalties. In addition, the experience of the Board during the intervening years has demonstrated that additional violations, for example, continuing education violations, are appropriately disposed by the Act 48 citation process.	Heidy Weirich (717) 783-4866

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Assessment Record Keeping and Reporting 49 Pa. Code §§ 36.201 and 36.265 (16A-7018)	Summer 2016, as Proposed	The proposed rulemaking updates the Board's regulations to reflect current practice followed by assessment offices throughout the Commonwealth, and to assure consistency with Uniform Standards of Appraisal Practice (USPAP) and International Association of Assessing Officers (IAAO) standards of assessment practice.	Heidy Weirich (717) 783-4866
Biennial Renewal Fee for Licensed Appraiser Trainee 49 Pa. Code § 36.6 (16A-7020)	Spring 2016, as Final	The Board published a final-form rulemaking in 2010 establishing a regulatory scheme for the appraiser trainee license. At that time, the Board established an initial application fee of \$75 for the appraiser trainee license. However, although an appraiser trainee license may be renewed biennially up to four times, the Board did not establish a biennial renewal fee. By this final-form rulemaking, the Board corrects that oversight by establishing a biennial renewal fee for licensed appraiser trainees at \$150.	Heidy Weirich (717) 783-4866
General Rulemaking for Appraisal Management Companies 49 Pa. Code Chapter 36 (16A-7021)	Fall 2016, as Final	The proposal would govern the registration of appraisal management companies as required by the Appraisal Management Company Registration Act, 63 P. S. §§ 457.21—457.31. Temporary regulations pertaining to appraisal management companies expired on February 1, 2015.	Heidy Weirich (717) 783-4866
General Revisions for Certified Real Estate Appraisers 49 Pa. Code Chapter 36 (16A-7022)	Spring 2016, as Proposed	This proposed rulemaking updates the Board's regulations to reflect mandated Federal changes made by the Appraisal Qualifications Board of the Appraisal Foundation, which is charged with establishing education and experience requirements for real estate appraisers under the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA).	Heidy Weirich (717) 783-4866

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>State Real Estate Commission</i>			
Seller Property Disclosure Statement 49 Pa. Code § 35.335a (16A-5623)	Spring 2016, as Final-Omitted	This final-form rulemaking amends the seller property disclosure statement to comport to amendments made to the Real Estate Seller Disclosure Law in 2015 to include disclosures relating to sink holes and storm water facilities.	Krista Lisenbach
Team Advertising 49 Pa. Code Chapter 35 (16A-5616)	Summer 2016, as Proposed	This proposed rulemaking establishes standards for team advertising. A number of licensed real estate professionals advertise and operate in groups known as "teams." Teams are not defined or recognized under the Real Estate Licensure and Registration Act. These teams are not brokerages and could be easily confused by the public for a real estate broker in advertising. The Commission is now proposing these regulations to set binding standards for the advertisement of teams.	Krista Lisenbach
<i>State Board of Social Workers, Marriage and Family Therapists and Professional Counselors</i>			
Child Abuse Reporting Requirements 49 Pa. Code Chapters 47, 48 and 49 (16A-6919)	Spring 2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors obtain required training in child abuse recognition and reporting.	Sandra Matter (717) 783-1389
Licensed Bachelor Social Worker— 49 Pa. Code Chapter 47 (16A-6922)	Spring 2016, as Proposed	The proposed rulemaking would amend the Board's regulations to implement the act of October 22, 2014 (P. L. 2884, No. 179) (Act 179) which provides for the establishment of a bachelor level social worker's license. The proposal establishes fees, licensure requirements, continuing education requirements, and standards of practice for licensed bachelor social workers.	Sandra Matter (717) 783-1389

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
General Revisions 49 Pa. Code Chapters 47, 48 and 49 (16A-6923)	Spring 2016, as Proposed	Beginning in 2012, and culminating with this proposed rulemaking, the Board has undertaken a comprehensive review of its regulations relating to qualifications for licensure, supervision of clinical experience, including the provision of supervision through electronic means, and continuing education. The purpose of this rulemaking is to eliminate outdated provisions, update standards to reflect modern technology, and to modernize the Board's processes relating to licensure.	Sandra Matter (717) 783-1389
Volunteer Licenses 49 Pa. Code Chapters 47, 48 and 49 (16A-6924)	Summer 2016, as Proposed	This proposed rulemaking would implement the 2014 amendments to the Volunteer Health Services Act which extended the coverage of the act to include the provision of mental health services. The rulemaking will allow licensees of the board to obtain volunteer licenses to permit them to provide mental health services through approved clinics or on referral from an approved organization without remuneration, provided they do not otherwise active practice.	Sandra Matter (717) 783-1389
<i>State Board of Examiners in Speech-Language Pathology and Audiology</i>			
General Revisions 49 Pa. Code Chapter 45 (16A-6803)	Spring 2016, as Proposed	This proposed regulation would update the Board's existing regulations to delete or amend outdated provisions and to implement the act of July 2, 2014 (P. L. 971, No. 106) (Act 106 of 2014), which eliminated licensure of teachers of the hearing impaired and made other revisions to the Speech-Language Pathologists and Audiologists Licensure Act.	Sandra Matter (717) 783-1389

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Child Abuse Reporting Requirements 49 Pa. Code §§ 45.401—45.407 (16A-6805)	Summer 2016, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL. Throughout 2014, numerous amendments were made to the CPSL as a result of the report of the Taskforce on Child Protection. This rulemaking implements those changes, including the requirement that all applicants and licensees of the State Board of Examiners in Speech-Language Pathology and Audiology obtain required training in child abuse recognition and reporting.	Sandra Matter (717) 783-1389
<i>State Board of Veterinary Medicine</i>			
Licensure of Euthanasia Technicians 49 Pa. Code Chapter 31 (16A-5726)	Spring 2016, as Proposed	This proposed rulemaking is necessary to implement the act of October 24, 2012 (P. L. 1452, No. 182) (Act 182 of 2012) which amended the Animal Destruction Method Authorization Law to require the State Board of Veterinary Medicine to register animal welfare organizations and to license euthanasia technicians to permit the organizations to purchase controlled substances and employ euthanasia technicians for the humane euthanasia of small domestic animals.	Michelle Roberts (717) 783-7134

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>State Employees' Retirement System (SERS)</i>			
<p>Time for Recomputation of Annuity 4 Pa. Code § 247.5.1 (#31-14)</p>	<p>2016, as Proposed</p>	<p>This rulemaking would provide guidance on when an annuitant is permitted to change their optional payment plan. There is no time frame in the statute for this election to occur causing administrative difficulties including possibly permitting anti-selection of death benefits, requiring members to make a declaration under discontinued disability benefits and negating an option change absent another qualifying event. This would impose a time limit for annuitants to change the optional payment plan authorized by the second to the last sentence of 71 Pa.C.S. § 5907(j). The proposed deadline is seven years after the death, divorce or marriage triggering such right or upon occurrence of a superseding triggering event under § 5907(j), whichever occurs first.</p> <p>The Office of General Counsel and the Office of Attorney General approved this proposed regulation for form and legality. On January 6, 2016, SERS delivered this proposed regulation to the Majority and Minority chairs of the assigned House and Senate standing committees, the Legislative Reference Bureau and IRRC. The public comment period ends on February 23, 2016.</p>	<p>M. Catherine Nolan, Esq. (717) 237-0392 Sharon Smith, Legislative Specialist (717) 237-0227 Jay Pagni, Director of Communications and Policy (717) 237-0236</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Member Contributions for the Purchase of Credit for Previous State Service or to Become a Full Coverage Member 4 Pa. Code § 245.4 (#31-14)	2016, as Proposed	<p>This rulemaking would clarify the effects of the reinstatement or purchase of previous State service. An appellate and a Board decision has offered partial guidance in this area. This would enable consistent application of the statute and would reduce litigation of purchase of service issues. Member contributions for the purchase of credit for previous State service or to become a full coverage member. Any SERS member or multiple service member of the Public School Employees' Retirement System ("PSERS") who applies to purchase credit for previous optional State service, must purchase credit for all such service simultaneously and it would also extend the payroll deduction payment period from the currently customary three years to six years.</p> <p>The Office of General Counsel and the Office of Attorney General approved this proposed regulation for form and legality. On January 6, 2016, SERS delivered this proposed regulation to the Majority and Minority chairs of the assigned House and Senate standing committees, the Legislative Reference Bureau and IRRC. The public comment period ends on February 23, 2016.</p>	<p>M. Catherine Nolan, Esq. (717) 237-0392</p> <p>Sharon Smith, Legislative Specialist (717) 237-0227</p> <p>Jay Pagni, Director of Communications and Policy (717) 237-0236</p>
<i>Department of Transportation (DOT)</i>			
Temporary Registration Cards and Plates 67 Pa. Code Chapter 43	Summer 2016, as Proposed	This rulemaking will effectuate consistent validity periods applicable to temporary registration cards and cardboard temporary registration plates for a vehicle which is acquired in Pennsylvania for in- and out-of-state registration and use.	<p>Anita Wasko (717) 787-2171</p> <p>Jeffrey M. Spotts Regulatory Counsel (717) 787-5299</p>
School Bus Drivers—Physical and Mental Criteria 67 Pa. Code Chapter 71 (#18-464)	Summer 2016, as Final	This rulemaking will update the medical standards for school bus drivers that have brain disease, cognitive impairment or a mental/emotional disorder.	<p>Laura Krol (717) 346-1907</p> <p>Jeffrey M. Spotts Regulatory Counsel (717) 787-5299</p>
School Bus Drivers—Vision Standards and Loss of Consciousness Requirements 67 Pa. Code Chapter 71 (#18-435)	Summer 2016, as Final	This rulemaking will update the medical standards for school bus drivers who have a loss of consciousness of unknown or uncategorized etiology and establish field of vision requirements.	<p>Laura Krol (717) 346-1907</p> <p>Jeffrey M. Spotts Regulatory Counsel (717) 787-5299</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Photographic Driver's License 67 Pa. Code Chapter 73	Summer 2016, as Proposed	This rulemaking will update the standards and procedures for initial issuance, renewal, replacement and duplicate issuance of a driver's license.	Kara N. Templeton (717) 787-2977 Jeffrey M. Spotts Regulatory Counsel (717) 787-5299
Physical and Mental Criteria Relating to the Licensing of Drivers 67 Pa. Code Chapter 83 (#18-465)	Summer 2016, as Final	This rulemaking will update the medical standards for license holders that have brain disease, cognitive impairment or a mental/emotional disorder.	Laura Krol (717) 346-1907 Jeffrey M. Spotts Regulatory Counsel (717) 787-5299
Vision Standards and Loss of Consciousness Requirements Relating to the Licensing of Drivers 67 Pa. Code Chapter 83 (#18-436)	Summer 2016, as Final	This rulemaking will update the medical standards for license holders who have a loss of consciousness of unknown or uncategorized etiology and establish field of vision requirements.	Laura Krol (717) 346-1907 Jeffrey M. Spotts Regulatory Counsel (717) 787-5299
Actual Name on Certificate of Title, Driver's License, and Identification Card 67 Pa. Code Chapter 85	Spring 2016, as Proposed	This rulemaking will expand the options married individuals have with respect to their surname as listed on such documents as a vehicle title, driver's license, or identification card from the Department.	Chris Miller (717) 787-2977 Jeffrey M. Spotts Regulatory Counsel (717) 787-5299
Identification Cards 67 Pa. Code Chapter 91	Summer 2016, as Proposed	This rulemaking will update the standards and procedures for initial issuance, renewal, replacement and duplicate issuance of a Department issued identification card.	Kara N. Templeton (717) 787-2977 Jeffrey M. Spotts Regulatory Counsel (717) 787-5299
Authorizing Appropriately Attired Persons to Direct, Control or Regulate Traffic 67 Pa. Code Chapter 101 (#18-461)	Spring 2016, as Final	This rulemaking amends existing regulations to be consistent with a Federal Highway Administration rulemaking (23 CFR Part 634).	Glenn Rowe (717) 783-6479 Jeffrey M. Spotts Regulatory Counsel (717) 787-5299
Mechanical Electrical and Electronic Speed Timing Devices 67 Pa. Code Chapter 105 (#18-460)	Summer 2016, as Final	This rulemaking will update existing regulations to reflect changes in equipment technology relating to calibration and maintenance of speed timing devices used for law enforcement purposes and to delete references to obsolete equipment and calibration procedures.	Kay Kishbaugh (717) 787-2171 Jeffrey M. Spotts Regulatory Counsel (717) 787-5299
Vehicle Equipment and Inspection 67 Pa. Code Chapter 175 (#18-466)	Spring 2016, as Proposed	This rulemaking updates vehicle equipment and inspection standards to better reflect current technologies, consistent with recommendations made by the Department's Inspection Advisory Board.	Kay Kishbaugh (717) 787-2171 Jeffrey M. Spotts Regulatory Counsel (717) 787-5299

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Oversize and Overweight Loads and Vehicles 67 Pa. Code Chapter 179	Summer 2016, as Proposed	This rulemaking will streamline the oversize and overweight permitting process, reduce administrative costs and modernize the electronic application and permitting process.	Matt Hedge (717) 772-5462 Jeffrey M. Spotts Regulatory Counsel (717) 787-5299
Hauling in Excess of Posted Weight Limit 67 Pa. Code Chapter 189 (#18-467)	Spring 2016, as Proposed	This rulemaking will update the regulations to be consistent with amendments to the Vehicle Code under Act 89 of 2013.	Steve Koser (717) 787-7908 Jeffrey M. Spotts Regulatory Counsel (717) 787-5299
Official Traffic Control Devices 67 Pa. Code Chapter 212 (#18-470)	Summer 2016, as Proposed	This rulemaking is needed to adopt revisions to the Manual on Uniform Traffic Control Devices (MUTCD) as applicable in Pennsylvania; to update references to Department publications; and to establish that the Secretary may determine the Department will install, operate, or maintain traffic signals, including certain traffic signal corridors (in lieu of local entities), as authorized by Act 89 of 2013.	Glenn Rowe (717) 783-6479 Jeffrey M. Spotts Regulatory Counsel (717) 787-5299
Intrastate Motor Carrier Safety 67 Pa. Code Chapter 231 (#18-462)	Summer 2016, as Proposed	This rulemaking is necessary to waive hours of service and other requirements for mass transportation organizations and their drivers, while establishing new requirements consistent with the public interest.	Danielle Spila (717) 787-1208 Jeffrey M. Spotts Regulatory Counsel (717) 787-5299
Hazardous Material Transportation 67 Pa. Code Chapter 403 (#18-469)	Spring 2016, as Proposed	This rulemaking will remove outdated or superfluous language in the Department's Hazardous Materials regulations and ensure consistency with Federal regulations.	Glenn Rowe (717) 783-6479 Jeffrey M. Spotts Regulatory Counsel (717) 787-5299

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